

Calendar No. 188

105TH CONGRESS
1ST SESSION

S. 1173

[Report No. 105–95]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 1997

Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. BOND, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. REID, Mr. KEMPTHORNE, Mr. THOMAS, Mr. ALLARD, Mr. INHOFE, Mr. DORGAN, Mr. HARKIN, Mr. GRASSLEY, Mr. JOHNSON, Mr. CAMPBELL, Mr. BURNS, Mr. ROBB, Ms. MOSELEY-BRAUN, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 1, 1997

Reported by Mr. CHAFEE, with amendments

MARCH 12, 1998

Committee substitute, as modified and amended, agreed to; S. 1173 read a third time and returned to the Calendar

MARCH 16, 1998

Ordered to be printed as amended

A BILL

To authorize funds for construction of highways, for highway safety programs, and for mass transit programs, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Intermodal Surface Transportation Efficiency Act of*
 4 *1998”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 6 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

Subtitle A—General Provisions

Sec. 1101. Authorizations.

Sec. 1102. Apportionments.

Sec. 1103. Obligation ceiling.

Sec. 1104. Obligation authority under surface transportation program.

Sec. 1105. Emergency relief.

Sec. 1106. Federal lands highways program.

Sec. 1107. Recreational trails program.

Sec. 1108. Value pricing pilot program.

Sec. 1109. Highway use tax evasion projects.

Sec. 1110. Bicycle transportation and pedestrian walkways.

Sec. 1111. Disadvantaged business enterprises.

Sec. 1112. Federal share payable.

Sec. 1113. Studies and reports.

Sec. 1114. Definitions.

Sec. 1115. Cooperative Federal Lands Transportation Program.

Sec. 1116. Trade corridor and border crossing planning and border infrastruc-
ture.

Sec. 1117. Appalachian development highway system.

Sec. 1118. Interstate 4R and bridge discretionary program.

Sec. 1119. Magnetic levitation transportation technology deployment program.

Sec. 1120. Woodrow Wilson Memorial Bridge.

Sec. 1121. National Highway System components.

Sec. 1122. Highway bridge replacement and rehabilitation.

Sec. 1123. Congestion mitigation and air quality improvement program.

Sec. 1124. Safety belt use law requirements.

Sec. 1125. Sense of the Senate concerning reliance on private enterprise.

Sec. 1126. Study of use of uniformed police officers on Federal-aid highway con-
struction projects.

Sec. 1127. Contracting for engineering and design services.

Sec. 1128. Additional funding.

Sec. 1129. Ambassador Bridge access, Detroit, Michigan.

Sec. 1130. Transportation assistance for Olympic cities.

Sec. 1131. National defense highways outside the United States.

Sec. 1132. National historic covered bridge preservation.

*Subtitle B—Program Streamlining and Flexibility**CHAPTER 1—GENERAL PROVISIONS*

- Sec. 1201. Administrative expenses.*
- Sec. 1202. Real property acquisition and corridor preservation.*
- Sec. 1203. Availability of funds.*
- Sec. 1204. Payments to States for construction.*
- Sec. 1205. Proceeds from the sale or lease of real property.*
- Sec. 1206. Metric conversion at State option.*
- Sec. 1207. Report on obligations.*
- Sec. 1208. Terminations.*
- Sec. 1209. Interstate maintenance.*
- Sec. 1210. Engineering cost reimbursement.*

CHAPTER 2—PROJECT APPROVAL

- Sec. 1221. Transfer of highway and transit funds.*
- Sec. 1222. Project approval and oversight.*
- Sec. 1223. Surface transportation program.*
- Sec. 1224. Design-build contracting.*
- Sec. 1225. Integrated decisionmaking process.*

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

- Sec. 1231. Definition of operational improvement.*
- Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.*
- Sec. 1233. Flexibility of safety programs.*
- Sec. 1234. Eligibility of projects on the National Highway System.*
- Sec. 1235. Eligibility of projects under the surface transportation program.*
- Sec. 1236. Design flexibility.*

*Subtitle C—Finance**CHAPTER 1—GENERAL PROVISIONS*

- Sec. 1301. State infrastructure bank program.*

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

- Sec. 1311. Short title.*
- Sec. 1312. Findings.*
- Sec. 1313. Establishment of program.*
- Sec. 1314. Office of Infrastructure Finance.*

Subtitle D—Safety

- Sec. 1401. Operation lifesaver.*
- Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.*
- Sec. 1403. Railway-highway crossings.*
- Sec. 1404. Hazard elimination program.*
- Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.*
- Sec. 1406. Safety incentive grants for use of seat belts.*
- Sec. 1407. Automatic crash protection unbelted testing standard.*
- Sec. 1408. National standard to prohibit operation of motor vehicles by intoxicated individuals.*

Sec. 1409. Open container laws.

Sec. 1410. Report on effects of allowing heavier weight vehicles on certain highways.

Subtitle E—Environment

Sec. 1501. National scenic byways program.

Sec. 1502. Public-private partnerships.

Sec. 1503. Wetland restoration pilot program.

Subtitle F—Planning

Sec. 1601. Metropolitan planning.

Sec. 1602. Statewide planning.

Sec. 1603. Advanced travel forecasting procedures program.

Sec. 1604. Transportation and community and system preservation pilot program.

Subtitle G—Technical Corrections

Sec. 1701. Federal-aid systems.

Sec. 1702. Miscellaneous technical corrections.

Sec. 1703. Nondiscrimination.

Sec. 1704. State transportation department.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Designation of portion of State Route 17 in New York and Pennsylvania as Interstate Route 86.

Sec. 1802. Identification of high priority corridor routes in Louisiana.

Sec. 1803. Sense of Senate concerning the operation of longer combination vehicles.

Sec. 1804. International Bridge, Sault Ste. Marie, Michigan.

Sec. 1805. Amendment to National Trails System Act.

Sec. 1806. Amendments to title 23.

Sec. 1807. Limitations.

Sec. 1808. Additional qualified expenses available to nonamtrak States.

Sec. 1809. Continuance of commercial operations at certain service plazas in the State of Maryland.

Sec. 1810. Pennsylvania Station Redevelopment Corporation Board of Directors.

Sec. 1811. Union Station Redevelopment Corporation Board of Directors.

Sec. 1812. Additions to Appalachian region.

Sec. 1813. Southwest border transportation infrastructure assessment.

Sec. 1814. Modification of high priority corridor.

Sec. 1815. Designation of corridors in Mississippi and Alabama as routes on the interstate system.

Sec. 1816. Reauthorization of ferry and ferry terminal program.

Sec. 1817. Report on utilization potential.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

Sec. 2001. Strategic research plan.

Sec. 2002. Multimodal Transportation Research and Development Program.

Sec. 2003. National university transportation centers.

Sec. 2004. Bureau of Transportation Statistics.

Sec. 2005. Research and technology program.

Sec. 2006. Advanced research program.
Sec. 2007. Long-term pavement performance program.
Sec. 2008. State planning and research program.
Sec. 2009. Education and training.
Sec. 2010. International highway transportation outreach program.
Sec. 2011. National technology deployment initiatives and partnerships program.
Sec. 2012. Infrastructure investment needs report.
Sec. 2013. Innovative bridge research and construction program.
Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
Sec. 2015. Study of future strategic highway research program.
Sec. 2016. Advanced vehicle technologies program.
Sec. 2017. Transportation and environment cooperative research program.
Sec. 2018. Recycled Materials Resource Center.
Sec. 2019. Conforming amendments.
Sec. 2020. Remote sensing and spatial information technologies.

Subtitle B—Intelligent Transportation Systems

Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Intelligent transportation systems.
Sec. 2104. Conforming amendment.

Subtitle C—Funding

Sec. 2201. Funding.

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

Sec. 3001. Short title.
Sec. 3002. Amendment of title 49, United States Code.

Subtitle A—Highway Safety

Sec. 3101. Highway safety programs.
Sec. 3102. National driver register.
Sec. 3103. Authorizations of appropriations.
Sec. 3104. Motor vehicle pursuit program.
Sec. 3105. Enforcement of window glazing standards for light transmission.
Sec. 3106. Improving air bag safety.
Sec. 3107. Roadside safety technologies.

Subtitle B—Hazardous Materials Transportation Reauthorization

Sec. 3201. Findings and purposes; definitions.
Sec. 3202. Handling criteria repeal.
Sec. 3203. Hazmat employee training requirements.
Sec. 3204. Registration.
Sec. 3205. Shipping paper retention.
Sec. 3206. Public sector training curriculum.
Sec. 3207. Planning and training grants.
Sec. 3208. Special permits, pilot programs, and exclusions.
Sec. 3209. Administration.
Sec. 3210. Cooperative agreements.
Sec. 3211. Enforcement.
Sec. 3212. Penalties.

- Sec. 3213. Preemption.*
- Sec. 3214. Judicial review.*
- Sec. 3215. Hazardous material transportation reauthorization.*
- Sec. 3216. Authorization of appropriations.*

Subtitle C—Comprehensive One-Call Notification

- Sec. 3301. Findings.*
- Sec. 3302. Establishment of one-call notification programs.*

Subtitle D—Motor Carrier Safety

- Sec. 3401. Statement of purposes.*
- Sec. 3402. Grants to States.*
- Sec. 3403. Federal share.*
- Sec. 3404. Authorization of appropriations.*
- Sec. 3405. Information systems and strategic safety initiatives.*
- Sec. 3406. Improved flow of driver history pilot program.*
- Sec. 3407. Motor carrier and driver safety research.*
- Sec. 3408. Authorization of appropriations.*
- Sec. 3409. Conforming amendments.*
- Sec. 3410. Automobile transporter defined.*
- Sec. 3411. Repeal of review panel; review procedure.*
- Sec. 3412. Commercial motor vehicle operators.*
- Sec. 3413. Penalties.*
- Sec. 3414. International registration plan and international fuel tax agreement.*
- Sec. 3415. Study of adequacy of parking facilities.*
- Sec. 3416. Application of regulations.*
- Sec. 3417. Authority over charter bus transportation.*
- Sec. 3418. Federal motor carrier safety investigations.*
- Sec. 3419. Foreign motor carrier safety fitness.*
- Sec. 3420. Commercial motor vehicle safety advisory committee.*
- Sec. 3421. Waivers; exemptions; pilot programs.*
- Sec. 3422. Commercial motor vehicle safety studies.*
- Sec. 3423. Increased MCSAP participation impact study.*
- Sec. 3424. Exemption from certain regulations for utility service commercial motor vehicle drivers.*
- Sec. 3425. School transportation safety.*

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

- Sec. 3501. Purpose.*
- Sec. 3502. Amendments to the “wrecking trains” statute.*
- Sec. 3503. Terrorist attacks against mass transportation.*
- Sec. 3504. Investigative jurisdiction.*
- Sec. 3505. Safety considerations in grants or loans to commuter railroads.*
- Sec. 3506. Railroad accident and incident reporting.*
- Sec. 3507. Mass transportation buses.*

Subtitle F—Sportfishing and Boating Safety

- Sec. 3601. Amendment of 1950 Act.*
- Sec. 3602. Outreach and communications programs.*
- Sec. 3603. Clean Vessel Act funding.*
- Sec. 3604. Boating infrastructure.*
- Sec. 3605. Boat safety funds.*

Subtitle G—Miscellaneous

- Sec. 3701. Light density rail line pilot projects.*
Sec. 3702. Section 1407.
Sec. 3703. Designation of New Mexico commercial zone.

TITLE IV—OZONE AND PARTICULATE MATTER STANDARDS

- Sec. 4101. Findings and purpose.*
Sec. 4102. Particulate matter monitoring program.
Sec. 4103. Ozone designation requirements.
Sec. 4104. Additional provisions.

TITLE V—MASS TRANSIT

- Sec. 5001. Short title.*
Sec. 5002. Authorizations.
Sec. 5003. Capital projects and small area flexibility.
Sec. 5004. Metropolitan planning.
Sec. 5005. Metropolitan planning organizations.
Sec. 5006. Fare box revenues.
Sec. 5007. Clean fuels formula grant program.
Sec. 5008. Capital investment grants and loans.
Sec. 5009. Transit supportive land use.
Sec. 5010. New starts.
Sec. 5011. Joint partnership for deployment of innovation.
Sec. 5012. Workplace safety.
Sec. 5013. University transportation centers.
Sec. 5014. Job access and reverse commute grants.
Sec. 5015. Grant requirements.
Sec. 5016. HHS and public transit service.
Sec. 5017. Proceeds from the sale of transit assets.
Sec. 5018. Operating assistance for small transit authorities in large urbanized areas.
Sec. 5019. Apportionment of appropriations for fixed guideway modernization.
Sec. 5020. Urbanized area formula study.
Sec. 5021. Intercity rail infrastructure investment from mass transit account of highway trust fund.
Sec. 5022. New start rating and evaluation.

TITLE VI—REVENUE

- Sec. 6001. Short title; amendment of 1986 Code.*
Sec. 6002. Extension and modification of highway-related taxes and trust fund.
Sec. 6003. Mass Transit Account.
Sec. 6004. Tax-exempt financing of qualified highway infrastructure construction.
Sec. 6005. Repeal of 1.25 cent tax rate on rail diesel fuel.
Sec. 6006. Election to receive taxable cash compensation in lieu of nontaxable qualified transportation fringe benefits.
Sec. 6007. Tax treatment of certain Federal participation payments.
Sec. 6008. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 6009. Repeal of certain limitation on expenditures.

1 **SEC. 2. DEFINITION.**

2 *In this Act, the term “Secretary” means the Secretary*
 3 *of Transportation.*

4 **TITLE I—SURFACE**
 5 **TRANSPORTATION**

6 **SEC. 1001. SHORT TITLE.**

7 *This title may be cited as the “Surface Transportation*
 8 *Act of 1998”.*

9 **Subtitle A—General Provisions**

10 **SEC. 1101. AUTHORIZATIONS.**

11 *(a) IN GENERAL.—For the purpose of carrying out*
 12 *title 23, United States Code, the following sums shall be*
 13 *available from the Highway Trust Fund (other than the*
 14 *Mass Transit Account):*

15 *(1) INTERSTATE AND NATIONAL HIGHWAY SYS-*
 16 *TEM PROGRAM.—For the Interstate and National*
 17 *Highway System program under section 103 of that*
 18 *title \$11,977,000,000 for fiscal year 1998,*
 19 *\$11,949,000,000 for fiscal year 1999, \$11,922,000,000*
 20 *for fiscal year 2000, \$11,950,000,000 for fiscal year*
 21 *2001, \$12,242,000,000 for fiscal year 2002, and*
 22 *\$12,659,000,000 for fiscal year 2003, of which—*

23 *(A) \$4,600,000,000 for fiscal year 1998,*
 24 *\$4,609,000,000 for fiscal year 1999,*
 25 *\$4,637,000,000 for fiscal year 2000,*
 26 *\$4,674,000,000 for fiscal year 2001,*

1 \$4,773,000,000 for fiscal year 2002, and
 2 \$4,918,000,000 for fiscal year 2003 shall be
 3 available for the Interstate maintenance compo-
 4 nent; and

5 (B) \$1,400,000,000 for fiscal year 1998,
 6 \$1,403,000,000 for fiscal year 1999,
 7 \$1,411,000,000 for fiscal year 2000,
 8 \$1,423,000,000 for fiscal year 2001,
 9 \$1,453,000,000 for fiscal year 2002, and
 10 \$1,497,000,000 for fiscal year 2003 shall be
 11 available for the Interstate bridge component.

12 (2) *SURFACE TRANSPORTATION PROGRAM.*—For
 13 the surface transportation program under section 133
 14 of that title \$7,000,000,000 for fiscal year 1998,
 15 \$7,014,000,000 for fiscal year 1999, \$7,056,000,000
 16 for fiscal year 2000, \$7,113,000,000 for fiscal year
 17 2001, \$7,263,000,000 for fiscal year 2002, and
 18 \$7,484,000,000 for fiscal year 2003.

19 (3) *CONGESTION MITIGATION AND AIR QUALITY*
 20 *IMPROVEMENT PROGRAM.*—For the congestion mitiga-
 21 tion and air quality improvement program under sec-
 22 tion 149 of that title \$1,150,000,000 for fiscal year
 23 1998, \$1,152,000,000 for fiscal year 1999,
 24 \$1,159,000,000 for fiscal year 2000, \$1,169,000,000

1 *for fiscal year 2001, \$1,193,000,000 for fiscal year*
 2 *2002, and \$1,230,000,000 for fiscal year 2003.*

3 (4) *FEDERAL LANDS HIGHWAYS PROGRAM.—*

4 (A) *INDIAN RESERVATION ROADS.—For In-*
 5 *dian reservation roads under section 204 of that*
 6 *title \$200,000,000 for each of fiscal years 1998*
 7 *through 2003.*

8 (B) *PARKWAYS AND PARK ROADS.—For*
 9 *parkways and park roads under section 204 of*
 10 *that title \$90,000,000 for each of fiscal years*
 11 *1998 through 2003.*

12 (C) *PUBLIC LANDS HIGHWAYS.—For public*
 13 *lands highways under section 204 of that title*
 14 *\$172,000,000 for each of fiscal years 1998*
 15 *through 2003.*

16 (b) *REDUCTION FOR AMOUNTS MADE AVAILABLE FOR*
 17 *FISCAL YEAR 1998 UNDER SURFACE TRANSPORTATION EX-*
 18 *TENSION ACT OF 1997.—Notwithstanding any other provi-*
 19 *sion of this Act, the Secretary shall reduce the amounts*
 20 *made available under this section, other provisions of this*
 21 *Act, and the amendments made by this Act for fiscal year*
 22 *1998 by the amounts made available under the Surface*
 23 *Transportation Extension Act of 1997 (Public Law 105–*
 24 *130) in the following manner:*

25 (1) *INTERSTATE MAINTENANCE.—*

1 (A) *REDUCTION.*—*The amount made avail-*
 2 *able to each State under the Interstate mainte-*
 3 *nance component of the Interstate and National*
 4 *Highway System program under section*
 5 *104(b)(1)(A) of title 23, United States Code,*
 6 *shall be reduced by the amount made available*
 7 *to the State under section 2 of the Surface*
 8 *Transportation Extension Act of 1997 (23*
 9 *U.S.C. 104 note; 111 Stat. 2552) (and the*
 10 *amendments made by that Act) (collectively re-*
 11 *ferred to in this subsection as “STEa”) for the*
 12 *Interstate maintenance program.*

13 (B) *INSUFFICIENT INTERSTATE MAINTENANCE FUNDS.*—*If—*

15 (i) *the amount made available to the*
 16 *State under section 2 of STEa for the*
 17 *Interstate maintenance program; exceeds*

18 (ii) *the amount made available to the*
 19 *State under the Interstate maintenance*
 20 *component under section 104(b)(1)(A) of*
 21 *title 23, United States Code;*

22 *then, after the reduction required by subpara-*
 23 *graph (A) is made, the amount made available*
 24 *to the State under the Interstate bridge and other*
 25 *National Highway System components of the*

1 *Interstate and National Highway System pro-*
2 *gram under subparagraphs (B) and (C) of sec-*
3 *tion 104(b)(1) of that title shall be reduced by*
4 *the amount of the excess.*

5 (2) *BRIDGES.—The amount made available to*
6 *each State under the Interstate bridge and other Na-*
7 *tional Highway System components of the Interstate*
8 *and National Highway System program under sub-*
9 *paragraphs (B) and (C) of section 104(b)(1) of title*
10 *23, United States Code, shall be reduced by the*
11 *amount made available to the State under section 2*
12 *of STEA for the bridge program.*

13 (3) *NATIONAL HIGHWAY SYSTEM.—The amount*
14 *made available to each State under the Interstate*
15 *bridge and other National Highway System compo-*
16 *nents of the Interstate and National Highway System*
17 *program under subparagraphs (B) and (C) of section*
18 *104(b)(1) of title 23, United States Code, shall be re-*
19 *duced by the amount made available to the State*
20 *under section 2 of STEA for the National Highway*
21 *System.*

22 (4) *CONGESTION MITIGATION AND AIR QUALITY*
23 *IMPROVEMENT PROGRAM.—The amount made avail-*
24 *able to each State for the congestion mitigation and*
25 *air quality improvement program under section*

1 104(b)(2) of title 23, United States Code, shall be re-
 2 duced by the amount made available to the State
 3 under section 2 of STEA for the congestion mitigation
 4 and air quality improvement program.

5 (5) METROPOLITAN PLANNING.—The amount
 6 made available to each State for metropolitan plan-
 7 ning under section 104(f) of title 23, United States
 8 Code, shall be reduced by the amount made available
 9 to the State under section 5 of STEA for metropolitan
 10 planning.

11 (6) SURFACE TRANSPORTATION PROGRAM.—

12 (A) SAFETY PROGRAMS.—

13 (i) REDUCTION.—The amount set aside
 14 for safety programs from the amount made
 15 available to each State for the surface trans-
 16 portation program under section 104(b)(3)
 17 of title 23, United States Code, shall be re-
 18 duced by the amount set aside for safety
 19 programs from the amount made available
 20 to the State under section 2 of STEA for the
 21 surface transportation program, minimum
 22 allocation, Interstate reimbursement, the
 23 donor State bonus, hold harmless, and 90
 24 percent of payments adjustments.

1 (ii) *INSUFFICIENT SAFETY PROGRAM*

2 *FUNDS.—If—*

3 (I) *the amount set aside for safety*
 4 *programs from the amount made*
 5 *available to the State under section 2*
 6 *of STEA for the surface transportation*
 7 *program, minimum allocation, Inter-*
 8 *state reimbursement, the donor State*
 9 *bonus, hold harmless, and 90 percent of*
 10 *payments adjustments; exceeds*

11 (II) *the amount set aside for safe-*
 12 *ty programs from the amount made*
 13 *available to the State for the surface*
 14 *transportation program under section*
 15 *104(b)(3) of title 23, United States*
 16 *Code;*

17 *then, after the reduction required by clause*
 18 *(i) is made, the amount made available to*
 19 *the State for the surface transportation pro-*
 20 *gram under section 104(b)(3), other than*
 21 *the amounts set aside or suballocated under*
 22 *section 133(d) or 505 of that title, shall be*
 23 *reduced by the amount of the excess.*

24 (B) *TRANSPORTATION ENHANCEMENT AC-*
 25 *TIVITIES.—*

1 (i) *REDUCTION.*—*The amount set aside*
2 *for transportation enhancement activities*
3 *from the amount made available to each*
4 *State for the surface transportation pro-*
5 *gram under section 104(b)(3) of title 23,*
6 *United States Code, shall be reduced by the*
7 *amount set aside for transportation en-*
8 *hancement activities from the amount made*
9 *available to the State under section 2 of*
10 *STEA for the surface transportation pro-*
11 *gram, minimum allocation, Interstate reim-*
12 *bursement, the donor State bonus, hold*
13 *harmless, and 90 percent of payments ad-*
14 *justments.*

15 (ii) *INSUFFICIENT TRANSPORTATION*
16 *ENHANCEMENT FUNDS.*—*If—*

17 (I) *the amount set aside for trans-*
18 *portation enhancement activities from*
19 *the amount made available to the State*
20 *under section 2 of STEA for the sur-*
21 *face transportation program, mini-*
22 *imum allocation, Interstate reimburse-*
23 *ment, the donor State bonus, hold*
24 *harmless, and 90 percent of payments*
25 *adjustments; exceeds*

1 (II) *the amount set aside for*
 2 *transportation enhancement activities*
 3 *from the amount made available to the*
 4 *State for the surface transportation*
 5 *program under section 104(b)(3) of*
 6 *title 23, United States Code;*

7 *then, after the reduction required by clause*
 8 *(i) is made, the amount made available to*
 9 *the State for the surface transportation pro-*
 10 *gram under section 104(b)(3), other than*
 11 *the amounts set aside or suballocated under*
 12 *section 133(d) or 505 of that title, shall be*
 13 *reduced by the amount of the excess.*

14 (C) *SUBALLOCATION BY POPULATION.—The*
 15 *total of—*

16 (i) *the amount suballocated by popu-*
 17 *lation from the amount made available to*
 18 *each State for the surface transportation*
 19 *program under section 104(b)(3) of title 23,*
 20 *United States Code;*

21 (ii) *the amount suballocated by popu-*
 22 *lation from the amount made available to*
 23 *the State for ISTEA transition under sec-*
 24 *tion 1102(c); and*

1 (iii) the amount suballocated by popu-
 2 lation from the amount made available to
 3 the State for minimum guarantee under
 4 section 105 of that title;
 5 shall be reduced by the amount suballocated by
 6 population from the amount made available to
 7 the State under section 2 of STEA for the surface
 8 transportation program, minimum allocation,
 9 Interstate reimbursement, the donor State bonus,
 10 hold harmless, and 90 percent of payments ad-
 11 justments.

12 (D) SURFACE TRANSPORTATION PROGRAM
 13 FLEXIBLE FUNDS; INTERSTATE REIMBURSEMENT;
 14 EQUITY ADJUSTMENTS.—

15 (i) REDUCTION.—The total of—

16 (I) the amount made available to
 17 each State for the surface transpor-
 18 tation program under section 104(b)(3)
 19 of title 23, United States Code, other
 20 than the amounts set aside or suballo-
 21 cated under section 133(d) or 505 of
 22 that title;

23 (II) the amount made available to
 24 the State for ISTEA transition under
 25 section 1102(c), other than the amounts

1 *subject to section 133(d)(3) or 505 of*
 2 *that title; and*

3 (III) *the amount made available*
 4 *to the State for minimum guarantee*
 5 *under section 105 of that title, other*
 6 *than the amount subject to section*
 7 *133(d)(3) of that title;*
 8 *shall be reduced by the amount made avail-*
 9 *able to the State under section 2 of STEA*
 10 *for the surface transportation program,*
 11 *minimum allocation, Interstate reimburse-*
 12 *ment, the donor State bonus, hold harmless,*
 13 *and 90 percent of payments adjustments,*
 14 *other than the amounts set aside or suballo-*
 15 *cated under section 133(d) or 307(c) (as in*
 16 *effect on the day before the date of enact-*
 17 *ment of this Act) of that title.*

18 (ii) *INSUFFICIENT SURFACE TRANS-*
 19 *PORTATION PROGRAM FLEXIBLE, ISTE*
 20 *TRANSITION, AND MINIMUM GUARANTEE*
 21 *FUNDS.—If—*

22 (I) *the amount made available to*
 23 *the State under section 2 of STEA for*
 24 *the surface transportation program,*
 25 *minimum allocation, Interstate reim-*

1 *bursement, the donor State bonus, hold*
 2 *harmless, and 90 percent of payments*
 3 *adjustments, other than the amounts*
 4 *set aside or suballocated under section*
 5 *133(d) or 307(c) (as in effect on the*
 6 *day before the date of enactment of this*
 7 *Act) of that title; exceeds*

8 *(II) the sum of the amounts de-*
 9 *scribed in subclauses (I) through (III)*
 10 *of clause (i), after application of the*
 11 *preceding provisions of this subsection;*
 12 *then, after the reduction required by clause*
 13 *(i) is made, the amount made available*
 14 *under the Interstate bridge and other Na-*
 15 *tional Highway System components of the*
 16 *Interstate and National Highway System*
 17 *program under subparagraphs (B) and (C)*
 18 *of section 104(b)(1) of that title shall be re-*
 19 *duced by the amount of the excess.*

20 *(7) FUNDING RESTORATION; ISTE A SECTIONS*

21 *1103–1108 FUNDS; STATE PLANNING AND RESEARCH.—*

22 *(A) REDUCTION.—The amount made avail-*
 23 *able to each State for the surface transportation*
 24 *program under section 104(b)(3) of title 23,*
 25 *United States Code, other than the amounts set*

1 *aside or suballocated under section 133(d) or 505*
 2 *of that title, shall be reduced by the sum of—*

3 *(i) the amount made available to the*
 4 *State for funding restoration under section*
 5 *2 of STEA;*

6 *(ii) the amount equal to the funds pro-*
 7 *vided to the State under sections 1103*
 8 *through 1108 of the Intermodal Surface*
 9 *Transportation Efficiency Act of 1991 (105*
 10 *Stat. 2027) under section 2 of STEA; and*

11 *(iii) the amount made available from*
 12 *the surface transportation program under*
 13 *section 104(b)(3) of that title for State plan-*
 14 *ning and research under section 307(c) of*
 15 *that title (as in effect on the day before the*
 16 *date of enactment of this Act) for fiscal year*
 17 *1998.*

18 *(B) INSUFFICIENT SURFACE TRANSPOR-*
 19 *TATION PROGRAM FLEXIBLE FUNDS.—If—*

20 *(i) the sum of the amounts described in*
 21 *clauses (i) through (iii) of subparagraph*
 22 *(A); exceeds*

23 *(ii) the amount made available to each*
 24 *State for the surface transportation pro-*
 25 *gram under section 104(b)(3) of title 23,*

1 *United States Code, other than the amounts*
2 *set aside or suballocated under section*
3 *133(d) or 505 of that title, after application*
4 *of the preceding provisions of this sub-*
5 *section;*

6 *then, after the reduction required by subpara-*
7 *graph (A) is made, the amount made available*
8 *under the Interstate bridge and other National*
9 *Highway System components of the Interstate*
10 *and National Highway System program under*
11 *subparagraphs (B) and (C) of section 104(b)(1)*
12 *of that title shall be reduced by the amount of the*
13 *excess.*

14 (8) *ADDITIONAL ALLOCATION.*—*The amount*
15 *made available to each State for the surface transpor-*
16 *tation program under section 104(b)(3) of title 23,*
17 *United States Code, that remains available after the*
18 *set-asides required by section 133(d) of that title shall*
19 *be reduced by the amount made available to the State*
20 *under section 2 of STEA for section 1015(c) of the*
21 *Intermodal Surface Transportation Efficiency Act of*
22 *1991 (105 Stat. 1944).*

23 (9) *ADMINISTRATIVE EXPENSES.*—

24 (A) *FEDERAL HIGHWAY ADMINISTRATION.*—
25 *The amount made available for administrative*

1 *expenses under section 104(a) of title 23, United*
 2 *States Code, shall be reduced by the amount*
 3 *made available under section 4(a)(2) of STEA.*

4 (B) *WOODROW WILSON MEMORIAL*
 5 *BRIDGE.—The amount made available under sec-*
 6 *tion 412 of the Woodrow Wilson Memorial*
 7 *Bridge Authority Act of 1995 shall be reduced by*
 8 *the amount made available under section 4(a)(3)*
 9 *of STEA.*

10 (C) *BUREAU OF TRANSPORTATION STATIS-*
 11 *TICS.—The amount made available under section*
 12 *111(m) of title 49, United States Code, shall be*
 13 *reduced by the amount made available under sec-*
 14 *tion 4(b) of STEA.*

15 (10) *FEDERAL LANDS HIGHWAYS PROGRAM.—*

16 (A) *INDIAN RESERVATION ROADS.—The*
 17 *amount made available for Indian reservation*
 18 *roads under section 204 of title 23, United States*
 19 *Code, shall be reduced by the amount made*
 20 *available under section 5(a)(1) of STEA.*

21 (B) *PUBLIC LANDS HIGHWAYS.—The*
 22 *amount made available for public lands high-*
 23 *ways under section 204 of title 23, United States*
 24 *Code, shall be reduced by the amount made*
 25 *available under section 5(a)(2) of STEA.*

1 (C) *PARKWAYS AND PARK ROADS.*—*The*
2 *amount made available for parkways and park*
3 *roads under section 204 of title 23, United States*
4 *Code, shall be reduced by the amount made*
5 *available under section 5(a)(3) of STEA.*

6 (11) *RECREATIONAL TRAILS PROGRAM.*—*The*
7 *amount made available for the recreational trails pro-*
8 *gram under section 206 of title 23, United States*
9 *Code, shall be reduced by the amount made available*
10 *under section 5(b) of STEA.*

11 (12) *HIGHWAY USE TAX EVASION PROJECTS.*—
12 *The amount made available for highway use tax eva-*
13 *sion projects under section 143 of title 23, United*
14 *States Code, shall be reduced by the amount made*
15 *available under section 5(c)(1) of STEA.*

16 (13) *NATIONAL SCENIC BYWAYS PROGRAM.*—*The*
17 *amount made available for the national scenic by-*
18 *ways program under section 165 of title 23, United*
19 *States Code, shall be reduced by the amount made*
20 *available under section 5(c)(2) of STEA.*

21 (14) *INTELLIGENT TRANSPORTATION SYSTEMS.*—
22 *The amount made available for intelligent transpor-*
23 *tation systems under subchapter II of chapter 5 of*
24 *title 23, United States Code, shall be reduced by the*

1 *amount made available under by section 5(d) of*
2 *STEА.*

3 (15) *SURFACE TRANSPORTATION RESEARCH.—*

4 (A) *OPERATION LIFESAVER.—The amount*
5 *made available for operation lifesaver under sec-*
6 *tion 104(d)(1) of title 23, United States Code,*
7 *shall be reduced by the amount made available*
8 *under section 5(e)(1) of STEA.*

9 (B) *DWIGHT DAVID EISENHOWER TRANS-*
10 *PORTATION FELLOWSHIP PROGRAM.—The*
11 *amount made available for the Dwight David*
12 *Eisenhower Transportation Fellowship Program*
13 *under section 506(c) of title 23, United States*
14 *Code, shall be reduced by the amount made*
15 *available under section 5(e)(2) of STEA.*

16 (C) *NATIONAL HIGHWAY INSTITUTE.—The*
17 *amount made available for the National High-*
18 *way Institute under section 506(b) of title 23,*
19 *United States Code, shall be reduced by the*
20 *amount made available under section 5(e)(3) of*
21 *STEA.*

22 (16) *EDUCATION AND TRAINING.—The amount*
23 *made available for education and training under sec-*
24 *tion 506(a) of title 23, United States Code, shall be*

1 *reduced by the amount made available under section*
 2 *5(e)(4) of STEA.*

3 (17) *TERRITORIES.—The amount made available*
 4 *for the Virgin Islands, Guam, American Samoa, and*
 5 *the Commonwealth of the Northern Mariana Islands*
 6 *under section 104(b)(1)(C)(i) of title 23, United*
 7 *States Code, shall be reduced by the amount made*
 8 *available under section 5(g) of STEA.*

9 **SEC. 1102. APPORTIONMENTS.**

10 (a) *IN GENERAL.—Section 104 of title 23, United*
 11 *States Code, is amended by striking subsection (b) and in-*
 12 *serting the following:*

13 “(b) *APPORTIONMENTS.—On October 1 of each fiscal*
 14 *year, the Secretary, after making the deduction authorized*
 15 *by subsection (a) and the set-asides authorized by subsection*
 16 *(f) and section 207(f), shall apportion the remainder of the*
 17 *sums made available for expenditure on the Interstate and*
 18 *National Highway System program, the congestion mitiga-*
 19 *tion and air quality improvement program, and the surface*
 20 *transportation program, for that fiscal year, among the*
 21 *States in the following manner:*

22 “(1) *INTERSTATE AND NATIONAL HIGHWAY SYS-*
 23 *TEM PROGRAM.—*

“(A) *INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—*

“(i) *50 percent in the ratio that—*

“(I) *the total lane miles on Interstate System routes designated under—*

“(aa) *section 103;*

“(bb) *section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and*

“(cc) *section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998);*

in each State; bears to

“(II) *the total of all such lane miles in all States; and*

1 “(ii) 50 percent in the ratio that—

2 “(I) the total vehicle miles trav-
3 eled on lanes on Interstate System
4 routes designated under—

5 “(aa) section 103;

6 “(bb) section 139(a) (as in
7 effect on the day before the date of
8 enactment of the Intermodal Sur-
9 face Transportation Efficiency
10 Act of 1998) before March 9, 1984
11 (other than routes on toll roads
12 not subject to a Secretarial agree-
13 ment under section 105 of the
14 Federal-Aid Highway Act of 1978
15 (92 Stat. 2692)); and

16 “(cc) section 139(c) (as in ef-
17 fect on the day before the date of
18 enactment of the Intermodal Sur-
19 face Transportation Efficiency
20 Act of 1998);

21 in each State; bears to

22 “(II) the total of all such vehicle
23 miles traveled in all States.

24 “(B) INTERSTATE BRIDGE COMPONENT.—

25 For resurfacing, restoring, rehabilitating, and re-

1 *constructing bridges on the Interstate System,*
 2 *and for the purposes specified in subparagraph*
 3 *(A), in the ratio that—*

4 “(i) *the total square footage of struc-*
 5 *turally deficient and functionally obsolete*
 6 *bridges on the Interstate System (other than*
 7 *bridges on toll roads not subject to a Sec-*
 8 *retarial agreement under section 105 of the*
 9 *Federal-Aid Highway Act of 1978 (92 Stat.*
 10 *2692)) in each State; bears to*

11 “(ii) *the total square footage of struc-*
 12 *turally deficient and functionally obsolete*
 13 *bridges on the Interstate System (other than*
 14 *bridges on toll roads not subject to a Sec-*
 15 *retarial agreement under section 105 of the*
 16 *Federal-Aid Highway Act of 1978 (92 Stat.*
 17 *2692)) in all States.*

18 “(C) *OTHER NATIONAL HIGHWAY SYSTEM*
 19 *COMPONENT.—*

20 “(i) *IN GENERAL.—For the National*
 21 *Highway System (excluding funds appor-*
 22 *tioned under subparagraph (A) or (B)),*
 23 *\$36,400,000 for each fiscal year to the Vir-*
 24 *gin Islands, Guam, American Samoa, and*
 25 *the Commonwealth of Northern Mariana Is-*

lands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

1 “(aa) the total square footage
2 of structurally deficient and func-
3 tionally obsolete bridges on prin-
4 cipal arterial routes (excluding
5 bridges on Interstate System
6 routes (other than bridges on toll
7 roads not subject to a Secretarial
8 agreement under section 105 of
9 the Federal-Aid Highway Act of
10 1978 (92 Stat. 2692))) in each
11 State; bears to

12 “(bb) the total square footage
13 of structurally deficient and func-
14 tionally obsolete bridges on prin-
15 cipal arterial routes (excluding
16 bridges on Interstate System
17 routes (other than bridges on toll
18 roads not subject to a Secretarial
19 agreement under section 105 of
20 the Federal-Aid Highway Act of
21 1978 (92 Stat. 2692))) in all
22 States.

23 “(IV) 24 percent of the apporportion-
24 ments in the ratio that—

1 “(aa) the total diesel fuel
2 used on highways in each State;
3 bears to

4 “(bb) the total diesel fuel
5 used on highways in all States.

6 “(V) 9 percent of the apporportion-
7 ments in the ratio that—

8 “(aa) the quotient obtained
9 by dividing the total lane miles
10 on principal arterial highways in
11 each State by the total population
12 of the State; bears to

13 “(bb) the quotient obtained
14 by dividing the total lane miles
15 on principal arterial highways in
16 all States by the total population
17 of all States.

18 “(ii) DATA.—Each calculation under
19 clause (i) shall be based on the latest avail-
20 able data.

21 “(D) MINIMUM APPORTIONMENT.—Notwith-
22 standing subparagraphs (A) through (C), each
23 State shall receive a minimum of $\frac{1}{2}$ of 1 percent
24 of the funds apportioned under this paragraph.

1 “(2) *CONGESTION MITIGATION AND AIR QUALITY*
 2 *IMPROVEMENT PROGRAM.*—

3 “(A) *IN GENERAL.*—*For the congestion*
 4 *mitigation and air quality improvement pro-*
 5 *gram, in the ratio that—*

6 “(i) *the total of all weighted nonattain-*
 7 *ment and maintenance area populations in*
 8 *each State; bears to*

9 “(ii) *the total of all weighted non-*
 10 *attainment and maintenance area popu-*
 11 *lations in all States.*

12 “(B) *CALCULATION OF WEIGHTED NON-*
 13 *ATTAINMENT AND MAINTENANCE AREA POPU-*
 14 *LATION.*—*Subject to subparagraph (C), for the*
 15 *purpose of subparagraph (A), the weighted non-*
 16 *attainment and maintenance area population*
 17 *shall be calculated by multiplying the population*
 18 *of each area in a State that was a nonattain-*
 19 *ment area or maintenance area as described in*
 20 *section 149(b) for ozone or carbon monoxide by*
 21 *a factor of—*

22 “(i) 0.8 if—

23 “(I) *at the time of the apportion-*
 24 *ment, the area is a maintenance area;*
 25 *or*

1 “(II) at the time of the apporportion-
2 ment, the area is classified as a sub-
3 marginal ozone nonattainment area
4 under the Clean Air Act (42 U.S.C.
5 7401 et seq.);

6 “(ii) 1.0 if, at the time of the apporportionment, the area is classified as a mar-
7 ginal ozone nonattainment area under sub-
8 part 2 of part D of title I of the Clean Air
9 Act (42 U.S.C. 7511 et seq.);

10 “(iii) 1.1 if, at the time of the apporportionment, the area is classified as a mod-
11 erate ozone nonattainment area under that
12 subpart;
13 subpart;

14 “(iv) 1.2 if, at the time of the apporportionment, the area is classified as a serious
15 ozone nonattainment area under that sub-
16 part;
17 part;

18 “(v) 1.3 if, at the time of the apporportionment, the area is classified as a severe
19 ozone nonattainment area under that sub-
20 part;
21 part;

22 “(vi) 1.4 if, at the time of the apporportionment, the area is classified as an ex-
23 tension area;
24 extension area;

1 *treme ozone nonattainment area under that*
 2 *subpart; or*

3 “(vii) 1.0 if, at the time of the appor-
 4 tionment, the area is not a nonattainment
 5 or maintenance area as described in section
 6 149(b) for ozone, but is classified under sub-
 7 part 3 of part D of title I of that Act (42
 8 U.S.C. 7512 *et seq.*) as a nonattainment
 9 area described in section 149(b) for carbon
 10 monoxide.

11 “(C) *ADDITIONAL ADJUSTMENT FOR CAR-*
 12 *BON MONOXIDE AREAS.—*

13 “(i) *CARBON MONOXIDE NONATTAIN-*
 14 *MENT AREAS.—If, in addition to being clas-*
 15 *sified as a nonattainment or maintenance*
 16 *area for ozone, the area was also classified*
 17 *under subpart 3 of part D of title I of that*
 18 *Act (42 U.S.C. 7512 et seq.) as a nonattain-*
 19 *ment area described in section 149(b) for*
 20 *carbon monoxide, the weighted nonattain-*
 21 *ment or maintenance area population of the*
 22 *area, as determined under clauses (i)*
 23 *through (vi) of subparagraph (B), shall be*
 24 *further multiplied by a factor of 1.2.*

1 “(ii) *CARBON MONOXIDE MAINTENANCE*
2 *AREAS.*—If, in addition to being classified
3 as a nonattainment or maintenance area
4 for ozone, the area was at one time also
5 classified under subpart 3 of part D of title
6 I of that Act (42 U.S.C. 7512 *et seq.*) as a
7 nonattainment area described in section
8 149(b) for carbon monoxide but has been re-
9 designated as a maintenance area, the
10 weighted nonattainment or maintenance
11 area population of the area, as determined
12 under clauses (i) through (vi) of subpara-
13 graph (B), shall be further multiplied by a
14 factor of 1.1.

15 “(D) *MINIMUM APPORTIONMENT.*—Notwith-
16 standing any other provision of this paragraph,
17 each State shall receive a minimum of $\frac{1}{2}$ of 1
18 percent of the funds apportioned under this
19 paragraph.

20 “(E) *DETERMINATIONS OF POPULATION.*—
21 In determining population figures for the pur-
22 poses of this paragraph, the Secretary shall use
23 the latest available annual estimates prepared by
24 the Secretary of Commerce.

25 “(3) *SURFACE TRANSPORTATION PROGRAM.*—

1 “(A) *IN GENERAL.*—*For the surface trans-*
2 *portation program, in accordance with the fol-*
3 *lowing formula:*

4 “(i) *20 percent of the apportionments*
5 *in the ratio that—*

6 “(I) *the total lane miles of Fed-*
7 *eral-aid highways in each State; bears*
8 *to*

9 “(II) *the total lane miles of Fed-*
10 *eral-aid highways in all States.*

11 “(ii) *30 percent of the apportionments*
12 *in the ratio that—*

13 “(I) *the total vehicle miles trav-*
14 *eled on lanes on Federal-aid highways*
15 *in each State; bears to*

16 “(II) *the total vehicle miles trav-*
17 *eled on lanes on Federal-aid highways*
18 *in all States.*

19 “(iii) *25 percent of the apportionments*
20 *in the ratio that—*

21 “(I) *the total square footage of*
22 *structurally deficient and functionally*
23 *obsolete bridges on Federal-aid high-*
24 *ways (excluding bridges described in*

1 subparagraphs (B) and (C)(i)(III) of
 2 paragraph (1)) in each State; bears to
 3 “(II) the total square footage of
 4 structurally deficient and functionally
 5 obsolete bridges on Federal-aid high-
 6 ways (excluding bridges described in
 7 subparagraphs (B) and (C)(i)(III) of
 8 paragraph (1)) in all States.

9 “(iv) 25 percent of the apportionments
 10 in the ratio that—

11 “(I) the estimated tax payments
 12 attributable to highway users in each
 13 State paid into the Highway Trust
 14 Fund (other than the Mass Transit Ac-
 15 count) in the latest fiscal year for
 16 which data are available; bears to

17 “(II) the estimated tax payments
 18 attributable to highway users in all
 19 States paid into the Highway Trust
 20 Fund (other than the Mass Transit Ac-
 21 count) in the latest fiscal year for
 22 which data are available.

23 “(B) DATA.—Each calculation under sub-
 24 paragraph (A) shall be based on the latest avail-
 25 able data.

1 “(C) *MINIMUM APPORTIONMENT.*—*Notwith-*
 2 *standing subparagraph (A), each State shall re-*
 3 *ceive a minimum of 1/2 of 1 percent of the funds*
 4 *apportioned under this paragraph.*”.

5 (b) *EFFECT OF CERTAIN DELAY IN DEPOSITS INTO*
 6 *HIGHWAY TRUST FUND.*—*Section 104 of title 23, United*
 7 *States Code, is amended by striking subsection (h) and in-*
 8 *serting the following:*

9 “(h) *EFFECT OF CERTAIN DELAY IN DEPOSITS INTO*
 10 *HIGHWAY TRUST FUND.*—*Notwithstanding any other pro-*
 11 *vision of law, deposits into the Highway Trust Fund result-*
 12 *ing from the application of section 901(e) of the Taxpayer*
 13 *Relief Act of 1997 (111 Stat. 872) shall not be taken into*
 14 *account in determining the apportionments and allocations*
 15 *that any State shall be entitled to receive under the Inter-*
 16 *modal Surface Transportation Efficiency Act of 1998 and*
 17 *this title.*”.

18 (c) *ISTEA TRANSITION.*—

19 (1) *IN GENERAL.*—*For each of fiscal years 1998*
 20 *through 2003, the Secretary shall determine, with re-*
 21 *spect to each State—*

22 (A) *the total apportionments for the fiscal*
 23 *year under section 104 of title 23, United States*
 24 *Code, for the Interstate and National Highway*
 25 *System program, the surface transportation pro-*

1 *gram, metropolitan planning, and the congestion*
2 *mitigation and air quality improvement pro-*
3 *gram;*

4 *(B) the annual average of the total appor-*
5 *tionments during the period of fiscal years 1992*
6 *through 1997 for all Federal-aid highway pro-*
7 *grams (as defined in section 101 of title 23,*
8 *United States Code), excluding apportionments*
9 *for the Federal lands highways program under*
10 *section 204 of that title;*

11 *(C) the annual average of the total appor-*
12 *tionments during the period of fiscal years 1992*
13 *through 1997 for all Federal-aid highway pro-*
14 *grams (as defined in section 101 of title 23,*
15 *United States Code), excluding—*

16 *(i) apportionments authorized under*
17 *section 104 of that title for construction of*
18 *the Interstate System;*

19 *(ii) apportionments for the Interstate*
20 *substitute program under section 103(e)(4)*
21 *of that title (as in effect on the day before*
22 *the date of enactment of this Act);*

23 *(iii) apportionments for the Federal*
24 *lands highways program under section 204*
25 *of that title; and*

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) *APPLICABLE PERCENTAGES.*—

(A) *FISCAL YEAR 1998.*—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

1 (ii) the applicable percentage referred
 2 to in paragraph (1)(E)(ii) shall be 107 per-
 3 cent.

4 (B) *FISCAL YEARS THEREAFTER.*—For each
 5 of fiscal years 1999 through 2003, the applicable
 6 percentage referred to in paragraph (1)(D)(ii) or
 7 (1)(E)(ii), respectively, shall be a percentage
 8 equal to the product obtained by multiplying—

9 (i) the percentage specified in clause
 10 (i) or (ii), respectively, of subparagraph
 11 (A); by

12 (ii) the percentage that—

13 (I) the total contract authority
 14 made available under this Act and title
 15 23, United States Code, for Federal-aid
 16 highway programs for the fiscal year;
 17 bears to

18 (II) the total contract authority
 19 made available under this Act and title
 20 23, United States Code, for Federal-aid
 21 highway programs for fiscal year 1998.

22 (3) *MAXIMUM TRANSITION.*—

23 (A) *IN GENERAL.*—For each of fiscal years
 24 1998 through 2003, in the case of each State
 25 with respect to which the total apportionments

determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

1 (I) the total apportionments to a
 2 State under section 104 of title 23,
 3 United States Code, for the Interstate
 4 and National Highway System pro-
 5 gram, the surface transportation pro-
 6 gram, metropolitan planning, and the
 7 congestion mitigation and air quality
 8 improvement program, after the appli-
 9 cation of clause (i); bears to

10 (II) the annual average of the
 11 total apportionments determined under
 12 paragraph (1)(B) with respect to the
 13 State;

14 may not exceed, in the case of fiscal year
 15 1998, 145 percent, and, in the case of each
 16 of fiscal years 1999 through 2003, 145 per-
 17 cent as adjusted in the manner described in
 18 paragraph (2)(B).

19 (4) MINIMUM TRANSITION.—

20 (A) IN GENERAL.—For each of fiscal years
 21 1998 through 2003, the Secretary shall apportion
 22 to each State such additional amounts as are
 23 necessary to ensure that—

24 (i) the total apportionments to the
 25 State under section 104 of title 23, United

1 *States Code, for the Interstate and National*
2 *Highway System program, the surface*
3 *transportation program, metropolitan plan-*
4 *ning, and the congestion mitigation and air*
5 *quality improvement program, after the ap-*
6 *plication of paragraph (3); is equal to*

7 *(ii) the greater of—*

8 *(I) the product determined with*
9 *respect to the State under paragraph*
10 *(1)(E); or*

11 *(II) the total apportionments to*
12 *the State for fiscal year 1997 for all*
13 *Federal-aid highway programs, exclud-*
14 *ing—*

15 *(aa) apportionments for the*
16 *Federal lands highways program*
17 *under section 204 of title 23,*
18 *United States Code;*

19 *(bb) adjustments to sums ap-*
20 *portioned under section 104 of*
21 *that title due to the hold harmless*
22 *adjustment under section 1015(a)*
23 *of the Intermodal Surface Trans-*
24 *portation Efficiency Act of 1991*

1 (23 U.S.C. 104 note; 105 Stat.
2 1943); and
3 (cc) demonstration projects
4 under the Intermodal Surface
5 Transportation Efficiency Act of
6 1991 (Public Law 102–240).

7 (B) OBLIGATION.—Amounts apportioned
8 under subparagraph (A)—

9 (i) shall be considered to be sums made
10 available for expenditure on the surface
11 transportation program, except that—

12 (I) the amounts shall not be sub-
13 ject to paragraphs (1) and (2) of sec-
14 tion 133(d) of title 23, United States
15 Code; and

16 (II) 50 percent of the amounts
17 shall be subject to section 133(d)(3) of
18 that title;

19 (ii) shall be available for any purpose
20 eligible for funding under section 133 of
21 that title; and

22 (iii) shall remain available for obliga-
23 tion for a period of 3 years after the last
24 day of the fiscal year for which the amounts
25 are apportioned.

1 (C) *AUTHORIZATION OF CONTRACT AUTHOR-*
 2 *ITY.—*

3 (i) *IN GENERAL.—There shall be avail-*
 4 *able from the Highway Trust Fund (other*
 5 *than the Mass Transit Account) such sums*
 6 *as are necessary to carry out this para-*
 7 *graph.*

8 (ii) *CONTRACT AUTHORITY.—Funds*
 9 *authorized under this subparagraph shall be*
 10 *available for obligation in the same manner*
 11 *as if the funds were apportioned under*
 12 *chapter 1 of title 23, United States Code.*

13 (d) *MINIMUM GUARANTEE.—*

14 (1) *IN GENERAL.—Section 105 of title 23,*
 15 *United States Code, is amended to read as follows:*

16 **“§ 105. Minimum guarantee**

17 “(a) *ADJUSTMENT.—*

18 “(1) *IN GENERAL.—In fiscal year 1998 and each*
 19 *fiscal year thereafter on October 1, or as soon as prac-*
 20 *ticable thereafter, the Secretary shall allocate among*
 21 *the States amounts sufficient to ensure that—*

22 “(A) *the ratio that—*

23 “(i) *each State’s percentage of the total*
 24 *apportionments for the fiscal year—*

1 “(I) under section 104 for the
2 Interstate and National Highway Sys-
3 tem program, the surface transpor-
4 tation program, metropolitan plan-
5 ning, and the congestion mitigation
6 and air quality improvement program;
7 and

8 “(II) under this section and sec-
9 tion 1102(c) of the Intermodal Surface
10 Transportation Efficiency Act of 1998
11 for ISTEA transition; bears to

12 “(ii) each State’s percentage of esti-
13 mated tax payments attributable to high-
14 way users in the State paid into the High-
15 way Trust Fund (other than the Mass
16 Transit Account) in the latest fiscal year for
17 which data are available;

18 is not less than 0.90; and

19 “(B) in the case of a State specified in
20 paragraph (2), the State’s percentage of the total
21 apportionments for the fiscal year described in
22 subclauses (I) and (II) of subparagraph (A)(i)
23 is—

24 “(i) not less than the percentage speci-
25 fied for the State in paragraph (2); but

1 “(ii) not greater than the product de-
 2 termined for the State under section
 3 1102(c)(1)(D) of the Intermodal Surface
 4 Transportation Efficiency Act of 1998 for
 5 the fiscal year.

6 “(2) *STATE PERCENTAGES.*—The percentage re-
 7 ferred to in paragraph (1)(B) for a specified State
 8 shall be determined in accordance with the following
 9 table:

“State	Percentage
<i>Alaska</i>	1.24
<i>Arkansas</i>	1.33
<i>Delaware</i>	0.47
<i>Hawaii</i>	0.55
<i>Idaho</i>	0.82
<i>Montana</i>	1.06
<i>Nevada</i>	0.73
<i>New Hampshire</i>	0.52
<i>New Jersey</i>	2.41
<i>New Mexico</i>	1.05
<i>North Dakota</i>	0.73
<i>Rhode Island</i>	0.58
<i>South Dakota</i>	0.78
<i>Vermont</i>	0.47
<i>Wyoming</i>	0.76.

10 “(b) *TREATMENT OF ALLOCATIONS.*—

11 “(1) *OBLIGATION.*—Amounts allocated under
 12 subsection (a)—

13 “(A) shall be available for obligation when
 14 allocated and shall remain available for obliga-
 15 tion for a period of 3 years after the last day of
 16 the fiscal year for which the amounts are allo-
 17 cated; and

1 “(B) shall be available for any purpose eli-
2 gible for funding under this title.

3 “(2) SET-ASIDE.—Fifty percent of the amounts
4 allocated under subsection (a) shall be subject to sec-
5 tion 133(d)(3).

6 “(c) TREATMENT OF WITHHELD APPORTIONMENTS.—
7 For the purpose of subsection (a), any funds that, but for
8 section 158(b) or any other provision of law under which
9 Federal-aid highway funds are withheld from apportion-
10 ment, would be apportioned to a State for a fiscal year
11 under a section referred to in subsection (a) shall be treated
12 as being apportioned in that fiscal year.

13 “(d) AUTHORIZATION OF CONTRACT AUTHORITY.—
14 There shall be available from the Highway Trust Fund
15 (other than the Mass Transit Account) such sums as are
16 necessary to carry out this section.”.

17 (2) CONFORMING AMENDMENT.—The analysis for
18 chapter 1 of title 23, United States Code, is amended
19 by striking the item relating to section 105 and in-
20 serting the following:

“105. Minimum guarantee.”.

21 (e) AUDITS OF HIGHWAY TRUST FUND.—Section 104
22 of title 23, United States Code, is amended by striking sub-
23 section (i) and inserting the following:

24 “(i) AUDITS OF HIGHWAY TRUST FUND.—From avail-
25 able administrative funds deducted under subsection (a),

1 *the Secretary may reimburse the Office of Inspector General*
 2 *of the Department of Transportation for the conduct of an-*
 3 *nual audits of financial statements in accordance with sec-*
 4 *tion 3521 of title 31.”.*

5 (f) *TECHNICAL AMENDMENTS.—Section 104 of title 23,*
 6 *United States Code, is amended—*

7 (1) *in subsection (e)—*

8 (A) *by inserting “NOTIFICATION TO*
 9 *STATES.—” after “(e)”;*

10 (B) *in the first sentence—*

11 (i) *by striking “(other than under sub-*
 12 *section (b)(5) of this section)”;* and

13 (ii) *by striking “and research”;*

14 (C) *by striking the second sentence; and*

15 (D) *in the last sentence, by striking “, ex-*
 16 *cept that” and all that follows through “such*
 17 *funds”;* and

18 (2) *in subsection (f)—*

19 (A) *by striking “(f)(1) On” and inserting*
 20 *the following:*

21 “(f) *METROPOLITAN PLANNING.—*

22 “(1) *SET-ASIDE.—On”;*

23 (B) *by striking “(2) These” and inserting*
 24 *the following:*

1 “(2) *APPORTIONMENT TO STATES OF SET-ASIDE*
2 *FUNDS.—These*”;

3 (C) by striking “(3) *The*” and inserting the
4 *following*:

5 “(3) *USE OF FUNDS.—The*”; and

6 (D) by striking “(4) *The*” and inserting the
7 *following*:

8 “(4) *DISTRIBUTION OF FUNDS WITHIN STATES.—*
9 *The*”.

10 (g) *CONFORMING AMENDMENTS.—*

11 (1) *Section 146(a) of title 23, United States*
12 *Code, is amended in the first sentence by striking “,*
13 *104(b)(2), and 104(b)(6)” and inserting “and*
14 *104(b)(3)”.*

15 (2)(A) *Section 150 of title 23, United States*
16 *Code, is repealed.*

17 (B) *The analysis for chapter 1 of title 23, United*
18 *States Code, is amended by striking the item relating*
19 *to section 150.*

20 (3) *Section 158 of title 23, United States Code,*
21 *is amended—*

22 (A) *in subsection (a)—*

23 (i) *by striking paragraph (1);*

1 (ii) by redesignating paragraphs (2)
 2 and (3) as paragraphs (1) and (2), respec-
 3 tively;

4 (iii) in paragraph (1) (as so redesign-
 5 ated)—

6 (I) by striking “AFTER THE FIRST
 7 YEAR” and inserting “IN GENERAL”;
 8 and

9 (II) by striking “, 104(b)(2),
 10 104(b)(5), and 104(b)(6)” and insert-
 11 ing “and 104(b)(3)”; and

12 (iv) in paragraph (2) (as redesignated
 13 by clause (ii)), by striking “paragraphs (1)
 14 and (2) of this subsection” and inserting
 15 “paragraph (1)”; and

16 (B) by striking subsection (b) and inserting
 17 the following:

18 “(b) *EFFECT OF WITHHOLDING OF FUNDS.—No funds*
 19 *withheld under this section from apportionment to any*
 20 *State after September 30, 1988, shall be available for appor-*
 21 *tionment to that State.”.*

22 (4)(A) *Section 157 of title 23, United States*
 23 *Code, is repealed.*

1 (B) *The analysis for chapter 1 of title 23, United*
 2 *States Code, is amended by striking the item relating*
 3 *to section 157.*

4 (5)(A) *Section 115(b)(1) of title 23, United*
 5 *States Code, is amended by striking “or 104(b)(5), as*
 6 *the case may be,”.*

7 (B) *Section 137(f)(1) of title 23, United States*
 8 *Code, is amended by striking “section 104(b)(5)(B) of*
 9 *this title” and inserting “section 104(b)(1)”.*

10 (C) *Section 141(c) of title 23, United States*
 11 *Code, is amended by striking “section 104(b)(5) of*
 12 *this title” each place it appears and inserting “sec-*
 13 *tion 104(b)(1)(A)”.*

14 (D) *Section 142(c) of title 23, United States*
 15 *Code, is amended by striking “(other than section*
 16 *104(b)(5)(A))”.*

17 (E) *Section 159 of title 23, United States Code,*
 18 *is amended—*

19 (i) *by striking “(5) of” each place it ap-*
 20 *pears and inserting “(5) (as in effect on the day*
 21 *before the date of enactment of the Intermodal*
 22 *Surface Transportation Efficiency Act of 1998)*
 23 *of”; and*

24 (ii) *in subsection (b)—*

1 (I) in paragraphs (1)(A)(i) and (3)(A),
2 by striking “section 104(b)(5)(A)” each
3 place it appears and inserting “section
4 104(b)(5)(A) (as in effect on the day before
5 the date of enactment of the Intermodal
6 Surface Transportation Efficiency Act of
7 1998)”;

8 (II) in paragraph (1)(A)(ii), by strik-
9 ing “section 104(b)(5)(B)” and inserting
10 “section 104(b)(5)(B) (as in effect on the
11 day before the date of enactment of the
12 Intermodal Surface Transportation Effi-
13 ciency Act of 1998)”;

14 (III) in paragraph (3)(B), by striking
15 “(5)(B)” and inserting “(5)(B) (as in effect
16 on the day before the date of enactment of
17 the Intermodal Surface Transportation Ef-
18 ficiency Act of 1998)”;

19 (IV) in paragraphs (3) and (4), by
20 striking “section 104(b)(5)” each place it
21 appears and inserting “section 104(b)(5)
22 (as in effect on the day before the date of en-
23 actment of the Intermodal Surface Trans-
24 portation Efficiency Act of 1998)”.

1 (F) Section 161(a) of title 23, United States
 2 Code, is amended by striking “paragraphs (1), (3),
 3 and (5)(B) of section 104(b)” each place it appears
 4 and inserting “paragraphs (1) and (3) of section
 5 104(b)”.

6 (6)(A) Section 104(g) of title 23, United States
 7 Code, is amended—

8 (i) in the first sentence, by striking “sec-
 9 tions 130, 144, and 152 of this title” and insert-
 10 ing “subsection (b)(1)(B) and sections 130 and
 11 152”;

12 (ii) in the first and second sentences—

13 (I) by striking “section” and inserting
 14 “provision”; and

15 (II) by striking “such sections” and in-
 16 serting “those provisions”; and

17 (iii) in the third sentence—

18 (I) by striking “section 144” and in-
 19 serting “subsection (b)(1)(B)”; and

20 (II) by striking “subsection (b)(1)”
 21 and inserting “subsection (b)(1)(C)”.

22 (B) Section 115 of title 23, United States Code,
 23 is amended—

24 (i) in subsection (a)(1)(A)(i), by striking
 25 “104(b)(2), 104(b)(3), 104(f), 144,” and insert-

1 ing “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”;
2 and

3 (ii) in subsection (c), by striking “144,,”.

4 (C) Section 120(e) of title 23, United States
5 Code, is amended in the last sentence by striking
6 “and in section 144 of this title”.

7 (D) Section 151(d) of title 23, United States
8 Code, is amended by striking “section 104(a), section
9 307(a), and section 144 of this title” and inserting
10 “subsections (a) and (b)(1)(B) of section 104 and sec-
11 tion 307(a)”.

12 (E) Section 204(c) of title 23, United States
13 Code, is amended in the first sentence by striking “or
14 section 144 of this title”.

15 (F) Section 303(g) of title 23, United States
16 Code, is amended by striking “section 144 of this
17 title” and inserting “section 104(b)(1)(B)”.

18 (7) Section 142(b) of title 23, United States
19 Code, is amended by striking “paragraph (5) of sub-
20 section (b) of section 104 of this title” and inserting
21 “section 104(b)(1)(A)”.

22 (8) Section 152(e) of title 23, United States
23 Code, is amended in the second sentence by striking
24 “section 104(b)(1)” and inserting “section 104(b)”.

1 **SEC. 1103. OBLIGATION CEILING.**

2 (a) *GENERAL LIMITATIONS.*—Subject to the other pro-
3 visions of this section and notwithstanding any other provi-
4 sion of law, the total amount of all obligations for Federal-
5 aid highways and highway safety construction programs
6 shall not exceed—

7 (1) \$21,500,000,000 for fiscal year 1998;

8 (2) \$28,462,000,000 for fiscal year 1999;

9 (3) \$28,894,000,000 for fiscal year 2000;

10 (4) \$29,334,000,000 for fiscal year 2001;

11 (5) \$29,800,000,000 for fiscal year 2002; and

12 (6) \$30,319,000,000 for fiscal year 2003.

13 (b) *EXCEPTIONS.*—

14 (1) *IN GENERAL.*—The limitations under sub-
15 section (a) shall not apply to obligations of funds
16 under—

17 (A) section 105(a) of title 23, United States
18 Code (but, for each of fiscal years 1998 through
19 2007, only in an amount equal to the amount
20 included for section 157 of title 23, United States
21 Code, in the baseline determined by the Congres-
22 sional Budget Office for the fiscal year 1998
23 budget (as specified in the letter from the Direc-
24 tor of the Congressional Budget Office to the
25 Chairman of the Senate Committee on Environ-
26 ment and Public Works, dated March 12, 1998)),

1 *excluding amounts allocated under section*
 2 *105(a)(1)(B) of that title;*

3 *(B) section 125 of that title;*

4 *(C) section 157 of that title (as in effect on*
 5 *the day before the date of enactment of this Act);*

6 *(D) section 147 of the Surface Transpor-*
 7 *tation Assistance Act of 1978 (23 U.S.C. 144*
 8 *note; 92 Stat. 2714);*

9 *(E) section 9 of the Federal-Aid Highway*
 10 *Act of 1981 (95 Stat. 1701);*

11 *(F) subsections (b) and (j) of section 131 of*
 12 *the Surface Transportation Assistance Act of*
 13 *1982 (96 Stat. 2119);*

14 *(G) subsections (b) and (c) of section 149 of*
 15 *the Surface Transportation and Uniform Reloca-*
 16 *tion Assistance Act of 1987 (101 Stat. 198); and*

17 *(H) sections 1103 through 1108 of the Inter-*
 18 *modal Surface Transportation Efficiency Act of*
 19 *1991 (105 Stat. 2027).*

20 *(2) EFFECT OF OTHER LAW.—A provision of law*
 21 *establishing a limitation on obligations for Federal-*
 22 *aid highways and highway safety construction pro-*
 23 *grams may not amend or limit the applicability of*
 24 *this subsection, unless the provision specifically*
 25 *amends or limits that applicability.*

1 (c) *APPLICABILITY TO TRANSPORTATION RESEARCH*
 2 *PROGRAMS.*—*Obligation limitations for Federal-aid high-*
 3 *ways and highway safety construction programs established*
 4 *by subsection (a) shall apply to transportation research*
 5 *programs carried out under chapter 5 of title 23, United*
 6 *States Code.*

7 (d) *OBLIGATION AUTHORITY.*—*Section 118 of title 23,*
 8 *United States Code, is amended by adding at the end the*
 9 *following:*

10 “(g) *OBLIGATION AUTHORITY.*—

11 “(1) *DISTRIBUTION.*—*For each fiscal year, the*
 12 *Secretary shall—*

13 “(A) *distribute the total amount of obliga-*
 14 *tion authority for Federal-aid highways and*
 15 *highway safety construction programs made*
 16 *available for the fiscal year by allocation in the*
 17 *ratio that—*

18 “(i) *the total of the sums made avail-*
 19 *able for Federal-aid highways and highway*
 20 *safety construction programs (excluding*
 21 *demonstration projects) that are appor-*
 22 *tioned or allocated to each State for the fis-*
 23 *cal year; bears to*

24 “(ii) *the total of the sums made avail-*
 25 *able for Federal-aid highways and highway*

1 *safety construction programs (excluding*
2 *demonstration projects) that are appor-*
3 *tioned or allocated to all States for the fis-*
4 *cal year;*

5 *“(B) provide all States with authority suffi-*
6 *cient to prevent lapses of sums made available*
7 *for Federal-aid highways that have been appor-*
8 *tioned to a State; and*

9 *“(C) notwithstanding subparagraphs (A)*
10 *and (B), not distribute—*

11 *“(i) amounts deducted under section*
12 *104(a) for administrative expenses;*

13 *“(ii) amounts set aside under section*
14 *104(k) for Interstate 4R and bridge projects;*

15 *“(iii) amounts made available under*
16 *sections 143, 164, 165, 204, 206, 207, and*
17 *322;*

18 *“(iv) amounts made available under*
19 *section 111 of title 49;*

20 *“(v) amounts made available under*
21 *section 201 of the Appalachian Regional*
22 *Development Act of 1965 (40 U.S.C. App.);*

23 *“(vi) amounts made available under*
24 *section 1012(b) of the Intermodal Surface*

1 *Transportation Efficiency Act of 1991 (23*
2 *U.S.C. 149 note; 105 Stat. 1938);*

3 “(vii) amounts made available under
4 sections 1503, 1603, and 1604 of the Inter-
5 modal Surface Transportation Efficiency
6 Act of 1998;

7 “(viii) amounts made available under
8 section 149(d) of the Surface Transpor-
9 tation and Uniform Relocation Assistance
10 Act of 1987 (101 Stat. 201);

11 “(ix) amounts made available under
12 section 105(a)(1)(A) to the extent that the
13 amounts are subject to any obligation limi-
14 tation under section 1103(a) of the Inter-
15 modal Surface Transportation Efficiency
16 Act of 1998;

17 “(x) amounts made available for im-
18 plementation of programs under chapter 5
19 of this title and sections 5222, 5232, and
20 5241 of title 49;

21 “(xi) amounts set aside under section
22 104(d) for operation lifesaver and railway-
23 highway crossing hazard elimination in
24 high speed rail corridors; and

1 “(xii) amounts made available under
2 section 412 of the Woodrow Wilson Memo-
3 rial Bridge Authority Act of 1995.

4 “(xiii) amounts set aside under section
5 1133.

6 “(2) *REDISTRIBUTION.*—Notwithstanding para-
7 graph (1), the Secretary shall, after August 1 of each
8 of fiscal years 1998 through 2003—

9 “(A) revise a distribution of the funds made
10 available under paragraph (1) for the fiscal year
11 if a State will not obligate the amount distrib-
12 uted during the fiscal year; and

13 “(B) redistribute sufficient amounts to those
14 States able to obligate amounts in addition to
15 the amounts previously distributed during the
16 fiscal year, giving priority to those States that
17 have large unobligated balances of funds appor-
18 tioned under section 104 and under section 144
19 (as in effect on the day before the date of enact-
20 ment of this subparagraph).

21 “(3) *DEMONSTRATION PROJECTS.*—

22 “(A) *APPLICABILITY OF OBLIGATION LIMI-*
23 *TATIONS.*—Notwithstanding any other provision
24 of law, a demonstration project shall be subject
25 to any limitation on obligations established by

1 *law that applies to Federal-aid highways and*
 2 *highway safety construction programs.*

3 “(B) *MAXIMUM OBLIGATION LEVEL.*—*For*
 4 *each fiscal year, a State may obligate for dem-*
 5 *onstration projects an amount of the obligation*
 6 *authority for Federal-aid highways and highway*
 7 *safety construction programs made available to*
 8 *the State for the fiscal year that is not more*
 9 *than the product obtained by multiplying—*

10 “(i) *the total of the sums made avail-*
 11 *able for demonstration projects in the State*
 12 *for the fiscal year; by*

13 “(ii) *the ratio that—*

14 “(I) *the total amount of the obli-*
 15 *gation authority for Federal-aid high-*
 16 *ways and highway safety construction*
 17 *programs (including demonstration*
 18 *projects) made available to the State*
 19 *for the fiscal year; bears to*

20 “(II) *the total of the sums made*
 21 *available for Federal-aid highways and*
 22 *highway safety construction programs*
 23 *(including demonstration projects) that*
 24 *are apportioned or allocated to the*
 25 *State for the fiscal year.*

1 “(4) *DEFINITION OF DEMONSTRATION*
2 *PROJECT.—In this subsection, the term ‘demonstra-*
3 *tion project’ means a demonstration project or simi-*
4 *lar project (including any project similar to a project*
5 *authorized under any of sections 1103 through 1108*
6 *of the Intermodal Surface Transportation Efficiency*
7 *Act of 1991 (105 Stat. 2027)) that is funded from the*
8 *Highway Trust Fund (other than the Mass Transit*
9 *Account) and authorized under—*

10 “(A) *the Intermodal Surface Transportation*
11 *Efficiency Act of 1998; or*

12 “(B) *any law enacted after the date of en-*
13 *actment of that Act.”.*

14 (e) *LIMITATIONS ON OBLIGATIONS FOR ADMINISTRA-*
15 *TIVE EXPENSES.—Notwithstanding any other provision of*
16 *law, the total amount of all obligations under section 104(a)*
17 *of title 23, United States Code, shall not exceed—*

18 (1) *\$301,725,000 for fiscal year 1999;*

19 (2) *\$302,055,000 for fiscal year 2000;*

20 (3) *\$303,480,000 for fiscal year 2001;*

21 (4) *\$310,470,000 for fiscal year 2002; and*

22 (5) *\$320,595,000 for fiscal year 2003.*

23 (f) *APPLICABILITY OF OBLIGATION LIMITATIONS.—An*
24 *obligation limitation established by a provision of any other*

1 *Act shall not apply to obligations under a program funded*
 2 *under this Act or title 23, United States Code, unless—*

3 *(1) the provision specifically amends or limits*
 4 *the applicability of this subsection; or*

5 *(2) an obligation limitation is specified in this*
 6 *Act with respect to the program.*

7 **SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE**
 8 **TRANSPORTATION PROGRAM.**

9 *Section 133 of title 23, United States Code, is amended*
 10 *by striking subsection (f) and inserting the following:*

11 *“(f) OBLIGATION AUTHORITY.—*

12 *“(1) IN GENERAL.—A State that is required to*
 13 *obligate in an urbanized area with an urbanized area*
 14 *population of over 200,000 individuals under sub-*
 15 *section (d) funds apportioned to the State under sec-*
 16 *tion 104(b)(3) shall make available during the 3-fiscal*
 17 *year period of 1998 through 2000, and the 3-fiscal*
 18 *year period of 2001 through 2003, an amount of obli-*
 19 *gation authority distributed to the State for Federal-*
 20 *aid highways and highway safety construction pro-*
 21 *grams for use in the area that is equal to the amount*
 22 *obtained by multiplying—*

23 *“(A) the aggregate amount of funds that the*
 24 *State is required to obligate in the area under*
 25 *subsection (d) during each such period; by*

1 “(B) the ratio that—

2 “(i) the aggregate amount of obligation
3 authority distributed to the State for Fed-
4 eral-aid highways and highway safety con-
5 struction programs during the period; bears
6 to

7 “(ii) the total of the sums apportioned
8 to the State for Federal-aid highways and
9 highway safety construction programs (ex-
10 cluding sums not subject to an obligation
11 limitation) during the period.

12 “(2) *JOINT RESPONSIBILITY.*—Each State, each
13 affected metropolitan planning organization, and the
14 Secretary shall jointly ensure compliance with para-
15 graph (1).”.

16 **SEC. 1105. EMERGENCY RELIEF.**

17 (a) *FEDERAL SHARE.*—Section 120(e) of title 23,
18 United States Code, is amended in the first sentence by
19 striking “highway system” and inserting “highway”.

20 (b) *ELIGIBILITY AND FUNDING.*—Section 125 of title
21 23, United States Code, is amended—

22 (1) by striking subsection (a);

23 (2) by redesignating subsections (b), (c), and (d)
24 as subsections (d), (e), and (f), respectively;

1 (3) *by inserting after the section heading the fol-*
2 *lowing:*

3 “(a) *GENERAL ELIGIBILITY.*—*Subject to this section*
4 *and section 120, an emergency fund is authorized for ex-*
5 *penditure by the Secretary for the repair or reconstruction*
6 *of highways, roads, and trails, in any part of the United*
7 *States, including Indian reservations, that the Secretary*
8 *finds have suffered serious damage as a result of—*

9 “(1) *natural disaster over a wide area, such as*
10 *by a flood, hurricane, tidal wave, earthquake, severe*
11 *storm, or landslide; or*

12 “(2) *catastrophic failure from any external*
13 *cause.*

14 “(b) *RESTRICTION ON ELIGIBILITY.*—*In no event shall*
15 *funds be used pursuant to this section for the repair or re-*
16 *construction of bridges that have been permanently closed*
17 *to all vehicular traffic by the State or responsible local offi-*
18 *cial because of imminent danger of collapse due to a struc-*
19 *tural deficiency or physical deterioration.*

20 “(c) *FUNDING.*—*Subject to the following limitations,*
21 *there are hereby made available from the Highway Trust*
22 *Fund (other than the Mass Transit Account) such sums as*
23 *may be necessary to establish the fund authorized by this*
24 *section and to replenish it on an annual basis:*

1 “(1) Not more than \$100,000,000 is authorized
2 to be obligated in any 1 fiscal year commencing after
3 September 30, 1980, to carry out the provisions of
4 this section, except that, if in any fiscal year the total
5 of all obligations under this section is less than the
6 amount authorized to be obligated in such fiscal year,
7 the unobligated balance of such amount shall remain
8 available until expended and shall be in addition to
9 amounts otherwise available to carry out this section
10 each year.

11 “(2) Pending such appropriation or replenish-
12 ment, the Secretary may obligate from any funds
13 heretofore or hereafter appropriated for obligation in
14 accordance with this title, including existing Federal-
15 aid appropriations, such sums as may be necessary
16 for the immediate prosecution of the work herein au-
17 thorized, provided that such funds are reimbursed
18 from the appropriations authorized in paragraph (1)
19 of this subsection when such appropriations are
20 made.”;

21 (4) in subsection (d) (as so redesignated), by
22 striking “subsection (c)” both places it appears and
23 inserting “subsection (e)”; and

1 (5) *in subsection (e) (as so redesignated), by*
 2 *striking “on any of the Federal-aid highway systems”*
 3 *and inserting “Federal-aid highways”.*

4 (c) *SAN MATEO COUNTY, CALIFORNIA.—Notwithstand-*
 5 *ing any other provision of law, a project to repair or recon-*
 6 *struct any portion of a Federal-aid primary route in San*
 7 *Mateo County, California, that—*

8 (1) *was destroyed as a result of a combination*
 9 *of storms in the winter of 1982–1983 and a mountain*
 10 *slide; and*

11 (2) *until its destruction, served as the only rea-*
 12 *sonable access route between 2 cities and as the des-*
 13 *ignated emergency evacuation route of 1 of the cities;*
 14 *shall be eligible for assistance under section 125(a) of title*
 15 *23, United States Code, if the project complies with the local*
 16 *coastal plan.*

17 **SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

18 (a) *FEDERAL SHARE PAYABLE.—Section 120 of title*
 19 *23, United States Code, is amended by adding at the end*
 20 *the following:*

21 “(j) *USE OF FEDERAL LAND MANAGEMENT AGENCY*
 22 *FUNDS.—Notwithstanding any other provision of law, the*
 23 *funds appropriated to any Federal land management agen-*
 24 *cy may be used to pay the non-Federal share of the cost*

1 of any Federal-aid highway project the Federal share of
 2 which is funded under section 104.

3 “(k) *USE OF FEDERAL LANDS HIGHWAYS PROGRAM*
 4 *FUNDS.*—Notwithstanding any other provision of law, the
 5 funds made available to carry out the Federal lands high-
 6 ways program under section 204 may be used to pay the
 7 non-Federal share of the cost of any project that is funded
 8 under section 104 and that provides access to or within
 9 Federal or Indian lands.”.

10 (b) *AVAILABILITY OF FUNDS.*—Section 203 of title 23,
 11 United States Code, is amended by adding at the end the
 12 following: “Notwithstanding any other provision of law, the
 13 authorization by the Secretary of engineering and related
 14 work for a Federal lands highways program project, or the
 15 approval by the Secretary of plans, specifications, and esti-
 16 mates for construction of a Federal lands highways pro-
 17 gram project, shall be deemed to constitute a contractual
 18 obligation of the Federal Government to pay the Federal
 19 share of the cost of the project.”.

20 (c) *PLANNING AND AGENCY COORDINATION.*—Section
 21 204 of title 23, United States Code, is amended—

22 (1) by striking subsection (a) and inserting the
 23 following:

24 “(a) *ESTABLISHMENT.*—

1 “(1) *IN GENERAL.*—*Recognizing the need for all*
 2 *Federal roads that are public roads to be treated*
 3 *under uniform policies similar to the policies that*
 4 *apply to Federal-aid highways, there is established a*
 5 *coordinated Federal lands highways program that*
 6 *shall apply to public lands highways, park roads and*
 7 *parkways, and Indian reservation roads and bridges.*

8 “(2) *TRANSPORTATION PLANNING PROCEDURE*
 9 *URES.*—*In consultation with the Secretary of each*
 10 *appropriate Federal land management agency, the*
 11 *Secretary shall develop, by rule, transportation plan-*
 12 *ning procedures that are consistent with the metro-*
 13 *politan and statewide planning processes required*
 14 *under sections 134 and 135.*

15 “(3) *APPROVAL OF TRANSPORTATION IMPROVE-*
 16 *MENT PROGRAM.*—*The transportation improvement*
 17 *program developed as a part of the transportation*
 18 *planning process under this section shall be approved*
 19 *by the Secretary.*

20 “(4) *INCLUSION IN OTHER PLANS.*—*All region-*
 21 *ally significant Federal lands highways program*
 22 *projects—*

23 “(A) *shall be developed in cooperation with*
 24 *States and metropolitan planning organizations;*
 25 *and*

1 “(B) shall be included in appropriate Fed-
 2 eral lands highways program, State, and metro-
 3 politan plans and transportation improvement
 4 programs.

5 “(5) *INCLUSION IN STATE PROGRAMS.*—The ap-
 6 proved Federal lands highways program transpor-
 7 tation improvement program shall be included in ap-
 8 propriate State and metropolitan planning organiza-
 9 tion plans and programs without further action on
 10 the transportation improvement program.

11 “(6) *DEVELOPMENT OF SYSTEMS.*—The Sec-
 12 retary and the Secretary of each appropriate Federal
 13 land management agency shall, to the extent appro-
 14 priate, develop by rule safety, bridge, pavement, and
 15 congestion management systems for roads funded
 16 under the Federal lands highways program.”;

17 (2) in subsection (b), by striking the first 3 sen-
 18 tences and inserting the following: “Funds available
 19 for public lands highways, park roads and parkways,
 20 and Indian reservation roads shall be used by the
 21 Secretary and the Secretary of the appropriate Fed-
 22 eral land management agency to pay for the cost of
 23 transportation planning, research, engineering, and
 24 construction of the highways, roads, and parkways, or
 25 of transit facilities within public lands, national

1 *parks, and Indian reservations. In connection with*
 2 *activities under the preceding sentence, the Secretary*
 3 *and the Secretary of the appropriate Federal land*
 4 *management agency may enter into construction con-*
 5 *tracts and other appropriate contracts with a State*
 6 *or civil subdivision of a State or Indian tribe.”;*

7 *(3) in the first sentence of subsection (e), by*
 8 *striking “Secretary of the Interior” and inserting*
 9 *“Secretary of the appropriate Federal land manage-*
 10 *ment agency”;*

11 *(4) in subsection (h), by adding at the end the*
 12 *following:*

13 *“(8) A project to build a replacement of the fed-*
 14 *erally owned bridge over the Hoover Dam in the Lake*
 15 *Mead National Recreation Area between Nevada and*
 16 *Arizona.”;*

17 *(5) by striking subsection (i) and inserting the*
 18 *following:*

19 *“(i) TRANSFERS OF COSTS TO SECRETARIES OF FED-*
 20 *ERAL LAND MANAGEMENT AGENCIES.—*

21 *“(1) ADMINISTRATIVE COSTS.—The Secretary*
 22 *shall transfer to the appropriate Federal land man-*
 23 *agement agency from amounts made available for*
 24 *public lands highways such amounts as are necessary*

1 to pay necessary administrative costs of the agency in
2 connection with public lands highways.

3 “(2) *TRANSPORTATION PLANNING COSTS.*—The
4 Secretary shall transfer to the appropriate Federal
5 land management agency from amounts made avail-
6 able for public lands highways such amounts as are
7 necessary to pay the cost to the agency to conduct nec-
8 essary transportation planning for Federal lands, if
9 funding for the planning is not otherwise provided
10 under this section.”; and

11 (6) in subsection (j), by striking the second sen-
12 tence and inserting the following: “The Indian tribal
13 government, in cooperation with the Secretary of the
14 Interior, and as appropriate, with a State, local gov-
15 ernment, or metropolitan planning organization,
16 shall carry out a transportation planning process in
17 accordance with subsection (a).”.

18 **SEC. 1107. RECREATIONAL TRAILS PROGRAM.**

19 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
20 Code, is amended by inserting after section 205 the follow-
21 ing:

22 **“§ 206. Recreational trails program**

23 “(a) *DEFINITIONS.*—

24 “(1) *MOTORIZED RECREATION.*—The term ‘mo-
25 torized recreation’ means off-road recreation using

1 *any motor-powered vehicle, except for a motorized*
 2 *wheelchair.*

3 “(2) *RECREATIONAL TRAIL; TRAIL.*—*The term*
 4 *‘recreational trail’ or ‘trail’ means a thoroughfare or*
 5 *track across land or snow, used for recreational pur-*
 6 *poses such as—*

7 “(A) *pedestrian activities, including wheel-*
 8 *chair use;*

9 “(B) *skating or skateboarding;*

10 “(C) *equestrian activities, including car-*
 11 *riage driving;*

12 “(D) *nonmotorized snow trail activities, in-*
 13 *cluding skiing;*

14 “(E) *bicycling or use of other human-pow-*
 15 *ered vehicles;*

16 “(F) *aquatic or water activities; and*

17 “(G) *motorized vehicular activities, includ-*
 18 *ing all-terrain vehicle riding, motorcycling,*
 19 *snowmobiling, use of off-road light trucks, or use*
 20 *of other off-road motorized vehicles.*

21 “(b) *PROGRAM.*—*In accordance with this section, the*
 22 *Secretary, in consultation with the Secretary of the Interior*
 23 *and the Secretary of Agriculture, shall carry out a program*
 24 *to provide and maintain recreational trails (referred to in*
 25 *this section as the ‘program’).*

1 “(c) *STATE RESPONSIBILITIES.*—*To be eligible for ap-*
 2 *portionments under this section—*

3 “(1) *a State may use apportionments received*
 4 *under this section for construction of new trails cross-*
 5 *ing Federal lands only if the construction is—*

6 “(A) *permissible under other law;*

7 “(B) *necessary and required by a statewide*
 8 *comprehensive outdoor recreation plan required*
 9 *by the Land and Water Conservation Fund Act*
 10 *of 1965 (16 U.S.C. 460l–4 et seq.);*

11 “(C) *approved by the administering agency*
 12 *of the State designated under paragraph (2); and*

13 “(D) *approved by each Federal agency*
 14 *charged with management of the affected lands,*
 15 *which approval shall be contingent on compli-*
 16 *ance by the Federal agency with all applicable*
 17 *laws, including the National Environmental Pol-*
 18 *icy Act of 1969 (42 U.S.C. 4321 et seq.), the For-*
 19 *est and Rangeland Renewable Resources Plan-*
 20 *ning Act of 1974 (16 U.S.C. 1600 et seq.), and*
 21 *the Federal Land Policy and Management Act of*
 22 *1976 (43 U.S.C. 1701 et seq.);*

23 “(2) *the Governor of a State shall designate the*
 24 *State agency or agencies that will be responsible for*

1 *administering apportionments received under this sec-*
 2 *tion; and*

3 *“(3) the State shall establish within the State a*
 4 *State trail advisory committee that represents both*
 5 *motorized and nonmotorized trail users.*

6 *“(d) USE OF APPORTIONED FUNDS.—*

7 *“(1) IN GENERAL.—Funds made available under*
 8 *this section shall be obligated for trails and trail-re-*
 9 *lated projects that—*

10 *“(A) have been planned and developed*
 11 *under the laws, policies, and administrative pro-*
 12 *cedures of each State; and*

13 *“(B) are identified in, or further a specific*
 14 *goal of, a trail plan or trail plan element in-*
 15 *cluded or referenced in a metropolitan transpor-*
 16 *tation plan required under section 134 or a*
 17 *statewide transportation plan required under*
 18 *section 135, consistent with the statewide com-*
 19 *prehensive outdoor recreation plan required by*
 20 *the Land and Water Conservation Fund Act of*
 21 *1965 (16 U.S.C. 460l–4 et seq.).*

22 *“(2) PERMISSIBLE USES.—Permissible uses of*
 23 *funds made available under this section include—*

24 *“(A) maintenance and restoration of exist-*
 25 *ing trails;*

1 “(B) development and rehabilitation of
2 trailside and trailhead facilities and trail link-
3 ages;

4 “(C) purchase and lease of trail construc-
5 tion and maintenance equipment;

6 “(D) construction of new trails;

7 “(E) acquisition of easements and fee sim-
8 ple title to property for trails or trail corridors;

9 “(F) payment of costs to the State incurred
10 in administering the program, but in an amount
11 not to exceed 7 percent of the apportionment re-
12 ceived by the State for a fiscal year; and

13 “(G) operation of educational programs to
14 promote safety and environmental protection as
15 these objectives relate to the use of trails.

16 “(3) *USE OF APPORTIONMENTS.*—

17 “(A) *IN GENERAL.*—Except as provided in
18 subparagraphs (B), (C), and (D), of the appor-
19 tionments received for a fiscal year by a State
20 under this section—

21 “(i) 40 percent shall be used for trail
22 or trail-related projects that facilitate di-
23 verse recreational trail use within a trail
24 corridor, trailside, or trailhead, regardless
25 of whether the project is for diverse motor-

1 *ized use, for diverse nonmotorized use, or to*
2 *accommodate both motorized and non-*
3 *motorized recreational trail use;*

4 *“(ii) 30 percent shall be used for uses*
5 *relating to motorized recreation; and*

6 *“(iii) 30 percent shall be used for uses*
7 *relating to nonmotorized recreation.*

8 *“(B) SMALL STATE EXCLUSION.—Any State*
9 *with a total land area of less than 3,500,000*
10 *acres, and in which nonhighway recreational*
11 *fuel use accounts for less than 1 percent of all*
12 *such fuel use in the United States, shall be ex-*
13 *empted from the requirements of subparagraph*
14 *(A) upon application to the Secretary by the*
15 *State demonstrating that the State meets the*
16 *conditions of this subparagraph.*

17 *“(C) WAIVER AUTHORITY.—Upon the re-*
18 *quest of a State trail advisory committee estab-*
19 *lished under subsection (c)(3), the Secretary may*
20 *waive, in whole or in part, the requirements of*
21 *subparagraph (A) with respect to the State if the*
22 *State certifies to the Secretary that the State*
23 *does not have sufficient projects to meet the re-*
24 *quirements of subparagraph (A).*

1 “(D) *STATE ADMINISTRATIVE COSTS.*—*State*
 2 *administrative costs eligible for funding under*
 3 *paragraph (2)(F) shall be exempt from the re-*
 4 *quirements of subparagraph (A).*

5 “(e) *ENVIRONMENTAL BENEFIT OR MITIGATION.*—*To*
 6 *the extent practicable and consistent with the other require-*
 7 *ments of this section, a State should give consideration to*
 8 *project proposals that provide for the redesign, reconstruc-*
 9 *tion, nonroutine maintenance, or relocation of trails to ben-*
 10 *efit the natural environment or to mitigate and minimize*
 11 *the impact to the natural environment.*

12 “(f) *FEDERAL SHARE.*—

13 “(1) *IN GENERAL.*—*Subject to the other provi-*
 14 *sions of this subsection, the Federal share of the cost*
 15 *of a project under this section shall not exceed 80 per-*
 16 *cent.*

17 “(2) *FEDERAL AGENCY PROJECT SPONSOR.*—*Not-*
 18 *withstanding any other provision of law, a Federal*
 19 *agency that sponsors a project under this section may*
 20 *contribute additional Federal funds toward the cost of*
 21 *a project, except that—*

22 “(A) *the share attributable to the Secretary*
 23 *of Transportation may not exceed 80 percent;*
 24 *and*

1 “(B) the share attributable to the Secretary
2 and the Federal agency jointly may not exceed
3 95 percent.

4 “(3) *USE OF FUNDS FROM FEDERAL PROGRAMS*
5 *TO PROVIDE NON-FEDERAL SHARE.*—Notwithstanding
6 any other provision of law, amounts made available
7 by the Federal Government under any Federal pro-
8 gram that are—

9 “(A) expended in accordance with the re-
10 quirements of the Federal program relating to
11 activities funded and populations served; and

12 “(B) expended on a project that is eligible
13 for assistance under this section;
14 may be credited toward the non-Federal share of the
15 cost of the project.

16 “(4) *PROGRAMMATIC NON-FEDERAL SHARE.*—A
17 State may allow adjustments to the non-Federal share
18 of an individual project under this section if the Fed-
19 eral share of the cost of all projects carried out by the
20 State under the program (excluding projects funded
21 under paragraph (2) or (3)) using funds apportioned
22 to the State for a fiscal year does not exceed 80 per-
23 cent.

24 “(5) *STATE ADMINISTRATIVE COSTS.*—The Fed-
25 eral share of the administrative costs of a State under

1 *this subsection shall be determined in accordance with*
 2 *section 120(b).*

3 *“(g) USES NOT PERMITTED.—A State may not obli-*
 4 *gate funds apportioned under this section for—*

5 *“(1) condemnation of any kind of interest in*
 6 *property;*

7 *“(2) construction of any recreational trail on*
 8 *National Forest System land for any motorized use*
 9 *unless—*

10 *“(A) the land has been apportioned for uses*
 11 *other than wilderness by an approved forest land*
 12 *and resource management plan or has been re-*
 13 *leased to uses other than wilderness by an Act of*
 14 *Congress; and*

15 *“(B) the construction is otherwise consistent*
 16 *with the management direction in the approved*
 17 *forest land and resource management plan;*

18 *“(3) construction of any recreational trail on*
 19 *Bureau of Land Management land for any motorized*
 20 *use unless the land—*

21 *“(A) has been apportioned for uses other*
 22 *than wilderness by an approved Bureau of Land*
 23 *Management resource management plan or has*
 24 *been released to uses other than wilderness by an*
 25 *Act of Congress; and*

1 “(B) *the construction is otherwise consistent*
 2 *with the management direction in the approved*
 3 *management plan; or*

4 “(4) *upgrading, expanding, or otherwise facili-*
 5 *tating motorized use or access to trails predominantly*
 6 *used by nonmotorized trail users and on which, as of*
 7 *May 1, 1991, motorized use is prohibited or has not*
 8 *occurred.*

9 “(h) *PROJECT ADMINISTRATION.—*

10 “(1) *CREDIT FOR DONATIONS OF FUNDS, MATE-*
 11 *RIALS, SERVICES, OR NEW RIGHT-OF-WAY.—*

12 “(A) *IN GENERAL.—Nothing in this title or*
 13 *other law shall prevent a project sponsor from of-*
 14 *fering to donate funds, materials, services, or a*
 15 *new right-of-way for the purposes of a project el-*
 16 *igible for assistance under this section. Any*
 17 *funds, or the fair market value of any materials,*
 18 *services, or new right-of-way, may be donated by*
 19 *any project sponsor and shall be credited to the*
 20 *non-Federal share in accordance with subsection*
 21 *(f).*

22 “(B) *FEDERAL PROJECT SPONSORS.—Any*
 23 *funds or the fair market value of any materials*
 24 *or services may be provided by a Federal project*

1 *sponsor and shall be credited to the Federal*
 2 *agency's share in accordance with subsection (f).*

3 “(2) *RECREATIONAL PURPOSE.*—*A project fund-*
 4 *ed under this section is intended to enhance rec-*
 5 *reational opportunity and is not subject to section*
 6 *138 of this title or section 303 of title 49.*

7 “(3) *CONTINUING RECREATIONAL USE.*—*At the*
 8 *option of each State, funds made available under this*
 9 *section may be treated as Land and Water Conserva-*
 10 *tion Fund apportionments for the purposes of section*
 11 *6(f)(3) of the Land and Water Conservation Fund Act*
 12 *of 1965 (16 U.S.C. 460l–8(f)(3)).*

13 “(4) *COOPERATION BY PRIVATE PERSONS.*—

14 “(A) *WRITTEN ASSURANCES.*—*As a condi-*
 15 *tion of making available apportionments for*
 16 *work on recreational trails that would affect pri-*
 17 *vately owned land, a State shall obtain written*
 18 *assurances that the owner of the land will co-*
 19 *operate with the State and participate as nec-*
 20 *essary in the activities to be conducted.*

21 “(B) *PUBLIC ACCESS.*—*Any use of the ap-*
 22 *portionments to a State under this section on*
 23 *privately owned land must be accompanied by*
 24 *an easement or other legally binding agreement*
 25 *that ensures public access to the recreational*

1 *trail improvements funded by the apportion-*
 2 *ments.*

3 “(i) *APPORTIONMENT.*—

4 “(1) *DEFINITION OF ELIGIBLE STATE.*—*In this*
 5 *subsection, the term ‘eligible State’ means a State*
 6 *that meets the requirements of subsection (c).*

7 “(2) *APPORTIONMENT.*—*Subject to subsection (j),*
 8 *for each fiscal year, the Secretary shall apportion—*

9 “(A) *50 percent of the amounts made avail-*
 10 *able to carry out this section equally among eli-*
 11 *gible States; and*

12 “(B) *50 percent of the amounts made avail-*
 13 *able to carry out this section among eligible*
 14 *States in proportion to the quantity of non-*
 15 *highway recreational fuel used in each eligible*
 16 *State during the preceding year.*

17 “(j) *ADMINISTRATIVE COSTS.*—

18 “(1) *IN GENERAL.*—*Whenever an apportionment*
 19 *is made under subsection (i) of the amounts made*
 20 *available to carry out this section, the Secretary shall*
 21 *first deduct an amount, not to exceed 1 percent of the*
 22 *authorized amounts, to pay the costs to the Secretary*
 23 *for administration of, and research authorized under,*
 24 *the program.*

1 “(2) *USE OF CONTRACTS.*—*To carry out research*
 2 *funded under paragraph (1), the Secretary may—*

3 “(A) *enter into contracts with for-profit or-*
 4 *ganizations; and*

5 “(B) *enter into contracts, partnerships, or*
 6 *cooperative agreements with other government*
 7 *agencies, institutions of higher learning, or non-*
 8 *profit organizations.*

9 “(k) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

10 “(1) *IN GENERAL.*—*There shall be available from*
 11 *the Highway Trust Fund (other than the Mass Tran-*
 12 *sit Account) to carry out this section \$17,000,000 for*
 13 *fiscal year 1998, \$20,000,000 for fiscal year 1999,*
 14 *\$22,000,000 for fiscal year 2000, \$23,000,000 for fis-*
 15 *cal year 2001, \$24,000,000 for fiscal year 2002, and*
 16 *\$25,000,000 for fiscal year 2003.*

17 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
 18 *under this subsection shall be available for obligation*
 19 *in the same manner as if the funds were apportioned*
 20 *under chapter 1, except that the Federal share of the*
 21 *cost of a project under this section shall be determined*
 22 *in accordance with this section.”.*

23 “(b) *CONFORMING AMENDMENTS.*—

1 (1) *The Intermodal Surface Transportation Effi-*
 2 *ciency Act of 1991 is amended by striking part B of*
 3 *title I (16 U.S.C. 1261 et seq.).*

4 (2) *The analysis for chapter 2 of title 23, United*
 5 *States Code, is amended by striking the item relating*
 6 *to section 206 and inserting the following:*

“206. *Recreational trails program.*”.

7 **SEC. 1108. VALUE PRICING PILOT PROGRAM.**

8 (a) *IN GENERAL.*—Section 1012(b) of the *Intermodal*
 9 *Surface Transportation Efficiency Act of 1991 (23 U.S.C.*
 10 *149 note; 105 Stat. 1938) is amended—*

11 (1) *in the subsection heading, by striking “CON-*
 12 *GESTION” and inserting “VALUE”; and*

13 (2) *in paragraph (1), by striking “congestion”*
 14 *each place it appears and inserting “value”.*

15 (b) *INCREASED NUMBER OF PROJECTS.*—Section
 16 1012(b)(1) of the *Intermodal Surface Transportation Effi-*
 17 *ciency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)*
 18 *is amended in the second sentence by striking “5” and in-*
 19 *serting “15”.*

20 (c) *ELIGIBILITY OF PREIMPLEMENTATION COSTS.*—
 21 Section 1012(b)(2) of the *Intermodal Surface Transpor-*
 22 *tation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat.*
 23 *1938) is amended in the second sentence—*

1 (1) by inserting after “Secretary shall fund” the
 2 following: “all preimplementation costs and project
 3 design, and”; and

4 (2) by inserting after “Secretary may not fund”
 5 the following: “the implementation costs of”.

6 (d) *TOLLING.*—Section 1012(b)(4) of the Intermodal
 7 Surface Transportation Efficiency Act of 1991 (23 U.S.C.
 8 149 note; 105 Stat. 1938) is amended by striking “a pilot
 9 program under this section, but not on more than 3 of such
 10 programs” and inserting “any value pricing pilot program
 11 under this subsection”.

12 (e) *HOV PASSENGER REQUIREMENTS.*—Section
 13 1012(b) of the Intermodal Surface Transportation Effi-
 14 ciency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)
 15 is amended by striking paragraph (6) and inserting the fol-
 16 lowing:

17 “(6) *HOV PASSENGER REQUIREMENTS.*—Not-
 18 withstanding section 146(c) of title 23, United States
 19 Code, a State may permit vehicles with fewer than 2
 20 occupants to operate in high occupancy vehicle lanes
 21 if the vehicles are part of a value pricing pilot pro-
 22 gram under this subsection.”.

23 (f) *FUNDING.*—Section 1012(b) of the Intermodal Sur-
 24 face Transportation Efficiency Act of 1991 (23 U.S.C. 149

1 *note; 105 Stat. 1938) is amended by adding at the end the*
 2 *following:*

3 “(7) *AUTHORIZATION OF CONTRACT AUTHOR-*
 4 *ITY.—*

5 “(A) *IN GENERAL.—There shall be available*
 6 *from the Highway Trust Fund (other than the*
 7 *Mass Transit Account) to carry out this sub-*
 8 *section \$8,000,000 for each of fiscal years 1998*
 9 *through 2003.*

10 “(B) *AVAILABILITY.—*

11 “(i) *IN GENERAL.—Funds allocated by*
 12 *the Secretary to a State under this sub-*
 13 *section shall remain available for obligation*
 14 *by the State for a period of 3 years after the*
 15 *last day of the fiscal year for which the*
 16 *funds are authorized.*

17 “(ii) *USE OF UNALLOCATED FUNDS.—*
 18 *If the total amount of funds made available*
 19 *from the Highway Trust Fund under this*
 20 *subsection but not allocated exceeds*
 21 *\$8,000,000 as of September 30 of any year,*
 22 *the excess amount—*

23 “(I) *shall be apportioned in the*
 24 *following fiscal year by the Secretary*
 25 *to all States in accordance with section*

1 104(b)(3) of title 23, United States
2 Code;

3 “(II) shall be considered to be a
4 sum made available for expenditure on
5 the surface transportation program, ex-
6 cept that the amount shall not be sub-
7 ject to section 133(d) of that title; and

8 “(III) shall be available for any
9 purpose eligible for funding under sec-
10 tion 133 of that title.

11 “(C) CONTRACT AUTHORITY.—Funds au-
12 thorized under this paragraph shall be available
13 for obligation in the same manner as if the funds
14 were apportioned under chapter 1 of title 23,
15 United States Code, except that the Federal share
16 of the cost of any project under this subsection
17 and the availability of funds authorized by this
18 paragraph shall be determined in accordance
19 with this subsection.”.

20 (g) CONFORMING AMENDMENTS.—Section 1012(b) of
21 the Intermodal Surface Transportation Efficiency Act of
22 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

23 (1) in paragraph (1), by striking “projects” each
24 place it appears and inserting “programs”; and

25 (2) in paragraph (5)—

1 (A) by striking “projects” and inserting
2 “programs”; and

3 (B) by striking “traffic, volume” and in-
4 serting “traffic volume”.

5 **SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.**

6 (a) *IN GENERAL.*—Section 143 of title 23, United
7 States Code, is amended to read as follows:

8 **“§ 143. Highway use tax evasion projects**

9 “(a) *DEFINITION OF STATE.*—In this section, the term
10 ‘State’ means the 50 States and the District of Columbia.

11 “(b) *PROJECTS.*—

12 “(1) *IN GENERAL.*—The Secretary shall use
13 funds made available under paragraph (7) to carry
14 out highway use tax evasion projects in accordance
15 with this subsection.

16 “(2) *ALLOCATION OF FUNDS.*—The funds may be
17 allocated to the Internal Revenue Service and the
18 States at the discretion of the Secretary.

19 “(3) *CONDITIONS ON FUNDS ALLOCATED TO IN-*
20 *TERNAL REVENUE SERVICE.*—The Secretary shall not
21 impose any condition on the use of funds allocated to
22 the Internal Revenue Service under this subsection.

23 “(4) *LIMITATION ON USE OF FUNDS.*—Funds
24 made available under paragraph (7) shall be used
25 only—

1 “(A) to expand efforts to enhance motor fuel
2 tax enforcement;

3 “(B) to fund additional Internal Revenue
4 Service staff, but only to carry out functions de-
5 scribed in this paragraph;

6 “(C) to supplement motor fuel tax examina-
7 tions and criminal investigations;

8 “(D) to develop automated data processing
9 tools to monitor motor fuel production and sales;

10 “(E) to evaluate and implement registra-
11 tion and reporting requirements for motor fuel
12 taxpayers;

13 “(F) to reimburse State expenses that sup-
14 plement existing fuel tax compliance efforts; and

15 “(G) to analyze and implement programs to
16 reduce tax evasion associated with other highway
17 use taxes.

18 “(5) MAINTENANCE OF EFFORT.—The Secretary
19 may not make an allocation to a State under this
20 subsection for a fiscal year unless the State certifies
21 that the aggregate expenditure of funds of the State,
22 exclusive of Federal funds, for motor fuel tax enforce-
23 ment activities will be maintained at a level that does
24 not fall below the average level of such expenditure for
25 the preceding 2 fiscal years of the State.

1 “(6) *FEDERAL SHARE.*—*The Federal share of the*
 2 *cost of a project carried out under this subsection*
 3 *shall be 100 percent.*

4 “(7) *AUTHORIZATION OF CONTRACT AUTHOR-*
 5 *ITY.*—

6 “(A) *IN GENERAL.*—*There shall be available*
 7 *to the Secretary from the Highway Trust Fund*
 8 *(other than the Mass Transit Account) to carry*
 9 *out this subsection \$5,000,000 for each of fiscal*
 10 *years 1998 through 2003.*

11 “(B) *AVAILABILITY OF FUNDS.*—*Funds au-*
 12 *thorized under this paragraph shall remain*
 13 *available for obligation for a period of 1 year*
 14 *after the last day of the fiscal year for which the*
 15 *funds are authorized.*

16 “(8) *In addition to funds allocated under this*
 17 *section, a State may, at its discretion, expend up to*
 18 *one-fourth of one percent of its annual Federal-aid*
 19 *apportionments under 104(b)(3) on initiatives to halt*
 20 *the evasion of payment of motor fuel taxes.*

21 “(c) *EXCISE FUEL REPORTING SYSTEM.*—

22 “(1) *IN GENERAL.*—*Not later than April 1, 1998,*
 23 *the Secretary shall enter into a memorandum of un-*
 24 *derstanding with the Commissioner of the Internal*
 25 *Revenue Service for the purposes of the development*

1 *and maintenance by the Internal Revenue Service of*
 2 *an excise fuel reporting system (referred to in this*
 3 *subsection as the ‘system’).*

4 “(2) *ELEMENTS OF MEMORANDUM OF UNDER-*
 5 *STANDING.—The memorandum of understanding shall*
 6 *provide that—*

7 “(A) *the Internal Revenue Service shall de-*
 8 *velop and maintain the system through con-*
 9 *tracts;*

10 “(B) *the system shall be under the control*
 11 *of the Internal Revenue Service; and*

12 “(C) *the system shall be made available for*
 13 *use by appropriate State and Federal revenue,*
 14 *tax, or law enforcement authorities, subject to*
 15 *section 6103 of the Internal Revenue Code of*
 16 *1986.*

17 “(3) *AUTHORIZATION OF APPROPRIATIONS FROM*
 18 *HIGHWAY TRUST FUND.—*

19 “(A) *IN GENERAL.—There are authorized to*
 20 *be appropriated to the Secretary from the High-*
 21 *way Trust Fund (other than the Mass Transit*
 22 *Account) to carry out this subsection—*

23 “(i) *\$8,000,000 for development of the*
 24 *system; and*

1 “(ii) \$2,000,000 for each of fiscal years
2 1998 through 2003 for operation and main-
3 tenance of the system.

4 “(B) *AVAILABILITY*.—Notwithstanding sec-
5 tion 118(a), funds made available under sub-
6 paragraph (A) shall not be available in advance
7 of an annual appropriation.”.

8 (b) *CONFORMING AMENDMENTS*.—

9 (1) *The analysis for chapter 1 of title 23, United*
10 *States Code, is amended by striking the item relating*
11 *to section 143 and inserting the following:*

 “143. *Highway use tax evasion projects.*”.

12 (2) *Section 1040 of the Intermodal Surface*
13 *Transportation Efficiency Act of 1991 (23 U.S.C. 101*
14 *note; 105 Stat. 1992) is repealed.*

15 (3) *Section 8002 of the Intermodal Surface*
16 *Transportation Efficiency Act of 1991 (23 U.S.C. 101*
17 *note; 105 Stat. 2203) is amended—*

18 (A) *in the first sentence of subsection (g), by*
19 *striking “section 1040 of this Act” and inserting*
20 *“section 143 of title 23, United States Code,”;*
21 *and*

22 (B) *by striking subsection (h).*

1 **SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 2 **WALKWAYS.**

3 *Section 217 of title 23, United States Code, is amend-*
 4 *ed—*

5 *(1) in subsection (b)—*

6 *(A) by inserting “pedestrian walkways*
 7 *and” after “construction of”; and*

8 *(B) by striking “(other than the Interstate*
 9 *System)”;*

10 *(2) in subsection (e), by striking “, other than a*
 11 *highway access to which is fully controlled,”;*

12 *(3) by striking subsection (g) and inserting the*
 13 *following:*

14 *“(g) PLANNING AND DESIGN.—*

15 *“(1) IN GENERAL.—Bicyclists and pedestrians*
 16 *shall be given consideration in the comprehensive*
 17 *transportation plans developed by each metropolitan*
 18 *planning organization and State in accordance with*
 19 *sections 134 and 135, respectively.*

20 *“(2) CONSTRUCTION.—Bicycle transportation fa-*
 21 *cilities and pedestrian walkways shall be considered,*
 22 *where appropriate, in conjunction with all new con-*
 23 *struction and reconstruction of transportation facili-*
 24 *ties, except where bicycle and pedestrian use are not*
 25 *permitted.*

1 “(3) *SAFETY AND CONTIGUOUS ROUTES.*—*Trans-*
 2 *portation plans and projects shall provide consider-*
 3 *ation for safety and contiguous routes for bicyclists*
 4 *and pedestrians.*”;

5 (4) *in subsection (h)*—

6 (A) *by striking “No motorized vehicles*
 7 *shall” and inserting “Motorized vehicles may*
 8 *not”*; and

9 (B) *by striking paragraph (3) and inserting*
 10 *the following:*

11 “(3) *wheelchairs that are powered; and*”; and

12 (5) *by striking subsection (j) and inserting the*
 13 *following:*

14 “(j) *DEFINITIONS.*—*In this section:*

15 “(1) *BICYCLE TRANSPORTATION FACILITY.*—*The*
 16 *term ‘bicycle transportation facility’ means a new or*
 17 *improved lane, path, or shoulder for use by bicyclists*
 18 *or a traffic control device, shelter, or parking facility*
 19 *for bicycles.*

20 “(2) *PEDESTRIAN.*—*The term ‘pedestrian’ means*
 21 *any person traveling by foot or any mobility im-*
 22 *paired person using a wheelchair.*

23 “(3) *WHEELCHAIR.*—*The term ‘wheelchair’*
 24 *means a mobility aid, usable indoors, and designed*

1 *for and used by individuals with mobility impair-*
 2 *ments, whether operated manually or powered.”.*

3 **SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

4 (a) *GENERAL RULE.*—*Except to the extent that the*
 5 *Secretary determines otherwise, not less than 10 percent of*
 6 *the amounts made available for any program under titles*
 7 *I, II, and V of this Act shall be expended with small busi-*
 8 *ness concerns owned and controlled by socially and eco-*
 9 *nomically disadvantaged individuals.*

10 (b) *DEFINITIONS.*—*For purposes of this section, the*
 11 *following definitions apply:*

12 (1) *SMALL BUSINESS CONCERN.*—*The term*
 13 *“small business concern” has the meaning such term*
 14 *has under section 3 of the Small Business Act (15*
 15 *U.S.C. 632); except that such term shall not include*
 16 *any concern or group of concerns controlled by the*
 17 *same socially and economically disadvantaged indi-*
 18 *vidual or individuals which has average annual gross*
 19 *receipts over the preceding 3 fiscal years in excess of*
 20 *\$16,600,000, as adjusted by the Secretary for infla-*
 21 *tion.*

22 (2) *SOCIALLY AND ECONOMICALLY DISADVAN-*
 23 *TAGED INDIVIDUALS.*—*The term “socially and eco-*
 24 *nomically disadvantaged individuals” has the mean-*
 25 *ing such term has under section 8(d) of the Small*

1 *Business Act (15 U.S.C. 637(d)) and relevant sub-*
 2 *contracting regulations promulgated pursuant thereto;*
 3 *except that women shall be presumed to be socially*
 4 *and economically disadvantaged individuals for pur-*
 5 *poses of this section.*

6 (c) *ANNUAL LISTING OF DISADVANTAGED BUSINESS*
 7 *ENTERPRISES.—Each State shall annually survey and*
 8 *compile a list of the small business concerns referred to in*
 9 *subsection (a) and the location of such concerns in the State*
 10 *and notify the Secretary, in writing, of the percentage of*
 11 *such concerns which are controlled by women, by socially*
 12 *and economically disadvantaged individuals (other than*
 13 *women), and by individuals who are women and are other-*
 14 *wise socially and economically disadvantaged individuals.*

15 (d) *UNIFORM CERTIFICATION.—The Secretary shall es-*
 16 *tablish minimum uniform criteria for State governments*
 17 *to use in certifying whether a concern qualifies for purposes*
 18 *of this section. Such minimum uniform criteria shall in-*
 19 *clude but not be limited to on-site visits, personal inter-*
 20 *views, licenses, analysis of stock ownership, listing of equip-*
 21 *ment, analysis of bonding capacity, listing of work com-*
 22 *pleted, resume of principal owners, financial capacity, and*
 23 *type of work preferred.*

24 (e) *COMPLIANCE WITH COURT ORDERS.—Nothing in*
 25 *this section limits the eligibility of an entity or person to*

1 *receive funds made available under titles I, II, and V of*
 2 *this Act, if the entity or person is prevented, in whole or*
 3 *in part, from complying with subsection (a) because a Fed-*
 4 *eral court issues a final order in which the court finds that*
 5 *the requirement of subsection (a), or the program estab-*
 6 *lished under subsection (a), is unconstitutional.*

7 (f) *REVIEW BY COMPTROLLER GENERAL.*—*Not later*
 8 *than 3 years after the date of enactment of this Act, the*
 9 *Comptroller General of the United States shall conduct a*
 10 *review of, and publish and report to Congress findings and*
 11 *conclusions on, the impact throughout the United States of*
 12 *administering the requirement of subsection (a), including*
 13 *an analysis of—*

14 (1) *in the case of small business concerns cer-*
 15 *tified in each State under subsection (d) as owned*
 16 *and controlled by socially and economically disadvan-*
 17 *taged individuals—*

18 (A) *the number of the small business con-*
 19 *cerns; and*

20 (B) *the participation rates of the small*
 21 *business concerns in prime contracts and sub-*
 22 *contracts funded under titles I, II, and V of this*
 23 *Act;*

24 (2) *in the case of small business concerns de-*
 25 *scribed in paragraph (1) that receive prime contracts*

1 *and subcontracts funded under titles I, II, and V of*
2 *this Act—*

3 *(A) the number of the small business con-*
4 *cerns;*

5 *(B) the annual gross receipts of the small*
6 *business concerns; and*

7 *(C) the net worth of socially and economi-*
8 *cally disadvantaged individuals that own and*
9 *control the small business concerns;*

10 *(3) in the case of small business concerns de-*
11 *scribed in paragraph (1) that do not receive prime*
12 *contracts and subcontracts funded under titles I, II,*
13 *and V of this Act—*

14 *(A) the annual gross receipts of the small*
15 *business concerns; and*

16 *(B) the net worth of socially and economi-*
17 *cally disadvantaged individuals that own and*
18 *control the small business concerns;*

19 *(4) in the case of business concerns that receive*
20 *prime contracts and subcontracts funded under titles*
21 *I, II, and V of this Act, other than small business*
22 *concerns described in paragraph (2)—*

23 *(A) the annual gross receipts of the business*
24 *concerns; and*

1 (B) the net worth of individuals that own
2 and control the business concerns;

3 (5) the rate of graduation from any programs
4 carried out to comply with the requirement of sub-
5 section (a) for small business concerns owned and
6 controlled by socially and economically disadvantaged
7 individuals;

8 (6) the overall cost of administering the require-
9 ment of subsection (a), including administrative costs,
10 certification costs, additional construction costs, and
11 litigation costs;

12 (7) any discrimination, on the basis of race,
13 color, national origin, or sex, against small business
14 concerns owned and controlled by socially and eco-
15 nomically disadvantaged individuals;

16 (8)(A) any other factors limiting the ability of
17 small business concerns owned and controlled by so-
18 cially and economically disadvantaged individuals to
19 compete for prime contracts and subcontracts funded
20 under titles I, II, and V of this Act; and

21 (B) the extent to which any of those factors are
22 caused, in whole or in part, by discrimination based
23 on race, color, national origin, or sex;

24 (9) any discrimination, on the basis of race,
25 color, national origin, or sex, against construction

1 *companies owned and controlled by socially and eco-*
 2 *nomically disadvantaged individuals in public and*
 3 *private transportation contracting and the financial,*
 4 *credit, insurance, and bond markets;*

5 *(10) the impact on small business concerns*
 6 *owned and controlled by socially and economically*
 7 *disadvantaged individuals of—*

8 *(A) the issuance of a final order described*
 9 *in subsection (e) by a Federal court that sus-*
 10 *pends a program established under subsection*
 11 *(a); or*

12 *(B) the repeal or suspension of State or*
 13 *local disadvantaged business enterprise pro-*
 14 *grams; and*

15 *(11) the impact of the requirement of subsection*
 16 *(a), and any program carried out to comply with*
 17 *subsection (a), on competition and the creation of*
 18 *jobs, including the creation of jobs for socially and*
 19 *economically disadvantaged individuals.*

20 **SEC. 1112. FEDERAL SHARE PAYABLE.**

21 *(a) IN GENERAL.—Section 120 of title 23, United*
 22 *States Code (as amended by section 1106(a)), is amended—*

23 *(1) in each of subsections (a) and (b), by adding*
 24 *at the end the following: “In the case of any project*
 25 *subject to this subsection, a State may determine a*

1 *lower Federal share than the Federal share deter-*
 2 *mined under the preceding sentences of this sub-*
 3 *section.”; and*

4 *(2) by adding at the end the following:*

5 *“(l) CREDIT FOR NON-FEDERAL SHARE.—*

6 *“(1) ELIGIBILITY.—A State may use as a credit*
 7 *toward the non-Federal share requirement for any*
 8 *program under the Intermodal Surface Transpor-*
 9 *tation Efficiency Act of 1991 (Public Law 102–240)*
 10 *or this title, other than the emergency relief program*
 11 *authorized by section 125, toll revenues that are gen-*
 12 *erated and used by public, quasi-public, and private*
 13 *agencies to build, improve, or maintain, without the*
 14 *use of Federal funds, highways, bridges, or tunnels*
 15 *that serve the public purpose of interstate commerce.*

16 *“(2) MAINTENANCE OF EFFORT.—*

17 *“(A) IN GENERAL.—The credit toward any*
 18 *non-Federal share under paragraph (1) shall not*
 19 *reduce nor replace State funds required to match*
 20 *Federal funds for any program under this title.*

21 *“(B) CONDITIONS ON RECEIPT OF CRED-*
 22 *IT.—*

23 *“(i) AGREEMENT WITH THE SEC-*
 24 *RETARY.—To receive a credit under para-*
 25 *graph (1) for a fiscal year, a State shall*

1 *enter into such agreements as the Secretary*
 2 *may require to ensure that the State will*
 3 *maintain its non-Federal transportation*
 4 *capital expenditures at or above the average*
 5 *level of such expenditures for the preceding*
 6 *3 fiscal years.*

7 “(ii) *EXCEPTION.—Notwithstanding*
 8 *clause (i), a State may receive a credit*
 9 *under paragraph (1) for a fiscal year if, for*
 10 *any 1 of the preceding 3 fiscal years, the*
 11 *non-Federal transportation capital expendi-*
 12 *tures of the State were at a level that was*
 13 *greater than 30 percent of the average level*
 14 *of such expenditures for the other 2 of the*
 15 *preceding 3 fiscal years.*

16 “(3) *TREATMENT.—*

17 “(A) *IN GENERAL.—Use of the credit to-*
 18 *ward a non-Federal share under paragraph (1)*
 19 *shall not expose the agencies from which the*
 20 *credit is received to additional liability, addi-*
 21 *tional regulation, or additional administrative*
 22 *oversight.*

23 “(B) *CHARTERED MULTISTATE AGEN-*
 24 *CIES.—When credit is applied from a chartered*

1 *multistate agency under paragraph (1), the cred-*
 2 *it shall be applied equally to all charter States.*

3 “(C) *NO ADDITIONAL STANDARDS.—A pub-*
 4 *lic, quasi-public, or private agency from which*
 5 *the credit for which the non-Federal share is cal-*
 6 *culated under paragraph (1) shall not be subject*
 7 *to any additional Federal design standards or*
 8 *laws (including regulations) as a result of pro-*
 9 *viding the credit beyond the standards and laws*
 10 *to which the agency is already subject.”.*

11 (b) *TECHNICAL AMENDMENTS.—*

12 (1) *Section 104(f)(3) of title 23, United States*
 13 *Code, is amended in the second sentence by striking*
 14 *“section 120(j) of this title” and inserting “section*
 15 *120”.*

16 (2) *Section 130(a) of title 23, United States*
 17 *Code, is amended—*

18 (A) *in the first sentence, by striking “Ex-*
 19 *cept as provided in subsection (d) of section 120*
 20 *of this title” and inserting “Subject to section*
 21 *120”; and*

22 (B) *in the second sentence, by striking “ex-*
 23 *cept as provided in subsection (d) of section 120*
 24 *of this title” and inserting “subject to section*
 25 *120”.*

1 **SEC. 1113. STUDIES AND REPORTS.**

2 (a) *HIGHWAY ECONOMIC REQUIREMENT SYSTEM.*—

3 (1) *METHODOLOGY.*—

4 (A) *EVALUATION.*—*The Comptroller Gen-*
5 *eral of the United States shall conduct an eval-*
6 *uation of the methodology used by the Depart-*
7 *ment of Transportation to determine highway*
8 *needs using the highway economic requirement*
9 *system (referred to in this subsection as the*
10 *“model”).*

11 (B) *REQUIRED ELEMENT.*—*The evaluation*
12 *shall include an assessment of the extent to*
13 *which the model estimates an optimal level of*
14 *highway infrastructure investment, including an*
15 *assessment as to when the model may be over-*
16 *estimating or underestimating investment re-*
17 *quirements.*

18 (C) *REPORT TO CONGRESS.*—*Not later than*
19 *2 years after the date of enactment of this Act,*
20 *the Comptroller General shall submit a report to*
21 *Congress on the results of the evaluation.*

22 (2) *STATE INVESTMENT PLANS.*—

23 (A) *STUDY.*—*In consultation with State*
24 *transportation departments and other appro-*
25 *priate State and local officials, the Comptroller*
26 *General of the United States shall conduct a*

1 *study on the extent to which the highway eco-*
 2 *nomie requirement system of the Federal High-*
 3 *way Administration can be used to provide*
 4 *States with useful information for developing*
 5 *State transportation investment plans and State*
 6 *infrastructure investment projections.*

7 (B) *REQUIRED ELEMENTS.—The study*
 8 *shall—*

9 (i) *identify any additional data that*
 10 *may need to be collected beyond the data*
 11 *submitted, prior to the date of enactment of*
 12 *this Act, to the Federal Highway Adminis-*
 13 *tration through the highway performance*
 14 *monitoring system; and*

15 (ii) *identify what additional work, if*
 16 *any, would be required of the Federal High-*
 17 *way Administration and the States to make*
 18 *the model useful at the State level.*

19 (C) *REPORT TO CONGRESS.—Not later than*
 20 *3 years after the date of enactment of this Act,*
 21 *the Comptroller General shall submit a report to*
 22 *Congress on the results of the study.*

23 (b) *INTERNATIONAL ROUGHNESS INDEX.—*

24 (1) *STUDY.—The Comptroller General of the*
 25 *United States shall conduct a study on the inter-*

1 *national roughness index that is used as an indicator*
 2 *of pavement quality on the Federal-aid highway sys-*
 3 *tem.*

4 (2) *REQUIRED ELEMENTS.—The study shall*
 5 *specify the extent of usage of the index and the extent*
 6 *to which the international roughness index measure-*
 7 *ment is reliable across different manufacturers and*
 8 *types of pavement.*

9 (3) *REPORT TO CONGRESS.—Not later than 2*
 10 *years after the date of enactment of this Act, the*
 11 *Comptroller General shall submit a report to Congress*
 12 *on the results of the study.*

13 (c) *REPORTING OF RATES OF OBLIGATION.—Section*
 14 *104 of title 23, United States Code, is amended—*

15 (1) *by redesignating subsection (j) as subsection*
 16 *(m); and*

17 (2) *by inserting after subsection (i) the following:*

18 “(j) *REPORTING OF RATES OF OBLIGATION.—On an*
 19 *annual basis, the Secretary shall publish or otherwise report*
 20 *rates of obligation of funds apportioned or set aside under*
 21 *this section and section 133 according to—*

22 “(1) *program;*

23 “(2) *funding category or subcategory;*

24 “(3) *type of improvement;*

25 “(4) *State; and*

1 “(5) sub-State geographic area, including urban-
 2 ized and rural areas, on the basis of the population
 3 of each such area.”.

4 (d) *EVALUATION OF PROCUREMENT PRACTICES AND*
 5 *PROJECT DELIVERY.*—

6 (1) *STUDY.*—*The Comptroller General shall con-*
 7 *duct a study to assess—*

8 (A) *the impact that a utility company’s*
 9 *failure to relocate its facilities in a timely man-*
 10 *ner has on the delivery and cost of Federal-aid*
 11 *highway and bridge projects;*

12 (B) *methods States use to mitigate delays*
 13 *described in subparagraph (A), including the use*
 14 *of the courts to compel utility cooperation;*

15 (C) *the prevalence and use of—*

16 (i) *incentives to utility companies for*
 17 *early completion of utility relocations on*
 18 *Federal-aid transportation project sites; and*

19 (ii) *penalties assessed on utility com-*
 20 *panies for utility relocation delays on such*
 21 *projects;*

22 (D) *the extent to which States have used*
 23 *available technologies, such as subsurface utility*
 24 *engineering, early in the design of Federal-aid*
 25 *highway and bridge projects so as to eliminate*

1 *or reduce the need for or delays due to utility re-*
 2 *locations; and*

3 *(E)(i) whether individual States compensate*
 4 *transportation contractors for business costs in-*
 5 *curring by the contractors when Federal-aid high-*
 6 *way and bridge projects under contract to the*
 7 *contractors are delayed by delays caused by util-*
 8 *ity companies in utility relocations; and*

9 *(ii) methods used by States in making any*
 10 *such compensation.*

11 *(2) REPORT.—Not later than 1 year after the*
 12 *date of the enactment of this Act, the Comptroller*
 13 *General shall submit to Congress a report on the re-*
 14 *sults of the study, including any recommendations*
 15 *that the Comptroller General determines to be appro-*
 16 *priate as a result of the study.*

17 **SEC. 1114. DEFINITIONS.**

18 *(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—*

19 *(1) IN GENERAL.—Section 101(a) of title 23,*
 20 *United States Code, is amended by inserting before*
 21 *the undesignated paragraph defining “Federal-aid*
 22 *highways” the following:*

23 *“The term ‘Federal-aid highway funds’ means funds*
 24 *made available to carry out the Federal-aid highway pro-*
 25 *gram.*

1 *“The term ‘Federal-aid highway program’ means all*
 2 *programs authorized under chapters 1, 3, and 5.”.*

3 (2) *CONFORMING AMENDMENTS.—*

4 (A) *Section 101(d) of title 23, United States*
 5 *Code, is amended by striking “the construction of*
 6 *Federal-aid highways or highway planning, re-*
 7 *search, or development” and inserting “the Fed-*
 8 *eral-aid highway program”.*

9 (B) *Section 104(m)(1) of title 23, United*
 10 *States Code (as redesignated by section*
 11 *1113(c)(1)), is amended by striking “Federal-aid*
 12 *highways and the highway safety construction*
 13 *programs” and inserting “the Federal-aid high-*
 14 *way program”.*

15 (C) *Section 107(b) of title 23, United States*
 16 *Code, is amended in the second sentence by strik-*
 17 *ing “Federal-aid highways” and inserting “the*
 18 *Federal-aid highway program”.*

19 (b) *ALPHABETIZATION OF DEFINITIONS.—Section*
 20 *101(a) of title 23, United States Code, is amended by reor-*
 21 *dering the undesignated paragraphs so that they are in al-*
 22 *phabetical order.*

1 **SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPOR-**
 2 **TATION PROGRAM.**

3 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
 4 Code (as amended by section 1107(a)), is amended by in-
 5 serting after section 206 the following:

6 **“§207. Cooperative Federal Lands Transportation**
 7 **Program**

8 “(a) *IN GENERAL.*—There is established the Coopera-
 9 tive Federal Lands Transportation Program (referred to in
 10 this section as the ‘program’). Funds available for the pro-
 11 gram under subsection (e) may be used for projects, or por-
 12 tions of projects, on highways that are owned or maintained
 13 by States or political subdivisions of States and that cross,
 14 are adjacent to, or lead to federally owned land or Indian
 15 reservations (including Army Corps of Engineers res-
 16 ervoirs), as determined by the State. Such projects shall be
 17 proposed by a State and selected by the Secretary. A project
 18 proposed by a State under this section shall be on a high-
 19 way or bridge owned or maintained by the State, or 1 or
 20 more political subdivisions of the State, and may be a high-
 21 way or bridge construction or maintenance project eligible
 22 under this title or any project of a type described in section
 23 204(h).

24 “(b) *DISTRIBUTION OF FUNDS FOR PROJECTS.*—

25 “(1) *IN GENERAL.*—

26 “(A) *IN GENERAL.*—The Secretary—

1 “(i) after consultation with the Admin-
 2 istrator of General Services, the Secretary of
 3 the Interior, and other agencies as appro-
 4 priate (including the Army Corps of Engi-
 5 neers), shall determine the percentage of the
 6 total land in each State that is owned by
 7 the Federal Government or that is held by
 8 the Federal Government in trust;

9 “(ii) shall determine the sum of the
 10 percentages determined under clause (i) for
 11 States with respect to which the percentage
 12 is 4.5 or greater; and

13 “(iii) shall determine for each State
 14 included in the determination under clause
 15 (ii) the percentage obtained by dividing—

16 “(I) the percentage for the State
 17 determined under clause (i); by

18 “(II) the sum determined under
 19 clause (ii).

20 “(B) ADJUSTMENT.—The Secretary shall—

21 “(i) reduce any percentage determined
 22 under subparagraph (A)(iii) that is greater
 23 than 7.5 percent to 7.5 percent; and

24 “(ii) redistribute the percentage points
 25 equal to any reduction under clause (i)

1 among other States included in the deter-
 2 mination under subparagraph (A)(ii) in
 3 proportion to the percentages for those
 4 States determined under subparagraph
 5 (A)(iii).

6 “(2) AVAILABILITY TO STATES.—Except as pro-
 7 vided in paragraph (3), for each fiscal year, the Sec-
 8 retary shall make funds available to carry out eligible
 9 projects in a State in an amount equal to the amount
 10 obtained by multiplying—

11 “(A) the percentage for the State, if any, de-
 12 termined under paragraph (1); by

13 “(B) the funds made available for the pro-
 14 gram under subsection (e) for the fiscal year.

15 “(3) SELECTION OF PROJECTS.—The Secretary
 16 may establish deadlines for States to submit proposed
 17 projects for funding under this section, except that in
 18 the case of fiscal year 1998 the deadline may not be
 19 earlier than January 1, 1998. For each fiscal year,
 20 if a State does not have pending, by that deadline,
 21 applications for projects with an estimated cost equal
 22 to at least 3 times the amount for the State deter-
 23 mined under paragraph (2), the Secretary may dis-
 24 tribute, to 1 or more other States, at the Secretary’s
 25 discretion, $\frac{1}{3}$ of the amount by which the estimated

1 *cost of the State's applications is less than 3 times the*
2 *amount for the State determined under paragraph*
3 *(2).*

4 *“(c) TRANSFERS.—*

5 *“(1) IN GENERAL.—Subject to subsection (f), not-*
6 *withstanding any other provision of law, a State and*
7 *the Secretary may agree to transfer amounts made*
8 *available to a State under this section to the alloca-*
9 *tions of the State under section 202 for use in carry-*
10 *ing out projects on any Federal lands highway that*
11 *is located in the State.*

12 *“(2) SPECIAL RULE.—This paragraph applies to*
13 *a State that contains a national park that was vis-*
14 *ited by more than 2,500,000 people in 1996 and com-*
15 *prises more than 3,000 square miles of land area, in-*
16 *cluding surface water, that is located in the State.*
17 *For such a State, 50 percent of the amount that*
18 *would otherwise be made available to the State for*
19 *each fiscal year under the program under subsection*
20 *(e) shall be made available only for eligible highway*
21 *uses in the national park and within the borders of*
22 *the State. For the purpose of making allocations*
23 *under section 202(c), the Secretary may not take into*
24 *account the past or future availability, for use on*
25 *park roads and parkways in a national park, of*

1 *funds made available for use in a national park by*
 2 *this paragraph.*

3 “(d) *RIGHTS-OF-WAY ACROSS FEDERAL LAND.—*Noth-
 4 *ing in this section affects any claim for a right-of-way*
 5 *across Federal land.*

6 “(e) *AUTHORIZATION OF CONTRACT AUTHORITY.—*

7 “(1) *IN GENERAL.—*There shall be available from
 8 *the Highway Trust Fund (other than the Mass Tran-*
 9 *sit Account) to carry out this section (other than sub-*
 10 *section (f)) \$74,000,000 for each of fiscal years 1998*
 11 *through 2003.*

12 “(2) *CONTRACT AUTHORITY.—*Funds authorized
 13 *under this subsection shall be available for obligation*
 14 *in the same manner as if the funds were apportioned*
 15 *under chapter 1.*

16 “(f) *ADDITIONAL AUTHORIZATION OF CONTRACT AU-*
 17 *THORITY FOR STATES WITH INDIAN RESERVATIONS.—*

18 “(1) *AVAILABILITY TO STATES.—*Not later than
 19 *October 1 of each fiscal year, funds made available*
 20 *under paragraph (5) for the fiscal year shall be made*
 21 *available by the Secretary, in equal amounts, to each*
 22 *State that has within the boundaries of the State all*
 23 *or part of an Indian reservation having a land area*
 24 *of 10,000,000 acres or more.*

25 “(2) *AVAILABILITY TO ELIGIBLE COUNTIES.—*

1 “(A) *IN GENERAL.*—Each fiscal year, each
 2 county that is located in a State to which funds
 3 are made available under paragraph (1), and
 4 that has in the county a public road described in
 5 subparagraph (B), shall be eligible to apply to
 6 the State for all or a portion of the funds made
 7 available to the State under this subsection to be
 8 used by the county to maintain such roads.

9 “(B) *ROADS.*—A public road referred to in
 10 subparagraph (A) is a public road that—

11 “(i) is within, adjacent to, or provides
 12 access to an Indian reservation described in
 13 paragraph (1);

14 “(ii) is used by a school bus to trans-
 15 port children to or from a school or Head-
 16 start program carried out under the Head
 17 Start Act (42 U.S.C. 9831 et seq.); and

18 “(iii) is maintained by the county in
 19 which the public road is located.

20 “(C) *ALLOCATION AMONG ELIGIBLE COUN-*
 21 *TIES.*—

22 “(i) *IN GENERAL.*—Except as provided
 23 in clause (ii), each State that receives funds
 24 under paragraph (1) shall provide directly
 25 to each county that applies for funds the

1 *amount that the county requests in the ap-*
 2 *plication.*

3 “(ii) *ALLOCATION AMONG ELIGIBLE*
 4 *COUNTIES.—If the total amount of funds*
 5 *applied for under this subsection by eligible*
 6 *counties in a State exceeds the amount of*
 7 *funds available to the State, the State shall*
 8 *equitably allocate the funds among the eligi-*
 9 *ble counties that apply for funds.*

10 “(3) *SUPPLEMENTARY FUNDING.—For each fiscal*
 11 *year, the Secretary shall ensure that funding made*
 12 *available under this subsection supplements (and does*
 13 *not supplant)—*

14 “(A) *any obligation of funds by the Bureau*
 15 *of Indian Affairs for road maintenance pro-*
 16 *grams on Indian reservations; and*

17 “(B) *any funding provided by a State to a*
 18 *county for road maintenance programs in the*
 19 *county.*

20 “(4) *USE OF UNALLOCATED FUNDS.—Any por-*
 21 *tion of the funds made available to a State under this*
 22 *subsection that is not made available to counties*
 23 *within 1 year after the funds are made available to*
 24 *the State shall be apportioned among the States in*
 25 *accordance with section 104(b).*

1 “(5) *SET-ASIDE*.—For each of fiscal years 1998
 2 *through 2003, the Secretary shall set aside \$1,500,000*
 3 *from amounts made available under section 541(a) of*
 4 *title 23, United States Code.*”.

5 (b) *CONFORMING AMENDMENT*.—The analysis for
 6 chapter 2 of title 23, United States Code, is amended by
 7 striking the item relating to section 207 and inserting the
 8 following:

 “207. *Cooperative Federal Lands Transportation Program.*”.

9 **SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING**
 10 **PLANNING AND BORDER INFRASTRUCTURE.**

11 (a) *DEFINITIONS*.—In this section:

12 (1) *AFFECTED PORT OF ENTRY*.—The term “af-
 13 *ected port of entry*” means a seaport or airport in
 14 any State that demonstrates that the transportation
 15 of cargo by rail or motor carrier through the seaport
 16 or airport has increased significantly since the date
 17 of enactment of the North American Free Trade
 18 Agreement Implementation Act (Public Law 103–
 19 182).

20 (2) *BORDER STATE*.—The term “border State”
 21 means a State of the United States that—

22 (A) is located along the border with Mexico;

23 or

24 (B) is located along the border with Can-
 25 ada.

1 (3) *BORDER STATION*.—The term “border sta-
2 tion” means a controlled port of entry into the United
3 States located in the United States at the border with
4 Mexico or Canada, consisting of land occupied by the
5 station and the buildings, roadways, and parking lots
6 on the land.

7 (4) *FEDERAL INSPECTION AGENCY*.—The term
8 “Federal inspection agency” means a Federal agency
9 responsible for the enforcement of immigration laws
10 (including regulations), customs laws (including regu-
11 lations), and agriculture import restrictions, includ-
12 ing the United States Customs Service, the Immigra-
13 tion and Naturalization Service, the Animal and
14 Plant Health Inspection Service, the Food and Drug
15 Administration, the United States Fish and Wildlife
16 Service, and the Department of State.

17 (5) *GATEWAY*.—The term “gateway” means a
18 grouping of border stations defined by proximity and
19 similarity of trade.

20 (6) *NON-FEDERAL GOVERNMENTAL JURISDIC-*
21 *TION*.—The term “non-Federal governmental jurisdic-
22 tion” means a regional, State, or local authority in-
23 volved in the planning, development, provision, or
24 funding of transportation infrastructure needs.

1 (b) *BORDER CROSSING PLANNING INCENTIVE*
2 *GRANTS.*—

3 (1) *IN GENERAL.*—*The Secretary shall make in-*
4 *centive grants to States and to metropolitan planning*
5 *organizations designated under section 134 of title 23,*
6 *United States Code.*

7 (2) *USE OF GRANTS.*—*The grants shall be used*
8 *to encourage joint transportation planning activities*
9 *and to improve people and vehicle movement into and*
10 *through international gateways as a supplement to*
11 *statewide and metropolitan transportation planning*
12 *funding made available under other provisions of this*
13 *Act and under title 23, United States Code.*

14 (3) *CONDITION OF GRANTS.*—*As a condition of*
15 *receiving a grant under paragraph (1), a State trans-*
16 *portation department or a metropolitan planning or-*
17 *ganization shall certify to the Secretary that it com-*
18 *mits to be engaged in joint planning with its counter-*
19 *part agency in Mexico or Canada.*

20 (4) *LIMITATION ON AMOUNT.*—*Each State trans-*
21 *portation department or metropolitan planning orga-*
22 *nization may receive not more than \$100,000 under*
23 *this subsection for any fiscal year.*

24 (5) *AUTHORIZATION OF CONTRACT AUTHOR-*
25 *ITY.*—

1 (A) *IN GENERAL.*—*There shall be available*
 2 *from the Highway Trust Fund (other than the*
 3 *Mass Transit Account) to carry out this sub-*
 4 *section \$1,400,000 for each of fiscal years 1998*
 5 *through 2003.*

6 (B) *CONTRACT AUTHORITY.*—*Funds author-*
 7 *ized under this subsection shall be available for*
 8 *obligation in the same manner as if the funds*
 9 *were apportioned under chapter 1 of title 23,*
 10 *United States Code, except that the Federal share*
 11 *of the cost of a project under this subsection shall*
 12 *be determined in accordance with subsection (f).*

13 (c) *TRADE CORRIDOR PLANNING INCENTIVE*
 14 *GRANTS.*—

15 (1) *GRANTS.*—

16 (A) *IN GENERAL.*—*The Secretary shall*
 17 *make grants to States to encourage, within the*
 18 *framework of the statewide transportation plan-*
 19 *ning process of the State under section 135 of*
 20 *title 23, United States Code, cooperative*
 21 *multistate corridor analysis of, and planning*
 22 *for, the safe and efficient movement of goods*
 23 *along and within international or interstate*
 24 *trade corridors of national importance and*
 25 *through affected ports of entry.*

1 (B) *IDENTIFICATION OF CORRIDORS.*—Each
 2 corridor and affected port of entry referred to in
 3 subparagraph (A) shall be cooperatively identi-
 4 fied by the States along the corridor or by the
 5 State in which the affected port of entry is lo-
 6 cated.

7 (2) *CORRIDOR PLANS.*—

8 (A) *IN GENERAL.*—As a condition of receiv-
 9 ing a grant under paragraph (1), a State shall
 10 enter into an agreement with the Secretary that
 11 specifies that, not later than 2 years after receipt
 12 of the grant—

13 (i) in cooperation with the other States
 14 along the corridor, the State will submit a
 15 plan for corridor improvements to the Sec-
 16 retary; or

17 (ii) the State will submit a plan for af-
 18 fected port of entry improvements to the
 19 Secretary.

20 (B) *COORDINATION OF PLANNING.*—Plan-
 21 ning with respect to a corridor under this sub-
 22 section shall be coordinated with transportation
 23 planning being carried out by the States and
 24 metropolitan planning organizations along the
 25 corridor and, to the extent appropriate, with

1 *transportation planning being carried out by*
 2 *Federal land management agencies, by tribal*
 3 *governments, or by government agencies in Mex-*
 4 *ico or Canada.*

5 (3) *MULTISTATE AGREEMENTS FOR TRADE COR-*
 6 *RIDOR PLANNING.—The consent of Congress is granted*
 7 *to any 2 or more States—*

8 (A) *to enter into multistate agreements, not*
 9 *in conflict with any law of the United States, for*
 10 *cooperative efforts and mutual assistance in sup-*
 11 *port of interstate trade corridor planning activi-*
 12 *ties; and*

13 (B) *to establish such agencies, joint or oth-*
 14 *erwise, as the States may determine desirable to*
 15 *make the agreements effective.*

16 (4) *AUTHORIZATION OF CONTRACT AUTHOR-*
 17 *ITY.—*

18 (A) *IN GENERAL.—There shall be available*
 19 *from the Highway Trust Fund (other than the*
 20 *Mass Transit Account) to carry out this sub-*
 21 *section \$3,000,000 for each of fiscal years 1998*
 22 *through 2003.*

23 (B) *CONTRACT AUTHORITY.—Funds author-*
 24 *ized under this subsection shall be available for*
 25 *obligation in the same manner as if the funds*

1 *were apportioned under chapter 1 of title 23,*
 2 *United States Code, except that the Federal share*
 3 *of the cost of a project under this subsection shall*
 4 *be determined in accordance with subsection (f).*

5 *(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS*
 6 *AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION*
 7 *RELIEF.—*

8 *(1) APPLICATIONS FOR GRANTS.—The Secretary*
 9 *shall make grants to States or metropolitan planning*
 10 *organizations that submit an application that—*

11 *(A) demonstrates need for assistance in car-*
 12 *rying out transportation projects that are nec-*
 13 *essary to relieve traffic congestion or improve en-*
 14 *forcement of motor carrier safety laws;*

15 *(B) includes strategies to involve both the*
 16 *public and private sectors in the proposed*
 17 *project;*

18 *(C) provides for the safe and efficient move-*
 19 *ment of goods along and within international or*
 20 *interstate trade corridors; and*

21 *(D) provides for the continued planning*
 22 *and development of trade corridors.*

23 *(2) SELECTION OF STATES, METROPOLITAN*
 24 *PLANNING ORGANIZATIONS, AND PROJECTS TO RE-*
 25 *CEIVE GRANTS.—Notwithstanding any other provision*

1 *of this Act, in selecting States, metropolitan planning*
2 *organizations, and projects to receive grants under*
3 *this subsection, the Secretary shall consider—*

4 *(A) the extent to which the annual volume*
5 *of commercial vehicle traffic at the border sta-*
6 *tions or ports of entry of each State—*

7 *(i) has increased since the date of en-*
8 *actment of the North American Free Trade*
9 *Agreement Implementation Act (Public Law*
10 *103–182); and*

11 *(ii) is projected to increase in the fu-*
12 *ture;*

13 *(B) the extent to which commercial vehicle*
14 *traffic in each State—*

15 *(i) has increased since the date of en-*
16 *actment of the North American Free Trade*
17 *Agreement Implementation Act (Public Law*
18 *103–182); and*

19 *(ii) is projected to increase in the fu-*
20 *ture;*

21 *(C) the extent of border and affected port of*
22 *entry or ports of entry transportation improve-*
23 *ments carried out by each State since the date of*
24 *enactment of the North American Free Trade*

1 *Agreement Implementation Act (Public Law*
2 *103–182);*

3 *(D) the extent to which international truck-*
4 *borne commodities move through each State;*

5 *(E) the reduction in commercial and other*
6 *travel time through a major international gate-*
7 *way or affected port of entry expected as a result*
8 *of the proposed project including the level of traf-*
9 *fic delays at at-grade highway crossings of major*
10 *rail lines in trade corridors;*

11 *(F) the extent of leveraging of Federal funds*
12 *provided under this subsection, including—*

13 *(i) use of innovative financing;*

14 *(ii) combination with funding pro-*
15 *vided under other sections of this Act and*
16 *title 23, United States Code; and*

17 *(iii) combination with other sources of*
18 *Federal, State, local, or private funding in-*
19 *cluding State, local, and private matching*
20 *funds;*

21 *(G) improvements in vehicle and highway*
22 *safety and cargo security in and through the*
23 *gateway or affected port of entry concerned;*

24 *(H) the degree of demonstrated coordination*
25 *with Federal inspection agencies;*

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy.

(3) *USE OF GRANTS.*—

(A) *IN GENERAL.*—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) *TYPE OF PLANS AND PROGRAMS.*—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite

1 *vehicle and cargo movement including the*
 2 *deployment of technologies to detect and*
 3 *deter illegal narcotic smuggling;*

4 *(iii) modifications to regulatory proce-*
 5 *dures to expedite vehicle and cargo flow;*

6 *(iv) new infrastructure construction;*

7 *(v) purchase, installation, and mainte-*
 8 *nance of weigh-in-motion devices and asso-*
 9 *ciated electronic equipment in Mexico or*
 10 *Canada if real time data from the devices*
 11 *is provided to the nearest border station*
 12 *and to State commercial vehicle enforcement*
 13 *facilities that serve the border station; and*

14 *(vi) other institutional improvements,*
 15 *such as coordination of binational plan-*
 16 *ning, programming, and border operation,*
 17 *with special emphasis on coordination*
 18 *with—*

19 *(I) Federal inspection agencies;*

20 *and*

21 *(II) their counterpart agencies in*

22 *Mexico and Canada.*

23 (4) CONSTRUCTION OF TRANSPORTATION INFRA-
 24 STRUCTURE FOR LAW ENFORCEMENT PURPOSES.—*At*
 25 *the request of the Administrator of General Services,*

1 *in consultation with the Attorney General, the Sec-*
 2 *retary may transfer, during the period of fiscal years*
 3 *1998 through 2001, not more than \$10,000,000 of the*
 4 *amounts made available under paragraph (5) to the*
 5 *Administrator of General Services for the construction*
 6 *of transportation infrastructure necessary for law en-*
 7 *forcement in border States.*

8 (5) *AUTHORIZATION OF APPROPRIATIONS.—*

9 *There is authorized to be appropriated to carry out*
 10 *this subsection \$125,000,000 for each of fiscal years*
 11 *1998 through 2003.*

12 (e) *COORDINATION OF PLANNING.—*

13 (1) *PLANNING AND DEVELOPMENT OF BORDER*
 14 *STATIONS.—The General Services Administration*
 15 *shall be the coordinating Federal agency in the plan-*
 16 *ning and development of new or expanded border sta-*
 17 *tions.*

18 (2) *COOPERATIVE ACTIVITIES.—In carrying out*
 19 *paragraph (1), the Administrator of General Services*
 20 *shall cooperate with Federal inspection agencies and*
 21 *non-Federal governmental jurisdictions to ensure*
 22 *that—*

23 (A) *improvements to border station facili-*
 24 *ties take into account regional and local condi-*

1 *tions, including the alignment of highway sys-*
 2 *tems and connecting roadways; and*

3 *(B) all facility requirements, associated*
 4 *costs, and economic impacts are identified.*

5 *(f) COST SHARING.—A grant under this section shall*
 6 *be used to pay the Federal share of the cost of a project.*
 7 *The Federal share shall not exceed 80 percent.*

8 *(g) USE OF UNALLOCATED FUNDS.—If the total*
 9 *amount of funds made available from the Highway Trust*
 10 *Fund under this section but not allocated exceeds*
 11 *\$4,000,000 as of September 30 of any year, the excess*
 12 *amount—*

13 *(1) shall be apportioned in the following fiscal*
 14 *year by the Secretary to all States in accordance with*
 15 *section 104(b)(3) of title 23, United States Code;*

16 *(2) shall be considered to be a sum made avail-*
 17 *able for expenditure on the surface transportation*
 18 *program, except that the amount shall not be subject*
 19 *to section 133(d) of that title; and*

20 *(3) shall be available for any purpose eligible for*
 21 *funding under section 133 of that title.*

22 **SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

23 *(a) AVAILABILITY, RELEASE, AND REALLOCATION OF*
 24 *FUNDS.—Section 201(a) of the Appalachian Regional De-*
 25 *velopment Act of 1965 (40 U.S.C. App.) is amended—*

1 (1) *in the second sentence, by inserting before the*
 2 *period at the end the following: “, except that each al-*
 3 *location to a State shall remain available for expendi-*
 4 *ture in the State for the fiscal year in which the allo-*
 5 *cation is allocated and for the 3 following fiscal*
 6 *years”;* and

7 (2) *by inserting after the second sentence the fol-*
 8 *lowing: “Funds authorized under this section for fis-*
 9 *cal year 1998 or a fiscal year thereafter, and not ex-*
 10 *pended by a State during the 4 fiscal years referred*
 11 *to in the preceding sentence, shall be released to the*
 12 *Commission for reallocation and shall remain avail-*
 13 *able until expended.”.*

14 (b) *SUBSTITUTE CORRIDOR.—Section 201(b) of the*
 15 *Appalachian Regional Development Act of 1965 (40 U.S.C.*
 16 *App.) is amended—*

17 (1) *by redesignating paragraphs (1) through (4)*
 18 *as subparagraphs (A) through (D), respectively;*

19 (2) *by striking “(b) The Commission” and in-*
 20 *serting the following:*

21 “(b) *DESIGNATIONS.—*

22 “(1) *IN GENERAL.—The Commission”;* and

23 (3) *by adding at the end the following:*

24 “(2) *SUBSTITUTE CORRIDOR.—In lieu of Cor-*
 25 *ridor H in Virginia, the Appalachian development*

1 *highway system shall include the Virginia portion of*
 2 *the segment identified in section 1105(c)(29) of the*
 3 *Intermodal Surface Transportation Efficiency Act of*
 4 *1991 (109 Stat. 597).”.*

5 *(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—*
 6 *Section 201(h)(1) of the Appalachian Regional Develop-*
 7 *ment Act of 1965 (40 U.S.C. App.) is amended by striking*
 8 *“70 per centum” and inserting “80 percent”.*

9 *(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Sec-*
 10 *tion 201 of the Appalachian Regional Development Act of*
 11 *1965 (40 U.S.C. App.) is amended by striking subsection*
 12 *(g) and inserting the following:*

13 *“(g) AUTHORIZATION OF CONTRACT AUTHORITY.—*

14 *“(1) IN GENERAL.—*

15 *“(A) FISCAL YEARS 1998 THROUGH 2003.—*

16 *For the continued construction of the Appalach-*
 17 *ian development highway system approved as of*
 18 *September 30, 1996, in accordance with this sec-*
 19 *tion, there shall be available from the Highway*
 20 *Trust Fund (other than the Mass Transit Ac-*
 21 *count) \$40,000,000 for each of fiscal years 1998*
 22 *through 2000, \$50,000,000 for fiscal year 2001,*
 23 *\$60,000,000 for fiscal year 2002, and*
 24 *\$70,000,000 for fiscal year 2003.*

1 “(B) *OBLIGATION AUTHORITY.*—*The Sec-*
 2 *retary shall provide equivalent amounts of obli-*
 3 *gation authority for the funds authorized under*
 4 *subparagraph (A).*”

5 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
 6 *under this subsection shall be available for obligation*
 7 *in the same manner as if the funds were apportioned*
 8 *under chapter 1 of title 23, United States Code, except*
 9 *that the Federal share shall be determined in accord-*
 10 *ance with this section and the funds shall remain*
 11 *available in accordance with subsection (a).”.*

12 **SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY**
 13 **PROGRAM.**

14 “(a) *IN GENERAL.*—*Section 104 of title 23, United*
 15 *States Code (as amended by section 1113(c)(1)), is amended*
 16 *by inserting after subsection (j) the following:*

17 “(k) *SET-ASIDE FOR INTERSTATE 4R AND BRIDGE*
 18 *PROJECTS.*—

19 “(1) *IN GENERAL.*—*For each of fiscal years 1998*
 20 *through 2003, before any apportionment is made*
 21 *under subsection (b)(1), the Secretary shall set aside*
 22 *\$70,000,000 from amounts to be apportioned under*
 23 *subsection (b)(1)(A), and \$70,000,000 from amounts*
 24 *to be apportioned under subsection (b)(1)(B), for allo-*
 25 *cation by the Secretary—*

1 “(A) for projects for resurfacing, restoring,
 2 rehabilitating, or reconstructing any route or
 3 portion of a route on the Interstate System
 4 (other than any highway designated as a part of
 5 the Interstate System under section 103(c)(4)
 6 and any toll road on the Interstate System that
 7 is not subject to an agreement under section
 8 119(e) (as in effect on December 17, 1991) or an
 9 agreement under section 129(a));

10 “(B) for projects for a highway bridge the
 11 replacement, rehabilitation, or seismic retrofit
 12 cost of which is more than \$10,000,000; and

13 “(C) for projects for a highway bridge the
 14 replacement, rehabilitation, or seismic retrofit
 15 cost of which is less than \$10,000,000 if the cost
 16 is at least twice the amount reserved under sec-
 17 tion 144(c) by the State in which the bridge is
 18 located for the fiscal year in which application
 19 is made for an allocation for the bridge under
 20 this subsection.

21 “(2) *REQUIRED ALLOCATION.*—

22 “(A) *IN GENERAL.*—Subject to subpara-
 23 graph (B), for each of fiscal years 1998 through
 24 2003, the Secretary shall allocate on October 1,
 25 for use for highway bridge projects—

1 “(i) at least \$20,000,000 of the
2 amounts set aside under paragraph (1) to
3 any State that—

4 “(I) is apportioned for fiscal year
5 1998 under paragraphs (1)(B),
6 (1)(C)(i)(III), and (3)(A)(iii) of sub-
7 section (b) an amount that is less than
8 the amount apportioned to the State
9 for the highway bridge replacement
10 and rehabilitation program under sec-
11 tion 144 for fiscal year 1997; and

12 “(II) was apportioned for that
13 program for fiscal year 1997 an
14 amount greater than \$125,000,000;
15 and

16 “(ii) at least \$15,000,000 of the
17 amounts set aside under paragraph (1) to
18 any State with respect to which the average
19 service life of the bridges in the State ex-
20 ceeds 46 years as of the date of enactment
21 of the Intermodal Surface Transportation
22 Efficiency Act of 1998.

23 “(B) EXCEPTION.—A State that transferred
24 funds from the highway bridge replacement and
25 rehabilitation program during any of fiscal

years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A)(i).

“(C) *ADDITIONAL ALLOCATION.*—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(3) *AVAILABILITY TO STATES OF INTERSTATE FUNDS.*—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

“(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

“(B) the State is willing and able to—

1 “(i) obligate the funds within 1 year
2 after the date on which the funds are made
3 available;

4 “(ii) apply the funds to a project that
5 is ready to be commenced; and

6 “(iii) in the case of construction work,
7 begin work within 90 days after the date of
8 obligation of the funds.

9 “(4) *ELIGIBILITY OF CERTAIN BRIDGES.*—

10 “(A) *IN GENERAL.*—Notwithstanding any
11 other provision of law, any bridge that is owned
12 and operated by an agency that does not have
13 taxing powers and whose functions include oper-
14 ating a federally assisted public transit system
15 subsidized by toll revenues shall be eligible for as-
16 sistance under this subsection.

17 “(B) *LIMITATION.*—The amount of assist-
18 ance under subparagraph (A) shall not exceed
19 the cumulative amount that the agency has ex-
20 pended for capital and operating costs to sub-
21 sidize the transit system.

22 “(C) *DETERMINATION BY THE SEC-*
23 *RETARY.*—Before authorizing an expenditure of
24 funds under this paragraph, the Secretary shall
25 make a determination that the applicant agency

1 *has insufficient reserves, surpluses, and projected*
 2 *revenues (over and above those required for*
 3 *bridge and transit capital and operating costs)*
 4 *to fund the necessary bridge replacement, seismic*
 5 *retrofitting, or rehabilitation project.*

6 *“(D) CREDITING OF NON-FEDERAL*
 7 *FUNDS.—Any non-Federal funds expended for*
 8 *the seismic retrofit of the bridge may be credited*
 9 *toward the non-Federal share required as a con-*
 10 *dition of receipt of any Federal funds for seismic*
 11 *retrofit of the bridge made available after the*
 12 *date of expenditure.*

13 *“(5) REQUIRED ALLOCATION FOR CERTAIN*
 14 *STATES.—*

15 *“(A) ALLOCATION.—For each of fiscal years*
 16 *1998 through 2003, the Secretary shall allocate*
 17 *on October 1, to States eligible under subpara-*
 18 *graph (B), for use for projects described in para-*
 19 *graph (1), \$10,000,000 of the amounts set aside*
 20 *under paragraph (1) from amounts to be appor-*
 21 *tioned under subsection (b)(1)(A).*

22 *“(B) ELIGIBLE STATES.—A State shall be*
 23 *eligible for an allocation under subparagraph*
 24 *(A) for a fiscal year if—*

1 “(i) the State ranks among the lowest
2 10 percent of States in a ranking of States
3 by per capita personal income;

4 “(ii) for the State, the ratio that—

5 “(I) the State’s estimated percent-
6 age of total Federal-aid highway pro-
7 gram apportionments for the period of
8 fiscal years 1998 through 2003 under
9 this title; bears to

10 “(II) the percentage of estimated
11 total tax receipts attributable to high-
12 way users in the State paid into the
13 Highway Trust Fund (other than the
14 Mass Transit Account) for the period
15 of fiscal years 1998 through 2003;
16 is less than 1.00, as of the date of enactment
17 of this subsection; and

18 “(iii)(I) the State’s estimated percent-
19 age of total Federal-aid highway program
20 apportionments for the period of fiscal years
21 1998 through 2003 under this title, as of the
22 date of enactment of this subsection; is less
23 than

24 “(II) the State’s percentage of total
25 Federal-aid highway program apportion-

ments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

“(C) *ADDITIONAL ALLOCATION.*—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(6) *PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.*—Amounts made available under this subsection shall remain available until expended.”.

(b) *CONFORMING AMENDMENT.*—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) *IN GENERAL.*—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

“§ 322. Magnetic levitation transportation technology deployment program

“(a) *DEFINITIONS.*—In this section:

1 “(1) *ELIGIBLE PROJECT COSTS.*—The term ‘eli-
2 gible project costs’ means the capital cost of the fixed
3 guideway infrastructure of a *MAGLEV* project, in-
4 cluding land, piers, guideways, propulsion equipment
5 and other components attached to guideways, power
6 distribution facilities (including substations), control
7 and communications facilities, access roads, and stor-
8 age, repair, and maintenance facilities, but not in-
9 cluding costs incurred for a new station.

10 “(2) *FULL PROJECT COSTS.*—The term ‘full
11 project costs’ means the total capital costs of a
12 *MAGLEV* project, including eligible project costs and
13 the costs of stations, vehicles, and equipment.

14 “(3) *MAGLEV.*—The term ‘*MAGLEV*’ means
15 transportation systems employing magnetic levitation
16 that would be capable of safe use by the public at a
17 speed in excess of 240 miles per hour.

18 “(4) *PARTNERSHIP POTENTIAL.*—The term ‘part-
19 nership potential’ has the meaning given the term in
20 the commercial feasibility study of high-speed ground
21 transportation conducted under section 1036 of the
22 *Intermodal Surface Transportation Efficiency Act of*
23 *1991 (Public Law 102–240; 105 Stat. 1978).*

24 “(b) *ASSISTANCE.*—

1 “(1) *IN GENERAL.*—*The Secretary shall make*
 2 *available financial assistance to provide the Federal*
 3 *share of full project costs of eligible projects selected*
 4 *under this section.*

5 “(2) *FEDERAL SHARE.*—*The Federal share of*
 6 *full project costs under paragraph (1) shall be not*
 7 *more than 2/3.*

8 “(3) *USE OF ASSISTANCE.*—*Financial assistance*
 9 *provided under paragraph (1) shall be used only to*
 10 *pay eligible project costs of projects selected under this*
 11 *section.*

12 “(c) *SOLICITATION OF APPLICATIONS FOR ASSIST-*
 13 *ANCE.*—*Not later than 180 days after the date of enactment*
 14 *of the Intermodal Surface Transportation Efficiency Act of*
 15 *1998, the Secretary shall solicit applications from States,*
 16 *or authorities designated by 1 or more States, for financial*
 17 *assistance authorized by subsection (b) for planning, design,*
 18 *and construction of eligible MAGLEV projects.*

19 “(d) *PROJECT ELIGIBILITY.*—*To be eligible to receive*
 20 *financial assistance under subsection (b), a project shall—*

21 “(1) *involve a segment or segments of a high-*
 22 *speed ground transportation corridor that exhibit*
 23 *partnership potential;*

24 “(2) *require an amount of Federal funds for*
 25 *project financing that will not exceed the sum of—*

1 “(A) the amounts made available under
2 subsection (h)(1)(A); and

3 “(B) the amounts made available by States
4 under subsection (h)(4);

5 “(3) result in an operating transportation facil-
6 ity that provides a revenue producing service;

7 “(4) be undertaken through a public and private
8 partnership, with at least $\frac{1}{3}$ of full project costs paid
9 using non-Federal funds;

10 “(5) satisfy applicable statewide and metropoli-
11 tan planning requirements;

12 “(6) be approved by the Secretary based on an
13 application submitted to the Secretary by a State or
14 authority designated by 1 or more States;

15 “(7) to the extent that non-United States
16 MAGLEV technology is used within the United
17 States, be carried out as a technology transfer project;
18 and

19 “(8) be carried out using materials at least 70
20 percent of which are manufactured in the United
21 States.

22 “(e) *PROJECT SELECTION CRITERIA.*—Prior to solicit-
23 ing applications, the Secretary shall establish criteria for
24 selecting which eligible projects under subsection (d) will

1 *receive financial assistance under subsection (b). The cri-*
2 *teria shall include the extent to which—*

3 *“(1) a project is nationally significant, includ-*
4 *ing the extent to which the project will demonstrate*
5 *the feasibility of deployment of MAGLEV technology*
6 *throughout the United States;*

7 *“(2) timely implementation of the project will*
8 *reduce congestion in other modes of transportation*
9 *and reduce the need for additional highway or airport*
10 *construction;*

11 *“(3) States, regions, and localities financially*
12 *contribute to the project;*

13 *“(4) implementation of the project will create*
14 *new jobs in traditional and emerging industries;*

15 *“(5) the project will augment MAGLEV networks*
16 *identified as having partnership potential;*

17 *“(6) financial assistance would foster public and*
18 *private partnerships for infrastructure development*
19 *and attract private debt or equity investment;*

20 *“(7) financial assistance would foster the timely*
21 *implementation of a project; and*

22 *“(8) life-cycle costs in design and engineering*
23 *are considered and enhanced.*

24 *“(f) PROJECT SELECTION.—*

1 “(1) *PRE-CONSTRUCTION PLANNING ACTIVI-*
2 *TIES.*—

3 “(A) *Not later than 90 days after a dead-*
4 *line established by the Secretary for the receipt*
5 *of applications, the Secretary shall evaluate the*
6 *eligible projects in accordance with the selection*
7 *criteria and select one or more eligible projects to*
8 *receive financial assistance for pre-construction*
9 *planning activities, including—*

10 “(i) *preparation of feasibility studies,*
11 *major investment studies, and environ-*
12 *mental impact statements and assessments*
13 *as are required under State law;*

14 “(ii) *pricing of the final design, engi-*
15 *neering, and construction activities pro-*
16 *posed to be assisted under paragraph (2);*
17 *and*

18 “(iii) *such other activities as are nec-*
19 *essary to provide the Secretary with suffi-*
20 *cient information to evaluate whether a*
21 *project should receive financial assistance*
22 *for final design, engineering, and construc-*
23 *tion activities under paragraph (2).*

1 “(B) *Notwithstanding subsection (a)(1) of*
 2 *this section, eligible project costs shall include the*
 3 *cost of pre-construction planning activities.*

4 “(2) *FINAL DESIGN, ENGINEERING, AND CON-*
 5 *STRUCTION ACTIVITIES.—After completion of pre-con-*
 6 *struction planning activities for all projects assisted*
 7 *under paragraph (1), the Secretary shall select one of*
 8 *the projects to receive financial assistance for final*
 9 *design, engineering, and construction activities.*

10 “(g) *JOINT VENTURES.—A project undertaken by a*
 11 *joint venture of United States and non-United States per-*
 12 *sons (including a project involving the deployment of non-*
 13 *United States MAGLEV technology in the United States)*
 14 *shall be eligible for financial assistance under this section*
 15 *if the project is eligible under subsection (d) and selected*
 16 *under subsection (f).*

17 “(h) *FUNDING.—*

18 “(1) *IN GENERAL.—*

19 “(A) *AUTHORIZATION OF CONTRACT AU-*
 20 *THORITY.—*

21 “(i) *IN GENERAL.—There shall be*
 22 *available from the Highway Trust Fund*
 23 *(other than the Mass Transit Account) to*
 24 *carry out this section \$10,000,000 for fiscal*

1 year 1999 and \$20,000,000 for fiscal year
2 2000.

3 “(ii) *CONTRACT AUTHORITY.*—*Funds*
4 *authorized under this subparagraph shall be*
5 *available for obligation in the same manner*
6 *as if the funds were apportioned under*
7 *chapter 1, except that—*

8 “(I) *the Federal share of the cost*
9 *of a project carried out under this sec-*
10 *tion shall be determined in accordance*
11 *with subsection (b); and*

12 “(II) *the availability of the funds*
13 *shall be determined in accordance with*
14 *paragraph (2).*

15 “(B) *AUTHORIZATION OF APPROPRIA-*
16 *TIONS.*—

17 “(i) *IN GENERAL.*—*There are author-*
18 *ized to be appropriated from the Highway*
19 *Trust Fund (other than the Mass Transit*
20 *Account) to carry out this section*
21 *\$200,000,000 for each of fiscal years 2000*
22 *and 2001, \$250,000,000 for fiscal year*
23 *2002, and \$300,000,000 for fiscal year*
24 *2003.*

1 “(ii) *AVAILABILITY.*—*Notwithstanding*
2 *section 118(a), funds made available under*
3 *clause (i) shall not be available in advance*
4 *of an annual appropriation.*

5 “(2) *AVAILABILITY OF FUNDS.*—*Funds made*
6 *available under paragraph (1) shall remain available*
7 *until expended.*

8 “(3) *OTHER FEDERAL FUNDS.*—*Notwithstanding*
9 *any other provision of law, funds made available to*
10 *a State to carry out the surface transportation pro-*
11 *gram under section 133 and the congestion mitigation*
12 *and air quality improvement program under section*
13 *149 may be used by the State to pay a portion of the*
14 *full project costs of an eligible project selected under*
15 *this section, without requirement for non-Federal*
16 *funds.*

17 “(4) *OTHER ASSISTANCE.*—*Notwithstanding any*
18 *other provision of law, an eligible project selected*
19 *under this section shall be eligible for other forms of*
20 *financial assistance provided under this title and the*
21 *Transportation Infrastructure Finance and Innova-*
22 *tion Act of 1998, including loans, loan guarantees,*
23 *and lines of credit.”.*

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 3 of title 23, United States Code, is amended by*
 3 *inserting after the item relating to section 321 the following:*

“322. Magnetic levitation transportation technology deployment program.”.

4 **SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.**

5 (a) *DEFINITIONS.*—*Section 404 of the Woodrow Wilson*
 6 *Memorial Bridge Authority Act of 1995 (109 Stat. 628) is*
 7 *amended—*

8 (1) *in paragraph (3), by striking “, including*
 9 *approaches thereto”; and*

10 (2) *in paragraph (5), by striking “to be deter-*
 11 *mined under section 407. Such” and all that follows*
 12 *and inserting the following: “as described in the*
 13 *record of decision executed by the Secretary in com-*
 14 *pliance with the National Environmental Policy Act*
 15 *of 1969 (42 U.S.C. 4321 et seq.). The term includes*
 16 *ongoing short-term rehabilitation and repairs to the*
 17 *Bridge.”.*

18 (b) *OWNERSHIP OF BRIDGE.*—

19 (1) *CONVEYANCE BY THE SECRETARY.*—*Section*
 20 *407(a)(1) of the Woodrow Wilson Memorial Bridge*
 21 *Authority Act of 1995 (109 Stat. 630) is amended by*
 22 *inserting “or any Capital Region jurisdiction” after*
 23 *“Authority” each place it appears.*

24 (2) *AGREEMENT.*—*Section 407 of the Woodrow*
 25 *Wilson Memorial Bridge Authority Act of 1995 (109*

1 *Stat. 630) is amended by striking subsection (c) and*
 2 *inserting the following:*

3 “(c) *AGREEMENT.*—

4 “(1) *IN GENERAL.*—*The agreement referred to in*
 5 *subsection (a) is an agreement concerning the Project*
 6 *that is executed by the Secretary and the Authority*
 7 *or any Capital Region jurisdiction that accepts own-*
 8 *ership of the Bridge.*

9 “(2) *TERMS OF THE AGREEMENT.*—*The agree-*
 10 *ment shall—*

11 “(A) *identify whether the Authority or a*
 12 *Capital Region jurisdiction will accept owner-*
 13 *ship of the Bridge;*

14 “(B) *contain a financial plan satisfactory*
 15 *to the Secretary, which shall be prepared before*
 16 *the execution of the agreement, that specifies—*

17 “(i) *the total cost of the Project, in-*
 18 *cluding any cost-saving measures;*

19 “(ii) *a schedule for implementation of*
 20 *the Project, including whether any expedited*
 21 *design and construction techniques will be*
 22 *used; and*

23 “(iii) *the sources of funding that will*
 24 *be used to cover any costs of the Project not*

1 *funded from funds made available under*
2 *section 412;*

3 *“(C) require that—*

4 *“(i)(I) the Project include not more*
5 *than 12 traffic lanes, of which 2 lanes shall*
6 *be exclusively for use by high occupancy ve-*
7 *hicles, express buses, or rail transit; and*

8 *“(II) the design, construction, and op-*
9 *eration of the Project reflect the require-*
10 *ments of subclause (I);*

11 *“(ii) all provisions described in the en-*
12 *vironmental impact statement for the*
13 *Project or the record of decision for the*
14 *Project (including in the attachments to the*
15 *statement and record) for mitigation of en-*
16 *vironmental and other impacts of the*
17 *Project be implemented; and*

18 *“(iii) the Authority and the Capital*
19 *Region jurisdictions develop a process to*
20 *fully integrate affected local governments,*
21 *on an ongoing basis, in the process of carry-*
22 *ing out the engineering, design, and con-*
23 *struction phases of the project, including*
24 *planning for implementing the provisions*
25 *described in clause (ii); and*

1 “(D) contain such other terms and condi-
 2 tions as the Secretary determines to be appro-
 3 priate.”.

4 (c) *FEDERAL CONTRIBUTION.*—*The Woodrow Wilson*
 5 *Memorial Bridge Authority Act of 1995 (109 Stat. 627) is*
 6 *amended by adding at the end the following:*

7 **“SEC. 412. FEDERAL CONTRIBUTION.**

8 “(a) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

9 “(1) *IN GENERAL.*—*There shall be available from*
 10 *the Highway Trust Fund (other than the Mass Tran-*
 11 *sit Account) \$100,000,000 for fiscal year 1998,*
 12 *\$100,000,000 for fiscal year 1999, \$125,000,000 for*
 13 *fiscal year 2000, \$175,000,000 for fiscal year 2001,*
 14 *\$200,000,000 for fiscal year 2002, and \$200,000,000*
 15 *for fiscal year 2003, to pay the costs of planning, pre-*
 16 *liminary engineering and design, final engineering,*
 17 *acquisition of rights-of-way, and construction of the*
 18 *Project, except that the costs associated with the*
 19 *Bridge shall be given priority over other eligible costs,*
 20 *other than design costs, of the Project.*

21 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
 22 *under this section shall be available for obligation in*
 23 *the same manner as if the funds were apportioned*
 24 *under chapter 1 of title 23, United States Code, except*
 25 *that—*

1 “(A) *the funds shall remain available until*
 2 *expended;*

3 “(B) *the Federal share of the cost of the*
 4 *Bridge component of the Project shall not exceed*
 5 *100 percent; and*

6 “(C) *the Federal share of the cost of any*
 7 *other component of the Project shall not exceed*
 8 *80 percent.*

9 “(b) *USE OF APPORTIONED FUNDS.—Nothing in this*
 10 *title limits the authority of any Capital Region jurisdiction*
 11 *to use funds apportioned to the jurisdiction under para-*
 12 *graph (1) or (3) of section 104(b) of title 23, United States*
 13 *Code, in accordance with the requirements for such funds,*
 14 *to pay any costs of the Project.*

15 “(c) *AVAILABILITY OF APPORTIONED FUNDS.—None of*
 16 *the funds made available under this section shall be avail-*
 17 *able before the execution of the agreement described in sec-*
 18 *tion 407(c), except that the Secretary may fund the mainte-*
 19 *nance and rehabilitation of the Bridge and the design of*
 20 *the Project.”.*

21 “(d) *CONFORMING AMENDMENT.—Section 405(b)(1) of*
 22 *the Woodrow Wilson Memorial Bridge Authority Act of*
 23 *1995 (109 Stat. 629) is amended by striking “the Signato-*
 24 *ries as to the Federal share of the cost of the Project and*

1 *the terms and conditions related to the timing of the trans-*
 2 *fer of the Bridge to”.*

3 **SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.**

4 *The National Highway System consists of the routes*
 5 *and transportation facilities depicted on the map submitted*
 6 *by the Secretary to Congress with the report entitled “Pull-*
 7 *ing Together: The National Highway System and its Con-*
 8 *nections to Major Intermodal Terminals” and dated May*
 9 *24, 1996.*

10 **SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**
 11 **TATION.**

12 *(a) IN GENERAL.—Section 144 of title 23, United*
 13 *States Code, is amended—*

14 *(1) in the section heading, by striking “**pro-***
 15 ***gram**”;*

16 *(2) by striking subsections (a) through (n), (p),*
 17 *and (q);*

18 *(3) by inserting after the section heading the fol-*
 19 *lowing:*

20 *“(a) DEFINITION OF REHABILITATE.—In this section,*
 21 *the term ‘rehabilitate’ (in any of its forms), with respect*
 22 *to a bridge, means to carry out major work necessary—*

23 *“(1) to address the structural deficiencies, func-*
 24 *tional obsolescence, or physical deterioration of the*
 25 *bridge; or*

1 “(2) *to correct a major safety defect of the bridge,*
2 *including seismic retrofitting.*

3 “(b) *BRIDGE INVENTORY.*—

4 “(1) *IN GENERAL.*—*In consultation with the*
5 *States, the Secretary shall—*

6 “(A) *annually inventory all highway*
7 *bridges on public roads that cross waterways,*
8 *other topographical barriers, other highways,*
9 *and railroads;*

10 “(B) *classify each such bridge according to*
11 *serviceability, safety, and essentiality for public*
12 *use; and*

13 “(C) *assign each such bridge a priority for*
14 *replacement or rehabilitation based on the classi-*
15 *fication under subparagraph (B).*

16 “(2) *CONSULTATION.*—*In preparing an inven-*
17 *tory of highway bridges on Indian reservation roads*
18 *and park roads under paragraph (1), the Secretary*
19 *shall consult with the Secretary of the Interior and*
20 *the States.*

21 “(3) *INVENTORY OF HISTORICAL BRIDGES.*—*At*
22 *the request of a State, the Secretary may inventory*
23 *highway bridges on public roads for historical signifi-*
24 *cance.*

1 “(c) *CERTIFICATION BY THE STATE.*—Not later than
 2 180 days after the end of each fiscal year beginning with
 3 fiscal year 1998, each State shall certify to the Secretary,
 4 either that—

5 “(1) *the State has reserved, from funds appor-*
 6 *tioned to the State for the preceding fiscal year, to*
 7 *carry out bridge projects eligible under sections*
 8 *103(b)(5), 119, and 133(b), an amount that is not less*
 9 *than the amount apportioned to the State under this*
 10 *section for fiscal year 1997; or*

11 “(2) *the amount that the State will reserve, from*
 12 *funds apportioned to the State for the period consist-*
 13 *ing of fiscal years 1998 through 2001, to carry out*
 14 *bridge projects eligible under sections 103(b)(5), 119,*
 15 *and 133(b), will be not less than 4 times the amount*
 16 *apportioned to the State under this section for fiscal*
 17 *year 1997.*

18 “(d) *USE OF RESERVED FUNDS.*—A State may use
 19 funds reserved under subsection (c) to replace, rehabilitate,
 20 reconstruct, seismically retrofit, paint, apply calcium mag-
 21 nesium acetate to, apply sodium acetate/formate deicer to,
 22 or install scour countermeasures on a highway bridge on
 23 a public road that crosses a waterway, other topographical
 24 barrier, other highway, or railroad.

25 “(e) *OFF-SYSTEM BRIDGES.*—

1 “(1) *REQUIRED EXPENDITURE.*—For each fiscal
2 year, an amount equal to not less than 15 percent of
3 the amount apportioned to a State under this section
4 for fiscal year 1997 shall be expended by the State for
5 projects to replace, rehabilitate, reconstruct, seis-
6 mically retrofit, paint, apply calcium magnesium ac-
7 etate to, apply sodium acetate/formate deicer to, or
8 install scour countermeasures on highway bridges lo-
9 cated on public roads that are functionally classified
10 as local roads or rural minor collectors.

11 “(2) *USE OF FUNDS TO MEET REQUIRED EX-*
12 *PENDITURE.*—Funds reserved under subsection (c)
13 and funds made available under section 104(b)(1) for
14 the National Highway System or under section
15 104(b)(3) for the surface transportation program may
16 be used to meet the requirement for expenditure under
17 paragraph (1).

18 “(3) *REDUCTION OF REQUIRED EXPENDITURE.*—
19 After consultation with local and State officials in a
20 State, the Secretary may, with respect to the State,
21 reduce the requirement for expenditure under para-
22 graph (1) if the Secretary determines that the State
23 has inadequate needs to justify the expenditure.

1 “(f) *FEDERAL SHARE.*—*The Federal share of the cost*
 2 *of a project under this section shall be as determined under*
 3 *section 120(b).*

4 “(g) *BRIDGE PERMIT EXEMPTION.*—

5 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
 6 *notwithstanding any other provision of law, the Gen-*
 7 *eral Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall*
 8 *apply to each bridge authorized to be replaced, in*
 9 *whole or in part, under this section.*

10 “(2) *EXCEPTION.*—*Section 502(b) of the General*
 11 *Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9*
 12 *of the Act of March 3, 1899 (30 Stat. 1151, chapter*
 13 *425; 33 U.S.C. 401), shall not apply to any bridge*
 14 *constructed, reconstructed, rehabilitated, or replaced*
 15 *with assistance under this title if the bridge is over*
 16 *waters that are—*

17 “(A) *not used and not susceptible to use in*
 18 *their natural condition or by reasonable im-*
 19 *provement as a means to transport interstate or*
 20 *foreign commerce; and*

21 “(B)(i) *not tidal; or*

22 “(ii) *tidal but used only by recreational*
 23 *boating, fishing, and other small vessels that are*
 24 *less than 21 feet in length.*

25 “(h) *INDIAN RESERVATION ROAD BRIDGES.*—

1 “(1) *NATIONWIDE PRIORITY PROGRAM.*—*The Sec-*
 2 *retary shall establish a nationwide priority program*
 3 *for improving deficient Indian reservation road*
 4 *bridges.*

5 “(2) *RESERVATION OF FUNDS.*—

6 “(A) *IN GENERAL.*—*Of the amounts author-*
 7 *ized for Indian reservation roads for each fiscal*
 8 *year, the Secretary, in cooperation with the Sec-*
 9 *retary of the Interior, shall reserve not less than*
 10 *\$9,000,000 for projects to replace, rehabilitate,*
 11 *seismically retrofit, paint, apply calcium magne-*
 12 *sium acetate to, apply sodium acetate/formate*
 13 *deicer to, or install scour countermeasures for de-*
 14 *ficient Indian reservation road bridges, includ-*
 15 *ing multiple-pipe culverts.*

16 “(B) *ELIGIBLE BRIDGES.*—*To be eligible to*
 17 *receive funding under this subsection, a bridge*
 18 *described in subparagraph (A) must—*

19 “(i) *have an opening of 20 feet or*
 20 *more;*

21 “(ii) *be on an Indian reservation road;*

22 “(iii) *be unsafe because of structural*
 23 *deficiencies, physical deterioration, or func-*
 24 *tional obsolescence; and*

1 “(iv) be recorded in the national bridge
2 inventory administered by the Secretary
3 under subsection (b).

4 “(3) *APPROVAL REQUIREMENT.*—Funds to carry
5 out Indian reservation road bridge projects under this
6 subsection shall be made available only on approval
7 of plans, specifications, and estimates by the Sec-
8 retary.”;

9 (4) by redesignating subsection (o) as subsection
10 (i); and

11 (5) in subsection (i) (as so redesignated)—

12 (A) in paragraph (1), by inserting “for al-
13 ternative transportation purposes (including
14 bikeway and walkway projects eligible for fund-
15 ing under this title)” after “adaptive reuse”;

16 (B) in paragraph (3)—

17 (i) by inserting “(regardless of whether
18 the intended use is for motorized vehicular
19 traffic or for alternative public transpor-
20 tation purposes)” after “intended use”; and

21 (ii) by inserting “or for alternative
22 public transportation purposes” after “no
23 longer used for motorized vehicular traffic”;
24 and

1 (C) in the second sentence of paragraph

2 (4)—

3 (i) by inserting “for motorized vehicles,
4 alternative vehicular traffic, or alternative
5 public transportation” after “historic
6 bridge”; and

7 (ii) by striking “up to an amount not
8 to exceed the cost of demolition”.

9 (b) *CONFORMING AMENDMENT.*—The analysis for
10 chapter 1 of title 23, United States Code, is amended by
11 striking the item relating to section 144 and inserting the
12 following:

“144. Highway bridge replacement and rehabilitation.”.

13 **SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IM-**
14 **PROVEMENT PROGRAM.**

15 (a) *ESTABLISHED PROGRAM.*—Section 149(a) of title
16 23, United States Code, is amended by striking “ESTAB-
17 LISHMENT.—The Secretary shall establish” and inserting
18 “IN GENERAL.—The Secretary shall carry out”.

19 (b) *ELIGIBLE PROJECTS.*—Section 149(b) of title 23,
20 United States Code, is amended in the first sentence—

21 (1) by striking “that was designated as a non-
22 attainment area under section 107(d) of the Clean
23 Air Act (42 U.S.C. 7407(d)) during any part of fiscal
24 year 1994” and inserting “that is designated as a
25 nonattainment area under section 107(d) of the Clean

1 *Air Act (42 U.S.C. 7407(d)) and classified under sec-*
 2 *tion 181(a) or 186(a) of the Clean Air Act (42 U.S.C.*
 3 *7511(a), 7512(a)) or classified as a submarginal*
 4 *ozone nonattainment area under that Act, or if the*
 5 *project or program is for a maintenance area,”;*

6 *(2) in paragraph (1)—*

7 *(A) in subparagraph (A), by striking*
 8 *“clauses (xii) and” and inserting “clause”; and*

9 *(B) in subparagraph (B), by striking “such*
 10 *section” and inserting “section 108(f)(1)(A)*
 11 *(other than clause (xvi)) of the Clean Air Act (42*
 12 *U.S.C. 7408(f)(1)(A))”;*

13 *(3) in paragraph (2), by inserting “or mainte-*
 14 *nance” after “State implementation”;*

15 *(4) in paragraph (3), by inserting “or mainte-*
 16 *nance of the standard” after “standard”; and*

17 *(5) in paragraph (4), by inserting “or mainte-*
 18 *nance” after “attainment”.*

19 *(c) STATES RECEIVING MINIMUM APPORTIONMENT.—*
 20 *Section 149 of title 23, United States Code, is amended by*
 21 *striking subsection (c) and inserting the following:*

22 *“(c) STATES RECEIVING MINIMUM APPORTION-*
 23 *MENT.—*

24 *“(1) STATES WITHOUT A NONATTAINMENT*
 25 *AREA.—If a State does not have, and never has had,*

1 *a nonattainment area designated under the Clean Air*
 2 *Act (42 U.S.C. 7401 et seq.), the State may use funds*
 3 *apportioned to the State under section 104(b)(2) for*
 4 *any project eligible under the surface transportation*
 5 *program under section 133.*

6 *“(2) STATES WITH A NONATTAINMENT AREA.—If*
 7 *a State has a nonattainment area or maintenance*
 8 *area and receives funds under section 104(b)(2)(D)*
 9 *above the amount of funds that the State would have*
 10 *received based on its nonattainment and maintenance*
 11 *area population under subparagraphs (B) and (C) of*
 12 *section 104(b)(2), the State may use that portion of*
 13 *the funds not based on its nonattainment and mainte-*
 14 *nance area population under subparagraphs (B) and*
 15 *(C) of section 104(b)(2) for any project in the State*
 16 *eligible under section 133.”.*

17 *(d) FEDERAL SHARE.—Section 120(c) of title 23,*
 18 *United States Code, is amended in the first sentence by*
 19 *striking “The” and inserting “Except in the case of a*
 20 *project funded from sums apportioned under section*
 21 *104(b)(2), the”.*

22 *(e) CONFORMING AMENDMENTS.—*

23 *(1) Section 101(a) of title 23, United States*
 24 *Code, is amended by inserting after the undesignated*
 25 *paragraph defining “maintenance” the following:*

1 *“The term ‘maintenance area’ means an area that was*
 2 *designated as a nonattainment area, but was later redesign-*
 3 *ated by the Administrator of the Environmental Protec-*
 4 *tion Agency as an attainment area, under section 107(d)*
 5 *of the Clean Air Act (42 U.S.C. 7407(d)).”.*

6 (2) *Section 149(b)(1)(A)(ii) of title 23, United*
 7 *States Code, is amended by striking “an area” and*
 8 *all that follows and inserting “a maintenance area;*
 9 *or”.*

10 **SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.**

11 *Section 355 of the National Highway System Designa-*
 12 *tion Act of 1995 (109 Stat. 624) is amended—*

13 (1) *in the section heading, by striking “AND*
 14 ***MAINE*”;**

15 (2) *in subsection (a)—*

16 (A) *by striking “States of New Hampshire*
 17 *and Maine shall each” and inserting “State of*
 18 *New Hampshire shall”; and*

19 (B) *in paragraph (1), by striking “and*
 20 *1996” and inserting “through 2000”; and*

21 (3) *by striking “or Maine” each place it appears.*

22 **SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE**
 23 **ON PRIVATE ENTERPRISE.**

24 (a) *IN GENERAL.—It is the sense of the Senate that*
 25 *each agency authorized to expend funds made available*

1 *under this Act, or an amendment made by this Act, or a*
 2 *recipient of any form of a grant or other Federal assistance*
 3 *under this Act, or an amendment made by this Act—*

4 *(1) should, in expending the funds or assistance,*
 5 *rely on entities in the private enterprise system to*
 6 *provide such goods and services as are reasonably and*
 7 *expeditiously available through ordinary business*
 8 *channels; and*

9 *(2) shall not duplicate or compete with entities*
 10 *in the private enterprise system.*

11 *(b) PROCEDURES.—The Secretary should provide pro-*
 12 *cedures to inform each agency that administers this Act and*
 13 *each recipient of a grant or other Federal assistance of the*
 14 *sense of the Senate expressed in subsection (a).*

15 **SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFI-**
 16 **CERS ON FEDERAL-AID HIGHWAY CONSTRUC-**
 17 **TION PROJECTS.**

18 *(a) IN GENERAL.—In consultation with the States and*
 19 *State transportation departments, the Secretary shall con-*
 20 *duct a study on the extent and effectiveness of use by States*
 21 *of uniformed police officers on Federal-aid highway con-*
 22 *struction projects.*

23 *(b) REPORT.—Not later than 2 years after the date*
 24 *of enactment of this Act, the Secretary shall submit to Con-*
 25 *gress a report on the results of the study conducted under*

1 *subsection (a), including any legislative and administrative*
 2 *recommendations of the Secretary.*

3 **SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN**
 4 **SERVICES.**

5 *Section 112(b)(2) of title 23, United States Code, is*
 6 *amended—*

7 *(1) in subparagraph (B)(i), by striking “, except*
 8 *to” and all that follows through “services”;*

9 *(2) by striking subparagraph (C) and inserting*
 10 *the following:*

11 *“(C) SELECTION, PERFORMANCE, AND AU-*
 12 *DITS.—*

13 *“(i) IN GENERAL.—All requirements*
 14 *for architectural, engineering, and related*
 15 *services at any phase of a highway project*
 16 *funded in whole or in part with Federal-aid*
 17 *highway funds, or reasonably expected or*
 18 *intended to be part of 1 or more such*
 19 *projects, shall be performed under a con-*
 20 *tract awarded in accordance with subpara-*
 21 *graph (A) unless the simplified acquisition*
 22 *procedures of the Federal Acquisition Regu-*
 23 *lations apply.*

24 *“(ii) PROHIBITION ON STATE RESTRIC-*
 25 *TION.—A State shall not impose any over-*

1 *head restriction, or salary limitation incon-*
 2 *sistent with the Federal Acquisition Regula-*
 3 *tions, that would preclude any qualified*
 4 *firm from being eligible to compete for con-*
 5 *tracts awarded in accordance with subpara-*
 6 *graph (A).*

7 “(iii) COMPLIANCE WITH FEDERAL AC-

8 QUISITION REGULATIONS.—*The process for*

9 *selection, award, performance, administra-*

10 *tion, and audit of the resulting contracts*

11 *shall comply with the procedures, cost prin-*

12 *ciples, and cost accounting principles of the*

13 *Federal Acquisition Regulations, including*

14 *parts 30, 31, and 36 of the Regulations.”;*

15 *and*

16 (3) *by adding at the end the following:*

17 “(H) COMPLIANCE.—

18 “(i) IN GENERAL.—*A State shall com-*

19 *ply with the qualifications-based selection*

20 *procedures of the Federal Acquisition Regu-*

21 *lations, and the single audit procedures re-*

22 *quired under this paragraph, or with an ex-*

23 *isting State law or a statute enacted in ac-*

24 *cordance with the legislative session exemp-*

25 *tion under subparagraph (G), with respect*

1 to any architecture, engineering, or related
 2 service contract for any phase of a Federal-
 3 aid highway project.

4 “(ii) STATES WITH ALTERNATIVE
 5 PROCESS.—Any State that, after November
 6 28, 1995, enacted legislation to establish an
 7 alternative State procedure as a substitute
 8 for the contract administration and audit
 9 procedures required under this paragraph
 10 or was granted a waiver under subpara-
 11 graph (G) shall submit the legislation to the
 12 Secretary, not later than 60 days after the
 13 date of enactment of this subparagraph, for
 14 certification that the State legislation is in
 15 compliance with the statutory timetable and
 16 substantive criteria specified in subpara-
 17 graph (G).”.

18 **SEC. 1128. ADDITIONAL FUNDING.**

19 (a) *IN GENERAL.*—

20 (1) *APPORTIONMENT.*—On October 1, or as soon
 21 as practicable thereafter, of each fiscal year, after
 22 making apportionments and allocations under sec-
 23 tions 104 and 105(a) of title 23, United States Code,
 24 and section 1102(c) of this Act, the Secretary shall
 25 apportion, in accordance with paragraph (2), the

1 *funds made available by paragraph (3) among the*
2 *States in the ratio that—*

3 *(A) the total of the apportionments to each*
4 *State under section 104 of title 23, United States*
5 *Code, and section 1102(c) of this Act and the al-*
6 *locations to each State under section 105(a) of*
7 *that title (excluding amounts made available*
8 *under this section); bears to*

9 *(B) the total of all apportionments to all*
10 *States under section 104 of that title and section*
11 *1102(c) of this Act and all allocations to all*
12 *States under section 105(a) of that title (exclud-*
13 *ing amounts made available under this section).*

14 *(2) DISTRIBUTION AMONG CATEGORIES.—*

15 *(A) LIMITED FLEXIBLE FUNDING FOR CER-*
16 *TAIN STATES.—For each fiscal year, in the case*
17 *of each State that does not receive funding under*
18 *subsection (c) or an allocation under subsection*
19 *(d), an amount equal to 22 percent of the funds*
20 *apportioned to the State under paragraph (1)*
21 *shall be set aside for use by the State for any*
22 *purpose eligible for funding under title 23,*
23 *United States Code, or this Act.*

24 *(B) DISTRIBUTION OF REMAINING FUNDS.—*

1 (i) *IN GENERAL.*—For each fiscal year,
2 after application of subparagraph (A), the
3 remaining funds apportioned to each State
4 under paragraph (1) shall be apportioned
5 in accordance with clause (ii) among the
6 following categories:

7 (I) *The Interstate maintenance*
8 *component of the Interstate and Na-*
9 *tional Highway System program*
10 *under section 104(b)(1)(A) of title 23,*
11 *United States Code.*

12 (II) *The Interstate bridge compo-*
13 *nent of the Interstate and National*
14 *Highway System program under sec-*
15 *tion 104(b)(1)(B) of that title.*

16 (III) *The National Highway Sys-*
17 *tem component of the Interstate and*
18 *National Highway System program*
19 *under section 104(b)(1)(C) of that title.*

20 (IV) *The congestion mitigation*
21 *and air quality improvement program*
22 *under section 104(b)(2) of that title.*

23 (V) *The surface transportation*
24 *program under section 104(b)(3) of*
25 *that title.*

1 (VI) *Metropolitan planning under*
 2 *section 104(f) of that title.*

3 (VII) *Minimum guarantee under*
 4 *section 105 of that title.*

5 (VIII) *ISTEA transition under*
 6 *section 1102(c) of this Act.*

7 (ii) *DISTRIBUTION FORMULA.—For*
 8 *each State and each fiscal year, the amount*
 9 *of funds apportioned for each category*
 10 *under clause (i) shall be equal to the prod-*
 11 *uct obtained by multiplying—*

12 (I) *the amount of funds appor-*
 13 *tioned to the State for the fiscal year*
 14 *under paragraph (1); by*

15 (II) *the ratio that—*

16 (aa) *the amount of funds ap-*
 17 *portioned to the State for the cat-*
 18 *egory for the fiscal year under the*
 19 *other sections of this Act and the*
 20 *amendments made by this Act;*
 21 *bears to*

22 (bb) *the total amount of*
 23 *funds apportioned to the State for*
 24 *all of the categories for the fiscal*
 25 *year under the other sections of*

1 *this Act and the amendments*
 2 *made by this Act.*

3 (3) *AUTHORIZATION OF CONTRACT AUTHOR-*
 4 *ITY.—*

5 (A) *IN GENERAL.—There shall be available*
 6 *from the Highway Trust Fund (other than the*
 7 *Mass Transit Account) to carry out this sub-*
 8 *section \$640,000,000 for fiscal year 1998,*
 9 *\$3,346,000,000 for fiscal year 1999,*
 10 *\$3,634,000,000 for fiscal year 2000,*
 11 *\$3,881,000,000 for fiscal year 2001,*
 12 *\$3,831,000,000 for fiscal year 2002, and*
 13 *\$3,603,000,000 for fiscal year 2003.*

14 (B) *CONTRACT AUTHORITY.—Funds author-*
 15 *ized under this paragraph shall be available for*
 16 *obligation in the same manner as if the funds*
 17 *were apportioned under chapter 1 of title 23,*
 18 *United States Code.*

19 (b) *OTHER ADJUSTMENTS.—*

20 (1) *IN GENERAL.—Notwithstanding sections*
 21 *1116, 1117, and 1118, and the amendments made by*
 22 *those sections—*

23 (A) *in addition to the amounts authorized*
 24 *to be appropriated under section 1116(d)(5),*
 25 *there shall be available from the Highway Trust*

1 *Fund (other than the Mass Transit Account) to*
 2 *carry out section 1116(d) \$90,000,000 for each of*
 3 *fiscal years 1999 through 2003; and*

4 *(B) in addition to the funds made available*
 5 *under the amendment made by section 1117(d),*
 6 *there shall be available from the Highway Trust*
 7 *Fund (other than the Mass Transit Account) in*
 8 *the manner described in, and to carry out the*
 9 *purposes specified in, that amendment*
 10 *\$378,000,000 for each of fiscal years 1999*
 11 *through 2003, except that the funds made avail-*
 12 *able under this subparagraph, notwithstanding*
 13 *section 118(e)(1)(C)(v) of title 23, United States*
 14 *Code, and section 201(g)(1)(B) of the Appalach-*
 15 *ian Regional Development Act of 1965 (40*
 16 *U.S.C. App.), shall be subject to subparagraphs*
 17 *(A) and (B) of section 118(e)(1) of that title.*

18 *(2) CONTRACT AUTHORITY.—Funds authorized*
 19 *under subparagraphs (A) and (B) of paragraph (1)*
 20 *shall be available for obligation in the same manner*
 21 *as if the funds were apportioned under chapter 1 of*
 22 *title 23, United States Code.*

23 *(3) LIMITATION.—No obligation authority shall*
 24 *be made available for any amounts authorized under*
 25 *this subsection for any fiscal year for which any obli-*

1 *gation limitation established for Federal-aid high-*
 2 *ways is less than the obligation limitation established*
 3 *for fiscal year 1998.*

4 *(c) HIGH DENSITY TRANSPORTATION PROGRAM.—*

5 *(1) IN GENERAL.—There is established the high*
 6 *density transportation program (referred to in this*
 7 *subsection as the “program”) to provide funding to*
 8 *States that have higher-than-average population den-*
 9 *sity.*

10 *(2) DETERMINATIONS.—*

11 *(A) IN GENERAL.—On October 1, or as soon*
 12 *as practicable thereafter, of each of fiscal years*
 13 *1999 through 2003, the Secretary shall determine*
 14 *for each State and the fiscal year—*

15 *(i) the population density of the State;*

16 *(ii) the total vehicle miles traveled on*
 17 *lanes on Federal-aid highways in the State*
 18 *during the latest year for which data are*
 19 *available;*

20 *(iii) the ratio that—*

21 *(I) the total lane miles on Fed-*
 22 *eral-aid highways in urban areas in*
 23 *the State; bears to*

24 *(II) the total lane miles on all*
 25 *Federal-aid highways in the State; and*

1 (iv) the quotient obtained by divid-
2 ing—

3 (I) the sum of—

4 (aa) the amounts appor-
5 tioned to the State under section
6 104 of title 23, United States
7 Code, for the Interstate and Na-
8 tional Highway System program,
9 the surface transportation pro-
10 gram, and the congestion mitiga-
11 tion and air quality improvement
12 program;

13 (bb) the amounts allocated to
14 the State under the minimum
15 guarantee program under section
16 105 of that title; and

17 (cc) the amounts apportioned
18 to the State under section 1102(c)
19 of this Act for ISTEA transition;
20 by

21 (II) the population of the State
22 (as determined based on the latest
23 available annual estimates prepared by
24 the Secretary of Commerce).

1 (B) *NATIONAL AVERAGE.*—Using the data
 2 determined under subparagraph (A), the Sec-
 3 retary shall determine the national average with
 4 respect to each of the factors described in clauses
 5 (i) through (iv) of subparagraph (A).

6 (3) *ELIGIBILITY CRITERIA.*—A State shall be eli-
 7 gible to receive funding under the program if—

8 (A) the amount determined for the State
 9 under paragraph (2)(A) with respect to each fac-
 10 tor described in clauses (i) through (iii) of para-
 11 graph (2)(A) is greater than the national aver-
 12 age with respect to the factor determined under
 13 paragraph (2)(B); and

14 (B) the amount determined for the State
 15 with respect to the factor described in paragraph
 16 (2)(A)(iv) is less than 85 percent of the national
 17 average with respect to the factor determined
 18 under paragraph (2)(B).

19 (4) *DISTRIBUTION OF FUNDS.*—

20 (A) *AVAILABILITY TO STATES.*—For each
 21 fiscal year, except as provided in subparagraph
 22 (D), each State that meets the eligibility criteria
 23 under paragraph (3) shall receive a portion of
 24 the funds made available to carry out the pro-
 25 gram that is—

- 1 (i) *not less than \$36,000,000; but*
2 (ii) *not more than 15 percent of the*
3 *funds.*

4 (B) *STATE NOTIFICATION.*—*On October 1,*
5 *or as soon as practicable thereafter, of each fiscal*
6 *year, the Secretary shall notify each State that*
7 *meets the eligibility criteria under paragraph (3)*
8 *that the State is eligible to apply for funding*
9 *under the program.*

10 (C) *PROJECT PROPOSALS.*—

11 (i) *SUBMISSION.*—

12 (I) *IN GENERAL.*—*After receipt of*
13 *a notification of eligibility under sub-*
14 *paragraph (B), to receive funds under*
15 *the program, a State, in consultation*
16 *with the appropriate metropolitan*
17 *planning organizations, shall submit*
18 *to the Secretary proposals for projects*
19 *aimed at improving mobility in dense-*
20 *ly populated areas where traffic loads*
21 *and highway maintenance costs are*
22 *high.*

23 (II) *TOTAL COST OF PROJECTS.*—

24 *The estimated total cost of the projects*
25 *proposed by each State shall be equal*

1 to at least 3 times the amount that the
2 State is eligible to receive under sub-
3 paragraph (A).

4 (ii) *SELECTION.*—The Secretary shall
5 select projects for funding under the pro-
6 gram based on factors determined by the
7 Secretary to reflect the degree to which a
8 project will improve mobility in densely
9 populated areas where traffic loads and
10 highway maintenance costs are high.

11 (iii) *DEADLINES.*—The Secretary may
12 establish deadlines for States to submit
13 project proposals, except that in the case of
14 fiscal year 1998 the deadline may not be
15 earlier than July 1, 1998.

16 (D) *REDISTRIBUTION OF FUNDS.*—For each
17 fiscal year, if a State does not have pending, by
18 the deadline established under subparagraph
19 (C)(iii), applications for projects with an esti-
20 mated total cost equal to at least 3 times the
21 amount that the State is eligible to receive under
22 subparagraph (A), the Secretary may redistrib-
23 ute, to 1 or more other States, at the Secretary's
24 discretion, $\frac{1}{3}$ of the amount by which the esti-
25 mated cost of the State's applications is less than

1 3 times the amount that the State is eligible to
2 receive.

3 (5) *OTHER ELIGIBLE STATES.*—In addition to
4 States that meet the eligibility criteria under para-
5 graph (3), a State with respect to which the following
6 conditions are met shall also be eligible for the funds
7 made available to carry out the program that remain
8 after each State that meets the eligibility criteria
9 under paragraph (3) has received the minimum
10 amount of funds specified in paragraph (4)(A)(i):

11 (A) *POPULATION DENSITY.*—The population
12 density of the State is at least 50 percent greater
13 than the population density of the United States
14 (as determined on the basis of the 1990 Federal
15 census).

16 (B) *THROUGH TRUCK TRAFFIC.*—The
17 quotient obtained by dividing—

18 (i) the annual quantity of through
19 truck ton-miles in the State (as determined
20 based on the latest available estimates pub-
21 lished by the Secretary); by

22 (ii) the annual quantity of total truck
23 ton-miles in the State (as determined based
24 on the latest available estimates published
25 by the Secretary);

1 *is greater than 0.60.*

2 (6) *ADDITIONAL ELIGIBLE STATES.*—*In addition*
 3 *to States that meet the eligibility criteria under para-*
 4 *graph (3), a State with respect to which the following*
 5 *conditions are met shall also be eligible for the funds*
 6 *made available to carry out the program that remain*
 7 *after each State that meets the eligibility criteria*
 8 *under paragraph (3) has received the minimum*
 9 *amount of funds specified in paragraph (4)(A)(i):*

10 (A) *POPULATION DENSITY.*—*The population*
 11 *density of the State is greater than 161 individ-*
 12 *uals per square mile.*

13 (B) *VEHICLE MILES TRAVELED.*—*The*
 14 *amount determined for the State under para-*
 15 *graph (2)(A) with respect to the factor described*
 16 *in paragraph (2)(A)(ii) is greater than the na-*
 17 *tional average with respect to the factor deter-*
 18 *mined under paragraph (2)(B).*

19 (C) *URBAN FEDERAL-AID LANE MILES.*—
 20 *The ratio that—*

21 (i) *the total lane miles on Federal-aid*
 22 *highways in urban areas in the State; bears*
 23 *to*

24 (ii) *the total lane miles on all Federal-*
 25 *aid highways in the State;*

1 *is greater than or equal to 0.26.*

2 (D) *APPORTIONMENTS PER CAPITA.*—*The*
 3 *amount determined for the State with respect to*
 4 *the factor described in paragraph (2)(A)(iv) is*
 5 *less than 85 percent of the national average with*
 6 *respect to the factor determined under paragraph*
 7 *(2)(B).*

8 (7) *ELIGIBLE PROJECTS.*—*Funds made available*
 9 *to carry out the program may be used for any project*
 10 *eligible for funding under title 23, United States*
 11 *Code, or this Act.*

12 (8) *AUTHORIZATION OF CONTRACT AUTHOR-*
 13 *ITY.*—

14 (A) *IN GENERAL.*—*There shall be available*
 15 *from the Highway Trust Fund (other than the*
 16 *Mass Transit Account) to carry out this sub-*
 17 *section \$360,000,000 for each of fiscal years 1999*
 18 *through 2003.*

19 (B) *CONTRACT AUTHORITY.*—*Funds author-*
 20 *ized under this paragraph shall be available for*
 21 *obligation in the same manner as if the funds*
 22 *were apportioned under chapter 1 of title 23,*
 23 *United States Code.*

24 (9) *LIMITATIONS.*—

1 (A) *APPLICABILITY OF OBLIGATION LIMITA-*
2 *TIONS.—Funds made available under this sub-*
3 *section shall be subject to subparagraphs (A) and*
4 *(B) of section 118(e)(1) of that title.*

5 (B) *LIMITATION ON AVAILABILITY.—No ob-*
6 *ligation authority shall be made available for*
7 *any amounts authorized under this subsection*
8 *for any fiscal year for which any obligation lim-*
9 *itation established for Federal-aid highways is*
10 *less than the obligation limitation established for*
11 *fiscal year 1998.*

12 (d) *BONUS PROGRAM.—*

13 (1) *IN GENERAL.—For each of fiscal years 1998*
14 *through 2003, after making apportionments and allo-*
15 *cations under section 1102 and the amendments made*
16 *by that section, the Secretary shall allocate to each of*
17 *the States listed in the following table the amount*
18 *specified for the State in the following table:*

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	\$4,969	\$11,021	\$11,093	\$11,169	\$11,253	\$11,352
Arizona	\$3,864	\$14,418	\$14,474	\$14,533	\$14,598	\$14,676
California	\$10,353	\$47,050	\$48,691	\$48,094	\$39,345	\$35,119
Florida	\$11,457	\$30,175	\$30,342	\$30,518	\$30,710	\$30,940
Georgia	\$8,723	\$19,347	\$19,474	\$19,608	\$19,754	\$19,930
Illinois	\$8,277	\$21,800	\$21,921	\$22,048	\$22,187	\$22,353
Indiana	\$6,052	\$22,580	\$22,668	\$22,761	\$22,862	\$22,984
Kentucky	\$4,316	\$9,573	\$9,636	\$9,703	\$9,775	\$9,862

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Maryland	\$3,749	\$4,202	\$4,257	\$4,314	\$4,377	\$4,452
Michigan	\$7,849	\$29,286	\$29,400	\$29,521	\$29,652	\$29,810
North Carolina	\$7,032	\$15,597	\$15,700	\$15,808	\$15,925	\$16,067
Ohio	\$8,567	\$9,601	\$9,726	\$9,858	\$10,001	\$10,173
Pennsylvania	\$5,409	\$4,174	\$60	\$0	\$0	\$0
South Carolina	\$3,953	\$12,966	\$13,023	\$13,084	\$13,150	\$13,230
Tennessee	\$5,631	\$12,490	\$12,572	\$12,658	\$12,752	\$12,866
Texas	\$17,129	\$63,908	\$64,157	\$64,421	\$64,707	\$65,052
Virginia	\$6,368	\$14,124	\$14,217	\$14,315	\$14,421	\$14,549
Wisconsin	\$4,520	\$16,864	\$16,929	\$16,999	\$17,075	\$17,165

1 (2) *ELIGIBLE PURPOSES.*—Amounts allocated
2 under paragraph (1) shall be available for any pur-
3 pose eligible for funding under title 23, United States
4 Code, or this Act.

5 (3) *AUTHORIZATION OF CONTRACT AUTHOR-*
6 *ITY.*—

7 (A) *IN GENERAL.*—There shall be available
8 from the Highway Trust Fund (other than the
9 Mass Transit Account) such sums as are nec-
10 essary to carry out this subsection.

11 (B) *CONTRACT AUTHORITY.*—Funds author-
12 ized under this paragraph shall be available for
13 obligation in the same manner as if the funds
14 were apportioned under chapter 1 of title 23,
15 United States Code.

16 (4) *LIMITATIONS.*—

1 (A) *APPLICABILITY OF OBLIGATION LIMITA-*
 2 *TIONS.—Funds made available under this sub-*
 3 *section shall be subject to subparagraphs (A) and*
 4 *(B) of section 118(e)(1) of that title.*

5 (B) *LIMITATION ON AVAILABILITY.—No ob-*
 6 *ligation authority shall be made available for*
 7 *any amounts authorized under this subsection*
 8 *for any fiscal year for which any obligation lim-*
 9 *itation established for Federal-aid highways is*
 10 *less than the obligation limitation established for*
 11 *fiscal year 1998.*

12 (e) *FEDERAL LANDS HIGHWAYS PROGRAM.—*

13 (1) *IN GENERAL.—In addition to the amounts*
 14 *made available under section 1101(4), there shall be*
 15 *available from the Highway Trust Fund (other than*
 16 *the Mass Transit Account)—*

17 (A) *for Indian reservation roads under sec-*
 18 *tion 204 of title 23, United States Code,*
 19 *\$50,000,000 for each of fiscal years 1999 through*
 20 *2003;*

21 (B) *for parkways and park roads under sec-*
 22 *tion 204 of title 23, United States Code,*
 23 *\$70,000,000 for each of fiscal years 1999 through*
 24 *2003, of which \$20,000,000 for each fiscal year*
 25 *shall be available to maintain and improve pub-*

1 *lic roads that provide access to or within units*
 2 *of the National Wildlife Refuge System; and*

3 *(C) for public lands highways under section*
 4 *204 of title 23, United States Code, \$50,000,000*
 5 *for each of fiscal years 1999 through 2003.*

6 *(2) AUTHORIZATION OF CONTRACT AUTHOR-*
 7 *ITY.—*

8 *(A) IN GENERAL.—There shall be available*
 9 *from the Highway Trust Fund (other than the*
 10 *Mass Transit Account) such sums as are nec-*
 11 *essary to carry out this subsection.*

12 *(B) CONTRACT AUTHORITY.—Funds author-*
 13 *ized under this paragraph shall be available for*
 14 *obligation in the same manner as if the funds*
 15 *were apportioned under chapter 1 of title 23,*
 16 *United States Code.*

17 *(3) LIMITATIONS.—*

18 *(A) APPLICABILITY OF OBLIGATION LIMITA-*
 19 *TIONS.—Funds made available under this sub-*
 20 *section shall be subject to subparagraphs (A) and*
 21 *(B) of section 118(e)(1) of that title.*

22 *(B) LIMITATION ON AVAILABILITY.—No ob-*
 23 *ligation authority shall be made available for*
 24 *any amounts authorized under this subsection*
 25 *for any fiscal year for which any obligation lim-*

1 *itation established for Federal-aid highways is*
 2 *less than the obligation limitation established for*
 3 *fiscal year 1998.*

4 *(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DIS-*
 5 *CRETIONARY PROGRAM ALLOCATIONS.—In allocating funds*
 6 *under section 104(k) of title 23, United States Code, the*
 7 *Secretary shall give preference to States—*

8 *(1)(A) with respect to which at least 40 percent*
 9 *of the bridges in the State are functionally obsolete*
 10 *and structurally deficient; and*

11 *(B) that do not receive assistance made available*
 12 *under subsection (b)(1)(B) or funding under sub-*
 13 *section (c); or*

14 *(2) that are bordered by 2 navigable rivers listed*
 15 *under section 1804 of title 33, United States Code,*
 16 *that each comprise at least 10 percent of the boundary*
 17 *of the State.*

18 *(g) ADDITIONAL ALLOCATIONS.—*

19 *(1) IN GENERAL.—For each of fiscal years 1999*
 20 *through 2003, after making apportionments and allo-*
 21 *cations under sections 104 and 105(a) of title 23,*
 22 *United States Code, and section 1102(c) of this Act,*
 23 *the Secretary shall allocate to each of the following*
 24 *States the following amount specified for the State:*

25 *(A) Arizona: \$7,016,000.*

1 (B) *Indiana: \$9,290,000.*

2 (C) *Michigan: \$11,158,000.*

3 (D) *Oklahoma: \$6,924,000.*

4 (E) *South Carolina: \$7,109,000.*

5 (F) *Texas: \$20,804,000.*

6 (G) *Wisconsin: \$7,699,000.*

7 (2) *ELIGIBLE PURPOSES.—Amounts allocated*
 8 *under paragraph (1) shall be available for any pur-*
 9 *pose eligible for funding under title 23, United States*
 10 *Code, or this Act.*

11 (3) *AUTHORIZATION OF CONTRACT AUTHOR-*
 12 *ITY.—*

13 (A) *IN GENERAL.—There shall be available*
 14 *from the Highway Trust Fund (other than the*
 15 *Mass Transit Account) such sums as are nec-*
 16 *essary to carry out this subsection.*

17 (B) *CONTRACT AUTHORITY.—Funds author-*
 18 *ized under this paragraph shall be available for*
 19 *obligation in the same manner as if the funds*
 20 *were apportioned under chapter 1 of title 23,*
 21 *United States Code.*

22 (4) *LIMITATIONS.—*

23 (A) *APPLICABILITY OF OBLIGATION LIMITA-*
 24 *TIONS.—Funds made available under this sub-*

1 *section shall be subject to subparagraphs (A) and*
 2 *(B) of section 118(e)(1) of that title.*

3 *(B) LIMITATION ON AVAILABILITY.—No ob-*
 4 *ligation authority shall be made available for*
 5 *any amounts authorized under this subsection*
 6 *for any fiscal year for which any obligation lim-*
 7 *itation established for Federal-aid highways is*
 8 *less than the obligation limitation established for*
 9 *fiscal year 1998.*

10 **SEC. 1129. AMBASSADOR BRIDGE ACCESS, DETROIT, MICH-**
 11 **IGAN.**

12 *(a) IN GENERAL.—Notwithstanding section 129 of title*
 13 *23, United States Code, or any other provision of law, im-*
 14 *provements to access roads and construction of access roads,*
 15 *approaches, and related facilities (such as signs, lights, and*
 16 *signals) necessary to connect the Ambassador Bridge in De-*
 17 *troit, Michigan, to the Interstate System shall be eligible*
 18 *for funds apportioned under paragraphs (1)(C) and (3) of*
 19 *section 104(b) of that title.*

20 *(b) USE OF FUNDS.—Funds described in subsection*
 21 *(a) shall not be used for any improvement to, or construc-*
 22 *tion of, the bridge itself.*

1 **SEC. 1130. TRANSPORTATION ASSISTANCE FOR OLYMPIC**
 2 **CITIES.**

3 (a) *PURPOSE.*—*The purpose of this section is to au-*
 4 *thorize the provision of assistance for, and support of, State*
 5 *and local efforts concerning surface transportation issues*
 6 *necessary to obtain the national recognition and economic*
 7 *benefits of participation in the International Olympic*
 8 *movement and the International Paralympic movement by*
 9 *hosting international quadrennial Olympic and*
 10 *Paralympic events in the United States.*

11 (b) *PRIORITY FOR TRANSPORTATION PROJECTS RE-*
 12 *LATING TO OLYMPIC AND PARALYMPIC EVENTS.*—*Notwith-*
 13 *standing any other provision of law, from funds available*
 14 *to carry out section 104(k) of title 23, United States Code,*
 15 *the Secretary may give priority to funding for a transpor-*
 16 *tation project relating to an international quadrennial*
 17 *Olympic or Paralympic event if—*

18 (1) *the project meets the extraordinary needs as-*
 19 *sociated with an international quadrennial Olympic*
 20 *or Paralympic event; and*

21 (2) *the project is otherwise eligible for assistance*
 22 *under section 104(k) of that title.*

23 (c) *TRANSPORTATION PLANNING ACTIVITIES.*—*The*
 24 *Secretary may participate in—*

25 (1) *planning activities of States and metropoli-*
 26 *tan planning organizations and transportation*

1 *projects relating to an international quadrennial*
 2 *Olympic or Paralympic event under sections 134 and*
 3 *135 of title 23, United States Code; and*

4 *(2) developing intermodal transportation plans*
 5 *necessary for the projects in coordination with State*
 6 *and local transportation agencies.*

7 *(d) FUNDING.—Notwithstanding section 541(a) of title*
 8 *23, United States Code, from funds made available under*
 9 *that section, the Secretary may provide assistance for the*
 10 *development of an Olympic and a Paralympic transpor-*
 11 *tation management plan in cooperation with an Olympic*
 12 *Organizing Committee responsible for hosting, and State*
 13 *and local communities affected by, an international quad-*
 14 *rennial Olympic or Paralympic event.*

15 *(e) TRANSPORTATION PROJECTS RELATING TO OLYM-*
 16 *PIC AND PARALYMPIC EVENTS.—*

17 *(1) IN GENERAL.—The Secretary may provide*
 18 *assistance, including planning, capital, and operat-*
 19 *ing assistance, to States and local governments in*
 20 *carrying out transportation projects relating to an*
 21 *international quadrennial Olympic or Paralympic*
 22 *event.*

23 *(2) FEDERAL SHARE.—The Federal share of the*
 24 *cost of a project assisted under this subsection shall*
 25 *not exceed 80 percent.*

1 (f) *ELIGIBLE GOVERNMENTS.*—A State or local gov-
 2 ernment shall be eligible to receive assistance under this sec-
 3 tion only if the government is hosting a venue that is part
 4 of an international quadrennial Olympics that is officially
 5 selected by the International Olympic Committee.

6 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 7 authorized to be appropriated from the Highway Trust
 8 Fund (other than the Mass Transit Account) to carry out
 9 this section such sums as are necessary for each of fiscal
 10 years 1998 through 2003.

11 **SEC. 1131. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE**
 12 **UNITED STATES.**

13 (a) *RECONSTRUCTION PROJECTS.*—If the Secretary de-
 14 termines, after consultation with the Secretary of Defense,
 15 that a highway, or a portion of a highway, located outside
 16 the United States is important to the national defense, the
 17 Secretary may carry out a project for reconstruction of the
 18 highway or portion of highway.

19 (b) *FUNDING.*—

20 (1) *IN GENERAL.*—For each of fiscal years 1998
 21 through 2003, the Secretary may set aside not to ex-
 22 ceed \$16,000,000 from amounts to be apportioned
 23 under section 104(b)(1)(A) of title 23, United States
 24 Code, to carry out this section.

1 (2) *AVAILABILITY.*—*Funds made available under*
 2 *paragraph (1) shall remain available until expended.*

3 **SEC. 1132. NATIONAL HISTORIC COVERED BRIDGE PRESER-**
 4 **VATION.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *COVERED BRIDGE.*—*The term “covered*
 7 *bridge”*—

8 (A) *means a roofed bridge that is made pri-*
 9 *marily of wood; and*

10 (B) *includes the roof, flooring, trusses,*
 11 *joints, walls, piers, footings, walkways, support*
 12 *structures, arch systems, and underlying land.*

13 (2) *HISTORIC COVERED BRIDGE.*—*The term*
 14 *“historic covered bridge” means a covered bridge*
 15 *that*—

16 (A) *is at least 50 years old; or*

17 (B) *is listed on the National Register of*
 18 *Historic Places.*

19 (b) *HISTORIC COVERED BRIDGE PRESERVATION.*—
 20 *The Secretary shall*—

21 (1) *develop and maintain a list of historic cov-*
 22 *ered bridges;*

23 (2) *collect and disseminate information concern-*
 24 *ing historic covered bridges;*

1 (3) *foster educational programs relating to the*
 2 *history, construction techniques, and contribution to*
 3 *society of historic covered bridges;*

4 (4) *sponsor or conduct research on the history of*
 5 *covered bridges; and*

6 (5) *sponsor or conduct research, and study tech-*
 7 *niques, on protecting covered bridges from rot, fire,*
 8 *natural disasters, or weight-related damage.*

9 (c) *DIRECT FEDERAL ASSISTANCE.*—

10 (1) *IN GENERAL.*—*Subject to the availability of*
 11 *appropriations, the Secretary shall make a grant to*
 12 *a State that submits an application to the Secretary*
 13 *that demonstrates a need for assistance in carrying*
 14 *out 1 or more historic covered bridge projects de-*
 15 *scribed in paragraph (2).*

16 (2) *TYPES OF PROJECT.*—*A grant under para-*
 17 *graph (1) may be made for a project—*

18 (A) *to rehabilitate or repair a historic cov-*
 19 *ered bridge;*

20 (B) *to preserve a historic covered bridge, in-*
 21 *cluding through—*

22 (i) *installation of a fire protection sys-*
 23 *tem, including a fireproofing or fire detec-*
 24 *tion system and sprinklers;*

1 (ii) installation of a system to prevent
2 vandalism and arson; or

3 (iii) relocation of a bridge to a preser-
4 vation site; and

5 (C) to conduct a field test on a historic cov-
6 ered bridge or evaluate a component of a historic
7 covered bridge, including through destructive
8 testing of the component.

9 (3) *AUTHENTICITY.*—A grant under paragraph
10 (1) may be made for a project only if—

11 (A) to the maximum extent practicable, the
12 project—

13 (i) is carried out in the most histori-
14 cally appropriate manner; and

15 (ii) preserves the existing structure of
16 the historic covered bridge; and

17 (B) the project provides for the replacement
18 of wooden components with wooden components,
19 unless the use of wood is impracticable for safety
20 reasons.

21 (d) *FUNDING.*—There is authorized to be appropriated
22 to carry out this section \$10,000,000 for each of fiscal years
23 1999 through 2003, to remain available until expended.

1 **Subtitle B—Program Streamlining**
 2 **and Flexibility**

3 **CHAPTER 1—GENERAL PROVISIONS**

4 **SEC. 1201. ADMINISTRATIVE EXPENSES.**

5 *Section 104 of title 23, United States Code, is amended*
 6 *by striking subsection (a) and inserting the following:*

7 “(a) *ADMINISTRATIVE EXPENSES.*—

8 “(1) *IN GENERAL.*—Whenever an apportionment
 9 *is made of the sums made available for expenditure*
 10 *on the surface transportation program under section*
 11 *133, the congestion mitigation and air quality im-*
 12 *provement program under section 149, or the Inter-*
 13 *state and National Highway System program under*
 14 *section 103, the Secretary shall deduct a sum, in an*
 15 *amount not to exceed 1½ percent of all sums so made*
 16 *available, as the Secretary determines necessary to*
 17 *administer the provisions of law to be financed from*
 18 *appropriations for the Federal-aid highway program*
 19 *and programs authorized under chapter 2.*

20 “(2) *CONSIDERATION OF UNOBLIGATED BAL-*
 21 *ANCES.*—*In making the determination described in*
 22 *paragraph (1), the Secretary shall take into account*
 23 *the unobligated balance of any sums deducted under*
 24 *this subsection in prior fiscal years.*

1 “(3) *AVAILABILITY.*—*The sum deducted under*
 2 *paragraph (1) shall remain available until ex-*
 3 *pended.*”.

4 **SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR**
 5 **PRESERVATION.**

6 (a) *ADVANCE ACQUISITION OF REAL PROPERTY.*—*Sec-*
 7 *tion 108 of title 23, United States Code, is amended—*

8 (1) *by striking the section heading and inserting*
 9 *the following:*

10 **“§ 108. Advance acquisition of real property”;**

11 *and*

12 (2) *by striking subsection (a) and inserting the*
 13 *following:*

14 “(a) *IN GENERAL.*—

15 “(1) *AVAILABILITY OF FUNDS.*—*For the purpose*
 16 *of facilitating the timely and economical acquisition*
 17 *of real property for a transportation improvement eli-*
 18 *gible for funding under this title, the Secretary, upon*
 19 *the request of a State, may make available, for the ac-*
 20 *quisition of real property, such funds apportioned to*
 21 *the State as may be expended on the transportation*
 22 *improvement, under such rules and regulations as the*
 23 *Secretary may issue.*

24 “(2) *CONSTRUCTION.*—*The agreement between*
 25 *the Secretary and the State for the reimbursement of*

1 *the cost of the real property shall provide for the ac-*
 2 *tual construction of the transportation improvement*
 3 *within a period not to exceed 20 years following the*
 4 *fiscal year for which the request is made, unless the*
 5 *Secretary determines that a longer period is reason-*
 6 *able.”.*

7 *(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of*
 8 *title 23, United States Code, is amended—*

9 *(1) in the subsection heading, by striking “DO-*
 10 *NATED” and inserting “ACQUIRED”;*

11 *(2) by striking paragraphs (1) and (2) and in-*
 12 *serting the following:*

13 *“(1) IN GENERAL.—Notwithstanding any other*
 14 *provision of this title, the State share of the cost of*
 15 *a project with respect to which Federal assistance is*
 16 *provided from the Highway Trust Fund (other than*
 17 *the Mass Transit Account) may be credited in an*
 18 *amount equal to the fair market value of any land*
 19 *that—*

20 *“(A) is obtained by the State or a unit of*
 21 *local government in the State, without violation*
 22 *of Federal law;*

23 *“(B) is incorporated into the project;*

24 *“(C) is not land described in section 138;*

25 *and*

1 “(D) does not influence the environmental
2 assessment of the project, including—

3 “(i) the decision as to the need to con-
4 struct the project;

5 “(ii) the consideration of alternatives;
6 and

7 “(iii) the selection of a specific loca-
8 tion.

9 “(2) *ESTABLISHMENT OF FAIR MARKET*
10 *VALUE.*—The fair market value of land incorporated
11 into a project and credited under paragraph (1) shall
12 be established in the manner determined by the Sec-
13 retary, except that—

14 “(A) the fair market value shall not include
15 any increase or decrease in the value of donated
16 property caused by the project; and

17 “(B) the fair market value of donated land
18 shall be established as of the earlier of—

19 “(i) the date on which the donation be-
20 comes effective; or

21 “(ii) the date on which equitable title
22 to the land vests in the State.”;

23 (3) in paragraph (3), by striking “agency of a
24 Federal, State, or local government” and inserting
25 “agency of the Federal Government”;

1 (4) in paragraph (4), by striking “to which the
2 donation is applied”; and

3 (5) by redesignating paragraph (4) as para-
4 graph (3).

5 (c) *CREDITING OF CONTRIBUTIONS BY UNITS OF*
6 *LOCAL GOVERNMENT TOWARD THE STATE SHARE.*—Sec-
7 *tion 323 of title 23, United States Code, is amended by add-*
8 *ing at the end the following:*

9 “(e) *CREDITING OF CONTRIBUTIONS BY UNITS OF*
10 *LOCAL GOVERNMENT TOWARD THE STATE SHARE.*—A con-
11 *tribution by a unit of local government of real property,*
12 *funds, material, or a service in connection with a project*
13 *eligible for assistance under this title shall be credited*
14 *against the State share of the project at the fair market*
15 *value of the real property, funds, material, or service.”.*

16 (d) *CONFORMING AMENDMENTS.*—

17 (1) *Section 323 of title 23, United States Code,*
18 *is amended by striking the section heading and in-*
19 *serting the following:*

20 **“§ 323. Donations and credits”.**

21 (2) *The analysis for chapter 1 of title 23, United*
22 *States Code, is amended—*

23 (A) *by striking the item relating to section*
24 *108 and inserting the following:*

“108. *Advance acquisition of real property.*”;

25 and

1 (B) by striking the item relating to section
2 323 and inserting the following:

“323. Donations and credits.”.

3 **SEC. 1203. AVAILABILITY OF FUNDS.**

4 Section 118 of title 23, United States Code, is amended
5 by striking subsection (e) and inserting the following:

6 “(e) AVAILABILITY OF FUNDS.—

7 “(1) IN GENERAL.—Any Federal-aid highway
8 funds released by the final payment on a project, or
9 by the modification of a project agreement, shall be
10 credited to the same program funding category for
11 which the funds were previously apportioned and
12 shall be immediately available for obligation.

13 “(2) TRANSFER OF INTERSTATE CONSTRUCTION
14 FUNDS.—Any Federal-aid highway funds apportioned
15 to a State under section 104(b)(5)(A) (as in effect on
16 the day before the date of enactment of this para-
17 graph) and credited under paragraph (1) may be
18 transferred by the Secretary in accordance with sec-
19 tion 103(d).”.

20 **SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.**

21 Section 121 of title 23, United States Code, is amend-
22 ed—

23 (1) in subsection (a), by striking the second and
24 third sentences and inserting the following: “The pay-

1 *ments may also be made for the value of such mate-*
 2 *rials as—*

3 *“(1) have been stockpiled in the vicinity of the*
 4 *construction in conformity to plans and specifications*
 5 *for the projects; and*

6 *“(2) are not in the vicinity of the construction*
 7 *if the Secretary determines that because of required*
 8 *fabrication at an off-site location the materials can-*
 9 *not be stockpiled in the vicinity.”;*

10 *(2) by striking subsection (b) and inserting the*
 11 *following:*

12 *“(b) PROJECT AGREEMENTS.—*

13 *“(1) PAYMENTS.—A payment under this chapter*
 14 *may be made only for a project covered by a project*
 15 *agreement.*

16 *“(2) SOURCE OF PAYMENTS.—After completion*
 17 *of a project in accordance with the project agreement,*
 18 *a State shall be entitled to payment, out of the appro-*
 19 *priate sums apportioned or allocated to the State, of*
 20 *the unpaid balance of the Federal share of the cost of*
 21 *the project.”;*

22 *(3) by striking subsections (c) and (d); and*

23 *(4) by redesignating subsection (e) as subsection*
 24 *(c).*

1 **SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL**
 2 **PROPERTY.**

3 (a) *IN GENERAL.*—Section 156 of title 23, United
 4 States Code, is amended to read as follows:

5 **“§ 156. Proceeds from the sale or lease of real property**

6 “(a) *MINIMUM CHARGE.*—Subject to section 142(f), a
 7 State shall charge, at a minimum, fair market value for
 8 the sale, use, lease, or lease renewal (other than for utility
 9 use and occupancy or for a transportation project eligible
 10 for assistance under this title) of real property acquired
 11 with Federal assistance made available from the Highway
 12 Trust Fund (other than the Mass Transit Account).

13 “(b) *EXCEPTIONS.*—The Secretary may grant an ex-
 14 ception to the requirement of subsection (a) for a social,
 15 environmental, or economic purpose.

16 “(c) *USE OF FEDERAL SHARE OF INCOME.*—The Fed-
 17 eral share of net income from the revenues obtained by a
 18 State under subsection (a) shall be used by the State for
 19 projects eligible under this title.”.

20 (b) *CONFORMING AMENDMENT.*—The analysis for
 21 chapter 1 of title 23, United States Code, is amended by
 22 striking the item relating to section 156 and inserting the
 23 following:

“156. Proceeds from the sale or lease of real property.”.

1 **SEC. 1206. METRIC CONVERSION AT STATE OPTION.**

2 Section 205(c)(2) of the National Highway System
3 Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577)
4 is amended by striking “Before September 30, 2000, the”
5 and inserting “The”.

6 **SEC. 1207. REPORT ON OBLIGATIONS.**

7 Section 104(m) of title 23, United States Code (as re-
8 designated by section 1113(c)(1)), is amended—

9 (1) by inserting “REPORT TO CONGRESS.—” be-
10 fore “The Secretary”;

11 (2) by striking “not later than” and all that fol-
12 lows through “a report” and inserting “a report for
13 each fiscal year”;

14 (3) in paragraph (1), by striking “preceding cal-
15 endar month” and inserting “preceding fiscal year”;

16 (4) by striking paragraph (2);

17 (5) in paragraph (3), by striking “such preced-
18 ing month” and inserting “that preceding fiscal
19 year”; and

20 (6) by redesignating paragraphs (3) and (4) as
21 paragraphs (2) and (3), respectively.

22 **SEC. 1208. TERMINATIONS.**

23 (a) **RIGHT-OF-WAY REVOLVING FUND.**—Section 108 of
24 title 23, United States Code, is amended by striking sub-
25 section (c) and inserting the following:

1 “(c) *TERMINATION OF RIGHT-OF-WAY REVOLVING*
2 *FUND.*—

3 “(1) *IN GENERAL.*—*Funds apportioned and ad-*
4 *vanced to a State by the Secretary from the right-of-*
5 *way revolving fund established by this section prior*
6 *to the date of enactment of the Intermodal Surface*
7 *Transportation Efficiency Act of 1998 shall remain*
8 *available to the State for use on the projects for which*
9 *the funds were advanced for a period of 20 years from*
10 *the date on which the funds were advanced.*

11 “(2) *CREDIT TO HIGHWAY TRUST FUND.*—*With*
12 *respect to a project for which funds have been ad-*
13 *vanced from the right-of-way revolving fund, upon the*
14 *termination of the 20-year period referred to in para-*
15 *graph (1), when actual construction is commenced, or*
16 *upon approval by the Secretary of the plans, speci-*
17 *fications, and estimates for the actual construction of*
18 *the project on the right-of-way, whichever occurs*
19 *first—*

20 “(A) *the Highway Trust Fund shall be cred-*
21 *ited with an amount equal to the Federal share*
22 *of the funds advanced, as provided in section*
23 *120, out of any Federal-aid highway funds ap-*
24 *portioned to the State in which the project is lo-*

1 *cated and available for obligation for projects of*
 2 *the type funded; and*

3 *“(B) the State shall reimburse the Secretary*
 4 *in an amount equal to the non-Federal share of*
 5 *the funds advanced for deposit in, and credit to,*
 6 *the Highway Trust Fund.”.*

7 *(b) PILOT TOLL COLLECTION PROGRAM.—Section 129*
 8 *of title 23, United States Code, is amended by striking sub-*
 9 *section (d).*

10 *(c) NATIONAL RECREATIONAL TRAILS ADVISORY COM-*
 11 *MITTEE.—As soon as practicable after the date of enactment*
 12 *of this Act, the Secretary shall take such action as is nec-*
 13 *essary for the termination of the National Recreational*
 14 *Trails Advisory Committee established by section 1303 of*
 15 *the Intermodal Surface Transportation Efficiency Act of*
 16 *1991 (16 U.S.C. 1262) (as in effect on the day before the*
 17 *date of enactment of this Act).*

18 *(d) CONGRESSIONAL BRIDGE COMMISSIONS.—Public*
 19 *Law 87–441 (76 Stat. 59) is repealed.*

20 **SEC. 1209. INTERSTATE MAINTENANCE.**

21 *(a) INTERSTATE FUNDS.—Section 119 of title 23,*
 22 *United States Code, is amended—*

23 *(1) in subsection (a), by striking the second sen-*
 24 *tence;*

25 *(2) by striking subsection (d); and*

1 (3) by striking subsection (f) and inserting the
2 following:

3 “(f) *TRANSFERABILITY OF FUNDS.*—

4 “(1) *UNCONDITIONAL.*—A State may transfer an
5 amount not to exceed 30 percent of the sums appor-
6 tioned to the State under subparagraphs (A) and (B)
7 of section 104(b)(1) to the apportionment of the State
8 under paragraphs (1)(C) and (3) of section 104(b).

9 “(2) *UPON ACCEPTANCE OF CERTIFICATION.*—If
10 a State certifies to the Secretary that any part of the
11 sums apportioned to the State under subparagraphs
12 (A) and (B) of section 104(b)(1) is in excess of the
13 needs of the State for resurfacing, restoring, rehabili-
14 tating, or reconstructing routes and bridges on the
15 Interstate System in the State and that the State is
16 adequately maintaining the routes and bridges, and
17 the Secretary accepts the certification, the State may
18 transfer, in addition to the amount authorized to be
19 transferred under paragraph (1), an amount not to
20 exceed 20 percent of the sums apportioned to the State
21 under subparagraphs (A) and (B) of section 104(b)(1)
22 to the apportionment of the State under paragraphs
23 (1)(C) and (3) of section 104(b).”.

24 (b) *ELIGIBILITY.*—Section 119 of title 23, United
25 States Code, is amended—

(1) *in the first sentence of subsection (a), by striking “and rehabilitating” and inserting “, rehabilitating, and reconstructing”;*

(2) *by striking subsections (b), (c), (e), and (g);*

(3) *by inserting after subsection (a) the following:*

“(b) ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—A State—

“(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

“(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

“(ii) acquiring rights-of-way; and

“(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

“(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

1 “(2) *EXPANSION OF CAPACITY.*—

2 “(A) *USING TRANSFERRED FUNDS.*—Not-
3 withstanding paragraph (1), funds transferred
4 under subsection (c)(1) may be used for construc-
5 tion to provide for expansion of the capacity of
6 an Interstate System highway (including a
7 bridge).

8 “(B) *USING FUNDS NOT TRANSFERRED.*—

9 “(i) *IN GENERAL.*—In lieu of transfer-
10 ring funds under subsection (c)(1) and
11 using the transferred funds for the purpose
12 described in subparagraph (A), a State may
13 use an amount of the sums apportioned to
14 the State under subparagraph (A) or (B) of
15 section 104(b)(1) for the purpose described
16 in subparagraph (A).

17 “(ii) *LIMITATION.*—The sum of the
18 amount used under clause (i) and any
19 amount transferred under subsection (c)(1)
20 by a State may not exceed 30 percent of the
21 sums apportioned to the State under sub-
22 paragraphs (A) and (B) of section
23 104(b)(1).”; and

24 (4) by redesignating subsection (f) as subsection
25 (c).

1 (c) *CONFORMING AMENDMENTS.*—

2 (1) *Section 119(a) of title 23, United States*
 3 *Code, is amended in the first sentence by striking “;*
 4 *except that the Secretary may only approve a project*
 5 *pursuant to this subsection on a toll road if such road*
 6 *is subject to a Secretarial agreement provided for in*
 7 *subsection (e)”.*

8 (2) *Section 1009(c)(2) of the Intermodal Surface*
 9 *Transportation Efficiency Act of 1991 (23 U.S.C. 119*
 10 *note; 105 Stat. 1934) is amended by striking “section*
 11 *119(f)(1)” and inserting “section 119(c)(1)”.*

12 **SEC. 1210. ENGINEERING COST REIMBURSEMENT.**

13 *Section 102(b) of title 23, United States Code, is*
 14 *amended in the first sentence by inserting before the period*
 15 *at the end the following: “unless, before the end of the 10-*
 16 *year period, the State requests a longer period for com-*
 17 *mencement of the construction or acquisition and the Sec-*
 18 *retary determines that the request is reasonable”.*

19 **CHAPTER 2—PROJECT APPROVAL**

20 **SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.**

21 *Section 104 of title 23, United States Code (as amend-*
 22 *ed by section 1118), is amended by inserting after sub-*
 23 *section (k) the following:*

24 “(l) *TRANSFER OF HIGHWAY AND TRANSIT FUNDS.*—

1 “(1) *TRANSFER OF HIGHWAY FUNDS.—Funds*
2 *made available under this title and transferred for*
3 *transit projects shall be administered by the Secretary*
4 *in accordance with chapter 53 of title 49, except that*
5 *the provisions of this title relating to the non-Federal*
6 *share shall apply to the transferred funds.*

7 “(2) *TRANSFER OF TRANSIT FUNDS.—Funds*
8 *made available under chapter 53 of title 49 and*
9 *transferred for highway projects shall be administered*
10 *by the Secretary in accordance with this title, except*
11 *that the provisions of that chapter relating to the non-*
12 *Federal share shall apply to the transferred funds.*

13 “(3) *TRANSFER TO AMTRAK AND PUBLICLY-*
14 *OWNED PASSENGER RAIL LINES.—Funds made avail-*
15 *able under this title or chapter 53 of title 49 and*
16 *transferred to the National Railroad Passenger Cor-*
17 *poration or to any publicly-owned intercity or intra-*
18 *city passenger rail line shall be administered by the*
19 *Secretary in accordance with subtitle V of title 49, ex-*
20 *cept that the provisions of this title or chapter 53 of*
21 *title 49, as applicable, relating to the non-Federal*
22 *share shall apply to the transferred funds.*

23 “(4) *TRANSFER OF OBLIGATION AUTHORITY.—*
24 *Obligation authority provided for projects described*
25 *in paragraphs (1) through (3) shall be transferred in*

1 *the same manner and amount as the funds for the*
 2 *projects are transferred.”.*

3 **SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.**

4 *(a) IN GENERAL.—Section 106 of title 23, United*
 5 *States Code, is amended—*

6 *(1) by striking the section heading and inserting*
 7 *the following:*

8 **“§ 106. Project approval and oversight”;**

9 *(2) by redesignating subsections (e) and (f) as*
 10 *subsections (g) and (h), respectively;*

11 *(3) by striking subsections (a) through (d) and*
 12 *inserting the following:*

13 *“(a) IN GENERAL.—Except as otherwise provided in*
 14 *this section, the State transportation department shall sub-*
 15 *mit to the Secretary for approval such plans, specifications,*
 16 *and estimates for each proposed project as the Secretary*
 17 *may require. The Secretary shall act upon such plans, spec-*
 18 *ifications, and estimates as soon as practicable after they*
 19 *have been submitted, and shall enter into a formal project*
 20 *agreement with the State transportation department for-*
 21 *malizing the conditions of the project approval. The execu-*
 22 *tion of such project agreement shall be deemed a contractual*
 23 *obligation of the Federal Government for the payment of*
 24 *its proportional contribution thereto. In taking such action,*

1 *the Secretary shall be guided by the provisions of section*
 2 *109 of this title.*

3 “(b) *PROJECT AGREEMENT.—The project agreement*
 4 *shall make provision for State funds required for the State’s*
 5 *pro rata share of the cost of construction of the project and*
 6 *for the maintenance of the project after completion of con-*
 7 *struction. The Secretary may rely upon representations*
 8 *made by the State transportation department with respect*
 9 *to the arrangements or agreements made by the State trans-*
 10 *portation department and appropriate local officials where*
 11 *a part of the project is to be constructed at the expense of,*
 12 *or in cooperation with, local subdivisions of the State.*

13 “(c) *SPECIAL RULES FOR PROJECT OVERSIGHT.—*

14 “(1) *NHS PROJECTS.—Except as otherwise pro-*
 15 *vided in subsection (d) of this section, the Secretary*
 16 *may discharge to the State any of the Secretary’s re-*
 17 *sponsibilities for the design, plans, specifications, esti-*
 18 *mates, contract awards, and inspection of projects*
 19 *under this title on the National Highway System. Be-*
 20 *fore discharging responsibilities to the State, the Sec-*
 21 *retary shall reach agreement with the State as to the*
 22 *extent to which the State may assume the responsibil-*
 23 *ities of the Secretary under this subsection. The Sec-*
 24 *retary may not assume any greater responsibility*
 25 *than the Secretary is permitted under this title as of*

1 *September 30, 1997, except upon agreement by the*
2 *Secretary and the State.*

3 “(2) *NON-NHS PROJECTS.*—*For all projects*
4 *under this title that are off the National Highway*
5 *System, the State may request that the Secretary no*
6 *longer review and approve the design, plans, speci-*
7 *fications, estimates, contract awards, and inspection*
8 *of projects under this title. After receiving any such*
9 *request, the Secretary shall undertake project review*
10 *only as requested by the State.*

11 “(d) *RESPONSIBILITIES OF THE SECRETARY.*—

12 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
13 *nothing in this section, section 133, or section 149*
14 *shall affect or discharge any responsibility or obliga-*
15 *tion of the Secretary under any Federal law other*
16 *than this title.*

17 “(2) *LIMITATION.*—*Any responsibility or obliga-*
18 *tion of the Secretary under sections 113 and 114 of*
19 *this title shall not be affected and may not be dis-*
20 *charged under this section, section 133, or section*
21 *149.*

22 “(e) *VALUE ENGINEERING ANALYSIS.*—*In such cases*
23 *as the Secretary determines advisable, plans, specifications,*
24 *and estimates for proposed projects on any Federal-aid*

1 *highway shall be accompanied by a value engineering or*
 2 *other cost reduction analysis.*

3 “(f) *FINANCIAL PLAN.*—*The Secretary shall require a*
 4 *financial plan to be prepared for any project with an esti-*
 5 *mated total cost of \$1,000,000,000 or more.”.*

6 (b) *STANDARDS.*—

7 (1) *ELIMINATION OF GUIDELINES AND ANNUAL*
 8 *CERTIFICATION REQUIREMENTS.*—*Section 109 of title*
 9 *23, United States Code, is amended—*

10 (A) *by striking subsection (m); and*

11 (B) *by redesignating subsections (n)*
 12 *through (q) as subsections (m) through (p), re-*
 13 *spectively.*

14 (2) *SAFETY STANDARDS.*—*Section 109 of title*
 15 *23, United States Code (as amended by paragraph*
 16 *(1)), is amended by adding at the end the following:*

17 “(q) *PHASE CONSTRUCTION.*—*Safety considerations*
 18 *for a project under this title may be met by phase construc-*
 19 *tion.”.*

20 (c) *PROGRAMS; PROJECT AGREEMENTS; CERTIFI-*
 21 *CATION ACCEPTANCE.*—*Sections 110 and 117 of title 23,*
 22 *United States Code, are repealed.*

23 (d) *CONFORMING AMENDMENTS.*—

24 (1) *The analysis for chapter 1 of title 23 is*
 25 *amended—*

1 (A) by striking the item relating to section
2 106 and inserting the following:

“106. Project approval and oversight.”;

3 and

4 (B) by striking the items relating to sections
5 110 and 117.

6 (2) Section 101(a) of title 23, United States
7 Code, is amended in the undesignated paragraph de-
8 fining “project agreement” by striking “the provisions
9 of subsection (a) of section 110 of this title” and in-
10 serting “section 106”.

11 (3) Section 114(a) of title 23, United States
12 Code, is amended in the second sentence by striking
13 “section 117 of this title” and inserting “section 106”.

14 **SEC. 1223. SURFACE TRANSPORTATION PROGRAM.**

15 (a) *TRANSPORTATION ENHANCEMENT ACTIVITIES.*—
16 Section 133 of title 23, United States Code, is amended—

17 (1) in subsection (d)—

18 (A) in paragraph (2), by striking “10” and
19 inserting “8”; and

20 (B) in the first sentence of paragraph
21 (3)(A), by striking “80” and inserting “82”; and
22 (2) in subsection (e)—

23 (A) in paragraph (3)(B)(i), by striking “if
24 the Secretary” and all that follows through “ac-
25 tivities”; and

1 *(B) in paragraph (5), by adding at the end*
2 *the following:*

3 “(C) *INNOVATIVE FINANCING.*—

4 “(i) *IN GENERAL.*—*For each fiscal*
5 *year, the average annual non-Federal share*
6 *of the total cost of all projects to carry out*
7 *transportation enhancement activities in a*
8 *State shall be not less than the non-Federal*
9 *share authorized for the State under section*
10 *120(b).*

11 “(ii) *EXCEPTION.*—*Subject to clause*
12 *(i), notwithstanding section 120, in the case*
13 *of projects to carry out transportation en-*
14 *hancement activities—*

15 “(I) *funds from other Federal*
16 *agencies, and other contributions that*
17 *the Secretary determines are of value,*
18 *may be credited toward the non-Fed-*
19 *eral share of project costs;*

20 “(II) *the non-Federal share may*
21 *be calculated on a project, multiple-*
22 *project, or program basis; and*

23 “(III) *the Federal share of the cost*
24 *of an individual project subject to sub-*

1 *clause (I) or (II) may be equal to 100*
 2 *percent.”.*

3 **(b) PROGRAM APPROVAL.**—*Section 133(e) of title 23,*
 4 *United States Code, is amended by striking paragraph (2)*
 5 *and inserting the following:*

6 **“(2) PROGRAM APPROVAL.—**

7 **“(A) SUBMISSION OF PROJECT AGREE-**
 8 **MENT.—***For each fiscal year, each State shall*
 9 *submit a project agreement that—*

10 *“(i) certifies that the State will meet*
 11 *all the requirements of this section; and*

12 *“(ii) notifies the Secretary of the*
 13 *amount of obligations needed to carry out*
 14 *the program under this section.*

15 **“(B) REQUEST FOR ADJUSTMENTS OF**
 16 **AMOUNTS.—***As necessary, each State shall re-*
 17 *quest from the Secretary adjustments to the*
 18 *amount of obligations referred to in subpara-*
 19 *graph (A)(ii).*

20 **“(C) EFFECT OF APPROVAL BY THE SEC-**
 21 **RETARY.—***Approval by the Secretary of a project*
 22 *agreement under subparagraph (A) shall be*
 23 *deemed a contractual obligation of the United*
 24 *States to pay surface transportation program*
 25 *funds made available under this title.”.*

1 (c) *PAYMENTS.*—Section 133(e)(3)(A) of title 23,
 2 *United States Code*, is amended by striking the second sen-
 3 *tence.*

4 (d) *DEFINITION OF TRANSPORTATION ENHANCEMENT*
 5 *ACTIVITIES.*—Section 101(a) of title 23, *United States*
 6 *Code*, is amended in the undesignated paragraph defining
 7 *“transportation enhancement activities”* by striking *“scenic*
 8 *or historic highway programs,”* and inserting *“scenic or*
 9 *historic highway programs (including the provision of tour-*
 10 *ist and welcome center facilities),”*.

11 **SEC. 1224. DESIGN-BUILD CONTRACTING.**

12 (a) *AUTHORITY.*—Section 112(b) of title 23, *United*
 13 *States Code*, is amended—

14 (1) *in the first sentence of paragraph (1), by*
 15 *striking “paragraph (2)” and inserting “paragraphs*
 16 *(2) and (3)”;*

17 (2) *in paragraph (2)(A), by striking “Each” and*
 18 *inserting “Subject to paragraph (3), each”; and*

19 (3) *by adding at the end the following:*

20 *“(3) DESIGN-BUILD CONTRACTING.—*

21 *“(A) IN GENERAL.—A State transportation*
 22 *department may award a contract for the design*
 23 *and construction of a qualified project described*
 24 *in subparagraph (B) using competitive bidding*

1 *procedures approved by the Secretary in accord-*
2 *ance with subparagraph (C).*

3 *“(B) QUALIFIED PROJECTS.—A qualified*
4 *project referred to in subparagraph (A) is a*
5 *project under this chapter that involves installa-*
6 *tion of an intelligent transportation system or*
7 *that consists of a usable project segment and for*
8 *which—*

9 *“(i) the Secretary has approved the use*
10 *of design-build contracting described in sub-*
11 *paragraph (A) under criteria specified in*
12 *regulations promulgated by the Secretary;*
13 *and*

14 *“(ii) the total costs are estimated to ex-*
15 *ceed—*

16 *“(I) in the case of a project that*
17 *involves installation of an intelligent*
18 *transportation system, \$5,000,000; and*

19 *“(II) in the case of a usable*
20 *project segment, \$50,000,000.*

21 *“(C) PROCEDURES THAT MAY BE AP-*
22 *PROVED.—Under subparagraph (A), the Sec-*
23 *retary may approve, for use by a State, only*
24 *procedures that consist of—*

1 “(i) *formal design-build contracting*
 2 *procedures specified in a State statute; or*

3 “(ii) *in the case of a State that does*
 4 *not have a statute described in clause (i),*
 5 *the design-build selection procedures author-*
 6 *ized under section 303M of the Federal*
 7 *Property and Administrative Services Act*
 8 *of 1949 (41 U.S.C. 253m).”.*

9 (b) *COMPETITIVE BIDDING DEFINED.*—Section 112 of
 10 *title 23, United States Code, is amended by striking sub-*
 11 *section (f) and inserting the following:*

12 “(f) *COMPETITIVE BIDDING DEFINED.*—*In this sec-*
 13 *tion, the term ‘competitive bidding’ means the procedures*
 14 *used to award contracts for engineering and design services*
 15 *under subsection (b)(2) and design-build contracts under*
 16 *subsection (b)(3).”.*

17 (c) *REGULATIONS.*—

18 (1) *IN GENERAL.*—*Not later than the effective*
 19 *date specified in subsection (e), the Secretary shall*
 20 *promulgate regulations to carry out the amendments*
 21 *made by this section.*

22 (2) *CONTENTS.*—*The regulations shall—*

23 (A) *identify the criteria to be used by the*
 24 *Secretary in approving the use by a State trans-*

1 *portation department of design-build contract-*
 2 *ing; and*

3 *(B) establish the procedures to be followed*
 4 *by a State transportation department for obtain-*
 5 *ing the Secretary's approval of the use of design-*
 6 *build contracting by the department and the*
 7 *competitive bidding procedures used by the de-*
 8 *partment.*

9 *(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing*
 10 *in this section or the amendments made by this section af-*
 11 *fects the authority to carry out, or any project carried out*
 12 *under, any experimental program concerning design-build*
 13 *contracting that is being carried out by the Secretary as*
 14 *of the date of enactment of this Act.*

15 *(e) EFFECTIVE DATE FOR AMENDMENTS.—The*
 16 *amendments made by this section take effect 2 years after*
 17 *the date of enactment of this Act.*

18 **SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.**

19 *(a) IN GENERAL.—Subchapter III of chapter 3 of title*
 20 *49, United States Code, is amended by adding at the end*
 21 *the following:*

22 **“§ 354. Integrated decisionmaking process**

23 *“(a) DEFINITIONS.—In this section:*

24 *“(1) INTEGRATED DECISIONMAKING PROCESS.—*

25 *The term ‘integrated decisionmaking process’ means*

1 *the integrated decisionmaking process established with*
2 *respect to a surface transportation project under sub-*
3 *section (b).*

4 “(2) *NEPA PROCESS.*—*The term ‘NEPA process’*
5 *means the process of complying with the requirements*
6 *of the National Environmental Policy Act of 1969 (42*
7 *U.S.C. 4321 et seq.) with respect to a surface trans-*
8 *portation project.*

9 “(3) *SECRETARY.*—*The term ‘Secretary’ means*
10 *the Secretary of Transportation.*

11 “(4) *SURFACE TRANSPORTATION PROJECT.*—*The*
12 *term ‘surface transportation project’ means—*

13 “(A) *a highway construction project that is*
14 *subject to the approval of the Secretary under*
15 *title 23; and*

16 “(B) *a capital project (as defined in section*
17 *5302(a)(1)).*

18 “(5) *CONCURRENT PROCESSING.*—*The term ‘con-*
19 *current processing’ means to the fullest extent prac-*
20 *ticable, and to the extent otherwise required, agencies*
21 *shall prepare environmental impact statements and*
22 *environmental assessments concurrently with and in-*
23 *tegrated with environmental analyses and related sur-*
24 *veys and studies required by the Fish and Wildlife*
25 *Coordination Act (16 U.S.C. 661 et seq.), the Na-*

1 *tional Historic Preservation Act of 1966 (16 U.S.C.*
 2 *470 et seq.), the Endangered Species Act of 1973 (16*
 3 *U.S.C. 1531 et seq.) and other environmental review*
 4 *laws and executive orders.*

5 “(b) *ESTABLISHMENT OF INTEGRATED DECISION-*
 6 *MAKING PROCESSES FOR SURFACE TRANSPORTATION*
 7 *PROJECTS.—The Secretary shall—*

8 “(1) *establish an integrated decisionmaking*
 9 *process for surface transportation projects that des-*
 10 *ignates major decision points likely to have signifi-*
 11 *cant environmental effects and conflicts; and*

12 “(2) *integrate the requirements of the National*
 13 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 14 *seq.) for surface transportation projects at the earliest*
 15 *possible time, including, to the extent appropriate, at*
 16 *the planning stage with the agreement of the State*
 17 *transportation agencies and the cooperating agencies.*

18 “(c) *INTEGRATED DECISIONMAKING GOALS.—The in-*
 19 *tegrated decisionmaking process for surface transportation*
 20 *projects should, to the maximum extent practicable, accom-*
 21 *plish the following major goals:*

22 “(1) *Integrate the NEPA process for surface*
 23 *transportation projects at the earliest possible time.*

24 “(2) *Integrate all applicable Federal, State, trib-*
 25 *al, and local permitting requirements.*

1 “(3) *Integrate national transportation, social,*
 2 *safety, economic, and environmental goals with State,*
 3 *tribal, and local land use and growth management*
 4 *initiatives, economic development and transportation*
 5 *initiatives.*

6 “(4) *Consolidate Federal, State, tribal, and local*
 7 *decisionmaking to achieve the best overall public in-*
 8 *terest according to an agreed schedule.*

9 “(d) *STREAMLINING.*—

10 “(1) *AVOIDANCE OF DELAYS, PREVENTION OF*
 11 *CONFLICTS, AND ELIMINATION OF UNNECESSARY DU-*
 12 *PLICATION.*—*The Secretary shall design the integrated*
 13 *decisionmaking process to avoid delays in decision-*
 14 *making, prevent conflicts between cooperating agen-*
 15 *cies and members of the public, and eliminate unnec-*
 16 *essary duplication of review and decisionmaking re-*
 17 *lating to surface transportation projects.*

18 “(2) *INTEGRATION; COMPREHENSIVE PROCESS.*—
 19 *The NEPA process—*

20 “(A) *shall be integrated for surface trans-*
 21 *portation projects by Federal, State, tribal, and*
 22 *local transportation agencies; and*

23 “(B) *serve as a comprehensive decision-*
 24 *making process.*

25 “(3) *OTHER REQUIREMENTS.*—

1 “(A) *IN GENERAL.*—*The Secretary shall—*

2 “(i) *establish a concurrent transpor-*
3 *tation and environmental coordination*
4 *process to reduce paperwork, combine re-*
5 *view documents, and eliminate duplicative*
6 *reviews;*

7 “(ii) *develop interagency agreements to*
8 *streamline and improve interagency coordi-*
9 *nation and processing time;*

10 “(iii) *apply strategic and pro-*
11 *grammatic approaches to better integrate*
12 *and expedite the NEPA process and trans-*
13 *portation decisionmaking; and*

14 “(iv) *ensure, in appropriate cases, by*
15 *conducting concurrent reviews whenever*
16 *possible, that any analyses and reviews con-*
17 *ducted by the Secretary consider the needs*
18 *of other reviewing agencies.*

19 “(B) *TIME SCHEDULES.*—*To comply with*
20 *subparagraph (A)(ii), time schedules shall be*
21 *consistent with sections 1501.8 and 1506.10 of*
22 *title 40, Code of Federal Regulations (or any*
23 *successor regulations).*

24 “(4) *CONCURRENT PROCESSING.*—

1 “(A) *IN GENERAL.*—*The integrated deci-*
 2 *sionmaking process shall, to the extent prac-*
 3 *ticable, include a procedure to provide for con-*
 4 *current processing of all Federal, State, tribal,*
 5 *and local reviews and decisions emanating from*
 6 *those reviews.*

7 “(B) *INCONSISTENCY WITH OTHER RE-*
 8 *QUIREMENTS.*—*Subparagraph (A) does not re-*
 9 *quire concurrent review if concurrent review*
 10 *would be inconsistent with other statutory or*
 11 *regulatory requirements.*

12 “(e) *INTERAGENCY COOPERATION.*—

13 “(1) *LEAD AND COOPERATING AGENCY CON-*
 14 *CEPTS.*—*The lead and cooperating agency concepts of*
 15 *section 1501 of title 40, Code of Federal Regulations*
 16 *(or any successor regulation), shall be considered es-*
 17 *sential elements to ensure integration of transpor-*
 18 *tation decisionmaking.*

19 “(2) *RESPONSIBILITIES.*—*The Secretary shall—*

20 “(A) *not later than 60 days after the date*
 21 *on which a surface transportation project is se-*
 22 *lected for study by a State, identify each Federal*
 23 *agency that may be required to participate in*
 24 *the integrated decisionmaking process relating to*

1 *the surface transportation project and notify the*
2 *agency of the surface transportation project;*

3 *“(B) afford State, regional, tribal, and local*
4 *governments with decisionmaking authority on*
5 *surface transportation projects the opportunity*
6 *to serve as cooperating agencies;*

7 *“(C) provide cooperating agencies and the*
8 *public on request the results of any analysis or*
9 *other information related to a surface transpor-*
10 *tation project;*

11 *“(D) host an early scoping meeting for Fed-*
12 *eral agencies and, when appropriate, conduct*
13 *field reviews, as soon as practicable in the envi-*
14 *ronmental review process;*

15 *“(E) solicit from each cooperating agency*
16 *as early as practicable the data and analyses*
17 *necessary to facilitate execution of the duties of*
18 *each cooperating agency;*

19 *“(F) use, to the maximum extent possible,*
20 *scientific, technical, and environmental data and*
21 *analyses previously prepared by or for other*
22 *Federal, State, tribal, or local agencies, after an*
23 *independent evaluation by the Secretary of the*
24 *data and analyses;*

1 “(G) jointly, with the cooperating agencies,
2 host public meetings and other community par-
3 ticipation processes; and

4 “(H) ensure that the NEPA process and
5 documentation provide all necessary information
6 for the cooperating agency to—

7 “(i) discharge the responsibilities of the
8 cooperating agency under the National En-
9 vironmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.) and other law; and

11 “(ii) take action on approvals, permits,
12 licenses, and clearances.

13 “(f) *ENHANCED SCOPING PROCESS.*—During the
14 scoping process for a surface transportation project, in ad-
15 dition to other statutory and regulatory requirements, the
16 Secretary shall, to the extent practicable—

17 “(1) provide the public with clearly understand-
18 able milestones that occur during an integrated deci-
19 sionmaking process;

20 “(2) ensure that all agencies with jurisdiction by
21 law or with special expertise have sufficient informa-
22 tion and data to discharge their responsibilities;

23 “(3) ensure that all agencies with jurisdiction by
24 law or with special expertise, and the public, are in-
25 vited to participate in the initial scoping process;

1 “(4) coordinate with other agencies to ensure
 2 that the agencies provide to the Secretary, not later
 3 than 30 days after the first interagency scoping meet-
 4 ing, any preliminary concerns about how the pro-
 5 posed project may affect matters within their jurisdic-
 6 tion or special expertise based on information avail-
 7 able at the time of the scoping meeting; and

8 “(5) in cooperation with all cooperating agen-
 9 cies, develop a schedule for conducting all necessary
 10 environmental and other review processes and assure
 11 early consideration of alternatives to a proposed
 12 project, including alternatives that address transpor-
 13 tation demand consistent with section 134(i)(3) of
 14 title 23, United States Code.

15 “(g) *USE OF TITLE 23 FUNDS.*—

16 “(1) *USE BY STATES.*—A State may use funds
 17 made available under section 104(b) or 105 of title 23
 18 or section 1102(c) of the Intermodal Surface Trans-
 19 portation Efficiency Act of 1998 to provide resources
 20 to Federal or State agencies involved in the review or
 21 permitting process for a surface transportation
 22 project in order to meet a time schedule established
 23 under this section.

24 “(2) *AMOUNT.*—Funds may be provided under
 25 paragraph (1) in the amount by which the cost to

1 *complete a environmental review in accordance with*
2 *a time schedule established under this section exceeds*
3 *the cost that would be incurred if there were no such*
4 *time schedule.*

5 “(3) *NOT FINAL AGENCY ACTION.*—*The provision*
6 *of funds under paragraph (1) does not constitute a*
7 *final agency action.*

8 “(h) *STATE ROLE.*—

9 “(1) *IN GENERAL.*—*For any project eligible for*
10 *assistance under chapter 1 of title 23, a State may*
11 *require, by law or agreement that has been developed*
12 *with public involvement coordinating with all related*
13 *State agencies, that all State agencies that—*

14 “(A) *have jurisdiction by Federal or State*
15 *law over environmental, growth management, or*
16 *land-use related issues that may be affected by a*
17 *surface transportation project; or*

18 “(B) *have responsibility for issuing any en-*
19 *vironment related reviews, analyses, opinions, or*
20 *determinations;*

21 *be subject to the coordinated environmental review*
22 *process provided under this section in issuing any*
23 *analyses or approvals or taking any other action re-*
24 *lating to the project.*

1 “(2) *ALL AGENCIES.*—If a State requires that
 2 any State agency participate in a coordinated envi-
 3 ronmental review process, the State shall require all
 4 affected State agencies to participate.

5 “(i) *EARLY ACTION REGARDING POTENTIALLY INSUR-*
 6 *MOUNTABLE OBSTACLES.*—If, at any time during the inte-
 7 grated decisionmaking process for a proposed surface trans-
 8 portation project, a cooperating agency determines that
 9 there is any potentially insurmountable obstacle associated
 10 with any of the alternative transportation projects that
 11 might be undertaken to address the obstacle, the Secretary
 12 shall—

13 “(1) convene a meeting among the cooperating
 14 agencies to address the obstacle;

15 “(2) initiate conflict resolution efforts under sub-
 16 section (j); or

17 “(3) eliminate from consideration the alternative
 18 transportation project with which the obstacle is asso-
 19 ciated.

20 “(j) *CONFLICT RESOLUTION.*—

21 “(1) *FORUM.*—The NEPA process shall be used
 22 as a forum to coordinate the actions of Federal, State,
 23 regional, tribal, and local agencies, the private sector,
 24 and the public to develop and shape surface transpor-
 25 tation projects.

1 “(2) *APPROACHES.*—*In addition to existing for-*
 2 *mal public participation opportunities, collaborative,*
 3 *problem solving, and consensus building approaches*
 4 *shall be used, to the extent appropriate (and, when*
 5 *appropriate, mediation may be used) to implement*
 6 *the integrated decisionmaking process with a goal of*
 7 *appropriately considering factors relating to trans-*
 8 *portation development, economic prosperity, protec-*
 9 *tion of public health and the environment, community*
 10 *and neighborhood preservation, and quality of life for*
 11 *present and future generations.*

12 “(3) *UNRESOLVED ISSUES.*—

13 “(A) *NOTIFICATION.*—*If, before the final*
 14 *transportation NEPA document is approved—*

15 “(i) *an issue remains unresolved be-*
 16 *tween the lead Federal agency and the co-*
 17 *operating agency; and*

18 “(ii) *efforts have been exhausted to re-*
 19 *solve the issue at the field levels of each*
 20 *agency—*

21 “(I) *within the applicable time-*
 22 *frame of the interagency schedule es-*
 23 *tablished under subsection (f)(5); or*

24 “(II) *if no timeframe is estab-*
 25 *lished, within 90 days;*

1 *the field level officer of the lead agency shall no-*
2 *tify the field level officer of the cooperating agen-*
3 *cy that the field level officer of the lead agency*
4 *intends to bring the issue to the personal atten-*
5 *tion of the heads of the agencies.*

6 “(B) *EFFORTS BY THE AGENCY HEADS.*—
7 *The head of the lead agency shall contact the*
8 *head of the cooperating agency and attempt to*
9 *resolve the issue within 30 days after notifica-*
10 *tion by the field level officer of the unresolved*
11 *issue.*

12 “(C) *CONSULTATION WITH CEQ.*—*The heads*
13 *of the agencies are encouraged to consult with the*
14 *Chair of the Council on Environmental Quality*
15 *during the 30-day period under subparagraph*
16 *(B).*

17 “(D) *FAILURE TO RESOLVE.*—*If the heads*
18 *of the agencies do not resolve the issue within the*
19 *time specified in subparagraph (B), the referral*
20 *process under part 1504 of title 40, Code of Fed-*
21 *eral Regulations (or any successor regulation),*
22 *shall be initiated with respect to the issue.*

23 “(k) *JUDICIAL REVIEW.*—*Nothing in this section af-*
24 *fects the reviewability of any final agency action in a dis-*
25 *trict court of the United States or any State court.*

1 “(l) *STATUTORY CONSTRUCTION*.—Nothing in this sec-
2 tion affects—

3 “(1) *the applicability of the requirements of the*
4 *National Environmental Policy Act of 1969 (42*
5 *U.S.C. 4321 et seq.) or any other statute; or*

6 “(2) *the responsibility of any Federal, State,*
7 *tribal, or local officer to comply with or enforce any*
8 *statute or regulation.”.*

9 (b) *TIMETABLE; REPORT TO CONGRESS*.—The Sec-
10 retary, in consultation with the Chair of the Council on
11 Environmental Quality and after notice and opportunity
12 for public comment—

13 (1) *not later than 180 days after the date of en-*
14 *actment of this Act, shall design the integrated deci-*
15 *sionmaking process required by the amendment made*
16 *by subsection (a) consistent with part 1501, et seq.,*
17 *of title 40 of the Code of Federal Regulations;*

18 (2) *not later than 1 year after the date of enact-*
19 *ment of this Act, shall promulgate a regulation gov-*
20 *erning implementation of an integrated decision-*
21 *making process in accordance with the amendment*
22 *made by subsection (a); and*

23 (3) *not later than 2 years after the date of enact-*
24 *ment of this Act, shall submit to Congress a report*
25 *identifying any additional legislative or other solu-*

1 *tions that would further enhance the integrated deci-*
 2 *sionmaking process.*

3 *(c) Section 112 of title 23, United States Code, is*
 4 *amended by adding at the end the following new subsection:*

5 *“(g) SELECTION PROCESS.—It shall not be considered*
 6 *to be a conflict of interest, as defined under section 1.33*
 7 *of title 23, Code of Federal Regulations, for a State to pro-*
 8 *cure, under a single contract, the services of a consultant*
 9 *to prepare any environmental assessments or analyses re-*
 10 *quired, including environmental impact statements, as well*
 11 *as subsequent engineering and design work on the same*
 12 *project: Provided, That the State has conducted an inde-*
 13 *pendent multi-disciplined review that assesses the objectiv-*
 14 *ity of any analysis, environmental assessment or environ-*
 15 *mental impact statement prior to its submission to the*
 16 *agency that approves the project.*

17 *(d) CONFORMING AMENDMENT.—The analysis for sub-*
 18 *chapter III of chapter 3 of title 49, United States Code,*
 19 *is amended by adding at the end the following:*

“354. Integrated decisionmaking process.”.

20 **CHAPTER 3—ELIGIBILITY AND**
 21 **FLEXIBILITY**

22 **SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.**

23 *Section 101(a) of title 23, United States Code, is*
 24 *amended by striking the undesignated paragraph defining*
 25 *“operational improvement” and inserting the following:*

1 *“The term ‘operational improvement’ means the in-*
 2 *stallation, operation, or maintenance, in accordance with*
 3 *subchapter II of chapter 5, of public infrastructure to sup-*
 4 *port intelligent transportation systems and includes the in-*
 5 *stallation or operation of any traffic management activity,*
 6 *communication system, or roadway weather information*
 7 *and prediction system, and any other improvement that the*
 8 *Secretary may designate that enhances roadway safety and*
 9 *mobility during adverse weather.”.*

10 **SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TER-**
 11 **MINAL FACILITIES.**

12 *(a) IN GENERAL.—Section 129(c) of title 23, United*
 13 *States Code, is amended by inserting “in accordance with*
 14 *sections 103, 133, and 149,” after “toll or free,”.*

15 *(b) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(5)*
 16 *of title 23, United States Code (as amended by section*
 17 *1234), is amended by adding at the end the following:*

18 *“(R) Construction of ferry boats and ferry*
 19 *terminal facilities, if the conditions described in*
 20 *section 129(c) are met.”.*

21 *(c) SURFACE TRANSPORTATION PROGRAM.—Section*
 22 *133(b) of title 23, United States Code, is amended by add-*
 23 *ing at the end the following:*

1 “(12) Construction of ferry boats and ferry ter-
 2 minal facilities, if the conditions described in section
 3 129(c) are met.”.

4 (d) CONGESTION MITIGATION AND AIR QUALITY IM-
 5 PROVEMENT PROGRAM.—Section 149(b) of title 23, United
 6 States Code, is amended—

7 (1) in paragraph (3), by striking “or” at the
 8 end;

9 (2) in paragraph (4), by striking the period at
 10 the end and inserting “; or”; and

11 (3) by inserting after paragraph (4) the follow-
 12 ing:

13 “(5) if the project or program is to construct a
 14 ferry boat or ferry terminal facility and if the condi-
 15 tions described in section 129(c) are met.”.

16 **SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.**

17 Section 133(d) of title 23, United States Code, is
 18 amended by striking paragraph (1) and inserting the fol-
 19 lowing:

20 “(1) SAFETY PROGRAMS.—

21 “(A) IN GENERAL.—With respect to funds
 22 apportioned for each of fiscal years 1998 through
 23 2003—

24 “(i) an amount equal to 2 percent of
 25 the amount apportioned to a State under

1 *section 104(b)(3) shall be available only to*
2 *carry out activities eligible under section*
3 *130;*

4 “(ii) *an amount equal to 2 percent of*
5 *the amount apportioned to a State under*
6 *section 104(b)(3) shall be available only to*
7 *carry out activities eligible under section*
8 *152; and*

9 “(iii) *an amount equal to 6 percent of*
10 *the amount apportioned to a State under*
11 *section 104(b)(3) shall be available only to*
12 *carry out activities eligible under section*
13 *130 or 152.*

14 “(B) *TRANSFER OF FUNDS.—If a State cer-*
15 *tifies to the Secretary that any part of the*
16 *amount set aside by the State under subpara-*
17 *graph (A)(i) is in excess of the needs of the State*
18 *for activities under section 130 and the Sec-*
19 *retary accepts the certification, the State may*
20 *transfer that excess part to the set-aside of the*
21 *State under subparagraph (A)(ii).*

22 “(C) *TRANSFERS TO OTHER SAFETY PRO-*
23 *GRAMS.—A State may transfer funds set aside*
24 *under subparagraph (A)(iii) to the apportion-*
25 *ment of the State under section 402 or the allo-*

1 *cation of the State under section 31104 of title*
 2 *49.”.*

3 **SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL**
 4 **HIGHWAY SYSTEM.**

5 *Section 103(b) of title 23, United States Code (as*
 6 *amended by section 1701(a)), is amended by adding at the*
 7 *end the following:*

8 “(5) *ELIGIBLE PROJECTS FOR NHS.*—*Subject to*
 9 *approval by the Secretary, funds apportioned to a*
 10 *State under section 104(b)(1)(C) for the National*
 11 *Highway System may be obligated for any of the fol-*
 12 *lowing:*

13 “(A) *Construction, reconstruction, resur-*
 14 *facing, restoration, and rehabilitation of seg-*
 15 *ments of the National Highway System.*

16 “(B) *Operational improvements for seg-*
 17 *ments of the National Highway System.*

18 “(C) *Construction of, and operational im-*
 19 *provements for, a Federal-aid highway not on*
 20 *the National Highway System, construction of a*
 21 *transit project eligible for assistance under chap-*
 22 *ter 53 of title 49, and capital improvements to*
 23 *any National Railroad Passenger Corporation*
 24 *passenger rail line or any publicly-owned inter-*
 25 *city passenger rail line, if—*

1 “(i) the highway, transit, or rail
2 project is in the same corridor as, and in
3 proximity to, a fully access-controlled high-
4 way designated as a part of the National
5 Highway System;

6 “(ii) the construction or improvements
7 will improve the level of service on the fully
8 access-controlled highway described in
9 clause (i) and improve regional traffic flow;
10 and

11 “(iii) the construction or improvements
12 are more cost-effective than an improvement
13 to the fully access-controlled highway de-
14 scribed in clause (i).

15 “(D) Highway safety improvements for seg-
16 ments of the National Highway System.

17 “(E) Transportation planning in accord-
18 ance with sections 134 and 135.

19 “(F) Highway research and planning in ac-
20 cordance with chapter 5.

21 “(G) Highway-related technology transfer
22 activities.

23 “(H) Capital and operating costs for traffic
24 monitoring, management, and control facilities
25 and programs.

1 “(I) *Fringe and corridor parking facilities.*

2 “(J) *Carpool and vanpool projects.*

3 “(K) *Bicycle transportation and pedestrian*
4 *walkways in accordance with section 217.*

5 “(L) *Development, establishment, and im-*
6 *plementation of management systems under sec-*
7 *tion 303.*

8 “(M) *In accordance with all applicable Fed-*
9 *eral law (including regulations), participation*
10 *in natural habitat and wetland mitigation ef-*
11 *forts related to projects funded under this title,*
12 *which may include participation in natural*
13 *habitat and wetland mitigation banks, contribu-*
14 *tions to statewide and regional efforts to con-*
15 *serve, restore, enhance, and create natural habi-*
16 *tats and wetland, and development of statewide*
17 *and regional natural habitat and wetland con-*
18 *servation and mitigation plans, including any*
19 *such banks, efforts, and plans authorized under*
20 *the Water Resources Development Act of 1990*
21 *(Public Law 101–640) (including crediting pro-*
22 *visions). Contributions to the mitigation efforts*
23 *described in the preceding sentence may take*
24 *place concurrent with or in advance of project*
25 *construction, except that contributions in ad-*

1 *vance of project construction may occur only if*
2 *the efforts are consistent with all applicable re-*
3 *quirements of Federal law (including regula-*
4 *tions) and State transportation planning proc-*
5 *esses. With respect to participation in a natural*
6 *habitat or wetland mitigation effort related to a*
7 *project funded under this title that has an im-*
8 *pact that occurs within the service area of a*
9 *mitigation bank, preference shall be given, to the*
10 *maximum extent practicable, to the use of the*
11 *mitigation bank if the bank contains sufficient*
12 *available credits to offset the impact and the*
13 *bank is approved in accordance with the Federal*
14 *Guidance for the Establishment, Use and Oper-*
15 *ation of Mitigation Banks (60 Fed. Reg. 58605*
16 *(November 28, 1995)) or other applicable Federal*
17 *law (including regulations).*

18 *“(N) Publicly-owned intracity or intercity*
19 *passenger rail or bus terminals, including termi-*
20 *nals of the National Railroad Passenger Cor-*
21 *poration and publicly-owned intermodal surface*
22 *freight transfer facilities, other than seaports and*
23 *airports, if the terminals and facilities are lo-*
24 *cated on or adjacent to National Highway Sys-*
25 *tem routes or connections to the National High-*

1 way System selected in accordance with para-
2 graph (2).

3 “(O) Infrastructure-based intelligent trans-
4 portation systems capital improvements.

5 “(P) In the Virgin Islands, Guam, Amer-
6 ican Samoa, and the Commonwealth of the
7 Northern Mariana Islands, any project eligible
8 for funding under section 133, any airport, and
9 any seaport.

10 “(Q) Publicly owned components of mag-
11 netic levitation transportation systems.”.

12 **SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE**
13 **TRANSPORTATION PROGRAM.**

14 Section 133(b) of title 23, United States Code (as
15 amended by section 1232(c)), is amended—

16 (1) in paragraph (2), by striking “and publicly
17 owned intracity or intercity bus terminals and facili-
18 ties” and inserting “, including vehicles and facili-
19 ties, whether publicly or privately owned, that are
20 used to provide intercity passenger service by bus or
21 rail”;

22 (2) in paragraph (3)—

23 (A) by striking “and bicycle” and inserting
24 “bicycle”; and

1 (B) by inserting before the period at the end
2 the following: “, and the modification of public
3 sidewalks to comply with the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12101 et
5 seq.)”;

6 (3) in paragraph (4)—

7 (A) by inserting “, publicly owned pas-
8 senger rail,” after “Highway”;

9 (B) by inserting “infrastructure” after
10 “safety”; and

11 (C) by inserting before the period at the end
12 the following: “, and any other noninfrastructure
13 highway safety improvements”;

14 (4) in paragraph (11)—

15 (A) in the first sentence—

16 (i) by inserting “natural habitat and”
17 after “participation in” each place it ap-
18 pears;

19 (ii) by striking “enhance and create”
20 and inserting “enhance, and create natural
21 habitats and”; and

22 (iii) by inserting “natural habitat
23 and” before “wetlands conservation”; and

24 (B) by adding at the end the following:
25 “With respect to participation in a natural

1 *habitat or wetland mitigation effort related to a*
2 *project funded under this title that has an im-*
3 *pact that occurs within the service area of a*
4 *mitigation bank, preference shall be given, to the*
5 *maximum extent practicable, to the use of the*
6 *mitigation bank if the bank contains sufficient*
7 *available credits to offset the impact and the*
8 *bank is approved in accordance with the Federal*
9 *Guidance for the Establishment, Use and Oper-*
10 *ation of Mitigation Banks (60 Fed. Reg. 58605*
11 *(November 28, 1995)) or other applicable Federal*
12 *law (including regulations).”; and*

13 *(5) in subsection (b)(9), by striking “section*
14 *108(f)(1)(A) (other than clauses (xii) and (xvi)) of the*
15 *Clean Air Act” and inserting “section 108(f)(1)(A)*
16 *(other than clause (xvi)) of the Clean Air Act (42*
17 *U.S.C. 7408(f)(1)(A))”;*

18 *(6) by adding at the end the following:*

19 *“(13) Publicly owned intercity passenger rail in-*
20 *frastructure, including infrastructure owned by the*
21 *National Railroad Passenger Corporation.*

22 *“(14) Publicly owned passenger rail vehicles, in-*
23 *cluding vehicles owned by the National Railroad Pas-*
24 *senger Corporation.*

1 “(15) *Infrastructure-based intelligent transportation systems capital improvements.*

2 “(16) *Publicly owned components of magnetic levitation transportation systems.*

3 “(17) *Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.”.*

18 **SEC. 1236. DESIGN FLEXIBILITY.**

19 *Section 109 of title 23, United States Code, is amended*
 20 *by striking subsection (a) and inserting the following:*

21 “(a) *IN GENERAL.*—

22 “(1) *REQUIREMENTS FOR FACILITIES.*—*The Secretary shall ensure that the plans and specifications*
 23 *for each proposed highway project under this chapter*
 24 *provide for a facility that will—*

1 “(A) adequately serve the existing traffic of
 2 the highway in a manner that is conducive to
 3 safety, durability, and economy of maintenance;
 4 and

5 “(B) be designed and constructed in accord-
 6 ance with criteria best suited to accomplish the
 7 objectives described in subparagraph (A) and to
 8 conform to the particular needs of each locality.

9 “(2) CONSIDERATION OF PLANNED FUTURE
 10 TRAFFIC DEMANDS.—In carrying out paragraph (1),
 11 the Secretary shall ensure the consideration of the
 12 planned future traffic demands of the facility.”.

13 **Subtitle C—Finance**

14 **CHAPTER 1—GENERAL PROVISIONS**

15 **SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.**

16 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
 17 Code, is amended by adding at the end the following:

18 **“§ 162. State infrastructure bank program**

19 “(a) *DEFINITIONS.*—In this section:

20 “(1) *OTHER ASSISTANCE.*—The term ‘other as-
 21 sistance’ includes any use of funds in an infrastruc-
 22 ture bank—

23 “(A) to provide credit enhancements;

24 “(B) to serve as a capital reserve for bond
 25 or debt instrument financing;

1 “(C) to subsidize interest rates;

2 “(D) to ensure the issuance of letters of
3 credit and credit instruments;

4 “(E) to finance purchase and lease agree-
5 ments with respect to transit projects;

6 “(F) to provide bond or debt financing in-
7 strument security; and

8 “(G) to provide other forms of debt financ-
9 ing and methods of leveraging funds that are ap-
10 proved by the Secretary and that relate to the
11 project with respect to which the assistance is
12 being provided.

13 “(2) STATE.—The term ‘State’ has the meaning
14 given the term under section 401.

15 “(b) COOPERATIVE AGREEMENTS.—

16 “(1) IN GENERAL.—

17 “(A) PURPOSE OF AGREEMENTS.—Subject
18 to this section, the Secretary may enter into co-
19 operative agreements with States for the estab-
20 lishment of State infrastructure banks and
21 multistate infrastructure banks for making loans
22 and providing other assistance to public and pri-
23 vate entities carrying out or proposing to carry
24 out projects eligible for assistance under this sec-
25 tion.

1 “(B) *CONTENTS OF AGREEMENTS.*—*Each*
 2 *cooperative agreement shall specify procedures*
 3 *and guidelines for establishing, operating, and*
 4 *providing assistance from the infrastructure*
 5 *bank.*

6 “(2) *INTERSTATE COMPACTS.*—*If 2 or more*
 7 *States enter into a cooperative agreement under para-*
 8 *graph (1) with the Secretary for the establishment of*
 9 *a multistate infrastructure bank, Congress grants con-*
 10 *sent to those States to enter into an interstate com-*
 11 *pact establishing the bank in accordance with this*
 12 *section.*

13 “(c) *FUNDING.*—

14 “(1) *CONTRIBUTION.*—*Notwithstanding any*
 15 *other provision of law, the Secretary may allow, sub-*
 16 *ject to subsection (h)(1), a State that enters into a co-*
 17 *operative agreement under this section to contribute*
 18 *to the infrastructure bank established by the State not*
 19 *to exceed—*

20 “(A)(i) *the total amount of funds appor-*
 21 *tioned to the State under each of paragraphs (1)*
 22 *and (3) of section 104(b), excluding funds set*
 23 *aside under paragraphs (1) and (2) of section*
 24 *133(d); and*

1 “(ii) the total amount of funds allocated to
2 the State under section 105 and under section
3 1102 of the Intermodal Surface Transportation
4 Efficiency Act of 1998;

5 “(B) the total amount of funds made avail-
6 able to the State or other Federal transit grant
7 recipient for capital projects (as defined in sec-
8 tion 5302 of title 49) under sections 5307, 5309,
9 and 5311 of title 49; and

10 “(C) the total amount of funds made avail-
11 able to the State under subtitle V of title 49.

12 “(2) CAPITALIZATION GRANT.—For the purposes
13 of this section, Federal funds contributed to the infra-
14 structure bank under this subsection shall constitute
15 a capitalization grant for the infrastructure bank.

16 “(3) SPECIAL RULE FOR URBANIZED AREAS OF
17 OVER 200,000.—Funds that are apportioned or allo-
18 cated to a State under section 104(b)(3) and attrib-
19 uted to urbanized areas of a State with a population
20 of over 200,000 individuals under section 133(d)(2)
21 may be used to provide assistance from an infrastruc-
22 ture bank under this section with respect to a project
23 only if the metropolitan planning organization des-
24 ignated for the area concurs, in writing, with the pro-
25 vision of the assistance.

1 “(d) *FORMS OF ASSISTANCE FROM INFRASTRUCTURE*
 2 *BANKS.*—

3 “(1) *IN GENERAL.*—*An infrastructure bank es-*
 4 *tablished under this section may make loans or pro-*
 5 *vide other assistance to a public or private entity in*
 6 *an amount equal to all or part of the cost of carrying*
 7 *out a project eligible for assistance under this section.*

8 “(2) *SUBORDINATION OF LOANS.*—*The amount of*
 9 *any loan or other assistance provided for the project*
 10 *may be subordinated to any other debt financing for*
 11 *the project.*

12 “(3) *INITIAL ASSISTANCE.*—*Initial assistance*
 13 *provided with respect to a project from Federal funds*
 14 *contributed to an infrastructure bank under this sec-*
 15 *tion shall not be made in the form of a grant.*

16 “(e) *QUALIFYING PROJECTS.*—

17 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
 18 *funds in an infrastructure bank established under this*
 19 *section may be used only to provide assistance with*
 20 *respect to projects eligible for assistance under this*
 21 *title, for capital projects (as defined in section 5302*
 22 *of title 49), or for any other project related to surface*
 23 *transportation that the Secretary determines to be ap-*
 24 *propriate.*

1 “(2) *INTERSTATE FUNDS.*—*Funds contributed to*
 2 *an infrastructure bank from funds apportioned to a*
 3 *State under subparagraph (A) or (B) of section*
 4 *104(b)(1) may be used only to provide assistance with*
 5 *respect to projects eligible for assistance under those*
 6 *subparagraphs.*

7 “(3) *RAIL PROGRAM FUNDS.*—*Funds contributed*
 8 *to an infrastructure bank from funds made available*
 9 *to a State under subtitle V of title 49 shall be used*
 10 *in a manner consistent with any project description*
 11 *specified under the law making the funds available to*
 12 *the State.*

13 “(f) *INFRASTRUCTURE BANK REQUIREMENTS.*—

14 “(1) *IN GENERAL.*—*Subject to paragraph (2), in*
 15 *order to establish an infrastructure bank under this*
 16 *section, each State establishing such a bank shall—*

17 “(A) *contribute, at a minimum, to the bank*
 18 *from non-Federal sources an amount equal to 25*
 19 *percent of the amount of each capitalization*
 20 *grant made to the State and contributed to the*
 21 *bank under subsection (c), except that if the*
 22 *State has a higher Federal share payable under*
 23 *section 120(b) of title 23, United States Code, the*
 24 *State shall be required to contribute only an*

1 *amount commensurate with the higher Federal*
2 *share;*

3 “(B) *ensure that the bank maintains on a*
4 *continuing basis an investment grade rating on*
5 *its debt issuances and its ability to pay claims*
6 *under credit enhancement programs of the bank;*

7 “(C) *ensure that investment income gen-*
8 *erated by funds contributed to the bank will be—*

9 “(i) *credited to the bank;*

10 “(ii) *available for use in providing*
11 *loans and other assistance to projects eligi-*
12 *ble for assistance from the bank; and*

13 “(iii) *invested in United States Treas-*
14 *ury securities, bank deposits, or such other*
15 *financing instruments as the Secretary may*
16 *approve to earn interest to enhance the*
17 *leveraging of projects assisted by the bank;*

18 “(D) *ensure that any loan from the bank*
19 *will bear interest at or below market rates, as de-*
20 *termined by the State, to make the project that*
21 *is the subject of the loan feasible;*

22 “(E) *ensure that repayment of the loan*
23 *from the bank will commence not later than 5*
24 *years after the project has been completed or, in*

1 *the case of a highway project, the facility has*
2 *opened to traffic, whichever is later;*

3 “(F) *ensure that the term for repaying any*
4 *loan will not exceed the lesser of—*

5 “(i) *35 years after the date of the first*
6 *payment on the loan under subparagraph*
7 *(E); or*

8 “(ii) *the useful life of the investment;*
9 *and*

10 “(G) *require the bank to make a biennial*
11 *report to the Secretary and to make such other*
12 *reports as the Secretary may require in guide-*
13 *lines.*

14 “(2) *WAIVERS BY THE SECRETARY.—The Sec-*
15 *retary may waive a requirement of any of subpara-*
16 *graphs (C) through (G) of paragraph (1) with respect*
17 *to an infrastructure bank if the Secretary determines*
18 *that the waiver is consistent with the objectives of this*
19 *section.*

20 “(g) *LIMITATION ON REPAYMENTS.—Notwithstanding*
21 *any other provision of law, the repayment of a loan or other*
22 *assistance provided from an infrastructure bank under this*
23 *section may not be credited toward the non-Federal share*
24 *of the cost of any project.*

1 “(h) *SECRETARIAL REQUIREMENTS.*—*In administer-*
 2 *ing this section, the Secretary shall—*

3 “(1) *ensure that Federal disbursements shall be*
 4 *at an annual rate of not more than 20 percent of the*
 5 *amount designated by the State for State infrastruc-*
 6 *ture bank capitalization under subsection (c)(1), ex-*
 7 *cept that the Secretary may disburse funds to a State*
 8 *in an amount needed to finance a specific project;*
 9 *and*

10 “(2) *revise cooperative agreements entered into*
 11 *with States under section 350 of the National High-*
 12 *way System Designation Act of 1995 (Public Law*
 13 *104–59) to comply with this section.*

14 “(i) *APPLICABILITY OF FEDERAL LAW.*—

15 “(1) *IN GENERAL.*—*The requirements of this title*
 16 *or title 49 that would otherwise apply to funds made*
 17 *available under that title and projects assisted with*
 18 *those funds shall apply to—*

19 “(A) *funds made available under that title*
 20 *and contributed to an infrastructure bank estab-*
 21 *lished under this section, including the non-Fed-*
 22 *eral contribution required under section (f); and*

23 “(B) *projects assisted by the bank through*
 24 *the use of the funds;*

1 *except to the extent that the Secretary determines that*
2 *any requirement of that title (other than sections 113*
3 *and 114 of this title and section 5333 of title 49) is*
4 *not consistent with the objectives of this section.*

5 “(2) *REPAYMENTS.*—*The requirements of this*
6 *title or title 49 shall not apply to repayments from*
7 *non-Federal sources to an infrastructure bank from*
8 *projects assisted by the bank. Such a repayment shall*
9 *not be considered to be Federal funds.*

10 “(j) *UNITED STATES NOT OBLIGATED.*—

11 “(1) *IN GENERAL.*—*The contribution of Federal*
12 *funds to an infrastructure bank established under this*
13 *section shall not be construed as a commitment, guar-*
14 *antee, or obligation on the part of the United States*
15 *to any third party. No third party shall have any*
16 *right against the United States for payment solely by*
17 *virtue of the contribution.*

18 “(2) *STATEMENT.*—*Any security or debt financ-*
19 *ing instrument issued by the infrastructure bank shall*
20 *expressly state that the security or instrument does*
21 *not constitute a commitment, guarantee, or obligation*
22 *of the United States.*

23 “(k) *MANAGEMENT OF FEDERAL FUNDS.*—*Sections*
24 *3335 and 6503 of title 31, United States Code, shall not*
25 *apply to funds contributed under this section.*

1 “(l) *PROGRAM ADMINISTRATION.*—

2 “(1) *IN GENERAL.*—A State may expend not to
3 *exceed 2 percent of the Federal funds contributed to*
4 *an infrastructure bank established by the State under*
5 *this section to pay the reasonable costs of administer-*
6 *ing the bank.*

7 “(2) *NON-FEDERAL FUNDS.*—The limitation de-
8 *scribed in paragraph (1) shall not apply to non-Fed-*
9 *eral funds.”.*

10 (b) *CONFORMING AMENDMENT.*—The analysis for
11 *chapter 1 of title 23, United States Code, is amended by*
12 *adding at the end the following:*

 “162. *State infrastructure bank program.*”.

13 **CHAPTER 2—TRANSPORTATION INFRA-**
14 **STRUCTURE FINANCE AND INNOVA-**
15 **TION**

16 **SEC. 1311. SHORT TITLE.**

17 *This chapter may be cited as the “Transportation In-*
18 *frastructure Finance and Innovation Act of 1998”.*

19 **SEC. 1312. FINDINGS.**

20 *Congress finds that—*

21 (1) *a well-developed system of transportation in-*
22 *frastructure is critical to the economic well-being,*
23 *health, and welfare of the people of the United States;*

24 (2) *traditional public funding techniques such as*
25 *grant programs are unable to keep pace with the in-*

1 *frastructure investment needs of the United States be-*
 2 *cause of budgetary constraints at the Federal, State,*
 3 *and local levels of government;*

4 *(3) major transportation infrastructure facilities*
 5 *that address critical national needs, such as inter-*
 6 *modal facilities, border crossings, and multistate*
 7 *trade corridors, are of a scale that exceeds the capac-*
 8 *ity of Federal and State assistance programs in effect*
 9 *on the date of enactment of this Act;*

10 *(4) new investment capital can be attracted to*
 11 *infrastructure projects that are capable of generating*
 12 *their own revenue streams through user charges or*
 13 *other dedicated funding sources; and*

14 *(5) a Federal credit program for projects of na-*
 15 *tional significance can complement existing funding*
 16 *resources by filling market gaps, thereby leveraging*
 17 *substantial private co-investment.*

18 **SEC. 1313. ESTABLISHMENT OF PROGRAM.**

19 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
 20 *Code, is amended by adding at the end the following:*

21 **“SUBCHAPTER II—INFRASTRUCTURE FINANCE**

22 **“§ 181. Definitions**

23 *“In this subchapter:*

24 *“(1) ELIGIBLE PROJECT COSTS.—The term ‘eli-*
 25 *gible project costs’ means amounts substantially all of*

1 *which are paid by, or for the account of, an obligor*
2 *in connection with a project, including the cost of—*

3 “(A) *development phase activities, including*
4 *planning, feasibility analysis, revenue forecast-*
5 *ing, environmental review, permitting, prelimi-*
6 *nary engineering and design work, and other*
7 *preconstruction activities;*

8 “(B) *construction, reconstruction, rehabili-*
9 *tation, replacement, and acquisition of real*
10 *property (including land related to the project*
11 *and improvements to land), environmental miti-*
12 *gation, construction contingencies, and acquisi-*
13 *tion of equipment; and*

14 “(C) *capitalized interest necessary to meet*
15 *market requirements, reasonably required reserve*
16 *funds, capital issuance expenses, and other car-*
17 *rying costs during construction.*

18 “(2) *FEDERAL CREDIT INSTRUMENT.—The term*
19 *‘Federal credit instrument’ means a secured loan,*
20 *loan guarantee, or line of credit authorized to be*
21 *made available under this subchapter with respect to*
22 *a project.*

23 “(3) *LENDER.—The term ‘lender’ means any*
24 *non-Federal qualified institutional buyer (as defined*
25 *in section 230.144A(a) of title 17, Code of Federal*

1 *Regulations (or any successor regulation), known as*
 2 *Rule 144A(a) of the Securities and Exchange Com-*
 3 *mission and issued under the Securities Act of 1933*
 4 *(15 U.S.C. 77a et seq.)), including—*

5 *“(A) a qualified retirement plan (as defined*
 6 *in section 4974(c) of the Internal Revenue Code*
 7 *of 1986) that is a qualified institutional buyer;*
 8 *and*

9 *“(B) a governmental plan (as defined in*
 10 *section 414(d) of the Internal Revenue Code of*
 11 *1986) that is a qualified institutional buyer.*

12 *“(4) LINE OF CREDIT.—The term ‘line of credit’*
 13 *means an agreement entered into by the Secretary*
 14 *with an obligor under section 184 to provide a direct*
 15 *loan at a future date upon the occurrence of certain*
 16 *events.*

17 *“(5) LOAN GUARANTEE.—The term ‘loan guar-*
 18 *antee’ means any guarantee or other pledge by the*
 19 *Secretary to pay all or part of the principal of and*
 20 *interest on a loan or other debt obligation issued by*
 21 *an obligor and funded by a lender.*

22 *“(6) LOCAL SERVICER.—The term ‘local servicer’*
 23 *means—*

24 *“(A) a State infrastructure bank established*
 25 *under this title; or*

1 “(B) a State or local government or any
2 agency of a State or local government that is re-
3 sponsible for servicing a Federal credit instru-
4 ment on behalf of the Secretary.

5 “(7) OBLIGOR.—The term ‘obligor’ means a
6 party primarily liable for payment of the principal
7 of or interest on a Federal credit instrument, which
8 party may be a corporation, partnership, joint ven-
9 ture, trust, or governmental entity, agency, or instru-
10 mentality.

11 “(8) PROJECT.—The term ‘project’ means—

12 “(A) any surface transportation project eli-
13 gible for Federal assistance under this title or
14 chapter 53 of title 49; and

15 “(B) a project for an international bridge
16 or tunnel for which an international entity au-
17 thorized under State or Federal law is respon-
18 sible.

19 “(9) PROJECT OBLIGATION.—The term ‘project
20 obligation’ means any note, bond, debenture, or other
21 debt obligation issued by an obligor in connection
22 with the financing of a project, other than a Federal
23 credit instrument.

24 “(10) SECURED LOAN.—The term ‘secured loan’
25 means a direct loan or other debt obligation issued by

1 *an obligor and funded by the Secretary in connection*
 2 *with the financing of a project under section 183.*

3 “(11) *STATE.*—*The term ‘State’ has the meaning*
 4 *given the term in section 101.*

5 “(12) *SUBSTANTIAL COMPLETION.*—*The term*
 6 *‘substantial completion’ means the opening of a*
 7 *project to vehicular or passenger traffic.*

8 **“§ 182. *Determination of eligibility and project selec-***
 9 ***tion***

10 “(a) *ELIGIBILITY.*—*To be eligible to receive financial*
 11 *assistance under this subchapter, a project shall meet the*
 12 *following criteria:*

13 “(1) *INCLUSION IN TRANSPORTATION PLANS AND*
 14 *PROGRAMS.*—*The project—*

15 “(A) *shall be included in the State trans-*
 16 *portation plan required under section 135; and*

17 “(B) *at such time as an agreement to make*
 18 *available a Federal credit instrument is entered*
 19 *into under this subchapter, shall be included in*
 20 *the approved State transportation improvement*
 21 *program required under section 134.*

22 “(2) *APPLICATION.*—*A State, a local servicer*
 23 *identified under section 185(a), or the entity under-*
 24 *taking the project shall submit a project application*
 25 *to the Secretary.*

1 “(3) *ELIGIBLE PROJECT COSTS.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
 3 *subparagraph (B), to be eligible for assistance*
 4 *under this subchapter, a project shall have eligi-*
 5 *ble project costs that are reasonably anticipated*
 6 *to equal or exceed the lesser of—*

7 “(i) \$100,000,000; or

8 “(ii) 50 percent of the amount of Fed-
 9 *eral highway assistance funds apportioned*
 10 *for the most recently-completed fiscal year*
 11 *to the State in which the project is located.*

12 “(B) *INTELLIGENT TRANSPORTATION SYS-*
 13 *TEM PROJECTS.*—*In the case of a project prin-*
 14 *cipally involving the installation of an intel-*
 15 *ligent transportation system, eligible project costs*
 16 *shall be reasonably anticipated to equal or exceed*
 17 *\$30,000,000.*

18 “(4) *DEDICATED REVENUE SOURCES.*—*Project*
 19 *financing shall be repayable, in whole or in part,*
 20 *from tolls, user fees, or other dedicated revenue*
 21 *sources.*

22 “(5) *PUBLIC SPONSORSHIP OF PRIVATE ENTI-*
 23 *TIES.*—*In the case of a project that is undertaken by*
 24 *an entity that is not a State or local government or*
 25 *an agency or instrumentality of a State or local gov-*

ernment, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

“(b) *SELECTION AMONG ELIGIBLE PROJECTS.*—

“(1) *ESTABLISHMENT.*—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

“(2) *SELECTION CRITERIA.*—The selection criteria shall include the following:

“(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

“(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

“(C) The extent to which assistance under this subchapter would foster innovative public-

1 *private partnerships and attract private debt or*
2 *equity investment.*

3 “(D) *The likelihood that assistance under*
4 *this subchapter would enable the project to pro-*
5 *ceed at an earlier date than the project would*
6 *otherwise be able to proceed.*

7 “(E) *The extent to which the project uses*
8 *new technologies, including intelligent transpor-*
9 *tation systems, that enhance the efficiency of the*
10 *project.*

11 “(F) *The amount of budget authority re-*
12 *quired to fund the Federal credit instrument*
13 *made available under this subchapter.*

14 “(G) *The extent to which the project helps*
15 *maintain or protect the environment.*

16 “(H) *The extent to which assistance under*
17 *this chapter would reduce the contribution of*
18 *Federal grant assistance to the project.*

19 “(c) *FEDERAL REQUIREMENTS.—The following provi-*
20 *sions of law shall apply to funds made available under this*
21 *subchapter and projects assisted with the funds:*

22 “(1) *Title VI of the Civil Rights Act of 1964 (42*
23 *U.S.C. 2000d et seq.).*

24 “(2) *The National Environmental Policy Act of*
25 *1969 (42 U.S.C. 4321 et seq.).*

1 “(3) *The Uniform Relocation Assistance and*
 2 *Real Property Acquisition Policies Act of 1970* (42
 3 *U.S.C. 4601 et seq.*).

4 **“§ 183. Secured loans**

5 “(a) *IN GENERAL.*—

6 “(1) *AGREEMENTS.*—*Subject to paragraph (2),*
 7 *the Secretary may enter into agreements with 1 or*
 8 *more obligors to make secured loans, the proceeds of*
 9 *which shall be used—*

10 “(A) *to finance eligible project costs; or*

11 “(B) *to refinance interim construction fi-*
 12 *nancing of eligible project costs;*
 13 *of any project selected under section 182.*

14 “(2) *LIMITATION ON REFINANCING OF INTERIM*
 15 *CONSTRUCTION FINANCING.*—*A loan under paragraph*
 16 *(1) shall not refinance interim construction financing*
 17 *under paragraph (1)(B) later than 1 year after the*
 18 *date of substantial completion of the project.*

19 “(b) *TERMS AND LIMITATIONS.*—

20 “(1) *IN GENERAL.*—*A secured loan under this*
 21 *section with respect to a project shall be on such terms*
 22 *and conditions and contain such covenants, represen-*
 23 *tations, warranties, and requirements (including re-*
 24 *quirements for audits) as the Secretary determines*
 25 *appropriate.*

1 “(2) *MAXIMUM AMOUNT.*—*The amount of the se-*
2 *cured loan shall not exceed 33 percent of the reason-*
3 *ably anticipated eligible project costs.*

4 “(3) *PAYMENT.*—*The secured loan—*

5 “(A) *shall—*

6 “(i) *be payable, in whole or in part,*
7 *from tolls, user fees, or other dedicated reve-*
8 *nue sources; and*

9 “(ii) *include a rate covenant, coverage*
10 *requirement, or similar security feature*
11 *supporting the project obligations; and*

12 “(B) *may have a lien on revenues described*
13 *in subparagraph (A) subject to any lien securing*
14 *project obligations.*

15 “(4) *INTEREST RATE.*—*The interest rate on the*
16 *secured loan shall be not less than the yield on mar-*
17 *ketable United States Treasury securities of a similar*
18 *maturity to the maturity of the secured loan on the*
19 *date of execution of the loan agreement.*

20 “(5) *MATURITY DATE.*—*The final maturity date*
21 *of the secured loan shall be not later than 35 years*
22 *after the date of substantial completion of the project.*

23 “(6) *NONSUBORDINATION.*—*The secured loan*
24 *shall not be subordinated to the claims of any holder*

1 *of project obligations in the event of bankruptcy, in-*
2 *solvency, or liquidation of the obligor.*

3 “(7) *FEES.*—*The Secretary may establish fees at*
4 *a level sufficient to cover all or a portion of the costs*
5 *to the Federal Government of making a secured loan*
6 *under this section.*

7 “(8) *NON-FEDERAL SHARE.*—*The proceeds of a*
8 *secured loan under this subchapter may be used for*
9 *any non-Federal share of project costs required under*
10 *this title or chapter 53 of title 49, if the loan is re-*
11 *payable from non-Federal funds.*

12 “(c) *REPAYMENT.*—

13 “(1) *SCHEDULE.*—*The Secretary shall establish*
14 *a repayment schedule for each secured loan under this*
15 *section based on the projected cash flow from project*
16 *revenues and other repayment sources.*

17 “(2) *COMMENCEMENT.*—*Scheduled loan repay-*
18 *ments of principal or interest on a secured loan under*
19 *this section shall commence not later than 5 years*
20 *after the date of substantial completion of the project.*

21 “(3) *SOURCES OF REPAYMENT FUNDS.*—*The*
22 *sources of funds for scheduled loan repayments under*
23 *this section shall include tolls, user fees, or other dedi-*
24 *cated revenue sources.*

25 “(4) *DEFERRED PAYMENTS.*—

1 “(A) *AUTHORIZATION.*—If, at any time
 2 during the 10 years after the date of substantial
 3 completion of the project, the project is unable to
 4 generate sufficient revenues to pay scheduled
 5 principal and interest on the secured loan, the
 6 Secretary may, pursuant to established criteria
 7 for the project agreed to by the entity undertak-
 8 ing the project and the Secretary, allow the obli-
 9 gor to add unpaid principal and interest to the
 10 outstanding balance of the secured loan.

11 “(B) *INTEREST.*—Any payment deferred
 12 under subparagraph (A) shall—

13 “(i) continue to accrue interest in ac-
 14 cordance with subsection (b)(4) until fully
 15 repaid; and

16 “(ii) be scheduled to be amortized over
 17 the remaining term of the loan beginning
 18 not later than 10 years after the date of
 19 substantial completion of the project in ac-
 20 cordance with paragraph (1).

21 “(5) *PREPAYMENT.*—

22 “(A) *USE OF EXCESS REVENUES.*—Any ex-
 23 cess revenues that remain after satisfying sched-
 24 uled debt service requirements on the project obli-
 25 gations and secured loan and all deposit require-

1 *ments under the terms of any trust agreement,*
2 *bond resolution, or similar agreement securing*
3 *project obligations may be applied annually to*
4 *prepay the secured loan without penalty.*

5 *“(B) USE OF PROCEEDS OF REFINANC-*
6 *ING.—The secured loan may be prepaid at any*
7 *time without penalty from the proceeds of refi-*
8 *nancing from non-Federal funding sources.*

9 *“(d) SALE OF SECURED LOANS.—*

10 *“(1) IN GENERAL.—Subject to paragraph (2), as*
11 *soon as practicable after substantial completion of a*
12 *project and after notifying the obligor, the Secretary*
13 *may sell to another entity or reoffer into the capital*
14 *markets a secured loan for the project if the Secretary*
15 *determines that the sale or reoffering can be made on*
16 *favorable terms.*

17 *“(2) CONSENT OF OBLIGOR.—In making a sale*
18 *or reoffering under paragraph (1), the Secretary may*
19 *not change the original terms and conditions of the*
20 *secured loan without the written consent of the obli-*
21 *gor.*

22 *“(e) LOAN GUARANTEES.—*

23 *“(1) IN GENERAL.—The Secretary may provide*
24 *a loan guarantee to a lender in lieu of making a se-*
25 *cured loan if the Secretary determines that the budg-*

1 *etary cost of the loan guarantee is substantially the*
 2 *same as that of a secured loan.*

3 *“(2) TERMS.—The terms of a guaranteed loan*
 4 *shall be consistent with the terms set forth in this sec-*
 5 *tion for a secured loan, except that the rate on the*
 6 *guaranteed loan and any prepayment features shall*
 7 *be negotiated between the obligor and the lender, with*
 8 *the consent of the Secretary.*

9 **“§ 184. Lines of credit**

10 *“(a) IN GENERAL.—*

11 *“(1) AGREEMENTS.—The Secretary may enter*
 12 *into agreements to make available lines of credit to 1*
 13 *or more obligors in the form of direct loans to be*
 14 *made by the Secretary at future dates on the occur-*
 15 *rence of certain events for any project selected under*
 16 *section 182.*

17 *“(2) USE OF PROCEEDS.—The proceeds of a line*
 18 *of credit made available under this section shall be*
 19 *available to pay debt service on project obligations*
 20 *issued to finance eligible project costs, extraordinary*
 21 *repair and replacement costs, operation and mainte-*
 22 *nance expenses, and costs associated with unexpected*
 23 *Federal or State environmental restrictions.*

24 *“(b) TERMS AND LIMITATIONS.—*

1 “(1) *IN GENERAL.*—A line of credit under this
 2 section with respect to a project shall be on such terms
 3 and conditions and contain such covenants, represen-
 4 tations, warranties, and requirements (including re-
 5 quirements for audits) as the Secretary determines
 6 appropriate.

7 “(2) *MAXIMUM AMOUNTS.*—

8 “(A) *TOTAL AMOUNT.*—The total amount of
 9 the line of credit shall not exceed 33 percent of
 10 the reasonably anticipated eligible project costs.

11 “(B) *ONE-YEAR DRAWS.*—The amount
 12 drawn in any 1 year shall not exceed 20 percent
 13 of the total amount of the line of credit.

14 “(3) *DRAWS.*—Any draw on the line of credit
 15 shall represent a direct loan and shall be made only
 16 if net revenues from the project (including capitalized
 17 interest, any debt service reserve fund, and any other
 18 available reserve) are insufficient to pay the costs
 19 specified in subsection (a)(2).

20 “(4) *INTEREST RATE.*—The interest rate on a di-
 21 rect loan resulting from a draw on the line of credit
 22 shall be not less than the yield on 30-year marketable
 23 United States Treasury securities as of the date on
 24 which the line of credit is obligated.

25 “(5) *SECURITY.*—The line of credit—

1 “(A) shall—

2 “(i) be payable, in whole or in part,
3 from tolls, user fees, or other dedicated reve-
4 nue sources; and

5 “(ii) include a rate covenant, coverage
6 requirement, or similar security feature
7 supporting the project obligations; and

8 “(B) may have a lien on revenues described
9 in subparagraph (A) subject to any lien securing
10 project obligations.

11 “(6) PERIOD OF AVAILABILITY.—The line of
12 credit shall be available during the period beginning
13 on the date of substantial completion of the project
14 and ending not later than 10 years after that date.

15 “(7) RIGHTS OF THIRD PARTY CREDITORS.—

16 “(A) AGAINST FEDERAL GOVERNMENT.—A
17 third party creditor of the obligor shall not have
18 any right against the Federal Government with
19 respect to any draw on the line of credit.

20 “(B) ASSIGNMENT.—An obligor may assign
21 the line of credit to 1 or more lenders or to a
22 trustee on the lenders’ behalf.

23 “(8) NONSUBORDINATION.—A direct loan under
24 this section shall not be subordinated to the claims of

1 *any holder of project obligations in the event of bank-*
2 *ruptcy, insolvency, or liquidation of the obligor.*

3 “(9) *FEES.*—*The Secretary may establish fees at*
4 *a level sufficient to cover all or a portion of the costs*
5 *to the Federal Government of providing a line of cred-*
6 *it under this section.*

7 “(10) *RELATIONSHIP TO OTHER CREDIT INSTRU-*
8 *MENTS.*—*A project that receives a line of credit under*
9 *this section shall not also receive a secured loan or*
10 *loan guarantee under section 183 of an amount that,*
11 *combined with the amount of the line of credit, ex-*
12 *ceeds 33 percent of eligible project costs.*

13 “(c) *REPAYMENT.*—

14 “(1) *TERMS AND CONDITIONS.*—*The Secretary*
15 *shall establish repayment terms and conditions for*
16 *each direct loan under this section based on the pro-*
17 *jected cash flow from project revenues and other re-*
18 *payment sources.*

19 “(2) *TIMING.*—*All scheduled repayments of prin-*
20 *cipal or interest on a direct loan under this section*
21 *shall commence not later than 5 years after the end*
22 *of the period of availability specified in subsection*
23 *(b)(6) and be fully repaid, with interest, by the date*
24 *that is 25 years after the end of the period of avail-*
25 *ability specified in subsection (b)(6).*

1 “(3) *SOURCES OF REPAYMENT FUNDS.*—*The*
 2 *sources of funds for scheduled loan repayments under*
 3 *this section shall include tolls, user fees, or other dedi-*
 4 *cated revenue sources.*

5 **“§ 185. Project servicing**

6 “(a) *REQUIREMENT.*—*The State in which a project*
 7 *that receives financial assistance under this subchapter is*
 8 *located may identify a local servicer to assist the Secretary*
 9 *in servicing the Federal credit instrument made available*
 10 *under this subchapter.*

11 “(b) *AGENCY; FEES.*—*If a State identifies a local*
 12 *servicer under subsection (a), the local servicer—*

13 “(1) *shall act as the agent for the Secretary; and*

14 “(2) *may receive a servicing fee, subject to ap-*
 15 *proval by the Secretary.*

16 “(c) *LIABILITY.*—*A local servicer identified under sub-*
 17 *section (a) shall not be liable for the obligations of the obli-*
 18 *gor to the Secretary or any lender.*

19 “(d) *ASSISTANCE FROM EXPERT FIRMS.*—*The Sec-*
 20 *retary may retain the services of expert firms in the field*
 21 *of municipal and project finance to assist in the underwrit-*
 22 *ing and servicing of Federal credit instruments.*

23 **“§ 186. State and local permits**

24 “*The provision of financial assistance under this sub-*
 25 *chapter with respect to a project shall not—*

1 “(1) *relieve any recipient of the assistance of any*
 2 *obligation to obtain any required State or local per-*
 3 *mit or approval with respect to the project;*

4 “(2) *limit the right of any unit of State or local*
 5 *government to approve or regulate any rate of return*
 6 *on private equity invested in the project; or*

7 “(3) *otherwise supersede any State or local law*
 8 *(including any regulation) applicable to the construc-*
 9 *tion or operation of the project.*

10 **“§ 187. Regulations**

11 *“The Secretary may issue such regulations as the Sec-*
 12 *retary determines appropriate to carry out this subchapter.*

13 **“§ 188. Funding**

14 “(a) *AUTHORIZATION OF CONTRACT AUTHORITY.—*

15 “(1) *IN GENERAL.—There shall be available from*
 16 *the Highway Trust Fund (other than the Mass Tran-*
 17 *sit Account) to carry out this subchapter—*

18 “(A) *\$60,000,000 for fiscal year 1998;*

19 “(B) *\$60,000,000 for fiscal year 1999;*

20 “(C) *\$90,000,000 for fiscal year 2000;*

21 “(D) *\$90,000,000 for fiscal year 2001;*

22 “(E) *\$115,000,000 for fiscal year 2002; and*

23 “(F) *\$115,000,000 for fiscal year 2003.*

24 “(2) *ADMINISTRATIVE COSTS.—From funds*
 25 *made available under paragraph (1), the Secretary*

1 *may use, for the administration of this subchapter,*
 2 *not more than \$2,000,000 for each of fiscal years*
 3 *1998 through 2003.*

4 *“(3) AVAILABILITY.—Amounts made available*
 5 *under paragraph (1) shall remain available until ex-*
 6 *pended.*

7 *“(b) CONTRACT AUTHORITY.—*

8 *“(1) IN GENERAL.—Notwithstanding any other*
 9 *provision of law, approval by the Secretary of a Fed-*
 10 *eral credit instrument that uses funds made available*
 11 *under this subchapter shall be deemed to be accept-*
 12 *ance by the United States of a contractual obligation*
 13 *to fund the Federal credit instrument.*

14 *“(2) AVAILABILITY.—Amounts authorized under*
 15 *this section for a fiscal year shall be available for ob-*
 16 *ligation on October 1 of the fiscal year.*

17 *“(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of*
 18 *fiscal years 1998 through 2003, principal amounts of Fed-*
 19 *eral credit instruments made available under this sub-*
 20 *chapter shall be limited to the amounts specified in the fol-*
 21 *lowing table:*

<i>“Fiscal year:</i>	<i>Maximum amount of credit:</i>
<i>1998</i>	<i>\$1,200,000,000</i>
<i>1999</i>	<i>\$1,200,000,000</i>
<i>2000</i>	<i>\$1,800,000,000</i>
<i>2001</i>	<i>\$1,800,000,000</i>
<i>2002</i>	<i>\$2,300,000,000</i>
<i>2003</i>	<i>\$2,300,000,000.</i>

1 **“§ 189. Imposition of annual fee on recipients**

2 “(a) *IN GENERAL.*—There is hereby imposed on any
3 recipient of a Federal credit instrument an annual fee equal
4 to the applicable percentage of the average outstanding Fed-
5 eral credit instrument amount made available to the recipi-
6 ent during the year under this subchapter.

7 “(b) *TIME OF IMPOSITION.*—The fee described in sub-
8 section (a) shall be imposed on the annual anniversary date
9 of the receipt of the Federal credit instrument.

10 “(c) *APPLICABLE PERCENTAGE.*—For the purposes of
11 subsection (a), the applicable percentage is, with respect to
12 an annual anniversary date occurring in—

13 “(1) any of fiscal years 1999 through 2003,
14 1.9095 percent; and

15 “(2) any fiscal year after 2003, 0.5144 percent.

16 “(d) *TERMINATION.*—The fee imposed by this section
17 shall not apply with respect to annual anniversary dates
18 occurring after September 30, 2008.

19 “(e) *DEPOSIT OF RECEIPTS.*—The fees collected by the
20 Secretary under this section shall be deposited in the gen-
21 eral fund of the Treasury of the United States as miscellane-
22 ous receipts.

23 **“§ 190. Report to Congress**

24 “Not later than 4 years after the date of enactment
25 of this subchapter, the Secretary shall submit to Congress
26 a report summarizing the financial performance of the

1 *projects that are receiving, or have received, assistance*
 2 *under this subchapter, including a recommendation as to*
 3 *whether the objectives of this subchapter are best served—*

4 “(1) *by continuing the program under the au-*
 5 *thority of the Secretary;*

6 “(2) *by establishing a Government corporation*
 7 *or Government-sponsored enterprise to administer the*
 8 *program; or*

9 “(3) *by phasing out the program and relying on*
 10 *the capital markets to fund the types of infrastructure*
 11 *investments assisted by this subchapter without Fed-*
 12 *eral participation.”.*

13 (b) *CONFORMING AMENDMENTS.—Chapter 1 of title*
 14 *23, United States Code, is amended—*

15 (1) *in the analysis—*

16 (A) *by inserting before “Sec.” the following:*

 “SUBCHAPTER I—GENERAL PROVISIONS”;

17 and

18 (B) *by adding at the end the following:*

 “SUBCHAPTER II—INFRASTRUCTURE FINANCE

 “181. *Definitions.*

 “182. *Determination of eligibility and project selection.*

 “183. *Secured loans.*

 “184. *Lines of credit.*

 “185. *Project servicing.*

 “186. *State and local permits.*

 “187. *Regulations.*

 “188. *Funding.*

 “189. *Imposition of annual fee on recipients.*

 “190. *Report to Congress.”;*

19 and

1 (2) *by inserting before section 101 the following:*

2 “*SUBCHAPTER I—GENERAL PROVISIONS*”.

3 **SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.**

4 (a) *DUTIES OF THE SECRETARY.*—Section 301 of title
5 49, United States Code, is amended—

6 (1) *in paragraph (7), by striking “and” at the*
7 *end;*

8 (2) *in paragraph (8), by striking the period at*
9 *the end and inserting “; and”; and*

10 (3) *by adding at the end the following:*

11 “(9) *develop and coordinate Federal policy on fi-*
12 *nancing transportation infrastructure, including the*
13 *provision of direct Federal credit assistance and other*
14 *techniques used to leverage Federal transportation*
15 *funds.”.*

16 (b) *OFFICE OF INFRASTRUCTURE FINANCE.*—

17 (1) *IN GENERAL.*—Chapter 1 of title 49, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 113. Office of Infrastructure Finance**

21 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
22 tation shall establish within the Office of the Secretary an
23 Office of Infrastructure Finance.

1 “(b) *DIRECTOR.*—*The Office shall be headed by a Di-*
 2 *rector who shall be appointed by the Secretary not later*
 3 *than 180 days after the date of enactment of this section.*

4 “(c) *FUNCTIONS.*—*The Director shall be responsible*
 5 *for—*

6 “(1) *carrying out the responsibilities of the Sec-*
 7 *retary described in section 301(9);*

8 “(2) *carrying out research on financing trans-*
 9 *portation infrastructure, including educational pro-*
 10 *grams and other initiatives to support Federal, State,*
 11 *and local government efforts; and*

12 “(3) *providing technical assistance to Federal,*
 13 *State, and local government agencies and officials to*
 14 *facilitate the development and use of alternative tech-*
 15 *niques for financing transportation infrastructure.”.*

16 “(2) *CONFORMING AMENDMENT.*—*The analysis for*
 17 *chapter 1 of title 49, United States Code, is amended*
 18 *by adding at the end the following:*

“113. *Office of Infrastructure Finance.*”.

19 ***Subtitle D—Safety***

20 ***SEC. 1401. OPERATION LIFESAVER.***

21 *Section 104 of title 23, United States Code (as amend-*
 22 *ed by section 1102(a)), is amended—*

23 “(1) *in the matter preceding paragraph (1) of*
 24 *subsection (b), by striking “subsection (f)” and insert-*
 25 *ing “subsections (d) and (f)”;* and

1 (2) in subsection (d), by striking paragraph (1)
2 and inserting the following:

3 “(1) *OPERATION LIFESAVER*.—Before making an
4 apportionment of funds under subsection (b)(3) for a
5 fiscal year, the Secretary shall set aside \$500,000 of
6 the funds made available for the surface transpor-
7 tation program for the fiscal year to carry out a pub-
8 lic information and education program to help pre-
9 vent and reduce motor vehicle accidents, injuries, and
10 fatalities and to improve driver performance at rail-
11 way-highway crossings.”.

12 **SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-**
13 **NATION IN HIGH SPEED RAIL CORRIDORS.**

14 Section 104(d) of title 23, United States Code, is
15 amended by striking paragraphs (2) and (3) and inserting
16 the following:

17 “(2) *RAILWAY-HIGHWAY CROSSING HAZARD*
18 *ELIMINATION IN HIGH SPEED RAIL CORRIDORS*.—

19 “(A) *IN GENERAL*.—Before making an ap-
20 portionment of funds under subsection (b)(3) for
21 a fiscal year, the Secretary shall set aside
22 \$5,000,000 of the funds made available for the
23 surface transportation program for the fiscal
24 year for elimination of hazards of railway-high-
25 way crossings.

1 “(B) *ELIGIBLE CORRIDORS.*—*Funds made*
 2 *available under subparagraph (A) shall be ex-*
 3 *pende*d for projects in—

4 “(i) *5 railway corridors selected by the*
 5 *Secretary in accordance with this subsection*
 6 *(as in effect on the day before the date of en-*
 7 *actment of this clause);*

8 “(ii) *3 railway corridors selected by*
 9 *the Secretary in accordance with subpara-*
 10 *graphs (C) and (D); and*

11 “(iii) *a Gulf Coast high speed railway*
 12 *corridor (as designated by the Secretary).*

13 “(C) *REQUIRED INCLUSION OF HIGH SPEED*
 14 *RAIL LINES.*—*A corridor selected by the Sec-*
 15 *retary under subparagraph (B) shall include rail*
 16 *lines where railroad speeds of 90 miles or more*
 17 *per hour are occurring or can reasonably be ex-*
 18 *pected to occur in the future.*

19 “(D) *CONSIDERATIONS IN CORRIDOR SELEC-*
 20 *TION.*—*In selecting corridors under subpara-*
 21 *graph (B), the Secretary shall consider—*

22 “(i) *projected rail ridership volume in*
 23 *each corridor;*

24 “(ii) *the percentage of each corridor*
 25 *over which a train will be capable of oper-*

1 *ating at its maximum cruise speed taking*
 2 *into account such factors as topography and*
 3 *other traffic on the line;*

4 *“(iii) projected benefits to nonriders*
 5 *such as congestion relief on other modes of*
 6 *transportation serving each corridor (in-*
 7 *cluding congestion in heavily traveled air*
 8 *passenger corridors);*

9 *“(iv) the amount of State and local fi-*
 10 *nancial support that can reasonably be an-*
 11 *ticipated for the improvement of the line*
 12 *and related facilities; and*

13 *“(v) the cooperation of the owner of the*
 14 *right-of-way that can reasonably be expected*
 15 *in the operation of high speed rail passenger*
 16 *service in each corridor.*

17 *“(E)(i) AUTHORIZATION OF APPROPRIA-*
 18 *TIONS.—There is authorized to be appropriated*
 19 *\$15,000,000 in each of fiscal years 1998 through*
 20 *2003 to carry out this subsection.*

21 *“(ii) AVAILABILITY.—Notwithstanding sec-*
 22 *tion 118(a), funds made available under clause*
 23 *(i) shall not be available in advance of an an-*
 24 *nual appropriation.”.*

1 **SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.**

2 *Section 130 of title 23, United States Code, is amend-*
3 *ed—*

4 *(1) in the first sentence of subsection (a)—*

5 *(A) by striking “structures, and” and in-*
6 *serting “structures,”; and*

7 *(B) by inserting after “grade crossings,” the*
8 *following: “trespassing countermeasures in the*
9 *immediate vicinity of a public railway-highway*
10 *grade crossing, railway-highway crossing safety*
11 *education, enforcement of traffic laws relating to*
12 *railway-highway crossing safety, and projects at*
13 *privately owned railway-highway crossings if*
14 *each such project is publicly sponsored and the*
15 *Secretary determines that the project would serve*
16 *a public benefit,”;*

17 *(2) in subsection (d), by adding at the end the*
18 *following: “In a manner established by the Secretary,*
19 *each State shall submit a report that describes com-*
20 *pleted railway-highway crossing projects funded*
21 *under this section to the Department of Transpor-*
22 *tation for inclusion in the National Grade Crossing*
23 *Inventory prepared by the Department of Transpor-*
24 *tation and the Association of American Railroads.”;*
25 *and*

26 *(3) by striking subsection (e).*

1 **SEC. 1404. HAZARD ELIMINATION PROGRAM.**

2 (a) *IN GENERAL.*—Section 152 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking “(a) Each” and inserting
6 the following:

7 “(a) *IN GENERAL.*—

8 “(1) *PROGRAM.*—Each”;

9 (B) by inserting “, bicyclists,” after “motor-
10 ists”; and

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

12 “(2) *HAZARDS.*—In carrying out paragraph (1),
13 a State may, at its discretion—

14 “(A) identify through a survey hazards to
15 motorists, bicyclists, pedestrians, and users of
16 highway facilities; and

17 “(B) develop and implement projects and
18 programs to address the hazards.”;

19 (2) in subsection (b), by striking “highway safety
20 improvement project” and inserting “safety improve-
21 ment project, including a project described in sub-
22 section (a)”;

23 (3) in subsection (c), by striking “on any public
24 road (other than a highway on the Interstate Sys-
25 tem).” and inserting the following: “on—

26 “(1) any public road;

1 “(2) any public transportation vehicle or facil-
 2 ity, any publicly owned bicycle or pedestrian path-
 3 way or trail, or any other facility that the Secretary
 4 determines to be appropriate; or

5 “(3) any traffic calming measure.”.

6 (b) *CONFORMING AMENDMENTS.*—

7 (1) Section 101(a) of title 23, United States
 8 Code, is amended—

9 (A) in the undesignated paragraph defining
 10 “highway safety improvement project”, by strik-
 11 ing “highway safety” and inserting “safety”;
 12 and

13 (B) by moving that undesignated para-
 14 graph to appear before the undesignated para-
 15 graph defining “Secretary”.

16 (2) Section 152 of title 23, United States Code,
 17 is amended in subsections (f) and (g) by striking
 18 “highway safety improvement projects” each place it
 19 appears and inserting “safety improvement projects”.

20 **SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
 21 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
 22 **ING UNDER THE INFLUENCE.**

23 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
 24 Code (as amended by section 1301(a)), is amended by add-
 25 ing at the end the following:

1 **“§ 163. Minimum penalties for repeat offenders for**
2 **driving while intoxicated or driving**
3 **under the influence**

4 “(a) *DEFINITIONS.—In this section:*

5 “(1) *ALCOHOL CONCENTRATION.—The term ‘al-*
6 *cohol concentration’ means grams of alcohol per 100*
7 *milliliters of blood or grams of alcohol per 210 liters*
8 *of breath.*

9 “(2) *DRIVING WHILE INTOXICATED; DRIVING*
10 *UNDER THE INFLUENCE.—The terms ‘driving while*
11 *intoxicated’ and ‘driving under the influence’ mean*
12 *driving or being in actual physical control of a motor*
13 *vehicle while having an alcohol concentration above*
14 *the permitted limit as established by each State.*

15 “(3) *LICENSE SUSPENSION.—The term ‘license*
16 *suspension’ means the suspension of all driving privi-*
17 *leges.*

18 “(4) *MOTOR VEHICLE.—The term ‘motor vehicle’*
19 *means a vehicle driven or drawn by mechanical*
20 *power and manufactured primarily for use on public*
21 *highways, but does not include a vehicle operated sole-*
22 *ly on a rail line or a commercial vehicle.*

23 “(5) *REPEAT INTOXICATED DRIVER LAW.—The*
24 *term ‘repeat intoxicated driver law’ means a State*
25 *law that provides, as a minimum penalty, that an*
26 *individual convicted of a second or subsequent offense*

1 *for driving while intoxicated or driving under the in-*
2 *fluence after a previous conviction for that offense*
3 *shall—*

4 “(A) *receive a driver’s license suspension for*
5 *not less than 1 year;*

6 “(B) *be subject to the impoundment or im-*
7 *mobilization of each of the individual’s motor ve-*
8 *hicles or the installation of an ignition interlock*
9 *system on each of the motor vehicles;*

10 “(C) *receive an assessment of the individ-*
11 *ual’s degree of abuse of alcohol and treatment as*
12 *appropriate; and*

13 “(D) *receive—*

14 “(i) *in the case of the second offense—*

15 “(I) *an assignment of not less*
16 *than 30 days of community service; or*

17 “(II) *not less than 5 days of im-*
18 *prisonment; and*

19 “(ii) *in the case of the third or subse-*
20 *quent offense—*

21 “(I) *an assignment of not less*
22 *than 60 days of community service; or*

23 “(II) *not less than 10 days of im-*
24 *prisonment.*

25 “(b) *TRANSFER OF FUNDS.—*

1 “(1) *FISCAL YEARS 2001 AND 2002.*—

2 “(A) *IN GENERAL.*—On October 1, 2000,
3 and October 1, 2001, if a State has not enacted
4 or is not enforcing a repeat intoxicated driver
5 law, the Secretary shall transfer an amount
6 equal to 1½ percent of the funds apportioned to
7 the State on that date under paragraphs (1) and
8 (3) of section 104(b) to the apportionment of the
9 State under section 402—

10 “(i) to be used for alcohol-impaired
11 driving countermeasures; or

12 “(ii) to be directed to State and local
13 law enforcement agencies for enforcement of
14 laws prohibiting driving while intoxicated
15 or driving under the influence and other re-
16 lated laws (including regulations), includ-
17 ing the purchase of equipment, the training
18 of officers, and the use of additional person-
19 nel for specific alcohol-impaired driving
20 countermeasures, dedicated to enforcement
21 of the laws (including regulations).

22 “(B) *DERIVATION OF AMOUNT TO BE*
23 *TRANSFERRED.*—An amount transferred under
24 subparagraph (A) may be derived—

1 “(i) from the apportionment of the
2 State under section 104(b)(1);

3 “(ii) from the apportionment of the
4 State under section 104(b)(3); or

5 “(iii) partially from the apportion-
6 ment of the State under section 104(b)(1)
7 and partially from the apportionment of the
8 State under section 104(b)(3).

9 “(2) FISCAL YEAR 2003 AND FISCAL YEARS
10 THEREAFTER.—

11 “(A) IN GENERAL.—On October 1, 2002,
12 and each October 1 thereafter, if a State has not
13 enacted or is not enforcing a repeat intoxicated
14 driver law, the Secretary shall transfer 3 percent
15 of the funds apportioned to the State on that
16 date under each of paragraphs (1) and (3) of sec-
17 tion 104(b) to the apportionment of the State
18 under section 402—

19 “(i) to be used for alcohol-impaired
20 driving countermeasures; or

21 “(ii) to be directed to State and local
22 law enforcement agencies for enforcement of
23 laws prohibiting driving while intoxicated
24 or driving under the influence and other re-
25 lated laws (including regulations), includ-

ing the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

“(B) *DERIVATION OF AMOUNT TO BE TRANSFERRED.*—An amount transferred under subparagraph (A) may be derived—

“(i) from the apportionment of the State under section 104(b)(1);

“(ii) from the apportionment of the State under section 104(b)(3); or

“(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

“(3) *FEDERAL SHARE.*—The Federal share of the cost of a project carried out under section 402 with funds transferred under paragraph (1) or (2) shall be 100 percent.

“(4) *TRANSFER OF OBLIGATION AUTHORITY.*—

“(A) *IN GENERAL.*—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an

1 *amount, determined under subparagraph (B), of*
2 *obligation authority distributed for the fiscal*
3 *year to the State for Federal-aid highways and*
4 *highway safety construction programs for carry-*
5 *ing out projects under section 402.*

6 *“(B) AMOUNT.—The amount of obligation*
7 *authority referred to in subparagraph (A) shall*
8 *be determined by multiplying—*

9 *“(i) the amount of funds transferred*
10 *under subparagraph (A) to the apportion-*
11 *ment of the State under section 402 for the*
12 *fiscal year; by*

13 *“(ii) the ratio that—*

14 *“(I) the amount of obligation au-*
15 *thority distributed for the fiscal year to*
16 *the State for Federal-aid highways and*
17 *highway safety construction programs;*
18 *bears to*

19 *“(II) the total of the sums appor-*
20 *tioned to the State for Federal-aid*
21 *highways and highway safety construc-*
22 *tion programs (excluding sums not*
23 *subject to any obligation limitation)*
24 *for the fiscal year.*

1 “(5) *LIMITATION ON APPLICABILITY OF HIGHWAY*
 2 *SAFETY OBLIGATIONS.*—*Notwithstanding any other*
 3 *provision of law, no limitation on the total of obliga-*
 4 *tions for highway safety programs under section 402*
 5 *shall apply to funds transferred under this subsection*
 6 *to the apportionment of a State under that section.”.*

7 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 8 *chapter 1 of title 23, United States Code (as amended by*
 9 *section 1301(b)), is amended by adding at the end the fol-*
 10 *lowing:*

 “163. *Minimum penalties for repeat offenders for driving while intoxicated or*
 driving under the influence.”.

11 **SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT**
 12 **BELTS.**

13 (a) *IN GENERAL.*—*Chapter 1 of title 23, United States*
 14 *Code (as amended by section 1405(a)), is amended by add-*
 15 *ing at the end the following:*

16 **“§ 164. Safety incentive grants for use of seat belts**

17 “(a) *DEFINITIONS.*—*In this section:*

18 “(1) *MOTOR VEHICLE.*—*The term ‘motor vehicle’*
 19 *means a vehicle driven or drawn by mechanical*
 20 *power and manufactured primarily for use on public*
 21 *highways, but does not include a vehicle operated sole-*
 22 *ly on a rail line.*

23 “(2) *MULTIPURPOSE PASSENGER MOTOR VEHI-*
 24 *CLE.*—*The term ‘multipurpose passenger motor vehi-*

1 *cle’ means a motor vehicle with motive power (except*
 2 *a trailer), designed to carry not more than 10 indi-*
 3 *viduals, that is constructed on a truck chassis or is*
 4 *constructed with special features for occasional off-*
 5 *road operation.*

6 “(3) *NATIONAL AVERAGE SEAT BELT USE*
 7 *RATE.—The term ‘national average seat belt use rate’*
 8 *means, in the case of each of calendar years 1995*
 9 *through 2001, the national average seat belt use rate*
 10 *for that year, as determined by the Secretary.*

11 “(4) *PASSENGER CAR.—The term ‘passenger car’*
 12 *means a motor vehicle with motive power (except a*
 13 *multipurpose passenger motor vehicle, motorcycle, or*
 14 *trailer) designed to carry not more than 10 individ-*
 15 *uals.*

16 “(5) *PASSENGER MOTOR VEHICLE.—The term*
 17 *‘passenger motor vehicle’ means a passenger car or a*
 18 *multipurpose passenger motor vehicle.*

19 “(6) *SAVINGS TO THE FEDERAL GOVERNMENT.—*
 20 *The term ‘savings to the Federal Government’ means*
 21 *the amount of Federal budget savings relating to Fed-*
 22 *eral medical costs (including savings under the medi-*
 23 *care and medicaid programs under titles XVIII and*
 24 *XIX of the Social Security Act (42 U.S.C. 1395 et*
 25 *seq.)), as determined by the Secretary.*

1 “(7) *SEAT BELT.*—*The term ‘seat belt’ means—*

2 “(A) *with respect to an open-body passenger*
 3 *motor vehicle, including a convertible, an occu-*
 4 *pant restraint system consisting of a lap belt or*
 5 *a lap belt and a detachable shoulder belt; and*

6 “(B) *with respect to any other passenger*
 7 *motor vehicle, an occupant restraint system con-*
 8 *sisting of integrated lap and shoulder belts.*

9 “(8) *STATE SEAT BELT USE RATE.*—*The term*
 10 *‘State seat belt use rate’ means the rate of use of seat*
 11 *belts in passenger motor vehicles in a State, as meas-*
 12 *ured and submitted to the Secretary—*

13 “(A) *for each of calendar years 1995*
 14 *through 1997, by the State, as adjusted by the*
 15 *Secretary to ensure national consistency in*
 16 *methods of measurement (as determined by the*
 17 *Secretary); and*

18 “(B) *for each of calendar years 1998*
 19 *through 2001, by the State in a manner consist-*
 20 *ent with the criteria established by the Secretary*
 21 *under subsection (e).*

22 “(b) *DETERMINATIONS BY THE SECRETARY.*—*Not*
 23 *later than 30 days after the date of enactment of this sec-*
 24 *tion, and not later than September 1 of each calendar year*

1 *thereafter through September 1, 2002, the Secretary shall*
2 *determine—*

3 “(1)(A) *which States had, for each of the pre-*
4 *vious calendar years (referred to in this subsection as*
5 *the ‘previous calendar year’) and the year preceding*
6 *the previous calendar year, a State seat belt use rate*
7 *greater than the national average seat belt use rate*
8 *for that year; and*

9 “(B) *in the case of each State described in sub-*
10 *paragraph (A), the amount that is equal to the sav-*
11 *ings to the Federal Government due to the amount by*
12 *which the State seat belt use rate for the previous cal-*
13 *endar year exceeds the national average seat belt use*
14 *rate for that year; and*

15 “(2) *in the case of each State that is not a State*
16 *described in paragraph (1)(A)—*

17 “(A) *the base seat belt use rate of the State,*
18 *which shall be equal to the highest State seat belt*
19 *use rate for the State for any calendar year dur-*
20 *ing the period of 1995 through the calendar year*
21 *preceding the previous calendar year; and*

22 “(B) *the amount that is equal to the savings*
23 *to the Federal Government due to any increase*
24 *in the State seat belt use rate for the previous*

1 *calendar year over the base seat belt use rate de-*
 2 *termined under subparagraph (A).*

3 “(c) *ALLOCATIONS.*—

4 “(1) *STATES WITH GREATER THAN THE NA-*
 5 *TIONAL AVERAGE SEAT BELT USE RATE.*—*Not later*
 6 *than 30 days after the date of enactment of this sec-*
 7 *tion, and not later than each October 1 thereafter*
 8 *through October 1, 2002, the Secretary shall allocate*
 9 *to each State described in subsection (b)(1)(A) an*
 10 *amount equal to the amount determined for the State*
 11 *under subsection (b)(1)(B).*

12 “(2) *OTHER STATES.*—*Not later than 30 days*
 13 *after the date of enactment of this section, and not*
 14 *later than each October 1 thereafter through October*
 15 *1, 2002, the Secretary shall allocate to each State de-*
 16 *scribed in subsection (b)(2) an amount equal to the*
 17 *amount determined for the State under subsection*
 18 *(b)(2)(B).*

19 “(d) *USE OF FUNDS.*—*For each fiscal year, each State*
 20 *that is allocated an amount under this section shall use the*
 21 *amount for projects eligible for assistance under this title.*

22 “(e) *CRITERIA.*—*Not later than 180 days after the date*
 23 *of enactment of the Intermodal Surface Transportation Ef-*
 24 *iciency Act of 1998, the Secretary shall establish criteria*
 25 *for the measurement of State seat belt use rates by States*

1 *to ensure that the measurements are accurate and represent-*
 2 *ative.*

3 “(f) *FUNDING.*—

4 “(1) *AUTHORIZATION OF CONTRACT AUTHOR-*
 5 *ITY.*—*There shall be available from the Highway*
 6 *Trust Fund (other than the Mass Transit Account) to*
 7 *carry out this section \$60,000,000 for fiscal year*
 8 *1998, \$70,000,000 for fiscal year 1999, \$80,000,000*
 9 *for fiscal year 2000, \$90,000,000 for fiscal year 2001,*
 10 *and \$100,000,000 for each of fiscal years 2002 and*
 11 *2003.*

12 “(2) *PROPORTIONATE ADJUSTMENT.*—*If the total*
 13 *amounts to be allocated under subsection (c) for any*
 14 *fiscal year would exceed the amounts authorized for*
 15 *the fiscal year under paragraph (1), the allocation to*
 16 *each State under subsection (c) shall be reduced pro-*
 17 *portionately.*

18 “(3) *USE OF UNALLOCATED FUNDS.*—*To the ex-*
 19 *tent that the amounts made available for any fiscal*
 20 *year under paragraph (1) exceed the total amounts to*
 21 *be allocated under subsection (c) for the fiscal year,*
 22 *the excess amounts shall be allocated as follows:*

23 “(A) *50 percent to be apportioned to the*
 24 *States in the same manner in which funds are*
 25 *apportioned under section 402(c).*

1 “(B) 50 percent to be allocated by the Sec-
 2 retary under section 403 through cooperative
 3 agreements with States to carry out innovative
 4 programs to promote increased seat belt use
 5 rates.

6 “(4) *ADMINISTRATIVE EXPENSES.*—Not more
 7 than 2 percent of the funds made available to carry
 8 out this section may be used to pay the necessary ad-
 9 ministrative expenses incurred in carrying out this
 10 section.”.

11 (b) *CONFORMING AMENDMENT.*—The analysis for
 12 chapter 1 of title 23, United States Code (as amended by
 13 section 1405(b)), is amended by adding at the end the fol-
 14 lowing:

 “164. Safety incentive grants for use of seat belts.”.

15 **SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED**
 16 **TESTING STANDARD.**

17 (a) *IN GENERAL.*—

18 (1) *TESTING WITH SIMULTANEOUS USE.*—Begin-
 19 ning on the date of enactment of this Act, for the pur-
 20 pose of certification under section 30115 of title 49,
 21 United States Code, of compliance with the motor ve-
 22 hicle safety standards under section 30111 of that
 23 title, a manufacturer or distributor of a motor vehicle
 24 shall be deemed to be in compliance with applicable
 25 performance standards for occupant crash protection

1 *if the motor vehicle meets the applicable requirements*
 2 *for testing with the simultaneous use of both an auto-*
 3 *matic restraint system and a manual seat belt.*

4 (2) *PROHIBITION.*—*In no case shall a manufac-*
 5 *turer or distributor use, for the purpose of the certifi-*
 6 *cation referred to in paragraph (1), testing that pro-*
 7 *vides for the use of an automatic restraint system*
 8 *without the use of a manual seat belt.*

9 (b) *REVISION OF STANDARDS.*—*The Secretary shall*
 10 *issue such revised standards under section 30111 of title*
 11 *49, United States Code, as are necessary to conform to sub-*
 12 *section (a).*

13 **SEC. 1408. NATIONAL STANDARD TO PROHIBIT OPERATION**
 14 **OF MOTOR VEHICLES BY INTOXICATED INDIV-**
 15 **VIDUALS.**

16 (a) *IN GENERAL.*—*Chapter 1 of title 23, United States*
 17 *Code, is amended by inserting after section 153 the follow-*
 18 *ing:*

19 **“§154. National standard to prohibit operation of**
 20 **motor vehicles by intoxicated individuals**

21 “(a) *WITHHOLDING OF APPORTIONMENTS FOR NON-*
 22 *COMPLIANCE.*—

23 “(1) *FISCAL YEAR 2002.*—*The Secretary shall*
 24 *withhold 5 percent of the amount required to be ap-*
 25 *portioned to any State under each of paragraphs*

1 (1)(A), (1)(C), and (3) of section 104(b) on October
 2 1, 2001, if the State does not meet the requirements
 3 of paragraph (3) on that date.

4 “(2) *SUBSEQUENT FISCAL YEARS.*—The Sec-
 5 retary shall withhold 10 percent (including any
 6 amounts withheld under paragraph (1)) of the
 7 amount required to be apportioned to any State
 8 under each of paragraphs (1)(A), (1)(C), and (3) of
 9 section 104(b) on October 1, 2002, and on October 1
 10 of each fiscal year thereafter, if the State does not
 11 meet the requirements of paragraph (3) on that date.

12 “(3) *REQUIREMENTS.*—A State meets the re-
 13 quirements of this paragraph if the State has enacted
 14 and is enforcing a law providing that an individual
 15 who has an alcohol concentration of 0.08 percent or
 16 greater while operating a motor vehicle in the State
 17 is guilty of the offense of driving while intoxicated (or
 18 an equivalent offense that carries the greatest penalty
 19 under the law of the State for operating a motor vehi-
 20 cle after having consumed alcohol).

21 “(b) *PERIOD OF AVAILABILITY; EFFECT OF COMPLI-*
 22 *ANCE AND NONCOMPLIANCE.*—

23 “(1) *PERIOD OF AVAILABILITY OF WITHHELD*
 24 *FUNDS.*—

1 “(A) *FUNDS WITHHELD ON OR BEFORE*
2 *SEPTEMBER 30, 2003.—Any funds withheld under*
3 *subsection (a) from apportionment to any State*
4 *on or before September 30, 2003, shall remain*
5 *available until the end of the third fiscal year*
6 *following the fiscal year for which the funds are*
7 *authorized to be appropriated.*

8 “(B) *FUNDS WITHHELD AFTER SEPTEMBER*
9 *30, 2003.—No funds withheld under this section*
10 *from apportionment to any State after Septem-*
11 *ber 30, 2003, shall be available for apportion-*
12 *ment to the State.*

13 “(2) *APPORTIONMENT OF WITHHELD FUNDS*
14 *AFTER COMPLIANCE.—If, before the last day of the pe-*
15 *riod for which funds withheld under subsection (a)*
16 *from apportionment are to remain available for ap-*
17 *portionment to a State under paragraph (1)(A), the*
18 *State meets the requirements of subsection (a)(3), the*
19 *Secretary shall, on the first day on which the State*
20 *meets the requirements, apportion to the State the*
21 *funds withheld under subsection (a) that remain*
22 *available for apportionment to the State.*

23 “(3) *PERIOD OF AVAILABILITY OF SUBSE-*
24 *QUENTLY APPORTIONED FUNDS.—*

1 “(A) *IN GENERAL.*—Any funds apportioned
 2 under paragraph (2) shall remain available for
 3 expenditure until the end of the third fiscal year
 4 following the fiscal year in which the funds are
 5 so apportioned.

6 “(B) *TREATMENT OF CERTAIN FUNDS.*—
 7 Sums not obligated at the end of the period re-
 8 ferred to in subparagraph (A) shall—

9 “(i) lapse; or

10 “(ii) in the case of funds apportioned
 11 under section 104(b)(1)(A), lapse and be
 12 made available by the Secretary for projects
 13 in accordance with section 118.

14 “(4) *EFFECT OF NONCOMPLIANCE.*—If, at the
 15 end of the period for which funds withheld under sub-
 16 section (a) from apportionment are available for ap-
 17 portionment to a State under paragraph (1)(A), the
 18 State does not meet the requirements of subsection
 19 (a)(3), the funds shall—

20 “(A) lapse; or

21 “(B) in the case of funds withheld from ap-
 22 portionment under section 104(b)(1)(A), lapse
 23 and be made available by the Secretary for
 24 projects in accordance with section 118.”.

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 1 of title 23, United States Code, is amended by*
 3 *inserting after the item relating to section 153 the following:*

“154. National standard to prohibit operation of motor vehicles by intoxicated individuals.”.

4 **SEC. 1409. OPEN CONTAINER LAWS.**

5 (a) *ESTABLISHMENT.*—*Chapter 1 of title 23, United*
 6 *States Code, is amended by inserting after section 153 the*
 7 *following:*

8 **“§ 154. Open container requirements**

9 “(a) *DEFINITIONS.*—*In this section:*

10 “(1) *ALCOHOLIC BEVERAGE.*—*The term ‘alco-*
 11 *holic beverage’ has the meaning given the term in sec-*
 12 *tion 158(c).*

13 “(2) *MOTOR VEHICLE.*—*The term ‘motor vehicle’*
 14 *means a vehicle driven or drawn by mechanical*
 15 *power and manufactured primarily for use on public*
 16 *highways, but does not include a vehicle operated ex-*
 17 *clusively on a rail or rails.*

18 “(3) *OPEN ALCOHOLIC BEVERAGE CONTAINER.*—
 19 *The term ‘open alcoholic beverage container’ has the*
 20 *meaning given the term in section 410(i).*

21 “(4) *PASSENGER AREA.*—*The term ‘passenger*
 22 *area’ shall have the meaning given the term by the*
 23 *Secretary by regulation.*

1 “(b) *WITHHOLDING OF APPORTIONMENTS FOR NON-*
2 *COMPLIANCE.*—

3 “(1) *FISCAL YEAR 2002.*—*The Secretary shall*
4 *withhold 5 percent of the amount required to be ap-*
5 *portioned to any State under each of paragraphs*
6 *(1)(A), (1)(C), and (3) of section 104(b) on October*
7 *1, 2001, if the State does not have in effect a law de-*
8 *scribed in paragraph (3) on that date.*

9 “(2) *SUBSEQUENT FISCAL YEARS.*—*The Sec-*
10 *retary shall withhold 10 percent (including any*
11 *amounts withheld under paragraph (1)) of the*
12 *amount required to be apportioned to any State*
13 *under each of paragraphs (1)(A), (1)(C), and (3) of*
14 *section 104(b) on October 1, 2002, and on October 1*
15 *of each fiscal year thereafter, if the State does not*
16 *have in effect a law described in paragraph (3) on*
17 *that date.*

18 “(3) *OPEN CONTAINER LAWS.*—

19 “(A) *IN GENERAL.*—*For the purposes of this*
20 *section, each State shall have in effect a law that*
21 *prohibits the possession of any open alcoholic*
22 *beverage container, or the consumption of any*
23 *alcoholic beverage, in the passenger area of any*
24 *motor vehicle (including possession or consump-*
25 *tion by the driver of the vehicle) located on a*

1 *public highway, or the right-of-way of a public*
2 *highway, in the State.*

3 “(B) *MOTOR VEHICLES DESIGNED TO*
4 *TRANSPORT MANY PASSENGERS.—For the pur-*
5 *poses of this section, if a State has in effect a*
6 *law that makes unlawful the possession of any*
7 *open alcoholic beverage container in the pas-*
8 *senger area by the driver (but not by a pas-*
9 *senger) of a motor vehicle designed, maintained,*
10 *or used primarily for the transportation of per-*
11 *sons for compensation, or to the living quarters*
12 *of a house coach or house trailer, the State shall*
13 *be deemed to have in effect a law described in*
14 *this subsection with respect to such a motor vehi-*
15 *cle for each fiscal year during which the law is*
16 *in effect.*

17 “(c) *PERIOD OF AVAILABILITY; EFFECT OF COMPLI-*
18 *ANCE AND NONCOMPLIANCE.—*

19 “(1) *PERIOD OF AVAILABILITY OF WITHHELD*
20 *FUNDS.—*

21 “(A) *FUNDS WITHHELD ON OR BEFORE*
22 *SEPTEMBER 30, 2003.—Any funds withheld under*
23 *subsection (b) from apportionment to any State*
24 *on or before September 30, 2003, shall remain*
25 *available until the end of the third fiscal year*

1 *following the fiscal year for which the funds are*
2 *authorized to be appropriated.*

3 “(B) *FUNDS WITHHELD AFTER SEPTEMBER*
4 *30, 2003.—No funds withheld under this section*
5 *from apportionment to any State after Septem-*
6 *ber 30, 2003, shall be available for apportion-*
7 *ment to the State.*

8 “(2) *APPORTIONMENT OF WITHHELD FUNDS*
9 *AFTER COMPLIANCE.—If, before the last day of the pe-*
10 *riod for which funds withheld under subsection (b)*
11 *from apportionment are to remain available for ap-*
12 *portionment to a State under paragraph (1)(A), the*
13 *State has in effect a law described in subsection*
14 *(b)(3), the Secretary shall, on the first day on which*
15 *the State has in effect such a law, apportion to the*
16 *State the funds withheld under subsection (b) that re-*
17 *main available for apportionment to the State.*

18 “(3) *PERIOD OF AVAILABILITY OF SUBSE-*
19 *QUENTLY APPORTIONED FUNDS.—*

20 “(A) *IN GENERAL.—Any funds apportioned*
21 *under paragraph (2) shall remain available for*
22 *expenditure until the end of the third fiscal year*
23 *following the fiscal year in which the funds are*
24 *so apportioned.*

1 “(B) *TREATMENT OF CERTAIN FUNDS.*—

2 *Sums not obligated at the end of the period re-*
 3 *ferred to in subparagraph (A) shall—*

4 “(i) *lapse; or*

5 “(ii) *in the case of funds apportioned*
 6 *under section 104(b)(1)(A), lapse and be*
 7 *made available by the Secretary for projects*
 8 *in accordance with section 118.*

9 “(4) *EFFECT OF NONCOMPLIANCE.*—*If, at the*
 10 *end of the period for which funds withheld under sub-*
 11 *section (b) from apportionment are available for ap-*
 12 *portionment to a State under paragraph (1)(A), the*
 13 *State does not have in effect a law described in sub-*
 14 *section (b)(3), the funds shall—*

15 “(A) *lapse; or*

16 “(B) *in the case of funds withheld from ap-*
 17 *portionment under section 104(b)(1)(A), lapse*
 18 *and be made available by the Secretary for*
 19 *projects in accordance with section 118.”.*

20 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 21 *chapter 1 of title 23, United States Code, is amended by*
 22 *inserting after the item relating to section 153 the following:*

 “154. *Open container requirements.*”.

1 **SEC. 1410. REPORT ON EFFECTS OF ALLOWING HEAVIER**
2 **WEIGHT VEHICLES ON CERTAIN HIGHWAYS.**

3 (a) *DEFINITION OF HEAVIER WEIGHT VEHICLE.*—In
4 this section, the term “heavier weight vehicle” means a vehi-
5 cle the operation of which on the Interstate System is pro-
6 hibited under section 127 of title 23, United States Code.

7 (b) *REPORT.*—Not later than December 31, 2000, the
8 Secretary shall submit to Congress a report on the effects
9 of allowing operation of heavier weight vehicles on Inter-
10 state Route 95 in the States of Maine and New Hampshire.

11 (c) *CONTENTS.*—The report shall contain an analysis
12 of the safety, infrastructure, cost recovery, environmental,
13 and economic implications of that operation.

14 (d) *CONSULTATION.*—In preparing the report, the Sec-
15 retary shall consult with the safety and modal administra-
16 tions of the Department of Transportation, and the States
17 of Maine and New Hampshire.

18 (e) *MORATORIUM ON WITHHOLDING OF FUNDS.*—Not-
19 withstanding section 127 of title 23, United States Code,
20 during the period beginning on the date of enactment of
21 this Act and ending on the earlier of the end of fiscal year
22 2002 or the date that is 1 year after the date of submission
23 of the report under subsection (b), the Secretary shall not
24 withhold, under that section, funds from apportionment to
25 the States of Maine and New Hampshire.

1 ***Subtitle E—Environment***

2 ***SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.***

3 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
4 Code (as amended by section 1406(a)) is amended by add-
5 ing at the end the following:

6 ***“§ 165. National scenic byways program***

7 “(a) *DESIGNATION OF ROADS.*—

8 “(1) *IN GENERAL.*—The Secretary shall carry
9 out a national scenic byways program that recognizes
10 roads having outstanding scenic, historic, cultural,
11 natural, recreational, and archaeological qualities by
12 designating the roads as National Scenic Byways or
13 All-American Roads.

14 “(2) *CRITERIA.*—The Secretary shall designate
15 roads to be recognized under the national scenic by-
16 ways program in accordance with criteria developed
17 by the Secretary.

18 “(3) *NOMINATION.*—To be considered for the des-
19 ignation, a road must be nominated by a State or a
20 Federal land management agency and must first be
21 designated as a State scenic byway or, in the case of
22 a road on Federal land, as a Federal land manage-
23 ment agency byway.

24 “(b) *GRANTS AND TECHNICAL ASSISTANCE.*—

1 “(1) *IN GENERAL.*—*The Secretary shall make*
2 *grants and provide technical assistance to States to—*

3 “(A) *implement projects on highways des-*
4 *ignated as National Scenic Byways or All-Amer-*
5 *ican Roads, or as State scenic byways; and*

6 “(B) *plan, design, and develop a State sce-*
7 *nic byway program.*

8 “(2) *PRIORITIES.*—*In making grants, the Sec-*
9 *retary shall give priority to—*

10 “(A) *each eligible project that is associated*
11 *with a highway that has been designated as a*
12 *National Scenic Byway or All-American Road*
13 *and that is consistent with the corridor manage-*
14 *ment plan for the byway;*

15 “(B) *each eligible project along a State-des-*
16 *ignated scenic byway that is consistent with the*
17 *corridor management plan for the byway, or is*
18 *intended to foster the development of such a*
19 *plan, and is carried out to make the byway eligi-*
20 *ble for designation as a National Scenic Byway*
21 *or All-American Road; and*

22 “(C) *each eligible project that is associated*
23 *with the development of a State scenic byway*
24 *program.*

1 “(c) *ELIGIBLE PROJECTS.*—*The following are projects*
2 *that are eligible for Federal assistance under this section:*

3 “(1) *An activity related to the planning, design,*
4 *or development of a State scenic byway program.*

5 “(2) *Development and implementation of a cor-*
6 *ridor management plan to maintain the scenic, his-*
7 *torical, recreational, cultural, natural, and archae-*
8 *ological characteristics of a byway corridor while pro-*
9 *viding for accommodation of increased tourism and*
10 *development of related amenities.*

11 “(3) *Safety improvements to a State scenic*
12 *byway, National Scenic Byway, or All-American*
13 *Road to the extent that the improvements are nec-*
14 *essary to accommodate increased traffic and changes*
15 *in the types of vehicles using the highway as a result*
16 *of the designation as a State scenic byway, National*
17 *Scenic Byway, or All-American Road.*

18 “(4) *Construction along a scenic byway of a fa-*
19 *cility for pedestrians and bicyclists, rest area, turn-*
20 *out, highway shoulder improvement, passing lane,*
21 *overlook, or interpretive facility.*

22 “(5) *An improvement to a scenic byway that*
23 *will enhance access to an area for the purpose of*
24 *recreation, including water-related recreation.*

1 “(6) *Protection of scenic, historical, recreational,*
2 *cultural, natural, and archaeological resources in an*
3 *area adjacent to a scenic byway.*

4 “(7) *Development and provision of tourist infor-*
5 *mation to the public, including interpretive informa-*
6 *tion about a scenic byway.*

7 “(8) *Development and implementation of a sce-*
8 *nic byways marketing program.*

9 “(d) *LIMITATION.—The Secretary shall not make a*
10 *grant under this section for any project that would not pro-*
11 *tect the scenic, historical, recreational, cultural, natural,*
12 *and archaeological integrity of a highway and adjacent*
13 *areas.*

14 “(e) *FEDERAL SHARE.—The Federal share of the cost*
15 *of carrying out a project under this section shall be 80 per-*
16 *cent, except that, in the case of any scenic byways project*
17 *along a public road that provides access to or within Fed-*
18 *eral or Indian land, a Federal land management agency*
19 *may use funds authorized for use by the agency as the non-*
20 *Federal share.*

21 “(f) *AUTHORIZATION OF CONTRACT AUTHORITY.—*
22 *There shall be available from the Highway Trust Fund*
23 *(other than the Mass Transit Account) to carry out this*
24 *section \$17,000,000 for fiscal year 1998, \$17,000,000 for fis-*
25 *cal year 1999, \$19,000,000 for fiscal year 2000,*

1 \$19,000,000 for fiscal year 2001, \$21,000,000 for fiscal year
 2 2002, and \$23,000,000 for fiscal year 2003.”.

3 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 4 *chapter 1 of title 23, United States Code (as amended by*
 5 *section 1406(b)), is amended by adding at the end the fol-*
 6 *lowing:*

“165. *National scenic byways program.*”.

7 ***SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.***

8 *Section 149 of title 23, United States Code, is amended*
 9 *by adding at the end the following:*

10 “(e) *PARTNERSHIPS WITH NONGOVERNMENTAL ENTI-*
 11 *TIES.*—

12 “(1) *IN GENERAL.*—*Notwithstanding any other*
 13 *provision of this title and in accordance with this*
 14 *subsection, a metropolitan planning organization,*
 15 *State transportation department, or other project*
 16 *sponsor may enter into an agreement with any pub-*
 17 *lic, private, or nonprofit entity to cooperatively im-*
 18 *plement any project carried out under this section.*

19 “(2) *FORMS OF PARTICIPATION BY ENTITIES.*—
 20 *Participation by an entity under paragraph (1) may*
 21 *consist of—*

22 “(A) *ownership or operation of any land,*
 23 *facility, vehicle, or other physical asset associ-*
 24 *ated with the project;*

25 “(B) *cost sharing of any project expense;*

1 “(C) carrying out of administration, con-
 2 struction management, project management,
 3 project operation, or any other management or
 4 operational duty associated with the project; and

5 “(D) any other form of participation ap-
 6 proved by the Secretary.

7 “(3) ALLOCATION TO ENTITIES.—A State may
 8 allocate funds apportioned under section 104(b)(2) to
 9 an entity described in paragraph (1).

10 “(4) ALTERNATIVE FUEL PROJECTS.—In the case
 11 of a project that will provide for the use of alternative
 12 fuels by privately owned vehicles or vehicle fleets, ac-
 13 tivities eligible for funding under this subsection—

14 “(A) may include the costs of vehicle refuel-
 15 ing infrastructure and other capital investments
 16 associated with the project; and

17 “(B) shall—

18 “(i) include only the incremental cost
 19 of an alternative fueled vehicle compared to
 20 a conventionally fueled vehicle that would
 21 otherwise be borne by a private party; and

22 “(ii) apply other governmental finan-
 23 cial purchase contributions in the calcula-
 24 tion of net incremental cost.

1 “(5) *PROHIBITION ON FEDERAL PARTICIPATION*
2 *WITH RESPECT TO REQUIRED ACTIVITIES.*—A Federal
3 *participation payment under this subsection may not*
4 *be made to an entity to fund an obligation imposed*
5 *under the Clean Air Act (42 U.S.C. 7401 et seq.) or*
6 *any other Federal law.”.*

7 **SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.**

8 (a) *FINDINGS.*—Congress finds that—

9 (1) *surface transportation has unintended but*
10 *negative consequences for wetlands and other water*
11 *resources;*

12 (2) *in almost every State, construction and other*
13 *highway activities have reduced or eliminated wet-*
14 *land functions and values, such as wildlife habitat,*
15 *ground water recharge, flood control, and water qual-*
16 *ity benefits;*

17 (3) *the United States has lost more than 1/2 of*
18 *the estimated 220,000,000 acres of wetlands that ex-*
19 *isted during colonial times; and*

20 (4) *while the rate of human-induced destruction*
21 *and conversion of wetlands has slowed in recent*
22 *years, the United States has suffered unacceptable*
23 *wetland losses as a result of highway projects.*

24 (b) *ESTABLISHMENT.*—The Secretary shall establish a
25 *national wetland restoration pilot program (referred to in*

1 *this section as the “program”) to fund mitigation projects*
2 *to offset the degradation of wetlands, or the loss of functions*
3 *and values of the aquatic resource, resulting from projects*
4 *carried out before December 27, 1977, under title 23, United*
5 *States Code (or similar projects as determined by the Sec-*
6 *retary), for which mitigation has not been performed.*

7 *(c) APPLICATIONS.—To be eligible for funding under*
8 *the program, a State shall submit an application to the*
9 *Secretary that includes—*

10 *(1) a description of the wetland proposed to be*
11 *restored by a mitigation project described in sub-*
12 *section (b) (referred to in this section as a “wetland*
13 *restoration project”) under the program (including*
14 *the size and quality of the wetland);*

15 *(2) such information as is necessary to establish*
16 *a nexus between—*

17 *(A) a project carried out under title 23,*
18 *United States Code (or a similar project as de-*
19 *termined by the Secretary); and*

20 *(B) the wetland values and functions pro-*
21 *posed to be restored by the wetland restoration*
22 *project;*

23 *(3) a description of the benefits expected from the*
24 *proposed wetland restoration project (including im-*

1 *provement of water quality, improvement of wildlife*
 2 *habitat, ground water recharge, and flood control);*

3 *(4) a description of the State's level of commit-*
 4 *ment to the proposed wetland restoration project (in-*
 5 *cluding the monetary commitment of the State and*
 6 *any development of a State or regional conservation*
 7 *plan that includes the proposed wetland restoration);*
 8 *and*

9 *(5) the estimated total cost of the wetland res-*
 10 *toration project.*

11 *(d) SELECTION OF WETLAND RESTORATION*
 12 *PROJECTS.—*

13 *(1) INTERAGENCY COUNCIL.—In consultation*
 14 *with the Secretary of the Army, the Secretary of the*
 15 *Interior, the Secretary of Agriculture, and the Admin-*
 16 *istrator of the Environmental Protection Agency, the*
 17 *Secretary shall establish an interagency advisory*
 18 *council to—*

19 *(A) review the submitted applications that*
 20 *meet the requirements of subsection (c); and*

21 *(B) not later than 60 days after the appli-*
 22 *cation deadline, select wetland restoration*
 23 *projects for funding under the program.*

24 *(2) SELECTION CRITERIA FOR PRIORITY WET-*
 25 *LAND RESTORATION PROJECTS.—In consultation with*

1 *the Secretary of the Army, the Secretary of the Inte-*
 2 *rior, the Secretary of Agriculture, and the Adminis-*
 3 *trator of the Environmental Protection Agency, the*
 4 *Secretary shall give priority in funding under this*
 5 *section to wetland restoration projects that—*

6 *(A) provide for long-term monitoring and*
 7 *maintenance of wetland resources;*

8 *(B) are managed by an entity, such as a*
 9 *State wildlife agency, wetland conservation*
 10 *group, land trust, or nature conservancy, with*
 11 *expertise in the long-term monitoring and pro-*
 12 *tection of wetland resources; and*

13 *(C) have a high likelihood of success.*

14 *(e) REPORTS.—Not later than April 1, 2000, and*
 15 *April 1, 2003, the Secretary shall submit a report to Con-*
 16 *gress on the results of the program.*

17 *(f) AUTHORIZATION OF CONTRACT AUTHORITY.—*

18 *(1) IN GENERAL.—There shall be available from*
 19 *the Highway Trust Fund (other than the Mass Tran-*
 20 *sit Account) to carry out this section \$12,000,000 for*
 21 *fiscal year 1998, \$13,000,000 for fiscal year 1999,*
 22 *\$14,000,000 for fiscal year 2000, \$17,000,000 for fis-*
 23 *cal year 2001, \$20,000,000 for fiscal year 2002, and*
 24 *\$24,000,000 for fiscal year 2003.*

1 (2) *CONTRACT AUTHORITY.*—*Funds authorized*
 2 *under this subsection shall be available for obligation*
 3 *in the same manner as if the funds were apportioned*
 4 *under chapter 1 of title 23, United States Code.*

5 ***Subtitle F—Planning***

6 ***SEC. 1601. METROPOLITAN PLANNING.***

7 (a) *IN GENERAL.*—*Section 134 of title 23, United*
 8 *States Code, is amended to read as follows:*

9 ***“§ 134. Metropolitan planning***

10 *“(a) GENERAL REQUIREMENTS.—*

11 *“(1) FINDINGS.—Congress finds that it is in the*
 12 *national interest to encourage and promote the safe*
 13 *and efficient management, operation, and develop-*
 14 *ment of surface transportation systems that will serve*
 15 *the mobility needs of people and freight within and*
 16 *through urbanized areas, while minimizing transpor-*
 17 *tation-related fuel consumption and air pollution.*

18 *“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—*
 19 *To accomplish the objective stated in paragraph (1),*
 20 *metropolitan planning organizations designated*
 21 *under subsection (b), in cooperation with the State*
 22 *and public transit operators, shall develop transpor-*
 23 *tation plans and programs for urbanized areas of the*
 24 *State.*

1 “(3) *CONTENTS.*—*The plans and programs for*
 2 *each metropolitan area shall provide for the develop-*
 3 *ment and integrated management and operation of*
 4 *transportation systems and facilities (including pe-*
 5 *destrian walkways and bicycle transportation facili-*
 6 *ties) that will function as an intermodal transpor-*
 7 *tation system for the metropolitan area and as an in-*
 8 *tegral part of an intermodal transportation system*
 9 *for the State and the United States.*

10 “(4) *PROCESS.*—*The process for developing the*
 11 *plans and programs shall provide for consideration of*
 12 *all modes of transportation and shall be continuing,*
 13 *cooperative, and comprehensive to the degree appro-*
 14 *priate, based on the complexity of the transportation*
 15 *problems to be addressed.*

16 “(b) *DESIGNATION OF METROPOLITAN PLANNING OR-*
 17 *GANIZATIONS.*—

18 “(1) *IN GENERAL.*—*To carry out the transpor-*
 19 *tation planning process required by this section, a*
 20 *metropolitan planning organization shall be des-*
 21 *ignated for each urbanized area with a population of*
 22 *more than 50,000 individuals—*

23 “(A) *by agreement between the Governor*
 24 *and units of general purpose local government*
 25 *that together represent at least 75 percent of the*

1 *affected population (including the central city or*
2 *cities as defined by the Bureau of the Census);*
3 *or*

4 *“(B) in accordance with procedures estab-*
5 *lished by applicable State or local law.*

6 *“(2) REDESIGNATION.—*

7 *“(A) PROCEDURES.—A metropolitan plan-*
8 *ning organization may be redesignated by agree-*
9 *ment between the Governor and units of general*
10 *purpose local government that together represent*
11 *at least 75 percent of the affected population (in-*
12 *cluding the central city or cities as defined by*
13 *the Bureau of the Census) as appropriate to*
14 *carry out this section.*

15 *“(B) CERTAIN REQUESTS TO REDESIG-*
16 *NATE.—A metropolitan planning organization*
17 *shall be redesignated upon request of a unit or*
18 *units of general purpose local government rep-*
19 *resenting at least 25 percent of the affected popu-*
20 *lation (including the central city or cities as de-*
21 *finied by the Bureau of the Census) in any ur-*
22 *banized area—*

23 *“(i) whose population is more than*
24 *5,000,000 but less than 10,000,000, or*

1 “(ii) which is an extreme nonattain-
 2 ment area for ozone or carbon monoxide as
 3 defined under the Clean Air Act.

4 Such redesignation shall be accomplished using
 5 procedures established by subparagraph (A).

6 “(3) DESIGNATION OF MORE THAN 1 METROPOLI-
 7 TAN PLANNING ORGANIZATION.—More than 1 metro-
 8 politan planning organization may be designated
 9 within an existing metropolitan planning area only
 10 if the Governor and the existing metropolitan plan-
 11 ning organization determine that the size and com-
 12 plexity of the existing metropolitan planning area
 13 make designation of more than 1 metropolitan plan-
 14 ning organization for the area appropriate.

15 “(4) STRUCTURE.—Each policy board of a met-
 16 ropolitan planning organization that serves an area
 17 designated as a transportation management area,
 18 when designated or redesignated under this sub-
 19 section, shall consist of—

20 “(A) local elected officials;

21 “(B) officials of public agencies that admin-
 22 ister or operate major modes of transportation in
 23 the metropolitan area (including all transpor-
 24 tation agencies included in the metropolitan
 25 planning organization as of June 1, 1991); and

1 “(C) appropriate State officials.

2 “(5) *OTHER AUTHORITY.*—Nothing in this sub-
3 section interferes with the authority, under any State
4 law in effect on December 18, 1991, of a public agen-
5 cy with multimodal transportation responsibilities
6 to—

7 “(A) develop plans and programs for adop-
8 tion by a metropolitan planning organization;
9 or

10 “(B) develop long-range capital plans, co-
11 ordinate transit services and projects, and carry
12 out other activities under State law.

13 “(6) *CONTINUING DESIGNATION.*—A designation
14 of a metropolitan planning organization under this
15 subsection or any other provision of law shall remain
16 in effect until the metropolitan planning organization
17 is redesignated under paragraph (2).

18 “(c) *METROPOLITAN PLANNING AREA BOUNDARIES.*—

19 “(1) *IN GENERAL.*—For the purposes of this sec-
20 tion, the boundaries of a metropolitan planning area
21 shall be determined by agreement between the metro-
22 politan planning organization and the Governor.

23 “(2) *INCLUDED AREA.*—Each metropolitan plan-
24 ning area—

1 “(A) shall encompass at least the existing
 2 urbanized area and the contiguous area expected
 3 to become urbanized within a 20-year forecast
 4 period; and

5 “(B) may encompass the entire metropoli-
 6 tan statistical area or consolidated metropolitan
 7 statistical area, as defined by the Bureau of the
 8 Census.

9 “(3) *EXISTING METROPOLITAN PLANNING AREAS*
 10 *IN NONATTAINMENT.*—Notwithstanding paragraph
 11 (2), in the case of an area designated as a nonattain-
 12 ment area for ozone or carbon monoxide under the
 13 Clean Air Act (42 U.S.C. 7401 et seq.), the bound-
 14 aries of the metropolitan planning area in existence
 15 as of the date of enactment of the Intermodal Surface
 16 Transportation Efficiency Act of 1998, shall be re-
 17 tained, except that the boundaries may be adjusted by
 18 agreement of the affected metropolitan planning orga-
 19 nizations and Governors in the manner described in
 20 subsection (b)(2).

21 “(4) *NEW METROPOLITAN PLANNING AREAS IN*
 22 *NONATTAINMENT.*—In the case of an urbanized area
 23 designated after the date of enactment of the Inter-
 24 modal Surface Transportation Efficiency Act of 1998
 25 as a nonattainment area for ozone or carbon mon-

1 *oxide, the boundaries of the metropolitan planning*
 2 *area—*

3 *“(A) shall be established by agreement be-*
 4 *tween the appropriate units of general purpose*
 5 *local government (including the central city) and*
 6 *the Governor;*

7 *“(B) shall encompass at least the urbanized*
 8 *area and the contiguous area expected to become*
 9 *urbanized within a 20-year forecast period;*

10 *“(C) may encompass the entire metropoli-*
 11 *tan statistical area or consolidated metropolitan*
 12 *statistical area, as defined by the Bureau of the*
 13 *Census; and*

14 *“(D) may address any nonattainment area*
 15 *identified under the Clean Air Act (42 U.S.C.*
 16 *7401 et seq.) for ozone or carbon monoxide.*

17 *“(d) COORDINATION IN MULTISTATE AREAS.—*

18 *“(1) IN GENERAL.—The Secretary shall encour-*
 19 *age each Governor with responsibility for a portion of*
 20 *a multistate metropolitan area and the appropriate*
 21 *metropolitan planning organizations to provide co-*
 22 *ordinated transportation planning for the entire met-*
 23 *ropolitan area.*

24 *“(2) INTERSTATE COMPACTS.—The consent of*
 25 *Congress is granted to any 2 or more States—*

1 “(A) *to enter into agreements or compacts,*
 2 *not in conflict with any law of the United*
 3 *States, for cooperative efforts and mutual assist-*
 4 *ance in support of activities authorized under*
 5 *this section as the activities pertain to interstate*
 6 *areas and localities within the States; and*

7 “(B) *to establish such agencies, joint or oth-*
 8 *erwise, as the States may determine desirable for*
 9 *making the agreements and compacts effective.*

10 “(3) *LAKE TAHOE REGION.—*

11 “(A) *IN GENERAL.—The Secretary shall—*

12 “(i) *establish with the Federal land*
 13 *management agencies that have jurisdiction*
 14 *over land in the Lake Tahoe region (as de-*
 15 *fin ed in the Lake Tahoe Regional Planning*
 16 *Compact) a transportation planning proc-*
 17 *ess for the region; and*

18 “(ii) *coordinate the transportation*
 19 *planning process with the planning process*
 20 *required of State and local governments*
 21 *under this section, section 135, and chapter*
 22 *53 of title 49.*

23 “(B) *INTERSTATE COMPACT.—*

24 “(i) *IN GENERAL.—Subject to clause*
 25 *(ii), notwithstanding subsection (b), to*

1 *carry out the transportation planning proc-*
 2 *ess required by this section, the consent of*
 3 *Congress is granted to the States of Califor-*
 4 *nia and Nevada to designate a metropolitan*
 5 *planning organization for the Lake Tahoe*
 6 *region, by agreement between the Governors*
 7 *of the States of California and Nevada and*
 8 *units of general purpose local government*
 9 *that together represent at least 75 percent of*
 10 *the affected population (including the cen-*
 11 *tral city or cities (as defined by the Bureau*
 12 *of the Census)), or in accordance with pro-*
 13 *cedures established by applicable State or*
 14 *local law.*

15 “(ii) *INVOLVEMENT OF FEDERAL LAND*
 16 *MANAGEMENT AGENCIES.*—

17 “(I) *REPRESENTATION.*—*The pol-*
 18 *icy board of a metropolitan planning*
 19 *organization designated under sub-*
 20 *paragraph (A) shall include a rep-*
 21 *resentative of each Federal land man-*
 22 *agement agency that has jurisdiction*
 23 *over land in the Lake Tahoe region.*

24 “(II) *FUNDING.*—*In addition to*
 25 *funds made available to the metropoli-*

1 *tan planning organization under other*
2 *provisions of this title and under chap-*
3 *ter 53 of title 49, not more than 1 per-*
4 *cent of the funds allocated under sec-*
5 *tion 202 may be used to carry out the*
6 *transportation planning process for the*
7 *Lake Tahoe region under this subpara-*
8 *graph.*

9 “(C) *ACTIVITIES.*—

10 “(i) *HIGHWAY PROJECTS.*—*Highway*
11 *projects included in transportation plans*
12 *developed under this paragraph—*

13 “(I) *shall be selected for funding*
14 *in a manner that facilitates the par-*
15 *ticipation of the Federal land manage-*
16 *ment agencies that have jurisdiction*
17 *over land in the Lake Tahoe region;*
18 *and*

19 “(II) *may, in accordance with*
20 *chapter 2, be funded using funds allo-*
21 *cated under section 202.*

22 “(ii) *TRANSIT PROJECTS.*—*Transit*
23 *projects included in transportation plans*
24 *developed under this paragraph may, in ac-*
25 *cordance with chapter 53 of title 49, be*

1 *funded using amounts apportioned under*
 2 *that title for—*

3 “(I) *capital project funding, in*
 4 *order to accelerate completion of the*
 5 *transit projects; and*

6 “(II) *operating assistance, in*
 7 *order to pay the operating costs of the*
 8 *transit projects, including operating*
 9 *costs associated with unique cir-*
 10 *cumstances in the Lake Tahoe region,*
 11 *such as seasonal fluctuations in pas-*
 12 *senger loadings, adverse weather condi-*
 13 *tions, and increasing intermodal needs.*

14 “(e) *COORDINATION OF METROPOLITAN PLANNING OR-*
 15 *GANIZATIONS.—If more than 1 metropolitan planning or-*
 16 *ganization has authority within a metropolitan planning*
 17 *area or an area that is designated as a nonattainment area*
 18 *for ozone or carbon monoxide under the Clean Air Act (42*
 19 *U.S.C. 7401 et seq.), each such metropolitan planning orga-*
 20 *nization shall consult with the other metropolitan planning*
 21 *organizations designated for the area and the State in the*
 22 *development of plans and programs required by this section.*

23 “(f) *SCOPE OF PLANNING PROCESS.—The metropoli-*
 24 *tan transportation planning process for a metropolitan*
 25 *area under this section shall consider the following:*

1 “(1) *Supporting the economic vitality of the met-*
 2 *ropolitan area, especially by enabling global competi-*
 3 *tiveness, productivity, and efficiency.*

4 “(2) *Increasing the safety and security of the*
 5 *transportation system for motorized and non-*
 6 *motorized users.*

7 “(3) *Increasing the accessibility and mobility*
 8 *options available to people and for freight.*

9 “(4) *Protecting and enhancing the environment,*
 10 *promoting energy conservation, and improving qual-*
 11 *ity of life through land use planning.*

12 “(5) *Enhancing the integration and connectivity*
 13 *of the transportation system, across and between*
 14 *modes, for people and freight.*

15 “(6) *Promoting efficient system management*
 16 *and operation.*

17 “(7) *Emphasizing the preservation of the exist-*
 18 *ing transportation system.*

19 “(g) *DEVELOPMENT OF LONG-RANGE TRANSPOR-*
 20 *TATION PLAN.—*

21 “(1) *IN GENERAL.—*

22 “(A) *DEVELOPMENT.—In accordance with*
 23 *this subsection, each metropolitan planning or-*
 24 *ganization shall develop, and update periodi-*
 25 *cally, according to a schedule that the Secretary*

1 *determines to be appropriate, a long-range trans-*
 2 *portation plan for its metropolitan area.*

3 *“(B) FORECAST PERIOD.—In developing*
 4 *long-range transportation plans, the metropoli-*
 5 *tan planning process shall address—*

6 *“(i) the considerations under sub-*
 7 *section (f); and*

8 *“(ii) any State or local goals developed*
 9 *within the cooperative metropolitan plan-*
 10 *ning process;*

11 *as they relate to a 20-year forecast period and*
 12 *to other forecast periods as determined by the*
 13 *participants in the planning process.*

14 *“(C) FUNDING ESTIMATES.—For the pur-*
 15 *pose of developing the long-range transportation*
 16 *plan, the State shall consult with the metropoli-*
 17 *tan planning organization and each public tran-*
 18 *sit agency in developing estimates of funds that*
 19 *are reasonably expected to be available to sup-*
 20 *port plan implementation.*

21 *“(2) LONG-RANGE TRANSPORTATION PLAN.—A*
 22 *long-range transportation plan under this subsection*
 23 *shall, at a minimum, contain—*

24 *“(A) an identification of transportation fa-*
 25 *cilities (including major roadways and transit,*

1 *multimodal, and intermodal facilities) that*
2 *should function as a future integrated transpor-*
3 *tation system, giving emphasis to those facilities*
4 *that serve important national, regional, and*
5 *metropolitan transportation functions;*

6 *“(B) an identification of transportation*
7 *strategies necessary to—*

8 *“(i) ensure preservation, including re-*
9 *quirements for management, operation,*
10 *modernization, and rehabilitation, of the ex-*
11 *isting and future transportation system;*
12 *and*

13 *“(ii) make the most efficient use of ex-*
14 *isting transportation facilities to relieve*
15 *congestion, to efficiently serve the mobility*
16 *needs of people and goods, and to enhance*
17 *access within the metropolitan planning*
18 *area; and*

19 *“(C) a financial plan that demonstrates*
20 *how the long-range transportation plan can be*
21 *implemented, indicates total resources from pub-*
22 *lic and private sources that are reasonably ex-*
23 *pected to be available to carry out the plan*
24 *(without any requirement for indicating project-*
25 *specific funding sources), and recommends any*

1 *additional financing strategies for needed*
2 *projects and programs.*

3 “(3) *COORDINATION WITH CLEAN AIR ACT AGEN-*
4 *CIES.—In metropolitan areas that are in nonattain-*
5 *ment for ozone or carbon monoxide under the Clean*
6 *Air Act (42 U.S.C. 7401 et seq.), the metropolitan*
7 *planning organization shall coordinate the develop-*
8 *ment of a long-range transportation plan with the*
9 *process for development of the transportation control*
10 *measures of the State implementation plan required*
11 *by that Act.*

12 “(4) *PARTICIPATION BY INTERESTED PARTIES.—*
13 *Before adopting a long-range transportation plan,*
14 *each metropolitan planning organization shall pro-*
15 *vide citizens, affected public agencies, representatives*
16 *of transportation agency employees, freight shippers,*
17 *private providers of transportation, and other inter-*
18 *ested parties with a reasonable opportunity to com-*
19 *ment on the long-range transportation plan.*

20 “(5) *PUBLICATION OF LONG-RANGE TRANSPOR-*
21 *TATION PLAN.—Each long-range transportation plan*
22 *prepared by a metropolitan planning organization*
23 *shall be—*

24 “(A) *published or otherwise made readily*
25 *available for public review; and*

1 “(B) submitted for information purposes to
 2 the Governor at such times and in such manner
 3 as the Secretary shall establish.

4 “(h) *METROPOLITAN TRANSPORTATION IMPROVEMENT*
 5 *PROGRAM.*—

6 “(1) *DEVELOPMENT.*—

7 “(A) *IN GENERAL.*—In cooperation with the
 8 State and any affected public transit operator,
 9 the metropolitan planning organization des-
 10 ignated for a metropolitan area shall develop a
 11 transportation improvement program for the
 12 area for which the organization is designated.

13 “(B) *OPPORTUNITY FOR COMMENT.*—In de-
 14 veloping the program, the metropolitan planning
 15 organization, in cooperation with the State and
 16 any affected public transit operator, shall pro-
 17 vide citizens, affected public agencies, representa-
 18 tives of transportation agency employees, other
 19 affected employee representatives, freight ship-
 20 pers, private providers of transportation, and
 21 other interested parties with a reasonable oppor-
 22 tunity to comment on the proposed program.

23 “(C) *FUNDING ESTIMATES.*—For the pur-
 24 pose of developing the transportation improve-
 25 ment program, the metropolitan planning orga-

1 nization, public transit agency, and State shall
 2 cooperatively develop estimates of funds that are
 3 reasonably expected to be available to support
 4 program implementation.

5 “(D) *UPDATING AND APPROVAL.*—The pro-
 6 gram shall be updated at least once every 2 years
 7 and shall be approved by the metropolitan plan-
 8 ning organization and the Governor.

9 “(2) *CONTENTS.*—The transportation improve-
 10 ment program shall include—

11 “(A) a list, in order of priority, of proposed
 12 federally supported projects and strategies to be
 13 carried out within each 3-year-period after the
 14 initial adoption of the transportation improve-
 15 ment program; and

16 “(B) a financial plan that—

17 “(i) demonstrates how the transpor-
 18 tation improvement program can be imple-
 19 mented;

20 “(ii) indicates resources from public
 21 and private sources that are reasonably ex-
 22 pected to be available to carry out the pro-
 23 gram (without any requirement for indicat-
 24 ing project-specific funding sources); and

1 “(iii) identifies innovative financing
2 techniques to finance projects, programs,
3 and strategies (without any requirement for
4 indicating project-specific funding sources).

5 “(3) INCLUDED PROJECTS.—

6 “(A) CHAPTER 1 AND CHAPTER 53
7 PROJECTS.—A transportation improvement pro-
8 gram developed under this subsection for a met-
9 ropolitan area shall include the projects and
10 strategies within the area that are proposed for
11 funding under chapter 1 of this title and chapter
12 53 of title 49.

13 “(B) CHAPTER 2 PROJECTS.—

14 “(i) REGIONALLY SIGNIFICANT
15 PROJECTS.—Regionally significant projects
16 proposed for funding under chapter 2 of this
17 title shall be identified individually in the
18 transportation improvement program.

19 “(ii) OTHER PROJECTS.—Projects pro-
20 posed for funding under chapter 2 of this
21 title that are not determined to be region-
22 ally significant shall be grouped in 1 line
23 item or identified individually in the trans-
24 portation improvement program.

1 “(C) *CONSISTENCY WITH LONG-RANGE*
 2 *TRANSPORTATION PLAN.*—*Each project shall be*
 3 *consistent with the long-range transportation*
 4 *plan developed under subsection (g) for the area.*

5 “(D) *REQUIREMENT OF ANTICIPATED FULL*
 6 *FUNDING.*—*The program shall include a project,*
 7 *or an identified phase of a project, only if full*
 8 *funding can reasonably be anticipated to be*
 9 *available for the project within the time period*
 10 *contemplated for completion of the project.*

11 “(4) *NOTICE AND COMMENT.*—*Before approving*
 12 *a transportation improvement program, a metropoli-*
 13 *tan planning organization shall, in cooperation with*
 14 *the State and any affected public transit operator,*
 15 *provide citizens, affected public agencies, representa-*
 16 *tives of transportation agency employees, private pro-*
 17 *viders of transportation, and other interested parties*
 18 *with reasonable notice of and an opportunity to com-*
 19 *ment on the proposed program.*

20 “(5) *SELECTION OF PROJECTS.*—

21 “(A) *IN GENERAL.*—*Except as otherwise*
 22 *provided in subsection (i)(4) and in addition to*
 23 *the transportation improvement program devel-*
 24 *opment required under paragraph (1), the selec-*
 25 *tion of federally funded projects for implementa-*

tion in metropolitan areas shall be carried out,
from the approved transportation improvement
program—

“(i) by—

“(I) in the case of projects under
chapter 1, the State; and

“(II) in the case of projects under
chapter 53 of title 49, the designated
transit funding recipients; and

“(ii) in cooperation with the metro-
politan planning organization.

“(B) MODIFICATIONS TO PROJECT PRIOR-
ITY.—Notwithstanding any other provision of
law, action by the Secretary shall not be required
to advance a project included in the approved
transportation improvement program in place of
another project of higher priority in the pro-
gram.

“(i) TRANSPORTATION MANAGEMENT AREAS.—

“(1) DESIGNATION.—

“(A) REQUIRED DESIGNATIONS.—The Sec-
retary shall designate as a transportation man-
agement area each urbanized area with a popu-
lation of over 200,000 individuals.

1 “(B) *DESIGNATIONS ON REQUEST.*—*The*
 2 *Secretary shall designate any additional area as*
 3 *a transportation management area on the re-*
 4 *quest of the Governor and the metropolitan plan-*
 5 *ning organization designated for the area.*

6 “(2) *TRANSPORTATION PLANS AND PROGRAMS.*—
 7 *Within a transportation management area, transpor-*
 8 *tation plans and programs shall be based on a con-*
 9 *tinuing and comprehensive transportation planning*
 10 *process carried out by the metropolitan planning or-*
 11 *ganization in cooperation with the State and any af-*
 12 *ected public transit operator.*

13 “(3) *CONGESTION MANAGEMENT SYSTEM.*—*With-*
 14 *in a transportation management area, the transpor-*
 15 *tation planning process under this section shall in-*
 16 *clude a congestion management system that provides*
 17 *for effective management of new and existing trans-*
 18 *portation facilities eligible for funding under this title*
 19 *and chapter 53 of title 49 through the use of travel*
 20 *demand reduction and operational management strat-*
 21 *egies.*

22 “(4) *SELECTION OF PROJECTS.*—

23 “(A) *IN GENERAL.*—*In addition to the*
 24 *transportation improvement program develop-*
 25 *ment required under subsection (h)(1), all feder-*

ally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

“(5) CERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

1 “(ii) *subject to subparagraph (B), cer-*
 2 *tify, not less often than once every 3 years,*
 3 *that the requirements of this paragraph are*
 4 *met with respect to the transportation man-*
 5 *agement area.*

6 “(B) *REQUIREMENTS FOR CERTIFI-*
 7 *CATION.—The Secretary may make the certifi-*
 8 *cation under subparagraph (A) if—*

9 “(i) *the transportation planning proc-*
 10 *ess complies with the requirements of this*
 11 *section and other applicable requirements of*
 12 *Federal law;*

13 “(ii) *there is a transportation improve-*
 14 *ment program for the area that has been*
 15 *approved by the metropolitan planning or-*
 16 *ganization and the Governor;*

17 “(iii) *the public has been given ade-*
 18 *quate opportunity during the certification*
 19 *process to comment on—*

20 “(I) *the public participation proc-*
 21 *ess conducted by the metropolitan*
 22 *planning organization; and*

23 “(II) *the extent to which the*
 24 *transportation improvement program*
 25 *for the metropolitan area takes into ac-*

count the needs of the entire metropolitan area, including the needs of low and moderate income residents, and the requirement of title VI of the Civil Rights Act; and

“(iv) public comments are—

“(I) included in the documentation supporting the metropolitan planning organization’s request for certification; and

“(II) made publicly available.

“(C) *EFFECT OF FAILURE TO CERTIFY.*—

“(i) *WITHHOLDING OF FUNDS.*—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

“(ii) *RESTORATION OF WITHHELD FUNDS.*—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

1 “(iii) *FEASIBILITY OF PRIVATE ENTER-*
 2 *PRISE PARTICIPATION.*—*The Secretary shall*
 3 *not withhold certification under this para-*
 4 *graph based on the policies and criteria es-*
 5 *tablished by a metropolitan planning orga-*
 6 *nization or transit grant recipient for deter-*
 7 *mining the feasibility of private enterprise*
 8 *participation in accordance with section*
 9 *5306(a) of title 49.*

10 “(j) *ABBREVIATED PLANS AND PROGRAMS FOR CER-*
 11 *TAIN AREAS.*—

12 “(1) *IN GENERAL.*—*Subject to paragraph (2), in*
 13 *the case of a metropolitan area not designated as a*
 14 *transportation management area under this section,*
 15 *the Secretary may provide for the development of an*
 16 *abbreviated metropolitan transportation plan and*
 17 *program that the Secretary determines is appropriate*
 18 *to achieve the purposes of this section, taking into ac-*
 19 *count the complexity of transportation problems in*
 20 *the area.*

21 “(2) *NONATTAINMENT AREAS.*—*The Secretary*
 22 *may not permit abbreviated plans or programs for a*
 23 *metropolitan area that is in nonattainment for ozone*
 24 *or carbon monoxide under the Clean Air Act (42*
 25 *U.S.C. 7401 et seq.).*

1 “(k) *ADDITIONAL REQUIREMENTS FOR CERTAIN NON-*
 2 *ATTAINMENT AREAS.*—

3 “(1) *IN GENERAL.*—*Notwithstanding any other*
 4 *provision of this title or chapter 53 of title 49, in the*
 5 *case of a transportation management area classified*
 6 *as nonattainment for ozone or carbon monoxide under*
 7 *the Clean Air Act (42 U.S.C. 7401 et seq.), Federal*
 8 *funds may not be programmed in the area for any*
 9 *highway project that will result in a significant in-*
 10 *crease in carrying capacity for single occupant vehi-*
 11 *cles unless the project results from an approved con-*
 12 *gestion management system.*

13 “(2) *APPLICABILITY.*—*This subsection applies to*
 14 *a nonattainment area within the metropolitan plan-*
 15 *ning area boundaries determined under subsection*
 16 *(c).*

17 “(l) *LIMITATION.*—*Nothing in this section confers on*
 18 *a metropolitan planning organization the authority to im-*
 19 *pose any legal requirement on any transportation facility,*
 20 *provider, or project not eligible for assistance under this*
 21 *title or chapter 53 of title 49.*

22 “(m) *FUNDING.*—

23 “(1) *IN GENERAL.*—*Funds set aside under sec-*
 24 *tion 104(f) of this title and section 5303 of title 49*
 25 *shall be available to carry out this section.*

1 “(2) *UNUSED FUNDS.*—Any funds that are not
 2 used to carry out this section may be made available
 3 by the metropolitan planning organization to the
 4 State to fund activities under section 135.”.

5 (b) *TECHNICAL AMENDMENT.*—The analysis for chap-
 6 ter 1 of title 23, United States Code, is amended by striking
 7 the item relating to section 134 and inserting the following:
 “134. Metropolitan planning.”.

8 **SEC. 1602. STATEWIDE PLANNING.**

9 (a) *IN GENERAL.*—Section 135 of title 23, United
 10 States Code, is amended to read as follows:

11 **“§ 135. Statewide planning**

12 “(a) *GENERAL REQUIREMENTS.*—

13 “(1) *FINDINGS.*—It is in the national interest to
 14 encourage and promote the safe and efficient manage-
 15 ment, operation, and development of surface transpor-
 16 tation systems that will serve the mobility needs of
 17 people and freight throughout each State.

18 “(2) *DEVELOPMENT OF PLANS AND PROGRAMS.*—
 19 Subject to section 134 of this title and sections 5303
 20 through 5305 of title 49, each State shall develop
 21 transportation plans and programs for all areas of
 22 the State.

23 “(3) *CONTENTS.*—The plans and programs for
 24 each State shall provide for the development and inte-
 25 grated management and operation of transportation

1 *systems (including pedestrian walkways and bicycle*
2 *transportation facilities) that will function as an*
3 *intermodal State transportation system and an inte-*
4 *gral part of the intermodal transportation system of*
5 *the United States.*

6 *“(4) PROCESS OF DEVELOPMENT.—The process*
7 *for developing the plans and programs shall provide*
8 *for consideration of all modes of transportation and*
9 *shall be continuing, cooperative, and comprehensive to*
10 *the degree appropriate, based on the complexity of the*
11 *transportation problems to be addressed.*

12 *“(b) SCOPE OF PLANNING PROCESS.—Each State shall*
13 *carry out a transportation planning process that shall con-*
14 *sider the following:*

15 *“(1) Supporting the economic vitality of the*
16 *United States, the States, and metropolitan areas, es-*
17 *pecially by enabling global competitiveness, produc-*
18 *tivity, and efficiency.*

19 *“(2) Increasing the safety and security of the*
20 *transportation system for motorized and non-*
21 *motorized users.*

22 *“(3) Increasing the accessibility and mobility*
23 *options available to people and for freight.*

1 “(4) *Protecting and enhancing the environment,*
 2 *promoting energy conservation, and improving qual-*
 3 *ity of life through land use planning.*

4 “(5) *Enhancing the integration and connectivity*
 5 *of the transportation system, across and between*
 6 *modes throughout the State, for people and freight.*

7 “(6) *Promoting efficient system management*
 8 *and operation.*

9 “(7) *Emphasizing the preservation of the exist-*
 10 *ing transportation system.*

11 “(c) *COORDINATION WITH METROPOLITAN PLANNING;*
 12 *STATE IMPLEMENTATION PLAN.—In carrying out planning*
 13 *under this section, a State shall—*

14 “(1) *coordinate the planning with the transpor-*
 15 *tation planning activities carried out under section*
 16 *134 for metropolitan areas of the State; and*

17 “(2) *carry out the responsibilities of the State for*
 18 *the development of the transportation portion of the*
 19 *State air quality implementation plan to the extent*
 20 *required by the Clean Air Act (42 U.S.C. 7401 et*
 21 *seq.).*

22 “(d) *ADDITIONAL REQUIREMENTS.—In carrying out*
 23 *planning under this section, each State shall, at a mini-*
 24 *mum, consider—*

1 “(1) *with respect to nonmetropolitan areas, the*
 2 *concerns of local elected officials representing units of*
 3 *general purpose local government;*

4 “(2) *the concerns of Indian tribal governments*
 5 *and Federal land management agencies that have ju-*
 6 *risdiction over land within the boundaries of the*
 7 *State; and*

8 “(3) *coordination of transportation plans, pro-*
 9 *grams, and planning activities with related planning*
 10 *activities being carried out outside of metropolitan*
 11 *planning areas.*

12 “(e) *LONG-RANGE TRANSPORTATION PLAN.—*

13 “(1) *DEVELOPMENT.—Each State shall develop a*
 14 *long-range transportation plan, with a minimum 20-*
 15 *year forecast period, for all areas of the State, that*
 16 *provides for the development and implementation of*
 17 *the intermodal transportation system of the State.*

18 “(2) *CONSULTATION WITH GOVERNMENTS.—*

19 “(A) *METROPOLITAN AREAS.—With respect*
 20 *to each metropolitan area in the State, the plan*
 21 *shall be developed in cooperation with the metro-*
 22 *politan planning organization designated for the*
 23 *metropolitan area under section 134 of this title*
 24 *and section 5305 of title 49.*

1 “(B) *NONMETROPOLITAN AREAS.*—*With re-*
 2 *spect to each nonmetropolitan area, the plan*
 3 *shall be developed in consultation with local*
 4 *elected officials representing units of general pur-*
 5 *pose local government.*

6 “(C) *INDIAN TRIBAL AREAS.*—*With respect*
 7 *to each area of the State under the jurisdiction*
 8 *of an Indian tribal government, the plan shall be*
 9 *developed in consultation with the tribal govern-*
 10 *ment and the Secretary of the Interior.*

11 “(3) *PARTICIPATION BY INTERESTED PARTIES.*—
 12 *In developing the plan, the State shall—*

13 “(A) *provide citizens, affected public agen-*
 14 *cies, representatives of transportation agency em-*
 15 *ployees, other affected employee representatives,*
 16 *freight shippers, private providers of transpor-*
 17 *tation, and other interested parties with a rea-*
 18 *sonable opportunity to comment on the proposed*
 19 *plan; and*

20 “(B) *identify transportation strategies nec-*
 21 *essary to efficiently serve the mobility needs of*
 22 *people.*

23 “(f) *STATE TRANSPORTATION IMPROVEMENT PRO-*
 24 *GRAM.*—

25 “(1) *DEVELOPMENT.*—

1 “(A) *IN GENERAL.*—*The State shall develop*
2 *a transportation improvement program for all*
3 *areas of the State.*

4 “(B) *CONSULTATION WITH GOVERN-*
5 *MENTS.*—

6 “(i) *METROPOLITAN AREAS.*—*With re-*
7 *spect to each metropolitan area in the*
8 *State, the program shall be developed in co-*
9 *operation with the metropolitan planning*
10 *organization designated for the metropoli-*
11 *tan area under section 134 of this title and*
12 *section 5305 of title 49.*

13 “(ii) *NONMETROPOLITAN AREAS.*—

14 “(I) *IN GENERAL.*—*With respect*
15 *to each nonmetropolitan area in the*
16 *State, the program shall be developed*
17 *in cooperation with the State, elected*
18 *officials of affected local governments,*
19 *and elected officials of subdivisions of*
20 *affected local governments that have ju-*
21 *risdiction over transportation plan-*
22 *ning, through a process developed by*
23 *the State that ensures participation by*
24 *the elected officials.*

1 “(II) *REVIEW.*—Not less than
2 *once every 2 years, the Secretary shall*
3 *review the planning process through*
4 *which the program was developed*
5 *under subclause (I).*

6 “(III) *APPROVAL.*—The Secretary
7 *shall approve the planning process if*
8 *the Secretary finds that the planning*
9 *process is consistent with this section*
10 *and section 134.*

11 “(iii) *INDIAN TRIBAL AREAS.*—With
12 *respect to each area of the State under the*
13 *jurisdiction of an Indian tribal government,*
14 *the program shall be developed in consulta-*
15 *tion with the tribal government and the*
16 *Secretary of the Interior.*

17 “(C) *PARTICIPATION BY INTERESTED PAR-*
18 *TIES.*—In developing the program, the Governor
19 *shall provide citizens, affected public agencies,*
20 *representatives of transportation agency employ-*
21 *ees, other affected employee representatives,*
22 *freight shippers, private providers of transpor-*
23 *tation, and other interested parties with a rea-*
24 *sonable opportunity to comment on the proposed*
25 *program.*

1 “(2) *INCLUDED PROJECTS.*—

2 “(A) *IN GENERAL.*—*A transportation im-*
 3 *provement program developed under this sub-*
 4 *section for a State shall include federally sup-*
 5 *ported surface transportation expenditures with-*
 6 *in the boundaries of the State.*

7 “(B) *CHAPTER 2 PROJECTS.*—

8 “(i) *REGIONALLY SIGNIFICANT*
 9 *PROJECTS.*—*Regionally significant projects*
 10 *proposed for funding under chapter 2 shall*
 11 *be identified individually.*

12 “(ii) *OTHER PROJECTS.*—*Projects pro-*
 13 *posed for funding under chapter 2 that are*
 14 *not determined to be regionally significant*
 15 *shall be grouped in 1 line item or identified*
 16 *individually.*

17 “(C) *CONSISTENCY WITH LONG-RANGE*
 18 *TRANSPORTATION PLAN.*—*Each project shall—*

19 “(i) *be consistent with the long-range*
 20 *transportation plan developed under this*
 21 *section for the State;*

22 “(ii) *be identical to the project as de-*
 23 *scribed in an approved metropolitan trans-*
 24 *portation improvement program; and*

1 “(iii) *be in conformance with the ap-*
2 *plicable State air quality implementation*
3 *plan developed under the Clean Air Act (42*
4 *U.S.C. 7401 et seq.), if the project is carried*
5 *out in an area designated as nonattainment*
6 *for ozone or carbon monoxide under that*
7 *Act.*

8 “(D) *REQUIREMENT OF ANTICIPATED FULL*
9 *FUNDING.—*

10 “(i) *IN GENERAL.—The program shall*
11 *include a project, or an identified phase of*
12 *a project, only if full funding can reason-*
13 *ably be anticipated to be available for the*
14 *project within the time period contemplated*
15 *for completion of the project.*

16 “(ii) *LIMITATION.—Clause (i) does not*
17 *require the indication of project-specific*
18 *funding sources.*

19 “(E) *PRIORITIES.—The program shall re-*
20 *flect the priorities for programming and expend-*
21 *itures of funds, including transportation en-*
22 *hancements, required by this title.*

23 “(3) *PROJECT SELECTION FOR AREAS OF LESS*
24 *THAN 50,000 POPULATION.—*

1 “(A) *IN GENERAL.*—*Projects carried out in*
 2 *areas with populations of less than 50,000 indi-*
 3 *viduals (excluding projects carried out on the*
 4 *National Highway System) shall be selected,*
 5 *from the approved statewide transportation im-*
 6 *provement program, by the State in cooperation*
 7 *with the affected local officials.*

8 “(B) *NATIONAL HIGHWAY SYSTEM*
 9 *PROJECTS.*—*Projects carried out in areas de-*
 10 *scribed in subparagraph (A) on the National*
 11 *Highway System shall be selected, from the ap-*
 12 *proved statewide transportation improvement*
 13 *program, by the State in consultation with the*
 14 *affected local officials.*

15 “(4) *BIENNIAL REVIEW AND APPROVAL.*—*A*
 16 *transportation improvement program developed under*
 17 *this subsection shall be reviewed and, on a finding*
 18 *that the planning process through which the program*
 19 *was developed is consistent with this section and sec-*
 20 *tion 134, approved not less frequently than biennially*
 21 *by the Secretary.*

22 “(5) *MODIFICATIONS TO PROJECT PRIORITY.*—
 23 *Notwithstanding any other provision of law, action*
 24 *by the Secretary shall not be required to advance a*
 25 *project included in the approved statewide transpor-*

1 *tation improvement program in place of another*
 2 *project of higher priority in the program.*

3 “(g) *FUNDING.*—*Funds set aside under section 505 of*
 4 *this title and section 5313(b) of title 49 shall be available*
 5 *to carry out this section.*

6 “(h) *CONTINUATION OF CURRENT REVIEW PRAC-*
 7 *TICE.*—*Since plans and programs described in this section*
 8 *or section 134 are subject to a reasonable opportunity for*
 9 *public comment, since individual projects included in the*
 10 *plans and programs are subject to review under the Na-*
 11 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
 12 *et seq.), and since decisions by the Secretary concerning*
 13 *plans and programs described in this section have not been*
 14 *reviewed under that Act as of January 1, 1997, any deci-*
 15 *sion by the Secretary concerning a plan or program de-*
 16 *scribed in this section or section 134 shall not be considered*
 17 *to be a Federal action subject to review under the National*
 18 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 19 *seq.).”.*

20 (b) *REDUNDANT METROPOLITAN TRANSPORTATION*
 21 *PLANNING REQUIREMENTS.*—

22 (1) *FINDING.*—*Congress finds that certain major*
 23 *investment study requirements under section 450.318*
 24 *of title 23, Code of Federal Regulations, are redun-*
 25 *dant to the planning and project development proc-*

1 *esses required under other provisions in titles 23 and*
2 *49, United States Code.*

3 *(2) STREAMLINING.—*

4 *(A) IN GENERAL.—The Secretary shall*
5 *streamline the Federal transportation planning*
6 *and NEPA decision process requirements for all*
7 *transportation improvements supported with*
8 *Federal surface transportation funds or requir-*
9 *ing Federal approvals, with the objective of re-*
10 *ducing the number of documents required and*
11 *better integrating required analyses and findings*
12 *wherever possible.*

13 *(B) REQUIREMENTS.—The Secretary shall*
14 *amend regulations as appropriate and develop*
15 *procedures to—*

16 *(i) eliminate, within six months of the*
17 *date of enactment of this section, the major*
18 *investment study under section 450.318 of*
19 *title 23, Code of Federal Regulations, as a*
20 *stand-alone requirement independent of*
21 *other transportation planning requirements,*
22 *and integrate those components of the major*
23 *investment study procedure which are not*
24 *duplicated elsewhere with other transpor-*
25 *tation planning requirements, provided that*

1 *in integrating such requirements, the Sec-*
2 *retary shall not apply such requirements to*
3 *any project which previously would not*
4 *have been subject to section 450.318 of title*
5 *23, Code of Federal Regulations;*

6 *(ii) eliminate stand-alone report re-*
7 *quirements wherever possible;*

8 *(iii) prevent duplication by drawing*
9 *on the products of the planning process in*
10 *the completion of all environmental and*
11 *other project development analyses;*

12 *(iv) reduce project development time by*
13 *achieving to the maximum extent prac-*
14 *ticable a single public interest decision*
15 *process for Federal environmental analyses*
16 *and clearances; and*

17 *(v) expedite and support all phases of*
18 *decisionmaking by encouraging and facili-*
19 *tating the early involvement of metropolitan*
20 *planning organizations, State departments*
21 *of transportation, transit operators, and*
22 *Federal and State environmental resource*
23 *and permit agencies throughout the deci-*
24 *sionmaking process.*

1 (3) *SAVINGS CLAUSE.*—*Nothing in this sub-*
 2 *section shall affect the responsibility of the Secretary*
 3 *to conform review requirements for transit projects*
 4 *under the National Environmental Policy Act of 1969*
 5 *to comparable requirements under such Act applicable*
 6 *to highway projects.*

7 **SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES**
 8 **PROGRAM.**

9 (a) *ESTABLISHMENT.*—*The Secretary shall establish*
 10 *an advanced travel forecasting procedures program—*

11 (1) *to provide for completion of the advanced*
 12 *transportation model developed under the Transpor-*
 13 *tation Analysis Simulation System (referred to in*
 14 *this section as “TRANSIMS”); and*

15 (2) *to provide support for early deployment of*
 16 *the advanced transportation modeling computer soft-*
 17 *ware and graphics package developed under*
 18 *TRANSIMS and the program established under this*
 19 *section to States, local governments, and metropolitan*
 20 *planning organizations with responsibility for travel*
 21 *modeling.*

22 (b) *ELIGIBLE ACTIVITIES.*—*The Secretary shall use*
 23 *funds made available under this section to—*

24 (1) *provide funding for completion of core devel-*
 25 *opment of the advanced transportation model;*

1 (2) *develop user-friendly advanced transpor-*
2 *tation modeling computer software and graphics*
3 *packages;*

4 (3) *provide training and technical assistance*
5 *with respect to the implementation and application of*
6 *the advanced transportation model to States, local*
7 *governments, and metropolitan planning organiza-*
8 *tions with responsibility for travel modeling; and*

9 (4) *allocate funds to not more than 12 entities*
10 *described in paragraph (3), representing a diversity*
11 *of populations and geographic regions, for a pilot*
12 *program to enable transportation management areas*
13 *designated under section 134(i) of title 23, United*
14 *States Code, to convert from the use of travel forecast-*
15 *ing procedures in use by the areas as of the date of*
16 *enactment of this Act to the use of the advanced*
17 *transportation model.*

18 (c) *AUTHORIZATION OF CONTRACT AUTHORITY.—*

19 (1) *IN GENERAL.—There shall be available from*
20 *the Highway Trust Fund (other than the Mass Tran-*
21 *sit Account) to carry out this section \$4,000,000 for*
22 *fiscal year 1998, \$3,000,000 for fiscal year 1999,*
23 *\$6,500,000 for fiscal year 2000, \$5,000,000 for fiscal*
24 *year 2001, \$4,000,000 for fiscal year 2002, and*
25 *\$2,500,000 for fiscal year 2003.*

1 (2) *ALLOCATION OF FUNDS.*—

2 (A) *FISCAL YEARS 1998 AND 1999.*—*For each*
 3 *of fiscal years 1998 and 1999, 100 percent of the*
 4 *funds made available under paragraph (1) shall*
 5 *be allocated to activities in described in para-*
 6 *graphs (1), (2), and (3) of subsection (b).*

7 (B) *FISCAL YEARS 2000 THROUGH 2003.*—
 8 *For each of fiscal years 2000 through 2003, not*
 9 *more than 50 percent of the funds made avail-*
 10 *able under paragraph (1) may be allocated to ac-*
 11 *tivities described in subsection (b)(4).*

12 (3) *CONTRACT AUTHORITY.*—*Funds authorized*
 13 *under this subsection shall be available for obligation*
 14 *in the same manner as if the funds were apportioned*
 15 *under chapter 1 of title 23, United States Code, except*
 16 *that the Federal share of the cost of—*

17 (A) *any activity described in paragraph*
 18 *(1), (2), or (3) of subsection (b) shall not exceed*
 19 *100 percent; and*

20 (B) *any activity described in subsection*
 21 *(b)(4) shall not exceed 80 percent.*

22 **SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYS-**
 23 **TEM PRESERVATION PILOT PROGRAM.**

24 (a) *ESTABLISHMENT.*—*In cooperation with appro-*
 25 *priate State, regional, and local governments, the Secretary*

1 *shall establish a comprehensive initiative to investigate and*
2 *address the relationships between transportation and com-*
3 *munity and system preservation.*

4 *(b) RESEARCH.—*

5 *(1) IN GENERAL.—In cooperation with appro-*
6 *priate Federal agencies, State, regional, and local*
7 *governments, and other entities eligible for assistance*
8 *under subsection (d), the Secretary shall carry out a*
9 *comprehensive research program to investigate the re-*
10 *lationships between transportation, community pres-*
11 *ervation, and the environment.*

12 *(2) REQUIRED ELEMENTS.—The program shall*
13 *provide for monitoring and analysis of projects car-*
14 *ried out with funds made available to carry out sub-*
15 *sections (c) and (d).*

16 *(c) PLANNING.—*

17 *(1) IN GENERAL.—The Secretary shall allocate*
18 *funds made available to carry out this subsection to*
19 *States, metropolitan planning organizations, and*
20 *local governments to plan, develop, and implement*
21 *strategies to integrate transportation and community*
22 *and system preservation plans and practices.*

23 *(2) PURPOSES.—The purposes of the allocations*
24 *shall be—*

1 (A) to improve the efficiency of the trans-
2 portation system;

3 (B) to reduce the impacts of transportation
4 on the environment;

5 (C) to reduce the need for costly future in-
6 vestments in public infrastructure; and

7 (D) to provide efficient access to jobs, serv-
8 ices, and centers of trade.

9 (3) *CRITERIA.*—In allocating funds made avail-
10 able to carry out this subsection, the Secretary shall
11 give priority to applicants that—

12 (A) propose projects for funding that ad-
13 dress the purposes described in paragraph (2);

14 (B) demonstrate a commitment to public
15 involvement, including involvement of nontradi-
16 tional partners in the project team; and

17 (C) demonstrate a commitment of non-Fed-
18 eral resources to the proposed projects.

19 (d) *ALLOCATION OF FUNDS FOR IMPLEMENTATION.*—

20 (1) *IN GENERAL.*—The Secretary shall allocate
21 funds made available to carry out this subsection to
22 States, metropolitan planning organizations, and
23 local governments to carry out projects to address
24 transportation efficiency and community and system
25 preservation.

1 (2) *CRITERIA.*—*In allocating funds made avail-*
2 *able to carry out this subsection, the Secretary shall*
3 *give priority to applicants that—*

4 (A) *have instituted preservation or develop-*
5 *ment plans and programs that—*

6 (i) *meet the requirements of title 23*
7 *and chapter 53 of title 49, United States*
8 *Code; and*

9 (ii) *are—*

10 (I) *coordinated with adopted pres-*
11 *ervation or development plans; or*

12 (II) *intended to promote cost-effec-*
13 *tive and strategic investments in trans-*
14 *portation infrastructure that minimize*
15 *adverse impacts on the environment;*

16 (B) *have instituted other policies to inte-*
17 *grate transportation and community and system*
18 *preservation practices, such as—*

19 (i) *spending policies that direct funds*
20 *to high-growth areas;*

21 (ii) *urban growth boundaries to guide*
22 *metropolitan expansion;*

23 (iii) *“green corridors” programs that*
24 *provide access to major highway corridors*

1 *for areas targeted for efficient and compact*
 2 *development; or*

3 *(iv) other similar programs or policies*
 4 *as determined by the Secretary;*

5 *(C) have preservation or development poli-*
 6 *cies that include a mechanism for reducing po-*
 7 *tential impacts of transportation activities on*
 8 *the environment; and*

9 *(D) propose projects for funding that ad-*
 10 *dress the purposes described in subsection (c)(2).*

11 (3) *EQUITABLE DISTRIBUTION.*—*In allocating*
 12 *funds to carry out this subsection, the Secretary shall*
 13 *ensure the equitable distribution of funds to a diver-*
 14 *sity of populations and geographic regions.*

15 (4) *USE OF ALLOCATED FUNDS.*—

16 (A) *IN GENERAL.*—*An allocation of funds*
 17 *made available to carry out this subsection shall*
 18 *be used by the recipient to implement the*
 19 *projects proposed in the application to the Sec-*
 20 *retary.*

21 (B) *TYPES OF PROJECTS.*—*The allocation of*
 22 *funds shall be available for obligation for—*

23 (i) *any project eligible for funding*
 24 *under title 23 or chapter 53 of title 49,*
 25 *United States Code; or*

1 (ii) any other activity relating to
 2 transportation and community and system
 3 preservation that the Secretary determines
 4 to be appropriate, including corridor pres-
 5 ervation activities that are necessary to im-
 6 plement—

7 (I) transit-oriented development
 8 plans;

9 (II) traffic calming measures; or

10 (III) other coordinated transpor-
 11 tation and community and system
 12 preservation practices.

13 (e) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

14 (1) *IN GENERAL.*—There shall be available from
 15 the Highway Trust Fund (other than the Mass Tran-
 16 sit Account) to carry out this section \$20,000,000 for
 17 each of fiscal years 1998 through 2003.

18 (2) *CONTRACT AUTHORITY.*—Funds authorized
 19 under this subsection shall be available for obligation
 20 in the same manner as if the funds were apportioned
 21 under chapter 1 of title 23, United States Code.

22 **Subtitle G—Technical Corrections**

23 **SEC. 1701. FEDERAL-AID SYSTEMS.**

24 (a) *IN GENERAL.*—Section 103 of title 23, United
 25 States Code, is amended to read as follows:

1 **“§ 103. Federal-aid systems**

2 “(a) *IN GENERAL.*—*For the purposes of this title, the*
 3 *Federal-aid systems are the Interstate System and the Na-*
 4 *tional Highway System.*

5 “(b) *NATIONAL HIGHWAY SYSTEM.*—

6 “(1) *DESCRIPTION.*—*The National Highway*
 7 *System consists of an interconnected system of major*
 8 *routes and connectors that—*

9 “(A) *serve major population centers, inter-*
 10 *national border crossings, ports, airports, public*
 11 *transportation facilities, and other intermodal*
 12 *transportation facilities and other major travel*
 13 *destinations;*

14 “(B) *meet national defense requirements;*
 15 *and*

16 “(C) *serve interstate and interregional trav-*
 17 *el.*

18 “(2) *COMPONENTS.*—*The National Highway*
 19 *System consists of the following:*

20 “(A) *The Interstate System described in*
 21 *subsection (c).*

22 “(B) *Other urban and rural principal arte-*
 23 *rial routes.*

24 “(C) *Other connector highways (including*
 25 *toll facilities) that provide motor vehicle access*
 26 *between arterial routes on the National Highway*

1 *System and a major intermodal transportation*
2 *facility.*

3 “(D) *A strategic highway network consist-*
4 *ing of a network of highways that are important*
5 *to the United States strategic defense policy and*
6 *that provide defense access, continuity, and*
7 *emergency capabilities for the movement of per-*
8 *sonnel, materials, and equipment in both peace-*
9 *time and wartime. The highways may be high-*
10 *ways on or off the Interstate System and shall*
11 *be designated by the Secretary in consultation*
12 *with appropriate Federal agencies and the*
13 *States.*

14 “(E) *Major strategic highway network con-*
15 *nectors consisting of highways that provide*
16 *motor vehicle access between major military in-*
17 *stallations and highways that are part of the*
18 *strategic highway network. The highways shall*
19 *be designated by the Secretary in consultation*
20 *with appropriate Federal agencies and the*
21 *States.*

22 “(3) *MAXIMUM MILEAGE.*—*The mileage of high-*
23 *ways on the National Highway System shall not ex-*
24 *ceed 178,250 miles.*

25 “(4) *MODIFICATIONS TO NHS.*—

“(A) *IN GENERAL.*—*The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—*

“(i) *meets the criteria established for the National Highway System under this title; and*

“(ii) *enhances the national transportation characteristics of the National Highway System.*

“(B) *COOPERATION.*—

“(i) *IN GENERAL.*—*In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.*

“(ii) *URBANIZED AREAS.*—*In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.*

“(c) *INTERSTATE SYSTEM.*—

“(1) *DESCRIPTION.*—

1 “(A) *IN GENERAL.*—*The Dwight D. Eisen-*
2 *hower National System of Interstate and Defense*
3 *Highways within the United States (including*
4 *the District of Columbia and Puerto Rico), con-*
5 *sists of highways—*

6 “(i) *designed—*

7 “(I) *in accordance with the stand-*
8 *ards of section 109(b); or*

9 “(II) *in the case of highways in*
10 *Alaska and Puerto Rico, in accordance*
11 *with such geometric and construction*
12 *standards as are adequate for current*
13 *and probable future traffic demands*
14 *and the needs of the locality of the*
15 *highway; and*

16 “(ii) *located so as—*

17 “(I) *to connect by routes, as direct*
18 *as practicable, the principal metropoli-*
19 *tan areas, cities, and industrial cen-*
20 *ters;*

21 “(II) *to serve the national defense;*
22 *and*

23 “(III) *to the maximum extent*
24 *practicable, to connect at suitable bor-*

1 *der points with routes of continental*
2 *importance in Canada and Mexico.*

3 “(B) *SELECTION OF ROUTES.*—*To the max-*
4 *imum extent practicable, each route of the Inter-*
5 *state System shall be selected by joint action of*
6 *the State transportation departments of the State*
7 *in which the route is located and the adjoining*
8 *States, in cooperation with local and regional of-*
9 *ficials, and subject to the approval of the Sec-*
10 *retary.*

11 “(2) *MAXIMUM MILEAGE.*—*The mileage of high-*
12 *ways on the Interstate System shall not exceed 43,000*
13 *miles, exclusive of designations under paragraph (4).*

14 “(3) *MODIFICATIONS.*—*The Secretary may ap-*
15 *prove or require modifications to the Interstate Sys-*
16 *tem in a manner consistent with the policies and pro-*
17 *cedures established under this subsection.*

18 “(4) *INTERSTATE SYSTEM DESIGNATIONS.*—

19 “(A) *ADDITIONS.*—*If the Secretary deter-*
20 *mines that a highway on the National Highway*
21 *System meets all standards of a highway on the*
22 *Interstate System and that the highway is a log-*
23 *ical addition or connection to the Interstate Sys-*
24 *tem, the Secretary may, upon the affirmative*
25 *recommendation of the State or States in which*

1 *the highway is located, designate the highway as*
 2 *a route on the Interstate System.*

3 “(B) *DESIGNATIONS AS FUTURE INTER-*
 4 *STATE SYSTEM ROUTES.—*

5 “(i) *IN GENERAL.—If the Secretary de-*
 6 *termines that a highway on the National*
 7 *Highway System would be a logical addi-*
 8 *tion or connection to the Interstate System*
 9 *and would qualify for designation as a*
 10 *route on the Interstate System under sub-*
 11 *paragraph (A), the Secretary may, upon the*
 12 *affirmative recommendation of the State or*
 13 *States in which the highway is located, des-*
 14 *ignate the highway as a future Interstate*
 15 *System route.*

16 “(ii) *WRITTEN AGREEMENT OF*
 17 *STATES.—A designation under clause (i)*
 18 *shall be made only upon the written agree-*
 19 *ment of the State or States described in that*
 20 *clause that the highway will be constructed*
 21 *to meet all standards of a highway on the*
 22 *Interstate System by the date that is 12*
 23 *years after the date of the agreement.*

24 “(iii) *REMOVAL OF DESIGNATION.—*

1 “(I) *IN GENERAL.*—If the State or
2 States described in clause (i) have not
3 substantially completed the construc-
4 tion of a highway designated under
5 this subparagraph within the time pro-
6 vided for in the agreement between the
7 Secretary and the State or States
8 under clause (ii), the Secretary shall
9 remove the designation of the highway
10 as a future Interstate System route.

11 “(II) *EFFECT OF REMOVAL.*—Re-
12 moval of the designation of a highway
13 under subclause (I) shall not preclude
14 the Secretary from designating the
15 highway as a route on the Interstate
16 System under subparagraph (A) or
17 under any other provision of law pro-
18 viding for addition to the Interstate
19 System.

20 “(iv) *PROHIBITION ON REFERRAL AS*
21 *INTERSTATE SYSTEM ROUTE.*—No law, rule,
22 regulation, map, document, or other record
23 of the United States, or of any State or po-
24 litical subdivision of a State, shall refer to
25 any highway designated as a future Inter-

1 *state System route under this subpara-*
2 *graph, nor shall any such highway be*
3 *signed or marked, as a highway on the*
4 *Interstate System until such time as the*
5 *highway is constructed to the geometric and*
6 *construction standards for the Interstate*
7 *System and has been designated as a route*
8 *on the Interstate System.*

9 “(C) *FINANCIAL RESPONSIBILITY.*—

10 “(i) *IN GENERAL.*—*Except as provided*
11 *in clause (ii), the designation of a highway*
12 *under this paragraph shall create no addi-*
13 *tional Federal financial responsibility with*
14 *respect to the highway.*

15 “(ii) *CERTAIN HIGHWAYS.*—*Subject to*
16 *section 119(b)(1)(B), a State may use funds*
17 *available to the State under section*
18 *104(b)(1) for the resurfacing, restoration,*
19 *rehabilitation, and reconstruction of a high-*
20 *way—*

21 “(I) *designated before March 9,*
22 *1984, as a route on the Interstate Sys-*
23 *tem under subparagraph (A) or as a*
24 *future Interstate System route under*
25 *subparagraph (B); or*

1 “(II) designated under subpara-
2 graph (A) and located in Alaska or
3 Puerto Rico.

4 “(d) TRANSFER OF INTERSTATE CONSTRUCTION
5 FUNDS.—

6 “(1) INTERSTATE CONSTRUCTION FUNDS NOT IN
7 SURPLUS.—

8 “(A) IN GENERAL.—Upon application by a
9 State and approval by the Secretary, the Sec-
10 retary may transfer to the apportionment of the
11 State under section 104(b)(1) any amount of
12 funds apportioned to the State under section
13 104(b)(5)(A) (as in effect on the day before the
14 date of enactment of the Intermodal Surface
15 Transportation Efficiency Act of 1998), if the
16 amount does not exceed the Federal share of the
17 costs of construction of segments of the Interstate
18 System in the State included in the most recent
19 Interstate System cost estimate.

20 “(B) EFFECT OF TRANSFER.—Upon trans-
21 fer of an amount under subparagraph (A), the
22 construction on which the amount is based, as
23 included in the most recent Interstate System
24 cost estimate, shall be ineligible for funding
25 under section 104(b)(5)(A) (as in effect on the

1 *day before the date of enactment of the Inter-*
 2 *modal Surface Transportation Efficiency Act of*
 3 *1998) or 104(k).*

4 “(2) *SURPLUS INTERSTATE CONSTRUCTION*
 5 *FUNDS.—Upon application by a State and approval*
 6 *by the Secretary, the Secretary may transfer to the*
 7 *apportionment of the State under section 104(b)(1)*
 8 *any amount of surplus funds apportioned to the State*
 9 *under section 104(b)(5)(A) (as in effect on the day be-*
 10 *fore the date of enactment of the Intermodal Surface*
 11 *Transportation Efficiency Act of 1998), if the State*
 12 *has fully financed all work eligible under the most re-*
 13 *cent Interstate System cost estimate.*

14 “(3) *APPLICABILITY OF CERTAIN LAWS.—Funds*
 15 *transferred under this subsection shall be subject to*
 16 *the laws (including regulations, policies, and proce-*
 17 *dures) relating to the apportionment to which the*
 18 *funds are transferred.*

19 “(e) *UNOBLIGATED BALANCES OF INTERSTATE SUB-*
 20 *STITUTE FUNDS.—Unobligated balances of funds appor-*
 21 *tioned to a State under section 103(e)(4)(H) (as in effect*
 22 *on the day before the date of enactment of the Intermodal*
 23 *Surface Transportation Efficiency Act of 1998) shall be*
 24 *available for obligation by the State under the law (includ-*
 25 *ing regulations, policies, and procedures) relating to the ob-*

1 *ligation and expenditure of the funds in effect on that*
 2 *date.”.*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1)(A) Section 101(a) of title 23, United States*
 5 *Code, is amended in the undesignated paragraph de-*
 6 *fining “Interstate System” by striking “subsection (e)*
 7 *of section 103 of this title” and inserting “section*
 8 *103(c)”.*

9 *(B) Section 104(f)(1) of title 23, United States*
 10 *Code, is amended by striking “, except that” and all*
 11 *that follows through “programs”.*

12 *(C) Section 115(a) of title 23, United States*
 13 *Code, is amended—*

14 *(i) in the subsection heading, by striking*
 15 *“SUBSTITUTE,”; and*

16 *(ii) in paragraph (1)(A)(i), by striking*
 17 *“103(e)(4)(H),”;*

18 *(D) Section 118 of title 23, United States Code*
 19 *(as amended by section 1118(b)), is amended—*

20 *(i) by striking subsection (d); and*

21 *(ii) by redesignating subsections (e), (f),*
 22 *and (g) (as added by section 1103(d)) as sub-*
 23 *sections (c), (d), and (e), respectively.*

24 *(E) Section 129(b) of title 23, United States*
 25 *Code, is amended in the first sentence by striking*

1 *“which has been” and all that follows through “and*
2 *has not” and inserting “which is a public road and*
3 *has not”.*

4 *(2)(A) Section 139 of title 23, United States*
5 *Code, is repealed.*

6 *(B) The analysis for chapter 1 of title 23, United*
7 *States Code, is amended by striking the item relating*
8 *to section 139.*

9 *(C) Section 119(a) of title 23, United States*
10 *Code, is amended in the first sentence—*

11 *(i) by striking “sections 103 and 139(c) of*
12 *this title” and inserting “section 103(c)(1) and,*
13 *in Alaska and Puerto Rico, under section*
14 *103(c)(4)(A)”;* and

15 *(ii) by striking “section 139 (a) and (b) of*
16 *this title” and inserting “subparagraphs (A) and*
17 *(B) of section 103(c)(4)”.*

18 *(D) Section 127(f) of title 23, United States*
19 *Code, is amended by striking “section 139(a)” and*
20 *inserting “section 103(c)(4)(A)”.*

21 *(E) Section 1105(e)(5) of the Intermodal Surface*
22 *Transportation Efficiency Act of 1991 (109 Stat.*
23 *597) is amended by striking subparagraph (B) and*
24 *inserting the following:*

1 “(B) *TREATMENT OF SEGMENTS.*—Subject
 2 to subparagraph (C), segments designated as
 3 parts of the Interstate System under this para-
 4 graph shall be treated in the same manner as
 5 segments designated under section 103(c)(4)(A)
 6 of title 23, United States Code.”.

7 **SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.**

8 (a) *DEFINITIONS AND DECLARATION OF POLICY.*—

9 (1) *CREATION OF POLICY SECTION.*—Section 102
 10 of title 23, United States Code, is amended—

11 (A) by striking the section heading and in-
 12 serting the following:

13 **“§ 102. Declaration of policy”;**

14 (B) by redesignating subsection (a) as sub-
 15 section (c) and moving that subsection to the end
 16 of section 146; and

17 (C) by redesignating subsection (b) as sub-
 18 section (f) and moving that subsection to the end
 19 of section 118 (as amended by section
 20 1701(b)(1)(D)(ii)).

21 (2) *TRANSFER OF POLICY PROVISIONS.*—Section
 22 101 of title 23, United States Code, is amended—

23 (A) by striking the section heading and in-
 24 serting the following:

1 **“§ 101. Definitions”;**

2 (B) in subsection (a), by striking “(a)”;

3 (C) by striking subsection (b); and

4 (D) by redesignating subsections (c) through
5 (e) as subsections (a) through (c), respectively,
6 and moving those subsections to section 102 (as
7 amended by paragraph (1)).

8 (3) CONFORMING AMENDMENTS.—

9 (A) The analysis for chapter 1 of title 23,
10 United States Code, is amended by striking the
11 items relating to sections 101 and 102 and in-
12 serting the following:

“101. Definitions.

“102. Declaration of policy.”.

13 (B) Section 47107(j)(1)(B) of title 49,
14 United States Code, is amended by striking “sec-
15 tion 101(a)” and inserting “section 101”.

16 (b) ADVANCE CONSTRUCTION.—Section 115 of title 23,
17 United States Code, is amended—

18 (1) in subsection (b)—

19 (A) by striking “PROJECTS” and all that
20 follows through “When a State” and inserting
21 “PROJECTS.—When a State”;

22 (B) by striking paragraphs (2) and (3); and

1 (C) by redesignating subparagraphs (A)
 2 and (B) as paragraphs (1) and (2), respectively,
 3 and indenting appropriately;
 4 (2) by striking subsection (c);
 5 (3) in subsection (d), by striking “section 135(f)”
 6 and inserting “section 135”; and
 7 (4) by redesignating subsection (d) as subsection
 8 (c).
 9 (c) *MAINTENANCE*.—Section 116 of title 23, United
 10 *States Code*, is amended—
 11 (1) in subsection (a), by striking the second sen-
 12 tence;
 13 (2) by striking subsection (b);
 14 (3) in subsection (c)—
 15 (A) in the first sentence, by striking “he”
 16 and inserting “the Secretary”; and
 17 (B) in the second sentence, by striking “fur-
 18 ther projects” and inserting “further expenditure
 19 of Federal-aid highway funds”; and
 20 (4) by redesignating subsections (c) and (d) as
 21 subsections (b) and (c), respectively.
 22 (d) *INTERSTATE MAINTENANCE PROGRAM*.—Section
 23 119(a) of title 23, United States Code, is amended in the
 24 first sentence by striking “the date of enactment of this sen-
 25 tence” and inserting “March 9, 1984”.

1 (e) *ADVANCES TO STATES*.—Section 124 of title 23,
2 *United States Code*, is amended—

3 (1) by striking “(a)”; and

4 (2) by striking subsection (b).

5 (f) *DIVERSION*.—

6 (1) *IN GENERAL*.—Section 126 of title 23,
7 *United States Code*, is repealed.

8 (2) *CONFORMING AMENDMENT*.—The analysis for
9 chapter 1 of title 23, *United States Code*, is amended
10 by striking the item relating to section 126.

11 (g) *RAILWAY-HIGHWAY CROSSINGS*.—Section 130(f) of
12 title 23, *United States Code*, is amended by striking “AP-
13 PORTIONMENT” and all that follows through the first sen-
14 tence and inserting “*FEDERAL SHARE*.—”.

15 (h) *SURFACE TRANSPORTATION PROGRAM*.—Section
16 133(a) of title 23, *United States Code*, is amended by strik-
17 ing “*ESTABLISHMENT*.—The Secretary shall establish” and
18 inserting “*IN GENERAL*.—The Secretary shall carry out”.

19 (i) *CONTROL OF JUNKYARDS*.—Section 136 of title 23,
20 *United States Code*, is amended by striking subsection (m)
21 and inserting the following:

22 “(m) *PRIMARY SYSTEM DEFINED*.—For purposes of
23 this section, the term ‘primary system’ means the Federal-
24 aid primary system in existence on June 1, 1991, and any

1 *highway which is not on such system but which is on the*
 2 *National Highway System.”.*

3 (j) *FRINGE AND CORRIDOR PARKING FACILITIES.*—
 4 *Section 137(a) of title 23, United States Code, is amended*
 5 *in the first sentence by striking “on the Federal-aid urban*
 6 *system” and inserting “on a Federal-aid highway”.*

7 (k) *NONDISCRIMINATION.*—*Section 140 of title 23,*
 8 *United States Code, is amended—*

9 (1) *in subsection (a)—*

10 (A) *in the first sentence, by striking “sub-*
 11 *section (a) of section 105 of this title,” and in-*
 12 *serting “section 106(a),”;*

13 (B) *by striking “he” each place it appears*
 14 *and inserting “the Secretary”;*

15 (C) *in the second sentence, by striking “He”*
 16 *and inserting “The Secretary”;*

17 (D) *in the third sentence, by striking “In*
 18 *approving programs for projects on any of the*
 19 *Federal-aid systems,” and inserting “Before ap-*
 20 *proving any project under section 106(a),”;* and

21 (E) *in the last sentence, by striking “him”*
 22 *and inserting “the Secretary”;*

23 (2) *by striking subsection (b);*

24 (3) *in the subsection heading of subsection (d),*
 25 *by striking “AND CONTRACTING”; and*

1 (4) by redesignating subsections (c) and (d) as
2 subsections (b) and (c), respectively.

3 (l) *PUBLIC TRANSPORTATION*.—Section 142(a)(2) of
4 title 23, United States Code, is amended by striking “the
5 the” and inserting “the”.

6 (m) *PRIORITY PRIMARY ROUTES*.—

7 (1) *IN GENERAL*.—Section 147 of title 23,
8 United States Code, is repealed.

9 (2) *CONFORMING AMENDMENT*.—The analysis for
10 chapter 1 of title 23, United States Code, is amended
11 by striking the item relating to section 147.

12 (n) *DEVELOPMENT OF A NATIONAL SCENIC AND REC-*
13 *REATIONAL HIGHWAY*.—

14 (1) *IN GENERAL*.—Section 148 of title 23,
15 United States Code, is repealed.

16 (2) *CONFORMING AMENDMENT*.—The analysis for
17 chapter 1 of title 23, United States Code, is amended
18 by striking the item relating to section 148.

19 (o) *HAZARD ELIMINATION PROGRAM*.—Section 152(e)
20 of title 23, United States Code, is amended by striking “ap-
21 portioned to” in the first sentence and all that follows
22 through “shall be” in the second sentence.

23 (p) *ACCESS HIGHWAYS TO PUBLIC RECREATION*
24 *AREAS ON CERTAIN LAKES*.—

1 (1) *IN GENERAL.*—Section 155 of title 23,
2 *United States Code*, is repealed.

3 (2) *CONFORMING AMENDMENT.*—*The analysis for*
4 *chapter 1 of title 23, United States Code*, is amended
5 *by striking the item relating to section 155.*

6 **SEC. 1703. NONDISCRIMINATION.**

7 (a) *IN GENERAL.*—Section 324 of title 23, *United*
8 *States Code*, is amended—

9 (1) *by inserting “(d) PROHIBITION OF DISCRIMI-*
10 *NATION ON THE BASIS OF SEX.—” before “No per-*
11 *son”; and*

12 (2) *by moving subsection (d) (as designated by*
13 *paragraph (1)) to the end of section 140 (as amended*
14 *by section 1702(k)).*

15 (b) *CONFORMING AMENDMENTS.*—

16 (1) *Section 324 of title 23, United States Code,*
17 *is repealed.*

18 (2) *The analysis for chapter 3 of title 23, United*
19 *States Code*, is amended *by striking the item relating*
20 *to section 324.*

21 **SEC. 1704. STATE TRANSPORTATION DEPARTMENT.**

22 (a) *IN GENERAL.*—Section 302 of title 23, *United*
23 *States Code*, is amended—

24 (1) *in subsection (a)—*

25 (A) *by striking “(a)”;*

1 (B) by striking the second sentence; and

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

3 “Compliance with this section shall have no ef-
4 fect on the eligibility of costs.”; and

5 (2) by striking subsection (b).

6 (b) CONFORMING AMENDMENTS.—

7 (1) Title 23, United States Code, is amended—

8 (A) by striking “State highway depart-
9 ment” each place it appears and inserting
10 “State transportation department”; and

11 (B) by striking “State highway depart-
12 ments” each place it appears and inserting
13 “State transportation departments”.

14 (2) The analysis for chapter 3 of title 23, United
15 States Code, is amended in the item relating to sec-
16 tion 302 by striking “highway” and inserting “trans-
17 portation”.

18 (3) Section 302 of title 23, United States Code,
19 is amended in the section heading by striking “**high-**
20 **way**” and inserting “**transportation**”.

21 (4) Section 410(h)(5) of title 23, United States
22 Code, is amended in the paragraph heading by strik-
23 ing “HIGHWAY” and inserting “TRANSPORTATION”.

24 (5) Section 201(b) of the Appalachian Regional
25 Development Act of 1965 (40 U.S.C. App.) is amend-

1 *ed in the second sentence by striking “State highway*
 2 *department” and inserting “State transportation de-*
 3 *partment”.*

4 *(6) Section 138(c) of the Surface Transportation*
 5 *Assistance Act of 1978 (40 U.S.C. App. note to section*
 6 *201 of the Appalachian Regional Development Act of*
 7 *1965; Public Law 95–599) is amended in the first*
 8 *sentence by striking “State highway department” and*
 9 *inserting “State transportation department”.*

10 ***Subtitle H—Miscellaneous*** 11 ***Provisions***

12 ***SEC. 1801. DESIGNATION OF PORTION OF STATE ROUTE 17*** 13 ***IN NEW YORK AND PENNSYLVANIA AS INTER-*** 14 ***STATE ROUTE 86.***

15 *(a) IN GENERAL.—Subject to subsection (b)(2), not-*
 16 *withstanding section 103(c), the portion of State Route 17*
 17 *located between the junction of State Route 17 and Inter-*
 18 *state Route 87 in Harriman, New York, and the junction*
 19 *of State Route 17 and Interstate Route 90 near Erie, Penn-*
 20 *sylvania, is designated as Interstate Route 86.*

21 *(b) SUBSTANDARD FEATURES.—*

22 *(1) UPGRADING.—Each segment of State Route*
 23 *17 described in subsection (a) that does not substan-*
 24 *tially meet the Interstate System design standards*
 25 *under section 109(b) of title 23, United States Code,*

1 *in effect on the date of enactment of this Act shall be*
 2 *upgraded in accordance with plans and schedules de-*
 3 *veloped by the applicable State.*

4 (2) *DESIGNATION.*—*Each segment of State Route*
 5 *17 that on the date of enactment of this Act is not*
 6 *at least 4 lanes wide, separated by a median, access-*
 7 *controlled, and grade-separated shall—*

8 (A) *be designated as a future Interstate Sys-*
 9 *tem route; and*

10 (B) *become part of Interstate Route 86 at*
 11 *such time as the Secretary determines that the*
 12 *segment substantially meets the Interstate Sys-*
 13 *tem design standards described in paragraph*
 14 *(1).*

15 (c) *TREATMENT OF ROUTE.*—

16 (1) *MILEAGE LIMITATION.*—*The mileage of Inter-*
 17 *state Route 86 designated under subsection (a) shall*
 18 *not be charged against the limitation established by*
 19 *section 103(c)(2) of title 23, United States Code.*

20 (2) *FEDERAL FINANCIAL RESPONSIBILITY.*—

21 (A) *IN GENERAL.*—*Subject to subparagraph*
 22 *(B), the designation of Interstate Route 86 under*
 23 *subsection (a) shall not create increased Federal*
 24 *financial responsibility with respect to the des-*
 25 *ignated Route.*

(B) *USE OF CERTAIN FUNDS.*—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated Route.

SEC. 1802. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking “Corridor from Kansas” and inserting the following: “Corridor—

“(A) from Kansas”;

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana.”; and

1 (2) in subsection (e)(5)(A), by inserting “in sub-
2 section (c)(1)(B),” after “routes referred to”.

3 **SEC. 1803. SENSE OF SENATE CONCERNING THE OPER-**
4 **ATION OF LONGER COMBINATION VEHICLES.**

5 (a) *FINDINGS.*—Congress finds that—

6 (1) section 127(d) of title 23, United States Code,
7 contains a prohibition that took effect on June 1,
8 1991, concerning the operation of certain longer com-
9 bination vehicles, including certain double-trailer and
10 triple-trailer trucks;

11 (2) reports on the results of recent studies con-
12 ducted by the Federal Government describe, with re-
13 spect to longer combination vehicles—

14 (A) problems with the adequacy of rearward
15 amplification braking;

16 (B) the difficulty in making lane changes;
17 and

18 (C) speed differentials that occur while
19 climbing or accelerating; and

20 (3) surveys of individuals in the United States
21 demonstrate that an overwhelming majority of resi-
22 dents of the United States oppose the expanded use of
23 longer combination vehicles.

24 (b) *LONGER COMBINATION VEHICLE DEFINED.*—In
25 this section, the term “longer combination vehicle” has the

1 *meaning given that term in section 127(d)(4) of title 23,*
 2 *United States Code.*

3 *(c) SENSE OF THE SENATE.—It is the sense of the Sen-*
 4 *ate that the prohibitions and restrictions under section*
 5 *127(d) of title 23, United States Code, as in effect on the*
 6 *date of enactment of this Act, should not be amended so*
 7 *as to result in any less restrictive prohibition or restriction.*

8 **SEC. 1804. INTERNATIONAL BRIDGE, SAULT STE. MARIE,**
 9 **MICHIGAN.**

10 *The International Bridge Authority, or its successor*
 11 *organization, shall be permitted to continue collecting tolls*
 12 *for maintenance of, operation of, capital improvements to,*
 13 *and future expansions to the International Bridge, Sault*
 14 *Ste. Marie, Michigan, and its approaches, plaza areas, and*
 15 *associated structures.*

16 **SEC. 1805. AMENDMENT TO NATIONAL TRAILS SYSTEM ACT.**

17 *Section 8(d) of the National Trails System Act (43*
 18 *U.S.C. 1247(d)) is amended—*

19 *(1) by striking “The” and inserting in lieu*
 20 *thereof “(1) The”;*

21 *(2) by adding at the end thereof the following*
 22 *new paragraphs:*

23 *“(2) Consistent with the terms and conditions*
 24 *imposed under paragraph (1), the Surface Transpor-*

1 *tation Board shall approve a proposal for interim*
 2 *trail use of a railroad right-of-way unless—*

3 *“(A) at least half of the units of local gov-*
 4 *ernment located within the rail corridor for*
 5 *which the interim trail use is proposed pass a*
 6 *resolution opposing the proposed trail use; and*

7 *“(B) the resolution is transmitted to the*
 8 *Surface Transportation Board within the appli-*
 9 *cable time requirements for rail line abandon-*
 10 *ment proceedings.*

11 *“(3) The limitation in paragraph (2) shall not*
 12 *apply if a State has assumed responsibility for the*
 13 *management of such right-of-way.”.*

14 **SEC. 1806. AMENDMENTS TO TITLE 23.**

15 *(a) Section 144 of title 23, United States Code, is*
 16 *amended—*

17 *(1) in each of subsections (d) and (g)(3) by in-*
 18 *serting after “magnesium acetate” the following: “or*
 19 *agriculturally derived, environmentally acceptable,*
 20 *minimally corrosive anti-icing and de-icing composi-*
 21 *tions”; and*

22 *(2) in subsection (d) by inserting “or such anti-*
 23 *icing or de-icing composition” after “such acetate”.*

24 *(b) Section 133(b)(1) of title 23, United States Code,*
 25 *is amended by inserting after “magnesium acetate” the fol-*

1 *lowing: “or agriculturally derived, environmentally accept-*
 2 *able, minimally corrosive anti-icing and de-icing composi-*
 3 *tions”.*

4 **SEC. 1807. LIMITATIONS.**

5 (a) *PROHIBITION ON LOBBYING ACTIVITIES.*—No
 6 *funds authorized in this title shall be available for any ac-*
 7 *tivity to build support for or against, or to influence the*
 8 *formulation, or adoption of State or local legislation, unless*
 9 *such activity is consistent with previously-existing Federal*
 10 *mandates or incentive programs.*

11 (b) *TESTIFYING.*—Nothing in this section shall pro-
 12 *hibit officers or employees of the United States or its depart-*
 13 *ments or agencies from testifying before any State or local*
 14 *legislative body upon the invitation of such legislative body.*

15 **SEC. 1808. ADDITIONAL QUALIFIED EXPENSES AVAILABLE**
 16 **TO NONAMTRAK STATES.**

17 (a) *IN GENERAL.*—Section 977(e)(1)(B) of the *Tax-*
 18 *payer Relief Act of 1997 (defining qualified expenses) is*
 19 *amended—*

20 (1) *by striking “and” at the end of clause (iii)*
 21 *and all that follows through “clauses (i) and (iv).”,*
 22 *and*

23 (2) *by adding after clause (iii) the following:*

24 *“(iv) capital expenditures related to*
 25 *State-owned rail operations in the State,*

1 “(v) any project that is eligible to re-
2 ceive funding under section 5309, 5310, or
3 5311 of title 49, United States Code,

4 “(vi) any project that is eligible to re-
5 ceive funding under section 130 or 152 of
6 title 23, United States Code,

7 “(vii) the upgrading and maintenance
8 of intercity primary and rural air service
9 facilities, and the purchase of intercity air
10 service between primary and rural airports
11 and regional hubs,

12 “(viii) the provision of passenger ferry-
13 boat service within the State, and

14 “(ix) the payment of interest and prin-
15 cipal on obligations incurred for such ac-
16 quisition, upgrading, maintenance, pur-
17 chase, expenditures, provision, and
18 projects.”

19 (b) *EFFECTIVE DATE.*—The amendments made by this
20 section shall take effect as if included in the enactment of
21 section 977 of the Taxpayer Relief Act of 1997.

1 **SEC. 1809. CONTINUANCE OF COMMERCIAL OPERATIONS AT**
 2 **CERTAIN SERVICE PLAZAS IN THE STATE OF**
 3 **MARYLAND.**

4 (a) *WAIVER.*—Notwithstanding section 111 of title 23,
 5 *United States Code*, and the agreements described in sub-
 6 *section (b)*, at the request of the *Maryland Transportation*
 7 *Authority*, the Secretary shall allow the continuance of com-
 8 *mercial operations at the service plazas on the John F. Ken-*
 9 *edy Memorial Highway on Interstate Route 95.*

10 (b) *AGREEMENTS.*—The agreements referred to in sub-
 11 *section (a)* are agreements between the *Department of*
 12 *Transportation of the State of Maryland and the Federal*
 13 *Highway Administration concerning the highway described*
 14 *in subsection (a).*

15 **SEC. 1810. PENNSYLVANIA STATION REDEVELOPMENT COR-**
 16 **PORATION BOARD OF DIRECTORS.**

17 *Section 1069(gg) of the Intermodal Surface Transpor-*
 18 *tation Efficiency Act of 1991 (105 Stat. 2011) is amended*
 19 *by adding at the end the following: “(3) In furtherance of*
 20 *the redevelopment of the James A. Farley Post Office Build-*
 21 *ing in the city of New York, New York, into an intermodal*
 22 *transportation facility and commercial center, the Sec-*
 23 *retary of Transportation, the Federal Railroad Adminis-*
 24 *trator, and their designees are authorized to serve as ex offi-*
 25 *cio members of the Board of Directors of the Pennsylvania*
 26 *Station Redevelopment Corporation.*

1 **SEC. 1811. UNION STATION REDEVELOPMENT CORPORA-**
 2 **TION BOARD OF DIRECTORS.**

3 *Subchapter I of chapter 18 of title 40 of the United*
 4 *States Code is amended by adding a new section at the end*
 5 *thereof as follows:*

6 **“§ 820. Union Station Redevelopment Corporation**

7 *“To further the rehabilitation, redevelopment and op-*
 8 *eration of the Union Station complex, the Secretary of*
 9 *Transportation, the Federal Railroad Administrator, and*
 10 *their designees are authorized to serve as ex officio members*
 11 *of the Board of Directors of the Union Station Redevelop-*
 12 *ment Corporation.”.*

13 **SEC. 1812. ADDITIONS TO APPALACHIAN REGION.**

14 *Section 403 of the Appalachian Regional Development*
 15 *Act of 1965 (40 U.S.C. App.) is amended—*

16 *(1) in the undesignated paragraph relating to*
 17 *Alabama, by inserting “Hale,” after “Franklin,”;*

18 *(2) in the undesignated paragraph relating to*
 19 *Georgia—*

20 *(A) by inserting “Elbert,” after “Douglas,”;*

21 *and*

22 *(B) by inserting “Hart,” after “Haralson,”;*

23 *(3) in the undesignated paragraph relating to*
 24 *Mississippi, by striking “and Winston” and inserting*
 25 *“Winston, and Yalobusha”; and*

1 (4) *in the undesignated paragraph relating to*
 2 *Virginia—*

3 (A) *by inserting “Montgomery,” after*
 4 *“Lee,”; and*

5 (B) *by inserting “Rockbridge,” after “Pu-*
 6 *laski,”.*

7 **SEC. 1813. SOUTHWEST BORDER TRANSPORTATION INFRA-**
 8 **STRUCTURE ASSESSMENT.**

9 (a) *IN GENERAL.—The Secretary shall conduct a com-*
 10 *prehensive assessment of the state of the transportation in-*
 11 *frastructure on the southwest border between the United*
 12 *States and Mexico (referred to in this section as the “bor-*
 13 *der”).*

14 (b) *CONSULTATION.—In carrying out subsection (a),*
 15 *the Secretary shall consult with—*

16 (1) *the Secretary of State;*

17 (2) *the Attorney General;*

18 (3) *the Secretary of the Treasury;*

19 (4) *the Commandant of the Coast Guard;*

20 (5) *the Administrator of General Services;*

21 (6) *the American Commissioner on the Inter-*
 22 *national Boundary Commission, United States and*
 23 *Mexico;*

24 (7) *State agencies responsible for transportation*
 25 *and law enforcement in border States; and*

1 (8) *municipal governments and transportation*
2 *authorities in sister cities in the border area.*

3 (c) *REQUIREMENTS.—In carrying out the assessment,*
4 *the Secretary shall—*

5 (1) *assess—*

6 (A) *the flow of commercial and private traf-*
7 *fic through designated ports of entry on the bor-*
8 *der;*

9 (B) *the adequacy of transportation infra-*
10 *structure in the border area, including highways,*
11 *bridges, railway lines, and border inspection fa-*
12 *cilities;*

13 (C) *the adequacy of law enforcement and*
14 *narcotics abatement activities in the border area,*
15 *as the activities relate to commercial and private*
16 *traffic; and*

17 (D) *future demands on transportation in-*
18 *frastructure in the border area; and*

19 (2) *make recommendations to facilitate legiti-*
20 *mate cross-border traffic in the border area, while*
21 *maintaining the integrity of the border.*

22 (d) *REPORT.—Not later than 1 year after the date of*
23 *enactment of this Act, the Secretary shall submit to Con-*
24 *gress a report on the assessment conducted under this sec-*

tion, including any related legislative and administrative recommendations.

SEC. 1814. MODIFICATION OF HIGH PRIORITY CORRIDOR.

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking “(18) Corridor from Indianapolis,” and inserting the following:

“(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,”; and

(2) by adding at the end the following:

“(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

“(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.”.

SEC. 1815. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTER-STATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United

1 *States Code, the segments described in paragraph (2)*
2 *are designated as routes on the Interstate System.*

3 (2) *SEGMENTS.—The segments referred to in*
4 *paragraph (1) are—*

5 (A) *the portion of Corridor V of the Appa-*
6 *lachian development highway system from Inter-*
7 *state Route 55 near Batesville, Mississippi, to*
8 *the intersection with Corridor X of the Appa-*
9 *lachian development highway system near Ful-*
10 *ton, Mississippi; and*

11 (B) *the portion of Corridor X of the Appa-*
12 *lachian development highway system from near*
13 *Fulton, Mississippi, to the intersection with*
14 *Interstate Route 65 near Birmingham, Alabama.*

15 (b) *SUBSTANDARD FEATURES.—*

16 (1) *UPGRADING.—Each portion of the segments*
17 *described in subsection (a)(2) that does not substan-*
18 *tially meet the Interstate System design standards*
19 *under section 109(b) of title 23, United States Code,*
20 *in effect on the date of enactment of this Act shall be*
21 *upgraded in accordance with plans and schedules de-*
22 *veloped by the applicable State.*

23 (2) *DESIGNATION.—Each portion of the segments*
24 *described in subsection (a)(2) that on the date of en-*
25 *actment of this Act does not meet the Interstate Sys-*

tem design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) *TREATMENT OF ROUTES.*—

(1) *MILEAGE LIMITATION.*—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) *FEDERAL FINANCIAL RESPONSIBILITY.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

1 (B) *USE OF CERTAIN FUNDS.*—A State may
 2 use funds available to the State under para-
 3 graphs (1)(C) and (3) of section 104(b) of title
 4 23, United States Code, to eliminate substandard
 5 features of, and to resurface, restore, rehabilitate,
 6 or reconstruct, any portion of the designated seg-
 7 ments.

8 (3) *ELIGIBILITY FOR OTHER FUNDING.*—(A)
 9 This section shall not affect the amount of funding
 10 that a State shall be entitled to receive under any
 11 other section of this Act or under any other law.

12 (B) *EFFECT OF PROVISION.*—Nothing in this sec-
 13 tion shall result in an increase in a State’s estimated
 14 cost to complete the Appalachian development high-
 15 way system or in the amount of assistance that the
 16 State shall be entitled to receive from the Appalachian
 17 Development Highway System under this Act or any
 18 other Act.

19 **SEC. 1816. REAUTHORIZATION OF FERRY AND FERRY TER-**
 20 **MINAL PROGRAM.**

21 (a) Section 1064(c) of the Intermodal Surface Trans-
 22 portation Efficiency Act of 1991 (23 U.S.C. 129 note) is
 23 amended by striking “\$14,000,000” and all that follows
 24 through “this section” and inserting in lieu thereof
 25 “\$30,000,000 for fiscal year 1998, \$25,000,000 for fiscal

1 year 1999, \$25,000,000 for fiscal year 2000, \$30,000,000
 2 for fiscal year 2001, \$35,000,000 for fiscal year 2002, and
 3 \$35,000,000 for fiscal year 2003 in carrying out this sec-
 4 tion, at least \$12,000,000 of which in each such fiscal year
 5 shall be obligated for the construction of ferry boats, termi-
 6 nal facilities and approaches to such facilities within ma-
 7 rine highway systems that are part of the National High-
 8 way System”.

9 (b) In addition to the obligation authority provided
 10 in subsection (a), there are authorized to be appropriated
 11 \$20,000,000 in each of fiscal years 1999, 2000, 2001, 2002,
 12 and 2003 for the ferry boat and ferry terminal facility pro-
 13 gram under section 1064 of the Intermodal Surface Trans-
 14 portation Efficiency Act of 1991 (23 U.S.C. 129 note).

15 **SEC. 1817. REPORT ON UTILIZATION POTENTIAL.**

16 (a) *STUDY.*—The Secretary of Transportation shall
 17 conduct a study of ferry transportation in the United States
 18 and its possessions—

19 (1) to identify existing ferry operations, includ-
 20 ing—

21 (A) the locations and routes served;

22 (B) the name, United States official num-
 23 ber, and a description of each vessel operated as
 24 a ferry;

1 (C) the source and amount, if any, of funds
2 derived from Federal, State, or local government
3 sources supporting ferry construction or oper-
4 ations;

5 (D) the impact of ferry transportation on
6 local and regional economies; and

7 (E) the potential for use of high-speed ferry
8 services.

9 (2) identify potential domestic ferry routes in the
10 United States and its possessions and to develop in-
11 formation on those routes, including—

12 (A) locations and routes that might be
13 served;

14 (B) estimates of capacity required;

15 (C) estimates of capital costs of developing
16 these routes;

17 (D) estimates of annual operating costs for
18 these routes;

19 (E) estimates of the economic impact of
20 these routes on local and regional economies; and

21 (F) the potential for use of high-speed ferry
22 services.

23 (b) *REPORT.*—The Secretary shall report the results of
24 the study under subsection (a) within one year after the
25 date of enactment of this Act to the Committee on Com-

1 *merce, Science, and Transportation of the United States*
 2 *Senate and the Committee on Transportation and Infra-*
 3 *structure of the United States House of Representatives.*

4 *(c) FINDINGS.—After reporting the results of the study*
 5 *required by paragraph (b), the Secretary of Transportation*
 6 *shall meet with the relevant State and municipal planning*
 7 *organizations to discuss the results of the study and the*
 8 *availability of resources, both Federal and State, for provid-*
 9 *ing marine ferry service.*

10 ***TITLE II—RESEARCH AND***
 11 ***TECHNOLOGY***
 12 ***Subtitle A—Research and Training***

13 ***SEC. 2001. STRATEGIC RESEARCH PLAN.***

14 *Subtitle III of title 49, United States Code, is amend-*
 15 *ed—*

16 *(1) in the table of chapters, by inserting after the*
 17 *item relating to chapter 51 the following:*

“52. RESEARCH AND DEVELOPMENT 5201”;

18 *and*

19 *(2) by inserting after chapter 51 the following:*

20 ***“CHAPTER 52—RESEARCH AND***
 21 ***DEVELOPMENT***

“Sec.

“5201. Definitions.

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

“5211. Transactional authority.

“SUBCHAPTER II—STRATEGIC PLANNING

“5221. *Strategic planning.*

“5222. *Authorization of contract authority.*

“SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH
AND DEVELOPMENT PROGRAM

“5231. *Multimodal Transportation Research and Development Program.*

“5232. *Authorization of contract authority.*

“SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION
CENTERS

“5241. *National university transportation centers.*

1 **“§ 5201. Definitions**

2 *“In this chapter:*

3 *“(1) DEPARTMENT.—The term ‘Department’*
4 *means the Department of Transportation.*

5 *“(2) SECRETARY.—The term ‘Secretary’ means*
6 *the Secretary of Transportation.*

7 “SUBCHAPTER I—GENERAL AND
8 ADMINISTRATIVE PROVISIONS

9 **“§ 5211. Transactional authority**

10 *“To further the objectives of this chapter, the Secretary*
11 *may make grants to, and enter into contracts, cooperative*
12 *agreements, and other transactions with—*

13 *“(1) any person or any agency or instrumental-*
14 *ity of the United States;*

15 *“(2) any unit of State or local government;*

16 *“(3) any educational institution;*

17 *“(4) any Federal laboratory; and*

18 *“(5) any other entity.*

1 “SUBCHAPTER II—STRATEGIC PLANNING

2 **“§ 5221. Strategic planning**

3 “(a) *AUTHORITY.*—*The Secretary shall establish a*
4 *strategic planning process to—*

5 “(1) *determine national transportation research,*
6 *development, and technology deployment priorities,*
7 *strategies, and milestones over the next 5 years;*

8 “(2) *coordinate Federal transportation research,*
9 *development, and technology deployment activities;*
10 *and*

11 “(3) *measure the impact of the research, develop-*
12 *ment, and technology investments described in para-*
13 *graph (2) on the performance of the transportation*
14 *system of the United States.*

15 “(b) *CRITERIA.*—*In developing strategic plans for*
16 *intermodal, multimodal, and mode-specific research, devel-*
17 *opment, and technology deployment, the Secretary shall*
18 *consider the need to—*

19 “(1) *coordinate and integrate Federal, regional,*
20 *State, and metropolitan planning research, develop-*
21 *ment, and technology activities in urban and rural*
22 *areas;*

23 “(2) *promote standards that facilitate a seamless*
24 *and interoperable transportation system;*

25 “(3) *encourage innovation;*

1 “(4) identify and facilitate initiatives and part-
2 nerships to deploy technology with the potential for
3 improving transportation systems during the next 5-
4 year and 10-year periods;

5 “(5) identify core research to support the long-
6 term transportation technology and system needs of
7 urban and rural areas of the United States, including
8 safety;

9 “(6) ensure the ability of the United States to
10 compete on a global basis; and

11 “(7) provide a means of assessing the impact of
12 Federal research and technology investments on the
13 performance of the transportation system of the
14 United States.

15 “(c) IMPLEMENTATION.—

16 “(1) IN GENERAL.—In carrying out subsection
17 (a), the Secretary shall adopt such policies and proce-
18 dures as are appropriate—

19 “(A) to provide for integrated planning, co-
20 ordination, and consultation among the Admin-
21 istrators of the operating administrations of the
22 Department and other Federal officials with re-
23 sponsibility for research, development, and tech-
24 nology transfer important to national transpor-
25 tation needs;

1 “(B) to promote the exchange of informa-
2 tion on transportation-related research and de-
3 velopment activities among the operating ele-
4 ments of the Department, other Federal depart-
5 ments and agencies, Federal laboratories, State
6 and local governments, colleges and universities,
7 industry, and other private and public sector or-
8 ganizations engaged in the activities;

9 “(C) to ensure that the research and devel-
10 opment programs of the Department do not du-
11 plicate other Federal and, to the maximum ex-
12 tent practicable, private sector research and de-
13 velopment programs; and

14 “(D) to ensure that the research and devel-
15 opment activities of the Department—

16 “(i) make appropriate use of the tal-
17 ents, skills, and abilities at the Federal lab-
18 oratories; and

19 “(ii) leverage, to the maximum extent
20 practicable, the research, development, and
21 technology transfer capabilities of institu-
22 tions of higher education and private indus-
23 try.

24 “(2) CONSULTATION.—The procedures and poli-
25 cies adopted under paragraph (1) shall include con-

1 *sultation with State officials and members of the pri-*
2 *vate sector.*

3 “(d) *REPORTS.*—

4 “(1) *IN GENERAL.*—*Concurrent with the submis-*
5 *sion to Congress of the budget of the President for*
6 *each fiscal year, the Secretary shall submit to the*
7 *Committee on Environment and Public Works of the*
8 *Senate and the Committee on Transportation and In-*
9 *frastructure of the House of Representatives a report*
10 *on the strategic plans, goals, and milestones developed*
11 *under subsections (a) and (b) to help guide research,*
12 *development, and technology transfer activities during*
13 *the 5-year period beginning on the date of the report.*

14 “(2) *COMPARISON TO PREVIOUS REPORT.*—*The*
15 *report shall include a delineation of the progress*
16 *made with respect to each of the plans, goals, and*
17 *milestones specified in the previous report.*

18 “(3) *PROHIBITION ON OBLIGATION FOR FAILURE*
19 *TO SUBMIT REPORT.*—*Beginning on the date of the*
20 *submission to Congress of the budget of the President*
21 *for fiscal year 2000, and on the date of the submis-*
22 *sion for each fiscal year thereafter, none of the funds*
23 *made available under this chapter or chapter 5 of*
24 *title 23 may be obligated until the report required*
25 *under paragraph (1) for that fiscal year is submitted.*

1 **“§ 5222. Authorization of contract authority**

2 “(a) *IN GENERAL.*—*There shall be available from the*
 3 *Highway Trust Fund (other than the Mass Transit Ac-*
 4 *count) to carry out this subchapter \$1,500,000 for each of*
 5 *fiscal years 1998 through 2003.*

6 “(b) *CONTRACT AUTHORITY.*—*Funds authorized under*
 7 *this section shall be available for obligation in the same*
 8 *manner as if the funds were apportioned under chapter 1*
 9 *of title 23, except that—*

10 “(1) *any Federal share of the cost of an activity*
 11 *under this subchapter shall be determined in accord-*
 12 *ance with this subchapter; and*

13 “(2) *the funds shall remain available for obliga-*
 14 *tion for a period of 2 years after the last day of the*
 15 *fiscal year for which the funds are authorized.*

16 “(c) *USE OF UNALLOCATED FUNDS.*—*To the extent*
 17 *that the amounts made available for any fiscal year under*
 18 *subsection (a) exceed the amounts used to carry out section*
 19 *5221 for the fiscal year, the excess amounts—*

20 “(1) *shall be apportioned in accordance with sec-*
 21 *tion 104(b)(3) of title 23;*

22 “(2) *shall be considered to be sums made avail-*
 23 *able for expenditure on the surface transportation*
 24 *program, except that the amounts shall not be subject*
 25 *to section 133(d) of that title; and*

1 “(3) shall be available for any purpose eligible
2 for funding under section 133 of that title.”.

3 **SEC. 2002. MULTIMODAL TRANSPORTATION RESEARCH AND**
4 **DEVELOPMENT PROGRAM.**

5 Chapter 52 of title 49, United States Code (as added
6 by section 2001), is amended by adding at the end the fol-
7 lowing:

8 “SUBCHAPTER III—MULTIMODAL TRANSPOR-
9 TATION RESEARCH AND DEVELOPMENT PRO-
10 GRAM

11 “§ 5231. *Multimodal Transportation Research and De-*
12 *velopment Program*

13 “(a) *ESTABLISHMENT.*—The Secretary shall establish
14 a program to be known as the ‘Multimodal Transportation
15 Research and Development Program’.

16 “(b) *PURPOSES.*—The purposes of the Multimodal
17 Transportation Research and Development Program are
18 to—

19 “(1) enhance the capabilities of Federal agencies
20 to meet national transportation needs, as defined by
21 the missions of the agencies, through support for long-
22 term and applied research and development that
23 would benefit the various modes of transportation, in-
24 cluding research and development in safety, security,

1 *mobility, energy and the environment, information*
2 *and physical infrastructure, and industrial design;*

3 *“(2) identify and apply innovative research per-*
4 *formed by the Federal Government, Federal labora-*
5 *tories, academia, and the private sector to the inter-*
6 *modal and multimodal transportation research, devel-*
7 *opment, and deployment needs of the Department and*
8 *the transportation enterprise of the United States;*

9 *“(3) identify and leverage research, technologies,*
10 *and other information developed by the Federal Gov-*
11 *ernment for national defense and nondefense purposes*
12 *for the benefit of the public, commercial, and defense*
13 *transportation sectors; and*

14 *“(4) share information and analytical and re-*
15 *search capabilities among the Federal Government,*
16 *State and local governments, colleges and universities,*
17 *and private organizations to advance their ability to*
18 *meet their transportation research, development, and*
19 *deployment needs.*

20 *“(c) PROCESS FOR CONSULTATION.—To advise the*
21 *Secretary in establishing priorities within the Program, the*
22 *Secretary shall establish a process for consultation among*
23 *the Administrators of the operating administrations of the*
24 *Department and other Federal officials with responsibility*
25 *for research.*

1 **“§ 5232. Authorization of contract authority**

2 “(a) *IN GENERAL.*—There shall be available from the
3 *Highway Trust Fund* (other than the *Mass Transit Ac-*
4 *count*) to carry out this subchapter \$2,500,000 for each of
5 *fiscal years 1998 through 2003.*

6 “(b) *CONTRACT AUTHORITY.*—Funds authorized under
7 this section shall be available for obligation in the same
8 manner as if the funds were apportioned under chapter 1
9 of title 23, except that—

10 “(1) any Federal share of the cost of an activity
11 under this subchapter shall be determined in accord-
12 ance with this subchapter; and

13 “(2) the funds shall remain available for obliga-
14 tion for a period of 2 years after the last day of the
15 fiscal year for which the funds are authorized.”.

16 **SEC. 2003. NATIONAL UNIVERSITY TRANSPORTATION CEN-**
17 **TERS.**

18 (a) *IN GENERAL.*—Chapter 52 of title 49, *United*
19 *States Code* (as amended by section 2002), is amended by
20 adding at the end the following:

21 “SUBCHAPTER IV—NATIONAL UNIVERSITY
22 TRANSPORTATION CENTERS

23 **“§ 5241. National university transportation centers**

24 “(a) *IN GENERAL.*—The Secretary shall make grants
25 to, or enter into contracts with, the nonprofit institutions

1 *of higher learning selected under section 5317 (as in effect*
 2 *on the day before the date of enactment of this section)—*

3 “(1) *to operate 1 university transportation cen-*
 4 *ter in each of the 10 Federal administrative regions*
 5 *that comprise the Standard Federal Regional Bound-*
 6 *ary System; and*

7 “(2) *to continue operation of university trans-*
 8 *portation centers at the Mack-Blackwell National*
 9 *Rural Transportation Study Center, the National*
 10 *Center for Transportation and Industrial Productiv-*
 11 *ity, the Institute for Surface Transportation Policy*
 12 *Studies, the Urban Transit Institute at the Univer-*
 13 *sity of South Florida, the National Center for Ad-*
 14 *vanced Transportation Technology, and the Univer-*
 15 *sity of Alabama Transportation Research Center.*

16 “(b) *ADDITIONAL CENTERS.—*

17 “(1) *IN GENERAL.—The Secretary may make*
 18 *grants to nonprofit institutions of higher learning to*
 19 *establish and operate not more than 4 additional uni-*
 20 *versity transportation centers to address—*

21 “(A) *transportation management, research,*
 22 *and development, with special attention to in-*
 23 *creasing the number of highly skilled minority*
 24 *individuals and women entering the transpor-*
 25 *tation workforce;*

1 “(B) *transportation and industrial produc-*
2 *tivity;*

3 “(C) *rural transportation;*

4 “(D) *advanced transportation technology;*

5 “(E) *international transportation policy*
6 *studies;*

7 “(F) *transportation infrastructure tech-*
8 *nology;*

9 “(G) *urban transportation research;*

10 “(H) *transportation and the environment;*

11 “(I) *surface transportation safety; or*

12 “(J) *infrastructure finance studies.*

13 “(2) *SELECTION CRITERIA.—*

14 “(A) *APPLICATION.—A nonprofit institu-*
15 *tion of higher learning that desires to receive a*
16 *grant under paragraph (1) shall submit an ap-*
17 *plication to the Secretary in such manner and*
18 *containing such information as the Secretary*
19 *may require.*

20 “(B) *SELECTION OF RECIPIENTS.—The Sec-*
21 *retary shall select each grant recipient under*
22 *paragraph (1) on the basis of—*

23 “(i) *the demonstrated research and ex-*
24 *tension resources available to the recipient*
25 *to carry out this section;*

1 “(ii) *the capability of the recipient to*
2 *provide leadership in making national and*
3 *regional contributions to the solution of im-*
4 *mediate and long-term transportation prob-*
5 *lems;*

6 “(iii) *the establishment by the recipi-*
7 *ent of a surface transportation program*
8 *that encompasses several modes of transpor-*
9 *tation;*

10 “(iv) *the demonstrated ability of the*
11 *recipient to disseminate results of transpor-*
12 *tation research and education programs*
13 *through a statewide or regionwide continu-*
14 *ing education program;*

15 “(v) *the strategic plan that the recipi-*
16 *ent proposes to carry out using the grant*
17 *funds; and*

18 “(vi) *the extent to which private funds*
19 *have been committed to a university and*
20 *public-private partnerships established to*
21 *fulfill the objectives specified in paragraph*
22 *(1).*

23 “(c) *OBJECTIVES.—Each university transportation*
24 *center shall use grant funds under subsection (a) or (b) to*
25 *carry out—*

1 “(1) *multimodal basic and applied research, the*
 2 *products of which are judged by peers or other experts*
 3 *in the field to advance the body of knowledge in*
 4 *transportation;*

5 “(2) *an education program that includes multi-*
 6 *disciplinary course work and participation in re-*
 7 *search; and*

8 “(3) *an ongoing program of technology transfer*
 9 *that makes research results available to potential*
 10 *users in a form that can be readily implemented,*
 11 *used, or otherwise applied.*

12 “(d) *MAINTENANCE OF EFFORT.—Before making a*
 13 *grant under subsection (a) or (b), the Secretary shall re-*
 14 *quire the grant recipient to enter into an agreement with*
 15 *the Secretary to ensure that the recipient will maintain,*
 16 *during the period of the grant, a level of total expenditures*
 17 *from all other sources for establishing and operating a uni-*
 18 *versity transportation center and carrying out related re-*
 19 *search activities that is at least equal to the average level*
 20 *of those expenditures in the 2 fiscal years of the recipient*
 21 *prior to the award of a grant under subsection (a) or (b).*

22 “(e) *ADDITIONAL GRANTS AND CONTRACTS.—*

23 “(1) *GRANTS OR CONTRACTS.—In addition to*
 24 *grants under subsection (a) or (b), the Secretary may*
 25 *make grants to, or enter into contracts with, univer-*

1 *sity transportation centers without the need for a*
 2 *competitive process.*

3 “(2) *USE OF GRANTS OR CONTRACTS.*—*A non-*
 4 *competitive grant or contract under paragraph (1)*
 5 *shall be used for transportation research, development,*
 6 *education, or training consistent with the strategic*
 7 *plan approved as part of the selection process for the*
 8 *center.*

9 “(f) *FEDERAL SHARE.*—*The Federal share of the cost*
 10 *of establishing and operating a university transportation*
 11 *center and carrying out related research activities under*
 12 *this section shall be not more than 50 percent.*

13 “(g) *PROGRAM COORDINATION.*—

14 “(1) *IN GENERAL.*—*The Secretary shall—*

15 “(A) *coordinate research, education, train-*
 16 *ing, and technology transfer activities carried*
 17 *out by grant recipients under this section;*

18 “(B) *disseminate the results of the research;*
 19 *and*

20 “(C) *establish and operate a clearinghouse*
 21 *for disseminating the results of the research.*

22 “(2) *REVIEW AND EVALUATION.*—

23 “(A) *IN GENERAL.*—*Not less often than an-*
 24 *nually, the Secretary shall review and evaluate*

1 *programs carried out by grant recipients under*
 2 *this section.*

3 “(B) *NOTIFICATION OF DEFICIENCIES.*—*In*
 4 *carrying out subparagraph (A), if the Secretary*
 5 *determines that a university transportation cen-*
 6 *ter is deficient in meeting the objectives of this*
 7 *section, the Secretary shall notify the grant re-*
 8 *cipient operating the center of each deficiency*
 9 *and provide specific recommendations of meas-*
 10 *ures that should be taken to address the defi-*
 11 *ciency.*

12 “(C) *DISQUALIFICATION.*—*If, after the end*
 13 *of the 180-day period that begins on the date of*
 14 *notification to a grant recipient under subpara-*
 15 *graph (B) with respect to a center, the Secretary*
 16 *determines that the recipient has not corrected*
 17 *each deficiency identified under subparagraph*
 18 *(B), the Secretary may, after notifying the Com-*
 19 *mittee on Environment and Public Works of the*
 20 *Senate and the Committee on Transportation*
 21 *and Infrastructure of the House of Representa-*
 22 *tives of the determination—*

23 “(i) *disqualify the university transpor-*
 24 *tation center from further participation*
 25 *under this section; and*

1 “(ii) make a grant for the establish-
 2 ment of a new university transportation
 3 center, in lieu of the disqualified center,
 4 under subsection (a) or (b), as applicable.

5 “(3) *FUNDING.*—The Secretary may use not
 6 more than 1 percent of Federal funds made available
 7 under this section to carry out this subsection.

8 “(h) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

9 “(1) *IN GENERAL.*—There shall be available from
 10 the Highway Trust Fund (other than the Mass Tran-
 11 sit Account) to carry out this section \$12,000,000 for
 12 each of fiscal years 1998 through 2003.

13 “(2) *CONTRACT AUTHORITY.*—Funds authorized
 14 under this subsection shall be made available for obli-
 15 gation in the same manner as if the funds were ap-
 16 portioned under chapter 1 of title 23, except that the
 17 Federal share of the cost of a project under this sec-
 18 tion shall be determined in accordance with this sec-
 19 tion.

20 “(3) *TECHNOLOGY TRANSFER ACTIVITIES.*—For
 21 each fiscal year, not less than 5 percent of the
 22 amounts made available to carry out this section
 23 shall be available to carry out technology transfer ac-
 24 tivities.

1 “(i) *LIMITATION ON AVAILABILITY OF FUNDS.—Funds*
 2 *authorized under this section shall remain available for ob-*
 3 *ligation for a period of 2 years after the last day of the*
 4 *fiscal year for which the funds are authorized.*”.

5 (b) *CONFORMING AMENDMENTS.—*

6 (1) *Sections 5316 and 5317 of title 49, United*
 7 *States Code, are repealed.*

8 (2) *The analysis for chapter 53 of title 49,*
 9 *United States Code, is amended by striking the items*
 10 *relating to sections 5316 and 5317.*

11 **SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.**

12 (a) *IN GENERAL.—Section 111 of title 49, United*
 13 *States Code, is amended—*

14 (1) *in subsection (b)(4), by striking the second*
 15 *sentence;*

16 (2) *in subsection (c)—*

17 (A) *in paragraph (1)—*

18 (i) *in subparagraph (J), by striking*
 19 *“and” at the end;*

20 (ii) *in subparagraph (K), by striking*
 21 *the period at the end and inserting “; and”;*
 22 *and*

23 (iii) *by adding at the end the follow-*
 24 *ing:*

1 “(L) transportation-related variables that
2 influence global competitiveness.”;

3 (B) in paragraph (2)—

4 (i) in the first sentence, by striking
5 “national transportation system” and in-
6 serting “transportation systems of the
7 United States”;

8 (ii) by striking subparagraph (A) and
9 inserting the following:

10 “(A) be coordinated with efforts to measure
11 outputs and outcomes of the Department of
12 Transportation and the transportation systems
13 of the United States under the Government Per-
14 formance and Results Act of 1993 (Public Law
15 103–62) and the amendments made by that
16 Act;”;

17 (iii) in subparagraph (C), by inserting
18 “, made relevant to the States and metro-
19 politan planning organizations,” after “ac-
20 curacy”;

21 (C) in paragraph (3), by adding at the end
22 the following: “The Bureau shall review and re-
23 port to the Secretary of Transportation on the
24 sources and reliability of the statistics proposed
25 by the heads of the operating administrations of

the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.”; and

(D) by adding at the end the following:

“(7) *SUPPORTING TRANSPORTATION DECISION-MAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.*”;

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

“(d) *TRANSPORTATION DATA BASE.—*

“(1) *IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the*

1 *Department of Transportation, the Director shall es-*
 2 *tablish and maintain a transportation data base for*
 3 *all modes of transportation.*

4 “(2) *USE.*—*The data base shall be suitable for*
 5 *analyses carried out by the Federal Government, the*
 6 *States, and metropolitan planning organizations.*

7 “(3) *CONTENTS.*—*The data base shall include—*

8 “(A) *information on the volumes and pat-*
 9 *terns of movement of goods, including local,*
 10 *interregional, and international movement, by*
 11 *all modes of transportation and intermodal com-*
 12 *binations, and by relevant classification;*

13 “(B) *information on the volumes and pat-*
 14 *terns of movement of people, including local,*
 15 *interregional, and international movements, by*
 16 *all modes of transportation (including bicycle*
 17 *and pedestrian modes) and intermodal combina-*
 18 *tions, and by relevant classification;*

19 “(C) *information on the location and*
 20 *connectivity of transportation facilities and serv-*
 21 *ices; and*

22 “(D) *a national accounting of expenditures*
 23 *and capital stocks on each mode of transpor-*
 24 *tation and intermodal combination.*

25 “(e) *NATIONAL TRANSPORTATION LIBRARY.*—

1 “(1) *IN GENERAL.*—*The Director shall establish*
 2 *and maintain a National Transportation Library,*
 3 *which shall contain a collection of statistical and*
 4 *other information needed for transportation decision-*
 5 *making at the Federal, State, and local levels.*

6 “(2) *ACCESS.*—*The Bureau shall facilitate and*
 7 *promote access to the Library, with the goal of im-*
 8 *proving the ability of the transportation community*
 9 *to share information and the ability of the Bureau to*
 10 *make statistics readily accessible under subsection*
 11 *(c)(5).*

12 “(3) *COORDINATION.*—*The Bureau shall work*
 13 *with other transportation libraries and other trans-*
 14 *portation information providers, both public and pri-*
 15 *vate, to achieve the goal specified in paragraph (2).*

16 “(f) *NATIONAL TRANSPORTATION ATLAS DATA*
 17 *BASE.*—

18 “(1) *IN GENERAL.*—*The Director shall develop*
 19 *and maintain geospatial data bases that depict—*

20 “(A) *transportation networks;*

21 “(B) *flows of people, goods, vehicles, and*
 22 *craft over the networks; and*

23 “(C) *social, economic, and environmental*
 24 *conditions that affect or are affected by the net-*
 25 *works.*

1 “(2) *INTERMODAL NETWORK ANALYSIS.*—*The*
 2 *data bases shall be able to support intermodal net-*
 3 *work analysis.*

4 “(g) *RESEARCH AND DEVELOPMENT GRANTS.*—*The*
 5 *Secretary may make grants to, or enter into cooperative*
 6 *agreements or contracts with, public and nonprofit private*
 7 *entities (including State departments of transportation,*
 8 *metropolitan planning organizations, and institutions of*
 9 *higher education) for—*

10 “(1) *investigation of the subjects specified in sub-*
 11 *section (c)(1) and research and development of new*
 12 *methods of data collection, management, integration,*
 13 *dissemination, interpretation, and analysis;*

14 “(2) *development of electronic clearinghouses of*
 15 *transportation data and related information, as part*
 16 *of the National Transportation Library under sub-*
 17 *section (e); and*

18 “(3) *development and improvement of methods*
 19 *for sharing geographic data, in support of the na-*
 20 *tional transportation atlas data base under subsection*
 21 *(f) and the National Spatial Data Infrastructure de-*
 22 *veloped under Executive Order No. 12906.”;*

23 (6) *by striking subsection (i) (as redesignated by*
 24 *paragraph (3)) and inserting the following:*

25 “(i) *PROHIBITION ON CERTAIN DISCLOSURES.*—

1 “(1) *IN GENERAL.*—An officer or employee of the
2 *Bureau may not—*

3 “(A) *make any disclosure in which the data*
4 *provided by an individual or organization under*
5 *subsection (c)(2) can be identified;*

6 “(B) *use the information provided under*
7 *subsection (c)(2) for a nonstatistical purpose; or*

8 “(C) *permit anyone other than an individ-*
9 *ual authorized by the Director to examine any*
10 *individual report provided under subsection*
11 *(c)(2).*

12 “(2) *PROHIBITION ON REQUESTS FOR CERTAIN*
13 *DATA.—*

14 “(A) *GOVERNMENT AGENCIES.*—No depart-
15 *ment, bureau, agency, officer, or employee of the*
16 *United States (except the Director in carrying*
17 *out this section) may require, for any reason, a*
18 *copy of any report that has been filed under sub-*
19 *section (c)(2) with the Bureau or retained by an*
20 *individual respondent.*

21 “(B) *COURTS.*—Any copy of a report de-
22 *scribed in subparagraph (A) that has been re-*
23 *tained by an individual respondent or filed with*
24 *the Bureau or any of its employees, contractors,*
25 *or agents—*

1 “(i) shall be immune from legal proc-
2 ess; and

3 “(ii) shall not, without the consent of
4 the individual concerned, be admitted as
5 evidence or used for any purpose in any ac-
6 tion, suit, or other judicial or administra-
7 tive proceeding.

8 “(C) *APPLICABILITY.*—This paragraph shall
9 apply only to information that permits informa-
10 tion concerning an individual or organization to
11 be reasonably inferred by direct or indirect
12 means.

13 “(3) *DATA COLLECTED FOR NONSTATISTICAL*
14 *PURPOSES.*—In a case in which the Bureau is au-
15 thorized by statute to collect data or information for
16 a nonstatistical purpose, the Director shall clearly
17 distinguish the collection of the data or information,
18 by rule and on the collection instrument, so as to in-
19 form a respondent that is requested or required to
20 supply the data or information of the nonstatistical
21 purpose.”;

22 (7) in subsection (j) (as redesignated by para-
23 graph (3)), by striking “On or before January 1,
24 1994, and annually thereafter, the” and inserting
25 “The”; and

1 (8) *by adding at the end the following:*

2 “(k) *STUDY.*—

3 “(1) *IN GENERAL.*—*The Director shall carry out*
4 *a study—*

5 “(A) *to measure the ton-miles and value-*
6 *miles of international trade traffic carried by*
7 *highway for each State;*

8 “(B) *to evaluate the accuracy and reliabil-*
9 *ity of such measures for use in the formula for*
10 *highway apportionments;*

11 “(C) *to evaluate the accuracy and reliabil-*
12 *ity of the use of diesel fuel data as a measure of*
13 *international trade traffic by State; and*

14 “(D) *to identify needed improvements in*
15 *long-term data collection programs to provide*
16 *accurate and reliable measures of international*
17 *traffic for use in the formula for highway appor-*
18 *tionments.*

19 “(2) *BASIS FOR EVALUATIONS.*—*The study shall*
20 *evaluate the accuracy and reliability of measures for*
21 *use as formula factors based on statistical quality*
22 *standards developed by the Bureau in consultation*
23 *with the Committee on National Statistics of the Na-*
24 *tional Academy of Sciences.*

1 “(3) *REPORT.*—Not later than 3 years after the
 2 date of enactment of this subsection, the Director shall
 3 submit to the Committee on Environment and Public
 4 Works of the Senate and the Committee on Transpor-
 5 tation and Infrastructure of the House of Representa-
 6 tives a report on the results of the study carried out
 7 under paragraph (1), including recommendations for
 8 changes in law necessary to implement the identified
 9 needs for improvements in long-term data collection
 10 programs.

11 “(l) *PROCEEDS OF DATA PRODUCT SALES.*—Notwith-
 12 standing section 3302 of title 31, United States Code, funds
 13 received by the Bureau from the sale of data products, for
 14 necessary expenses incurred, may be credited to the High-
 15 way Trust Fund (other than the Mass Transit Account) for
 16 the purpose of reimbursing the Bureau for the expenses.

17 “(m) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

18 “(1) *IN GENERAL.*—There shall be available from
 19 the Highway Trust Fund (other than the Mass Tran-
 20 sit Account) to carry out this section \$26,000,000 for
 21 fiscal year 1998, \$27,000,000 for fiscal year 1999,
 22 \$28,000,000 for fiscal year 2000, \$29,000,000 for fis-
 23 cal year 2001, \$30,000,000 for fiscal year 2002, and
 24 \$31,000,000 for fiscal year 2003, except that not more

1 *than \$500,000 for each fiscal year may be made*
 2 *available to carry out subsection (g).*

3 “(2) *AVAILABILITY.—Funds authorized under*
 4 *this subsection shall remain available for a period of*
 5 *3 years after the last day of the fiscal year for which*
 6 *the funds are authorized.*

7 “(3) *CONTRACT AUTHORITY.—Funds authorized*
 8 *under this subsection shall be available for obligation*
 9 *in the same manner as if the funds were apportioned*
 10 *under chapter 1 of title 23.”.*

11 (b) *CONFORMING AMENDMENTS.—Section 5503 of title*
 12 *49, United States Code, is amended—*

13 (1) *by striking subsection (d); and*

14 (2) *by redesignating subsections (e), (f), and (g)*
 15 *as subsections (d), (e), and (f), respectively.*

16 **SEC. 2005. RESEARCH AND TECHNOLOGY PROGRAM.**

17 *Title 23, United States Code, is amended—*

18 (1) *in the table of chapters, by adding at the end*
 19 *the following:*

“5. Research and Technology 501”;

20 *and*

21 (2) *by adding at the end the following:*

22 **“CHAPTER 5—RESEARCH AND**
 23 **TECHNOLOGY**

“SUBCHAPTER I—RESEARCH AND TRAINING

“Sec.

- “501. *Definitions.*
- “502. *Research and technology program.*
- “503. *Advanced research program.*
- “504. *Long-term pavement performance program.*
- “505. *State planning and research program.*
- “506. *Education and training.*
- “507. *International highway transportation outreach program.*
- “508. *National technology deployment initiatives and partnerships program.*
- “509. *Infrastructure investment needs report.*
- “510. *Innovative bridge research and construction program.*
- “511. *Study of future strategic highway research program.*
- “512. *Transportation and environment cooperative research program.*
- “513. *Recycled materials resource center.*

“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

- “521. *Purposes.*
- “522. *Definitions.*
- “523. *Cooperation, consultation, and analysis.*
- “524. *Research, development, and training.*
- “525. *Intelligent transportation system integration program.*
- “526. *Integration program for rural areas.*
- “527. *Commercial vehicle intelligent transportation system infrastructure.*
- “528. *Corridor development and coordination.*
- “529. *Standards.*
- “530. *Funding limitations.*
- “531. *Use of innovative financing.*
- “532. *Advisory committees.*

“SUBCHAPTER III—FUNDING

- “541. *Funding.*

1 “SUBCHAPTER I—RESEARCH AND TRAINING

2 “§ 501. **Definitions**

3 *“In this chapter:*

4 “(1) *SAFETY.—The term ‘safety’ includes high-*

5 *way and traffic safety systems, research, and develop-*

6 *ment relating to vehicle, highway, driver, passenger,*

7 *bicyclist, and pedestrian characteristics, accident in-*

8 *vestigations, communications, emergency medical*

9 *care, and transportation of the injured.*

10 “(2) *FEDERAL LABORATORY.—The term ‘Federal*

11 *laboratory’ includes a Government-owned, Govern-*

1 *ment-operated laboratory and a Government-owned,*
 2 *contractor-operated laboratory.*

3 **“§ 502. Research and technology program**

4 “(a) GENERAL AUTHORITY AND COLLABORATIVE
 5 AGREEMENTS.—

6 “(1) AUTHORITY OF THE SECRETARY.—

7 “(A) IN GENERAL.—The Secretary—

8 “(i) shall carry out research, develop-
 9 *ment, and technology transfer activities*
 10 *with respect to—*

11 “(I) motor carrier transportation;

12 “(II) all phases of transportation
 13 *planning and development (including*
 14 *construction, operation, modernization,*
 15 *development, design, maintenance,*
 16 *safety, financing, and traffic condi-*
 17 *tions); and*

18 “(III) the effect of State laws on
 19 *the activities described in subclauses*
 20 *(I) and (II); and*

21 “(ii) may test, develop, or assist in
 22 *testing and developing any material, inven-*
 23 *tion, patented article, or process.*

1 “(B) *COOPERATION, GRANTS, AND CON-*
2 *TRACTS.—The Secretary may carry out this sec-*
3 *tion—*

4 “(i) *independently;*

5 “(ii) *in cooperation with other Federal*
6 *departments, agencies, and instrumental-*
7 *ities and multipurpose Federal laboratories;*
8 *or*

9 “(iii) *by making grants to, or entering*
10 *into contracts, cooperative agreements, and*
11 *other transactions with, the National Acad-*
12 *emy of Sciences, the American Association*
13 *of State Highway and Transportation Offi-*
14 *cial, any Federal laboratory, any State*
15 *agency, authority, association, institution,*
16 *for-profit or nonprofit corporation, organi-*
17 *zation, foreign country, or person.*

18 “(C) *TECHNICAL INNOVATION.—The Sec-*
19 *retary shall develop and carry out programs to*
20 *facilitate the application of such products of re-*
21 *search and technical innovations as will improve*
22 *the safety, efficiency, and effectiveness of the*
23 *transportation system.*

24 “(D) *FUNDS.—*

1 “(i) *IN GENERAL.*—*Except as otherwise*
2 *specifically provided in other sections of this*
3 *chapter—*

4 “(I) *to carry out this section, the*
5 *Secretary shall use—*

6 “(aa) *funds made available*
7 *under section 541 for research,*
8 *technology, and training; and*

9 “(bb) *such funds as may be*
10 *deposited by any cooperating or-*
11 *ganization or person in a special*
12 *account of the Treasury estab-*
13 *lished for this purpose; and*

14 “(II) *the funds described in item*
15 *(aa) shall remain available for obliga-*
16 *tion for a period of 3 years after the*
17 *last day of the fiscal year for which the*
18 *funds are authorized.*

19 “(ii) *USE OF FUNDS.*—*The Secretary*
20 *shall use funds described in clause (i) to de-*
21 *velop, administer, communicate, and pro-*
22 *mote the use of products of research, devel-*
23 *opment, and technology transfer programs*
24 *under this section.*

1 “(2) *COLLABORATIVE RESEARCH AND DEVELOP-*
2 *MENT.*—

3 “(A) *IN GENERAL.*—*To encourage innova-*
4 *tive solutions to surface transportation problems*
5 *and stimulate the deployment of new technology,*
6 *the Secretary may carry out, on a cost-shared*
7 *basis, collaborative research and development*
8 *with—*

9 “(i) *non-Federal entities, including*
10 *State and local governments, foreign govern-*
11 *ments, colleges and universities, corpora-*
12 *tions, institutions, partnerships, sole pro-*
13 *prietorships, and trade associations that are*
14 *incorporated or established under the laws*
15 *of any State; and*

16 “(ii) *multipurpose Federal labora-*
17 *tories.*

18 “(B) *AGREEMENTS.*—*In carrying out this*
19 *paragraph, the Secretary may enter into cooper-*
20 *ative research and development agreements (as*
21 *defined in section 12 of the Stevenson-Wydler*
22 *Technology Innovation Act of 1980 (15 U.S.C.*
23 *3710a)).*

24 “(C) *FEDERAL SHARE.*—

1 “(i) *IN GENERAL.*—*The Federal share*
2 *of the cost of activities carried out under a*
3 *cooperative research and development agree-*
4 *ment entered into under this paragraph*
5 *shall not exceed 50 percent, except that if*
6 *there is substantial public interest or bene-*
7 *fit, the Secretary may approve a greater*
8 *Federal share.*

9 “(ii) *NON-FEDERAL SHARE.*—*All costs*
10 *directly incurred by the non-Federal part-*
11 *ners, including personnel, travel, and hard-*
12 *ware development costs, shall be credited to-*
13 *ward the non-Federal share of the cost of the*
14 *activities described in clause (i).*

15 “(D) *USE OF TECHNOLOGY.*—*The research,*
16 *development, or use of a technology under a co-*
17 *operative research and development agreement*
18 *entered into under this paragraph, including the*
19 *terms under which the technology may be li-*
20 *censed and the resulting royalties may be dis-*
21 *tributed, shall be subject to the Stevenson-Wydler*
22 *Technology Innovation Act of 1980 (15 U.S.C.*
23 *3701 et seq.).*

24 “(3) *WAIVER OF ADVERTISING REQUIRE-*
25 *MENTS.*—*Section 3709 of the Revised Statutes (41*

1 *U.S.C. 5) shall not apply to a contract or agreement*
2 *entered into under this chapter.*

3 *“(b) MANDATORY ELEMENTS OF PROGRAM.—The Sec-*
4 *retary shall include in the surface transportation research,*
5 *development, and technology transfer programs under this*
6 *section and as specified elsewhere in this title—*

7 *“(1) a coordinated long-term program of re-*
8 *search for the development, use, and dissemination of*
9 *performance indicators to measure the performance of*
10 *the surface transportation systems of the United*
11 *States, including indicators for productivity, effi-*
12 *ciency, energy use, air quality, congestion, safety,*
13 *maintenance, and other factors that reflect the overall*
14 *performance of the system; and*

15 *“(2) a program to strengthen and expand surface*
16 *transportation infrastructure research, development,*
17 *and technology transfer, which shall include, at a*
18 *minimum—*

19 *“(A) methods and materials for improving*
20 *the durability of surface transportation infra-*
21 *structure facilities and extending the life of*
22 *bridge structures, including new and innovative*
23 *technologies to reduce corrosion;*

24 *“(B) a research and development program*
25 *directed toward the reduction of costs, and the*

1 *mitigation of impacts, associated with the con-*
2 *struction of highways and mass transit systems;*

3 *“(C) a surface transportation research pro-*
4 *gram to develop nondestructive evaluation equip-*
5 *ment for use with existing infrastructure facili-*
6 *ties and with next-generation infrastructure fa-*
7 *cilities that use advanced materials;*

8 *“(D)(i) information technology, including*
9 *appropriate computer programs to collect and*
10 *analyze data on the status of infrastructure fa-*
11 *cilities described in subparagraph (C) with re-*
12 *spect to enhancing management, growth, and ca-*
13 *capacity; and*

14 *“(ii) dynamic simulation models of surface*
15 *transportation systems for—*

16 *“(I) predicting capacity, safety, and*
17 *infrastructure durability problems;*

18 *“(II) evaluating planned research*
19 *projects; and*

20 *“(III) testing the strengths and weak-*
21 *nesses of proposed revisions to surface trans-*
22 *portation operation programs;*

23 *“(E) new innovative technologies to enhance*
24 *and facilitate field construction and rehabilita-*

1 *tion techniques for minimizing disruption dur-*
 2 *ing repair and maintenance of structures;*

3 *“(F) initiatives to improve the ability of the*
 4 *United States to respond to emergencies and nat-*
 5 *ural disasters and to enhance national defense*
 6 *mobility;*

7 *“(G) an evaluation of traffic calming meas-*
 8 *ures that promote community preservation,*
 9 *transportation mode choice, and safety; and*

10 *“(H) research on telecommuting, research*
 11 *on the linkages between transportation, informa-*
 12 *tion technology, and community development,*
 13 *and research on the impacts of technological*
 14 *change and economic restructuring on travel de-*
 15 *mand.*

16 *“(c) REPORT ON GOALS, MILESTONES, AND ACCOM-*
 17 *PLISHMENTS.—The goals, milestones, and accomplishments*
 18 *relevant to each of the mandatory program elements de-*
 19 *scribed in subsection (b) shall be specified in the report re-*
 20 *quired under section 5221(d) of title 49.”.*

21 **SEC. 2006. ADVANCED RESEARCH PROGRAM.**

22 *Subchapter I of chapter 5 of title 23, United States*
 23 *Code (as added by section 2005), is amended by adding at*
 24 *the end the following:*

1 **“§ 503. Advanced research program**

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—*The Secretary shall establish*
4 *an advanced research program within the Federal*
5 *Highway Administration to address longer-term,*
6 *higher-risk research that shows potential benefits for*
7 *improving the durability, mobility, efficiency, envi-*
8 *ronmental impact, productivity, and safety of trans-*
9 *portation systems.*

10 “(2) *DEVELOPMENT OF PARTNERSHIPS.*—*In car-*
11 *rying out the program, the Secretary shall attempt to*
12 *develop partnerships with the public and private sec-*
13 *tors.*

14 “(b) *GRANTS, COOPERATIVE AGREEMENTS, AND CON-*
15 *TRACTS.*—*Under the program, the Secretary may make*
16 *grants and enter into cooperative agreements and contracts*
17 *for advanced research.*

18 “(c) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

19 “(1) *IN GENERAL.*—*There shall be available from*
20 *the Highway Trust Fund (other than the Mass Tran-*
21 *sit Account) to carry out this section \$5,000,000 for*
22 *fiscal year 1998, \$7,000,000 for fiscal year 1999,*
23 *\$9,000,000 for fiscal year 2000, and \$10,000,000 for*
24 *each of fiscal years 2001 through 2003.*

25 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
26 *under this section shall be available for obligation in*

1 *the same manner as if the funds were apportioned*
 2 *under chapter 1, except that the Federal share of the*
 3 *cost of any activity funded under this subsection shall*
 4 *be determined by the Secretary.”.*

5 **SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PRO-**
 6 **GRAM.**

7 *Subchapter I of chapter 5 of title 23, United States*
 8 *Code (as amended by section 2006), is amended by adding*
 9 *at the end the following:*

10 **“§ 504. Long-term pavement performance program**

11 *“(a) AUTHORITY.—The Secretary shall complete the*
 12 *long-term pavement performance program tests initiated*
 13 *under the strategic highway research program established*
 14 *under section 307(d) (as in effect on the day before the date*
 15 *of enactment of this section) and continued by the Inter-*
 16 *modal Surface Transportation Efficiency Act of 1991 (Pub-*
 17 *lic Law 102–240) through the midpoint of a planned 20-*
 18 *year life of the long-term pavement performance program*
 19 *(referred to in this section as the ‘program’).*

20 *“(b) GRANTS, COOPERATIVE AGREEMENTS, AND CON-*
 21 *TRACTS.—Under the program, the Secretary shall make*
 22 *grants and enter into cooperative agreements and contracts*
 23 *to—*

1 “(1) monitor, material-test, and evaluate high-
2 way test sections in existence as of the date of the
3 grant, agreement, or contract;

4 “(2) analyze the data obtained in carrying out
5 paragraph (1); and

6 “(3) prepare products to fulfill program objec-
7 tives and meet future pavement technology needs.

8 “(c) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

9 “(1) *IN GENERAL.*—There shall be available from
10 the Highway Trust Fund (other than the Mass Tran-
11 sit Account) to carry out this section \$15,000,000 for
12 each of fiscal years 1998 through 2003.

13 “(2) *CONTRACT AUTHORITY.*—Funds authorized
14 under this subsection shall be available for obligation
15 in the same manner as if the funds were apportioned
16 under chapter 1, except that—

17 “(A) the Federal share of the cost of any ac-
18 tivity funded under this section shall be deter-
19 mined by the Secretary; and

20 “(B) the funds shall remain available for
21 obligation for a period of 3 years after the last
22 day of the fiscal year for which the funds are au-
23 thorized.”.

1 **SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.**

2 *Subchapter I of chapter 5 of title 23, United States*
 3 *Code (as amended by section 2007), is amended by adding*
 4 *at the end the following:*

5 **“§ 505. State planning and research program**

6 *“(a) IN GENERAL.—*

7 *“(1) AVAILABILITY OF FUNDS.—Two percent of*
 8 *the sums apportioned for fiscal year 1998 and each*
 9 *fiscal year thereafter to any State under section 104*
 10 *(except section 104(f)) and any transfers or additions*
 11 *to the surface transportation program under section*
 12 *133 shall be available for expenditure by the State*
 13 *transportation department, in consultation with the*
 14 *Secretary, in accordance with this section.*

15 *“(2) USE OF FUNDS.—The sums referred to in*
 16 *paragraph (1) shall be available only for—*

17 *“(A) intermodal metropolitan, statewide,*
 18 *and nonmetropolitan planning under sections*
 19 *134 and 135;*

20 *“(B) development and implementation of*
 21 *management systems referred to in section 303;*

22 *“(C) studies, research, development, and*
 23 *technology transfer activities necessary for the*
 24 *planning, design, construction, management, op-*
 25 *eration, maintenance, regulation, and taxation*
 26 *of the use of surface transportation systems, in-*

1 *cluding training and accreditation of inspection*
 2 *and testing on engineering standards and con-*
 3 *struction materials for the systems; and*

4 *“(D) studies of the economy, safety, and*
 5 *convenience of surface transportation usage and*
 6 *the desirable regulation and equitable taxation of*
 7 *surface transportation usage.*

8 *“(b) MINIMUM EXPENDITURES ON STUDIES, RE-*
 9 *SEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER AC-*
 10 *TIVITIES.—*

11 *“(1) IN GENERAL.—For each fiscal year, not less*
 12 *than 25 percent of the funds of a State that are sub-*
 13 *ject to subsection (a) shall be expended by the State*
 14 *transportation department for studies, research, devel-*
 15 *opment, and technology transfer activities described*
 16 *in subparagraphs (C) and (D) of subsection (a)(2)*
 17 *unless the State certifies to the Secretary for the fiscal*
 18 *year that the total expenditures by the State transpor-*
 19 *tation department for transportation planning under*
 20 *sections 134 and 135 will exceed 75 percent of the*
 21 *amount of the funds and the Secretary accepts the*
 22 *certification.*

23 *“(2) EXEMPTION FROM SMALL BUSINESS AS-*
 24 *SESSMENT.—Funds expended under paragraph (1)*
 25 *shall not be considered to be part of the extramural*

1 *budget of the agency for the purpose of section 9 of*
 2 *the Small Business Act (15 U.S.C. 638).*

3 “(c) *FEDERAL SHARE.—The Federal share of the cost*
 4 *of a project financed with funds referred to in subsection*
 5 *(a) shall be 80 percent unless the Secretary determines that*
 6 *the interests of the Federal-aid highway program would be*
 7 *best served by decreasing or eliminating the non-Federal*
 8 *share.*

9 “(d) *ADMINISTRATION OF FUNDS.—Funds referred to*
 10 *in subsection (a) shall be combined and administered by*
 11 *the Secretary as a single fund, which shall be available for*
 12 *obligation for the same period as funds apportioned under*
 13 *section 104(b)(1).”.*

14 **SEC. 2009. EDUCATION AND TRAINING.**

15 *Subchapter I of chapter 5 of title 23, United States*
 16 *Code (as amended by section 2008), is amended by adding*
 17 *at the end the following:*

18 **“§ 506. Education and training**

19 “(a) *LOCAL TECHNICAL ASSISTANCE PROGRAM.—*

20 “(1) *AUTHORITY.—The Secretary shall carry out*
 21 *a transportation assistance program that will provide*
 22 *access to modern highway technology to—*

23 “(A) *highway and transportation agencies*
 24 *in urbanized areas with populations of between*
 25 *50,000 and 1,000,000 individuals;*

1 “(B) highway and transportation agencies
2 in rural areas; and

3 “(C) contractors that do work for the agen-
4 cies.

5 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND
6 CONTRACTS.—The Secretary may make grants and
7 enter into cooperative agreements and contracts to
8 provide education and training, technical assistance,
9 and related support services that will—

10 “(A) assist rural, local transportation agen-
11 cies and tribal governments, and the consultants
12 and construction personnel working for the agen-
13 cies and governments, to—

14 “(i) develop and expand their expertise
15 in road and transportation areas (including
16 pavement, bridge, safety management sys-
17 tems, and traffic safety countermeasures);

18 “(ii) improve roads and bridges;

19 “(iii) enhance—

20 “(I) programs for the movement of
21 passengers and freight; and

22 “(II) intergovernmental transpor-
23 tation planning and project selection;
24 and

1 “(iv) deal effectively with special
2 transportation-related problems by prepar-
3 ing and providing training packages,
4 manuals, guidelines, and technical resource
5 materials;

6 “(B) identify, package, and deliver trans-
7 portation technology and traffic safety informa-
8 tion to local jurisdictions to assist urban trans-
9 portation agencies in developing and expanding
10 their ability to deal effectively with transpor-
11 tation-related problems;

12 “(C) operate, in cooperation with State
13 transportation departments and universities—

14 “(i) local technical assistance program
15 centers to provide transportation technology
16 transfer services to rural areas and to ur-
17 banized areas with populations of between
18 50,000 and 1,000,000 individuals; and

19 “(ii) local technical assistance program
20 centers designated to provide transportation
21 technical assistance to Indian tribal govern-
22 ments; and

23 “(D) allow local transportation agencies
24 and tribal governments, in cooperation with the

1 *private sector, to enhance new technology imple-*
 2 *mentation.*

3 “(3) *AUTHORIZATION OF CONTRACT AUTHOR-*
 4 *ITY.—*

5 “(A) *IN GENERAL.—There shall be available*
 6 *from the Highway Trust Fund (other than the*
 7 *Mass Transit Account) \$7,000,000 for fiscal year*
 8 *1998, \$7,000,000 for fiscal year 1999, \$7,000,000*
 9 *for fiscal year 2000, \$8,000,000 for fiscal year*
 10 *2001, \$8,000,000 for fiscal year 2002, and*
 11 *\$8,000,000 for fiscal year 2003 to be used to de-*
 12 *velop and administer the program established*
 13 *under this section and to provide technical and*
 14 *financial support for the centers operated under*
 15 *paragraph (2)(C).*

16 “(B) *CONTRACT AUTHORITY.—Funds au-*
 17 *thorized under this paragraph shall be available*
 18 *for obligation in the same manner as if the funds*
 19 *were apportioned under chapter 1, except that—*

20 “(i) *the Federal share of the cost of any*
 21 *activity under this subsection shall be deter-*
 22 *mined by the Secretary; and*

23 “(ii) *the funds shall remain available*
 24 *for obligation for a period of 3 years after*

1 *the last day of the fiscal year for which the*
 2 *funds are authorized.*

3 “(b) *NATIONAL HIGHWAY INSTITUTE.*—

4 “(1) *ESTABLISHMENT; DUTIES; PROGRAMS.*—

5 “(A) *ESTABLISHMENT.*—*The Secretary shall*
 6 *establish and operate in the Federal Highway*
 7 *Administration a National Highway Institute*
 8 *(referred to in this subsection as the ‘Institute’).*

9 “(B) *DUTIES.*—

10 “(i) *INSTITUTE.*—*In cooperation with*
 11 *State transportation departments, United*
 12 *States industry, and any national or inter-*
 13 *national entity, the Institute shall develop*
 14 *and administer education and training pro-*
 15 *grams of instruction for—*

16 “(I) *Federal Highway Adminis-*
 17 *tration, State, and local transportation*
 18 *agency employees;*

19 “(II) *regional, State, and metro-*
 20 *politan planning organizations;*

21 “(III) *State and local police, pub-*
 22 *lic safety, and motor vehicle employees;*
 23 *and*

24 “(IV) *United States citizens and*
 25 *foreign nationals engaged or to be en-*

1 *gaged in surface transportation work*
 2 *of interest to the United States.*

3 “(ii) *SECRETARY.—The Secretary shall*
 4 *administer, through the Institute, the au-*
 5 *thority vested in the Secretary by this title*
 6 *or by any other law for the development*
 7 *and conduct of education and training pro-*
 8 *grams relating to highways.*

9 “(C) *TYPES OF PROGRAMS.—Programs that*
 10 *the Institute may develop and administer may*
 11 *include courses in modern developments, tech-*
 12 *niques, methods, regulations, management, and*
 13 *procedures relating to—*

14 “(i) *surface transportation;*
 15 “(ii) *environmental factors;*
 16 “(iii) *acquisition of rights-of-way;*
 17 “(iv) *relocation assistance;*
 18 “(v) *engineering;*
 19 “(vi) *safety;*
 20 “(vii) *construction;*
 21 “(viii) *maintenance;*
 22 “(ix) *operations;*
 23 “(x) *contract administration;*
 24 “(xi) *motor carrier activities;*
 25 “(xii) *inspection; and*

1 “(xiii) *highway finance.*

2 “(2) *SET-ASIDE; FEDERAL SHARE.—Not to ex-*
 3 *ceed $\frac{1}{4}$ of 1 percent of the funds apportioned to a*
 4 *State under section 104(b)(3) for the surface transpor-*
 5 *tation program shall be available for expenditure by*
 6 *the State transportation department for the payment*
 7 *of not to exceed 80 percent of the cost of tuition and*
 8 *direct educational expenses (excluding travel, subsist-*
 9 *ence, or salaries) in connection with the education*
 10 *and training of employees of State and local trans-*
 11 *portation agencies in accordance with this subsection.*

12 “(3) *FEDERAL RESPONSIBILITY.—*

13 “(A) *IN GENERAL.—Except as provided in*
 14 *subparagraph (B), education and training of*
 15 *employees of Federal, State, and local transpor-*
 16 *tation (including highway) agencies authorized*
 17 *under this subsection may be provided—*

18 “(i) *by the Secretary at no cost to the*
 19 *States and local governments if the Sec-*
 20 *retary determines that provision at no cost*
 21 *is in the public interest; or*

22 “(ii) *by the State through grants, coop-*
 23 *erative agreements, and contracts with pub-*
 24 *lic and private agencies, institutions, indi-*
 25 *viduals, and the Institute.*

1 “(B) *PAYMENT OF FULL COST BY PRIVATE*
2 *PERSONS.—Private agencies, international or*
3 *foreign entities, and individuals shall pay the*
4 *full cost of any education and training received*
5 *by them unless the Secretary determines that a*
6 *lower cost is of critical importance to the public*
7 *interest.*

8 “(4) *TRAINING FELLOWSHIPS; COOPERATION.—*
9 *The Institute may—*

10 “(A) *engage in training activities author-*
11 *ized under this subsection, including the grant-*
12 *ing of training fellowships; and*

13 “(B) *carry out its authority independently*
14 *or in cooperation with any other branch of the*
15 *Federal Government or any State agency, au-*
16 *thority, association, institution, for-profit or*
17 *nonprofit corporation, other national or inter-*
18 *national entity, or other person.*

19 “(5) *COLLECTION OF FEES.—*

20 “(A) *GENERAL RULE.—In accordance with*
21 *this subsection, the Institute may assess and col-*
22 *lect fees solely to defray the costs of the Institute*
23 *in developing or administering education and*
24 *training programs under this subsection.*

1 “(B) *LIMITATION.*—*Fees may be assessed*
2 *and collected under this subsection only in a*
3 *manner that may reasonably be expected to re-*
4 *sult in the collection of fees during any fiscal*
5 *year in an aggregate amount that does not ex-*
6 *ceed the aggregate amount of the costs referred to*
7 *in subparagraph (A) for the fiscal year.*

8 “(C) *PERSONS SUBJECT TO FEES.*—*Fees*
9 *may be assessed and collected under this sub-*
10 *section only with respect to—*

11 “(i) *persons and entities for whom edu-*
12 *cation or training programs are developed*
13 *or administered under this subsection; and*

14 “(ii) *persons and entities to whom edu-*
15 *cation or training is provided under this*
16 *subsection.*

17 “(D) *AMOUNT OF FEES.*—*The fees assessed*
18 *and collected under this subsection shall be estab-*
19 *lished in a manner that ensures that the liability*
20 *of any person or entity for a fee is reasonably*
21 *based on the proportion of the costs referred to*
22 *in subparagraph (A) that relate to the person or*
23 *entity.*

24 “(E) *USE.*—*All fees collected under this*
25 *subsection shall be used to defray costs associated*

1 *with the development or administration of edu-*
2 *cation and training programs authorized under*
3 *this subsection.*

4 “(6) *FUNDING.*—

5 “(A) *AUTHORIZATION OF CONTRACT AU-*
6 *THORITY.*—*There shall be available from the*
7 *Highway Trust Fund (other than the Mass*
8 *Transit Account) to carry out this subsection*
9 *\$5,000,000 for fiscal year 1998, \$5,000,000 for*
10 *fiscal year 1999, \$5,000,000 for fiscal year 2000,*
11 *\$6,000,000 for fiscal year 2001, \$6,000,000 for*
12 *fiscal year 2002, and \$6,000,000 for fiscal year*
13 *2003.*

14 “(B) *RELATION TO FEES.*—*The funds pro-*
15 *vided under this paragraph may be combined*
16 *with or held separate from the fees collected*
17 *under paragraph (5).*

18 “(C) *CONTRACT AUTHORITY.*—*Funds au-*
19 *thorized under this paragraph shall be available*
20 *for obligation in the same manner as if the funds*
21 *were apportioned under chapter 1, except that—*

22 “(i) *the Federal share of the cost of any*
23 *activity under this subsection shall be deter-*
24 *mined by the Secretary; and*

1 “(ii) the funds shall remain available
 2 for obligation for a period of 1 year after
 3 the last day of the fiscal year for which the
 4 funds are authorized.

5 “(7) *CONTRACTS.*—Section 3709 of the Revised
 6 Statutes (41 U.S.C. 5) shall not apply to a contract
 7 or agreement entered into under this subsection.

8 “(c) *DWIGHT DAVID EISENHOWER TRANSPORTATION*
 9 *FELLOWSHIP PROGRAM.*—

10 “(1) *GENERAL AUTHORITY.*—The Secretary, act-
 11 ing independently or in cooperation with other Fed-
 12 eral departments, agencies, and instrumentalities,
 13 may make grants for fellowships for any purpose for
 14 which research, technology, or capacity building is
 15 authorized under this chapter.

16 “(2) *DWIGHT DAVID EISENHOWER TRANSPOR-*
 17 *TATION FELLOWSHIP PROGRAM.*—

18 “(A) *IN GENERAL.*—The Secretary shall
 19 carry out a transportation fellowship program,
 20 to be known as the ‘Dwight David Eisenhower
 21 Transportation Fellowship Program’, for the
 22 purpose of attracting qualified students to the
 23 field of transportation.

1 “(B) *TYPES OF FELLOWSHIPS.*—*The pro-*
 2 *gram shall offer fellowships at the junior through*
 3 *postdoctoral levels of college education.*

4 “(C) *CITIZENSHIP.*—*Each recipient of a fel-*
 5 *lowship under the program shall be a United*
 6 *States citizen.*

7 “(3) *AUTHORIZATION OF CONTRACT AUTHOR-*
 8 *ITY.*—

9 “(A) *IN GENERAL.*—*There shall be available*
 10 *from the Highway Trust Fund (other than the*
 11 *Mass Transit Account) to carry out this sub-*
 12 *section \$2,000,000 for each of fiscal years 1998*
 13 *through 2003.*

14 “(B) *CONTRACT AUTHORITY.*—*Funds au-*
 15 *thorized under this paragraph shall be available*
 16 *for obligation in the same manner as if the funds*
 17 *were apportioned under chapter 1, except that—*

18 “(i) *the Federal share of the cost of any*
 19 *activity funded under this subsection shall*
 20 *be determined by the Secretary; and*

21 “(ii) *the funds shall remain available*
 22 *for obligation for a period of 1 year after*
 23 *the last day of the fiscal year for which the*
 24 *funds are authorized.*

1 “(d) *HIGHWAY CONSTRUCTION TRAINING PRO-*
2 *GRAMS.*—

3 “(1) *USE OF FUNDS BY THE SECRETARY.*—

4 “(A) *IN GENERAL.*—*The Secretary, in co-*
5 *operation with any other department or agency*
6 *of the Federal Government, State agency, author-*
7 *ity, association, institution, Indian tribal gov-*
8 *ernment, for-profit or nonprofit corporation, or*
9 *other organization or person, may—*

10 “(i) *develop, conduct, and administer*
11 *highway construction and technology train-*
12 *ing, including skill improvement, programs;*
13 *and*

14 “(ii) *develop and fund Summer Trans-*
15 *portation Institutes.*

16 “(B) *WAIVER OF ADVERTISING REQUIRE-*
17 *MENTS.*—*Section 3709 of the Revised Statutes*
18 *(41 U.S.C. 5) shall not apply to a contract or*
19 *agreement entered into by the Secretary under*
20 *this subsection.*

21 “(C) *FUNDING.*—

22 “(i) *IN GENERAL.*—*Before making ap-*
23 *portionments under section 104(b) for a fis-*
24 *cal year, the Secretary shall deduct such*
25 *sums as the Secretary determines are nec-*

1 *essary, but not to exceed \$10,000,000 for*
 2 *each fiscal year, to carry out this sub-*
 3 *section.*

4 *“(ii) AVAILABILITY.—Sums deducted*
 5 *under clause (i) shall remain available*
 6 *until expended.*

7 *“(2) USE OF FUNDS APPORTIONED TO STATES.—*
 8 *Notwithstanding any other provision of law, upon re-*
 9 *quest of a State transportation department to the Sec-*
 10 *retary, not to exceed 1/2 of 1 percent of the funds ap-*
 11 *portioned to the State for a fiscal year under para-*
 12 *graphs (1) and (3) of section 104(b) may be made*
 13 *available to carry out this subsection.*

14 *“(3) RESERVATION OF TRAINING POSITIONS FOR*
 15 *INDIVIDUALS RECEIVING WELFARE ASSISTANCE.—In*
 16 *carrying out this subsection, the Secretary and States*
 17 *may reserve training positions for individuals who*
 18 *receive welfare assistance from a State.”.*

19 **SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION**
 20 **OUTREACH PROGRAM.**

21 *(a) IN GENERAL.—Title 23, United States Code, is*
 22 *amended—*

23 *(1) by redesignating section 325 as section 507;*

1 (2) *by moving that section to appear at the end*
 2 *of subchapter I of chapter 5 (as amended by section*
 3 *2009);*

4 (3) *in subsection (a) of that section, by inserting*
 5 *“, goods, and services” after “expertise”; and*

6 (4) *by striking subsection (c) of that section and*
 7 *inserting the following:*

8 “(c) *USE OF FUNDS.—*

9 “(1) *FUNDS DEPOSITED IN SPECIAL ACCOUNT.—*

10 *Funds available to carry out this section shall include*
 11 *funds deposited by any cooperating organization or*
 12 *person in a special account for the program estab-*
 13 *lished under this section with the Secretary of the*
 14 *Treasury.*

15 “(2) *USE OF FUNDS.—The funds deposited in the*
 16 *special account and other funds available to carry out*
 17 *this section shall be available to pay the cost of any*
 18 *activity eligible under this section, including the cost*
 19 *of promotional materials, travel, reception and rep-*
 20 *resentation expenses, and salaries and benefits of offi-*
 21 *cers and employees of the Department of Transpor-*
 22 *tation.*

23 “(3) *REIMBURSEMENTS.—Reimbursements for*
 24 *the salaries and benefits of Federal Highway Admin-*

1 *istration employees who provide services under this*
 2 *section shall be credited to the special account.*

3 “(d) *ELIGIBLE USE OF STATE PLANNING AND RE-*
 4 *SEARCH FUNDS.—A State, in coordination with the Sec-*
 5 *retary, may obligate funds made available to carry out sec-*
 6 *tion 505 for any activity authorized under subsection (a).”.*

7 (b) *CONFORMING AMENDMENT.—The analysis for*
 8 *chapter 3 of title 23, United States Code, is amended by*
 9 *striking the item relating to section 325.*

10 **SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**
 11 **TIVES AND PARTNERSHIPS PROGRAM.**

12 *Subchapter I of chapter 5 of title 23, United States*
 13 *Code (as amended by section 2010), is amended by adding*
 14 *at the end the following:*

15 **“§508. National technology deployment initiatives**
 16 **and partnerships program**

17 “(a) *ESTABLISHMENT.—The Secretary shall develop*
 18 *and administer a national technology deployment initia-*
 19 *tives and partnerships program (referred to in this section*
 20 *as the ‘program’).*

21 “(b) *PURPOSE.—The purpose of the program is to sig-*
 22 *nificantly accelerate the adoption of innovative technologies*
 23 *by the surface transportation community.*

24 “(c) *DEPLOYMENT GOALS.—*

1 “(1) *ESTABLISHMENT*.—Not later than 180 days
2 after the date of enactment of this Act, the Secretary
3 shall establish not more than 5 deployment goals to
4 carry out subsection (a).

5 “(2) *DESIGN*.—Each of the goals and the pro-
6 gram developed to achieve the goals shall be designed
7 to provide tangible benefits, with respect to transpor-
8 tation systems, in the areas of efficiency, safety, reli-
9 ability, service life, environmental protection, or sus-
10 tainability.

11 “(3) *STRATEGIES FOR ACHIEVEMENT*.—For each
12 goal, the Secretary, in cooperation with representa-
13 tives of the transportation community such as States,
14 local governments, the private sector, and academia,
15 shall use domestic and international technology to de-
16 velop strategies and initiatives to achieve the goal, in-
17 cluding technical assistance in deploying technology
18 and mechanisms for sharing information among pro-
19 gram participants.

20 “(d) *CONTINUATION OF SHRP PARTNERSHIPS*.—
21 Under the program, the Secretary shall continue the part-
22 nerships established through the strategic highway research
23 program established under section 307(d) (as in effect on
24 the day before the date of enactment of this section).

1 “(e) *GRANTS, COOPERATIVE AGREEMENTS, AND CON-*
 2 *TRACTS.*—Under the program, the Secretary may make
 3 grants and enter into cooperative agreements and contracts
 4 to foster alliances and support efforts to stimulate advances
 5 in transportation technology, including—

6 “(1) the testing and evaluation of products of the
 7 strategic highway research program;

8 “(2) the further development and implementation
 9 of technology in areas such as the Superpave system
 10 and the use of lithium salts to prevent and mitigate
 11 alkali silica reactivity; and

12 “(3) the provision of support for long-term pave-
 13 ment performance product implementation and tech-
 14 nology access.

15 “(f) *REPORTS.*—Not later than 18 months after the
 16 date of enactment of this section, and biennially thereafter,
 17 the Secretary shall submit to the Committee on Environ-
 18 ment and Public Works of the Senate and the Committee
 19 on Transportation and Infrastructure of the House of Rep-
 20 resentatives a report on the progress and results of activities
 21 carried out under this section.

22 “(g) *FUNDING.*—

23 “(1) *AUTHORIZATION OF CONTRACT AUTHOR-*
 24 *ITY.*—There shall be available from the Highway
 25 Trust Fund (other than the Mass Transit Account) to

1 *carry out this section \$50,000,000 for each of fiscal*
 2 *years 1998 through 2003, of which not less than*
 3 *\$500,000 shall be made available to carry out the*
 4 *study under section 511.*

5 “(2) *CONTRACT AUTHORITY.—Funds authorized*
 6 *under this subsection shall be available for obligation*
 7 *in the same manner as if the funds were apportioned*
 8 *under chapter 1, except that—*

9 “(A) *the Federal share of the cost of any ac-*
 10 *tivity under this section shall be determined by*
 11 *the Secretary; and*

12 “(B) *the funds shall remain available for*
 13 *obligation for a period of 3 years after the last*
 14 *day of the fiscal year for which the funds are au-*
 15 *thorized.*

16 “(3) *ALLOCATION.—To the extent appropriate to*
 17 *achieve the goals established under subsection (c), the*
 18 *Secretary may further allocate funds made available*
 19 *under this subsection to States for their use.”.*

20 **SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.**

21 *Subchapter I of chapter 5 of title 23, United States*
 22 *Code (as amended by section 2011), is amended by adding*
 23 *at the end the following:*

1 **“§ 509. Infrastructure investment needs report**

2 “(a) *IN GENERAL.*—Not later than January 31, 1999,
3 and January 31 of every second year thereafter, the Sec-
4 retary shall report to the Committee on Environment and
5 Public Works of the Senate and the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 on—

8 “(1) *estimates of the future highway and bridge*
9 *needs of the United States; and*

10 “(2) *the backlog of current highway and bridge*
11 *needs.*

12 “(b) *FORMAT.*—Each report under subsection (a) shall,
13 at a minimum, include explanatory materials, data, and
14 tables comparable in format to the report submitted in 1995
15 under section 307(h) (as in effect on the day before the date
16 of enactment of this section).”.

17 **SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CON-**
18 **STRUCTION PROGRAM.**

19 *Subchapter I of chapter 5 of title 23, United States*
20 *Code (as amended by section 2012), is amended by adding*
21 *at the end the following:*

22 **“§ 510. Innovative bridge research and construction**
23 **program**

24 “(a) *IN GENERAL.*—The Secretary shall establish and
25 carry out a program to demonstrate the application of in-

1 *novative material technology in the construction of bridges*
2 *and other structures.*

3 “(b) *GOALS.—The goals of the program shall include—*

4 “(1) *the development of new, cost-effective inno-*
5 *vative material highway bridge applications;*

6 “(2) *the reduction of maintenance costs and life-*
7 *cycle costs of bridges, including the costs of new con-*
8 *struction, replacement, or rehabilitation of deficient*
9 *bridges;*

10 “(3) *the development of construction techniques*
11 *to increase safety and reduce construction time and*
12 *traffic congestion;*

13 “(4) *the development of engineering design cri-*
14 *teria for innovative products and materials for use in*
15 *highway bridges and structures;*

16 “(5) *the development of cost-effective and inno-*
17 *ative techniques to separate vehicle and pedestrian*
18 *traffic from railroad traffic;*

19 “(6) *the development of highway bridges and*
20 *structures that will withstand natural disasters, in-*
21 *cluding alternative processes for the seismic retrofit of*
22 *bridges; and*

23 “(7) *the development of new nondestructive*
24 *bridge evaluation technologies and techniques.*

1 “(c) *GRANTS, COOPERATIVE AGREEMENTS, AND CON-*
2 *TRACTS.*—

3 “(1) *IN GENERAL.*—*Under the program, the Sec-*
4 *retary shall make grants to, and enter into coopera-*
5 *tive agreements and contracts with—*

6 “(A) *States, other Federal agencies, univer-*
7 *sities and colleges, private sector entities, and*
8 *nonprofit organizations to pay the Federal share*
9 *of the cost of research, development, and tech-*
10 *nology transfer concerning innovative materials;*
11 *and*

12 “(B) *States to pay the Federal share of the*
13 *cost of repair, rehabilitation, replacement, and*
14 *new construction of bridges or structures that*
15 *demonstrates the application of innovative mate-*
16 *rials.*

17 “(2) *GRANTS.*—

18 “(A) *APPLICATIONS.*—

19 “(i) *SUBMISSION.*—*To receive a grant*
20 *under this section, an entity described in*
21 *paragraph (1) shall submit an application*
22 *to the Secretary.*

23 “(ii) *CONTENTS.*—*The application*
24 *shall be in such form and contain such in-*
25 *formation as the Secretary may require.*

1 “(B) *APPROVAL CRITERIA.*—*The Secretary*
 2 *shall select and approve applications for grants*
 3 *under this section based on whether the project*
 4 *that is the subject of the grant meets the goals of*
 5 *the program described in subsection (b).*

6 “(d) *TECHNOLOGY AND INFORMATION TRANSFER.*—
 7 *The Secretary shall take such action as is necessary to en-*
 8 *sure that the information and technology resulting from re-*
 9 *search conducted under subsection (c) is made available to*
 10 *State and local transportation departments and other inter-*
 11 *ested parties as specified by the Secretary.*

12 “(e) *FEDERAL SHARE.*—*The Federal share of the cost*
 13 *of a project under this section shall be determined by the*
 14 *Secretary.*

15 “(f) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

16 “(1) *IN GENERAL.*—*There shall be available from*
 17 *the Highway Trust Fund (other than the Mass Tran-*
 18 *sit Account)—*

19 “(A) *to carry out subsection (c)(1)(A)*
 20 *\$1,000,000 for each of fiscal years 1998 through*
 21 *2003; and*

22 “(B) *to carry out subsection (c)(1)(B)—*

23 “(i) *\$10,000,000 for fiscal year 1998;*

24 “(ii) *\$15,000,000 for fiscal year 1999;*

1 “(iii) \$17,000,000 for fiscal year 2000;

2 and

3 “(iv) \$20,000,000 for each of fiscal

4 years 2001 through 2003.

5 “(2) *CONTRACT AUTHORITY.*—Funds authorized

6 under this subsection shall be made available for obli-

7 gation in the same manner as if the funds were ap-

8 portioned under chapter 1, except that the Federal

9 share of the cost of a project under this section shall

10 be determined in accordance with this section.”.

11 **SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINIS-**

12 **TRATIVE FUNDS.**

13 Section 204(b) of title 23, United States Code, is

14 amended in the last sentence by striking “326” and insert-

15 ing “506”.

16 **SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RE-**

17 **SEARCH PROGRAM.**

18 Subchapter I of chapter 5 of title 23, United States

19 Code (as amended by section 2013), is amended by adding

20 at the end the following:

21 **“§511. Study of future strategic highway research**

22 **program**

23 “(a) *STUDY.*—

24 “(1) *IN GENERAL.*—Not later than 120 days

25 after the date of enactment of this section, the Sec-

1 *retary shall make a grant to, or enter into a coopera-*
2 *tive agreement or contract with, the Transportation*
3 *Research Board of the National Academy of Sciences*
4 *(referred to in this section as the ‘Board’) to conduct*
5 *a study to determine the goals, purposes, research*
6 *agenda and projects, administrative structure, and*
7 *fiscal needs for a new strategic highway research pro-*
8 *gram to replace the program established under section*
9 *307(d) (as in effect on the day before the date of en-*
10 *actment of this section), or a similar effort.*

11 “(2) *CONSULTATION.*—*In conducting the study,*
12 *the Board shall consult with the American Associa-*
13 *tion of State Highway and Transportation Officials*
14 *and such other entities as the Board determines to be*
15 *necessary to the conduct of the study.*

16 “(b) *REPORT.*—*Not later than 5 years after making*
17 *a grant or entering into a cooperative agreement or contract*
18 *under subsection (a), the Board shall submit a final report*
19 *on the results of the study to the Secretary, the Committee*
20 *on Environment and Public Works of the Senate, and the*
21 *Committee on Transportation and Infrastructure of the*
22 *House of Representatives.”.*

1 **SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.**

2 (a) *IN GENERAL.*—Subchapter I of chapter 3 of sub-
3 title I of title 49, United States Code, is amended by adding
4 at the end the following:

5 **“§310. Advanced vehicle technologies program**

6 “(a) *PURPOSES.*—The Secretary of Transportation, in
7 coordination with other government agencies and private
8 consortia, shall encourage and promote the research, devel-
9 opment, and deployment of transportation technologies that
10 will use technological advances in multimodal vehicles, ve-
11 hicle components, environmental technologies, and related
12 infrastructure to remove impediments to an efficient and
13 cost-effective national transportation system.

14 “(b) *DEFINITION OF ELIGIBLE CONSORTIUM.*—In this
15 section, the term ‘eligible consortium’ means a consortium
16 that receives funding under the Department of Defense Ap-
17 propriations Act, 1993 (Public Law 102–396; 106 Stat.
18 1876), and that comprises 2 or more of the following enti-
19 ties:

20 “(1) *Businesses incorporated in the United*
21 *States.*

22 “(2) *Public or private educational or research*
23 *organizations located in the United States.*

24 “(3) *Entities of State or local governments in the*
25 *United States.*

26 “(4) *Federal laboratories.*

1 “(c) *PROGRAM.*—*The Secretary shall enter into con-*
 2 *tracts, cooperative agreements, and other transactions as*
 3 *authorized by section 2371 of title 10 with, and make grants*
 4 *to, eligible consortia to promote the development and de-*
 5 *ployment of innovation in transportation technology serv-*
 6 *ices, management, and operational practices.*

7 “(d) *ELIGIBILITY CRITERIA.*—*To be eligible to receive*
 8 *assistance under this section, an eligible consortium shall—*

9 “(1) *for a period of not less than the 3 years pre-*
 10 *ceding the date of a contract, cooperative agreement,*
 11 *or other transaction, be organized on a statewide or*
 12 *multistate basis for the purpose of designing, develop-*
 13 *ing, and deploying transportation technologies that*
 14 *address identified technological impediments in the*
 15 *transportation field;*

16 “(2) *facilitate the participation in the consor-*
 17 *tium of small- and medium-sized businesses, utilities,*
 18 *public laboratories and universities, and other rel-*
 19 *evant entities;*

20 “(3) *be actively engaged in transportation tech-*
 21 *nology projects that address compliance in nonattain-*
 22 *ment areas under the Clean Air Act (42 U.S.C. 7401*
 23 *et seq.);*

1 “(4) be designed to use Federal and State fund-
 2 ing to attract private capital in the form of grants
 3 or investments to carry out this section; and

4 “(5) ensure that at least 50 percent of the fund-
 5 ing for the consortium project will be provided by
 6 non-Federal sources.

7 “(e) PROPOSALS.—The Secretary shall prescribe such
 8 terms and conditions as the Secretary determines to be ap-
 9 propriate for the content and structure of proposals submit-
 10 ted for assistance under this section.

11 “(f) REPORTING REQUIREMENTS.—At least once each
 12 year, the Secretary shall submit to the Committee on Trans-
 13 portation and Infrastructure of the House of Representa-
 14 tives and the Committee on Environment and Public Works
 15 of the Senate a report on the projects undertaken by the
 16 eligible consortia and the progress made in advancing the
 17 purposes of this section.

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—There is authorized to be ap-
 20 propriated to carry out this section \$50,000,000 for
 21 each of fiscal years 1998 through 2003, to remain
 22 available until expended.

23 “(2) AVAILABILITY.—Notwithstanding section
 24 118(a), funds made available under paragraph (1)

1 *shall not be available in advance of an annual appro-*
 2 *priation.”.*

3 **(b) CONFORMING AMENDMENT.**—*The analysis for sub-*
 4 *chapter I of chapter 3 of subtitle I of title 49, United States*
 5 *Code, is amended by adding at the end the following:*

“310. Advanced vehicle technologies program.”.

6 **SEC. 2017. TRANSPORTATION AND ENVIRONMENT COOPER-**
 7 **ATIVE RESEARCH PROGRAM.**

8 *Subchapter I of chapter 5 of title 23, United States*
 9 *Code (as amended by section 2015), is amended by adding*
 10 *at the end the following:*

11 **“§512. Transportation and environment cooperative**
 12 **research program**

13 *“(a) IN GENERAL.—The Secretary shall establish and*
 14 *carry out a transportation and environment cooperative re-*
 15 *search program.*

16 *“(b) ADVISORY BOARD.—*

17 *“(1) ESTABLISHMENT.—In consultation with the*
 18 *Secretary of Energy and the Administrator of the En-*
 19 *vironmental Protection Agency, the Secretary shall es-*
 20 *tablish an advisory board to recommend environ-*
 21 *mental and energy conservation research, technology,*
 22 *and technology transfer activities related to surface*
 23 *transportation.*

24 *“(2) MEMBERSHIP.—The advisory board shall*
 25 *include—*

1 “(A) representatives of State transportation
2 and environmental agencies;

3 “(B) transportation and environmental sci-
4 entists and engineers; and

5 “(C) representatives of metropolitan plan-
6 ning organizations, transit operating agencies,
7 and environmental organizations.

8 “(3) DEVELOPMENT OF RESEARCH PRIOR-
9 ITIES.—In developing recommendations for priorities
10 for research described in paragraph (1), the advisory
11 board shall consider the research recommendations of
12 the National Research Council report entitled ‘Envi-
13 ronmental Research Needs in Transportation’.

14 “(4) APPLICABILITY OF FEDERAL ADVISORY COM-
15 MITTEE ACT.—The Federal Advisory Committee Act
16 (5 U.S.C. App.) shall not apply to the advisory board.

17 “(c) NATIONAL ACADEMY OF SCIENCES.—

18 “(1) IN GENERAL.—The Secretary may make
19 grants to, and enter into cooperative agreements with,
20 the National Academy of Sciences to carry out such
21 activities related to the research, technology, and tech-
22 nology transfer activities described in subsection
23 (b)(1) as the Secretary determines to be appropriate.

24 “(2) ECOSYSTEM INTEGRITY STUDY.—

1 “(A) *IN GENERAL.*—*The Secretary shall*
 2 *give priority to conducting a study of, and pre-*
 3 *paring a report on, the relationship between*
 4 *highway density and ecosystem integrity, includ-*
 5 *ing an analysis of the habitat-level impacts of*
 6 *highway density on the overall health of eco-*
 7 *systems.*

8 “(B) *PROPOSAL OF RAPID ASSESSMENT*
 9 *METHODOLOGY.*—*To aid transportation and reg-*
 10 *ulatory agencies, the report shall propose a rapid*
 11 *assessment methodology for determining the rela-*
 12 *tionship between highway density and ecosystem*
 13 *integrity.*

14 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

15 “(1) *IN GENERAL.*—*There is authorized to be ap-*
 16 *propriated to carry out this section \$5,000,000 for*
 17 *each of fiscal years 1998 through 2003.*

18 “(2) *AVAILABILITY.*—*Notwithstanding section*
 19 *118(a), funds made available under paragraph (1)*
 20 *shall not be available in advance of an annual appro-*
 21 *priation.”.*

22 **SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.**

23 *Subchapter I of chapter 5 of title 23, United States*
 24 *Code (as amended by section 2017), is amended by adding*
 25 *at the end the following:*

1 **“§ 513. Recycled materials resource center**

2 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
 3 *at the University of New Hampshire a research program*
 4 *to be known as the ‘Recycled Materials Resource Center’ (re-*
 5 *ferred to in this section as the ‘Center’).*

6 “(b) *ACTIVITIES.*—

7 “(1) *IN GENERAL.*—*The Center shall—*

8 “(A) *systematically test, evaluate, develop*
 9 *appropriate guidelines for, and demonstrate en-*
 10 *vironmentally acceptable and occupationally safe*
 11 *technologies and techniques for the increased use*
 12 *of traditional and nontraditional recycled and*
 13 *secondary materials in transportation infra-*
 14 *structure construction and maintenance;*

15 “(B) *make information available to State*
 16 *transportation departments, the Federal High-*
 17 *way Administration, the construction industry,*
 18 *and other interested parties to assist in evaluat-*
 19 *ing proposals to use traditional and nontradi-*
 20 *tional recycled and secondary materials in*
 21 *transportation infrastructure construction;*

22 “(C) *encourage the increased use of tradi-*
 23 *tional and nontraditional recycled and second-*
 24 *ary materials by using sound science to analyze*
 25 *thoroughly all potential long-term considerations*

1 *that affect the physical and environmental per-*
2 *formance of the materials; and*

3 *“(D) work cooperatively with Federal and*
4 *State officials to reduce the institutional barriers*
5 *that limit widespread use of traditional and*
6 *nontraditional recycled and secondary materials*
7 *and to ensure that such increased use is consist-*
8 *ent with the sustained environmental and phys-*
9 *ical integrity of the infrastructure in which the*
10 *materials are used.*

11 *“(2) SITES AND PROJECTS UNDER ACTUAL FIELD*
12 *CONDITIONS.—In carrying out paragraph (1)(C), the*
13 *Secretary may authorize the Center to—*

14 *“(A) use test sites and demonstration*
15 *projects under actual field conditions to develop*
16 *appropriate performance data; and*

17 *“(B) develop appropriate tests and guide-*
18 *lines to ensure correct use of recycled and second-*
19 *ary materials in transportation infrastructure*
20 *construction.*

21 *“(c) REVIEW AND EVALUATION.—*

22 *“(1) IN GENERAL.—Not less often than every 2*
23 *years, the Secretary shall review and evaluate the*
24 *program carried out by the Center.*

1 “(2) *NOTIFICATION OF DEFICIENCIES.*—*In carry-*
 2 *ing out paragraph (1), if the Secretary determines*
 3 *that the Center is deficient in carrying out subsection*
 4 *(b), the Secretary shall notify the Center of each defi-*
 5 *ciency and recommend specific measures to address*
 6 *the deficiency.*

7 “(3) *DISQUALIFICATION.*—*If, after the end of the*
 8 *180-day period that begins on the date of notification*
 9 *to the Center under paragraph (2), the Secretary de-*
 10 *termines that the Center has not corrected each defi-*
 11 *ciency identified under paragraph (2), the Secretary*
 12 *may, after notifying the Committee on Environment*
 13 *and Public Works of the Senate and the Committee on*
 14 *Transportation and Infrastructure of the House of*
 15 *Representatives of the determination, disqualify the*
 16 *Center from further participation under this section.*

17 “(d) *FUNDING.*—*Of amounts made available under*
 18 *section 541, \$2,000,000 shall be made available for each fis-*
 19 *cal year to carry out this section.”.*

20 **SEC. 2019. CONFORMING AMENDMENTS.**

21 (a) *Sections 307, 321, and 326 of title 23, United*
 22 *States Code, are repealed.*

23 (b) *The analysis for chapter 3 of title 23, United States*
 24 *Code, is amended by striking the items relating to sections*
 25 *307, 321, and 326.*

1 (c) *Section 115(a)(1)(A)(i) of title 23, United States*
 2 *Code, is amended by striking “or 307” and inserting “or*
 3 *505”.*

4 (d) *Section 151(d) of title 23, United States Code, is*
 5 *amended by striking “section 307(a),” and inserting “sec-*
 6 *tion 506,”.*

7 (e) *Section 106 of Public Law 89–564 (23 U.S.C. 403*
 8 *note) is amended in the third sentence by striking “sections*
 9 *307 and 403 of title 23, United States Code,” and inserting*
 10 *“section 403 and chapter 5 of title 23, United States Code,”.*

11 **SEC. 2020. REMOTE SENSING AND SPATIAL INFORMATION**
 12 **TECHNOLOGIES.**

13 (a) *IN GENERAL.—The Secretary shall establish and*
 14 *carry out a program to validate remote sensing and spatial*
 15 *information technologies for application to national trans-*
 16 *portation infrastructure development and construction.*

17 (b) *PROGRAM STAGES.—*

18 (1) *FIRST STAGE.—Not later than 18 months*
 19 *after the date of the enactment of this Act, the Sec-*
 20 *retary shall establish a national policy for the use of*
 21 *remote sensing and spatial information technologies*
 22 *in national transportation infrastructure development*
 23 *and construction.*

24 (2) *SECOND STAGE.—After establishment of the*
 25 *national policy under paragraph (1), the Secretary*

1 *shall develop new applications of remote sensing and*
 2 *spatial information technologies for the implementa-*
 3 *tion of such policy.*

4 *(c) COOPERATION.—The Secretary shall carry out this*
 5 *section in cooperation with the National Aeronautics and*
 6 *Space Administration and a consortium of university re-*
 7 *search centers.*

8 *(d) FUNDING.—There is authorized to be appropriated*
 9 *to carry out this section \$10,000,000 for fiscal year 1999*
 10 *and \$10,000,000 for each of fiscal years 2000 through 2004.*

11 ***Subtitle B—Intelligent***
 12 ***Transportation Systems***

13 ***SEC. 2101. SHORT TITLE.***

14 *This subtitle may be cited as the “Intelligent Trans-*
 15 *portation Systems Act of 1998”.*

16 ***SEC. 2102. FINDINGS.***

17 *Congress finds that—*

18 *(1) numerous studies conducted on behalf of the*
 19 *Department of Transportation document that invest-*
 20 *ment in intelligent transportation systems offers sub-*
 21 *stantial benefits in relationship to costs;*

22 *(2) as a result of the investment authorized by*
 23 *the Intelligent Transportation Systems Act of 1991*
 24 *(23 U.S.C. 307 note; 105 Stat. 2189), progress has*
 25 *been made on each of the goals set forth for the na-*

1 *tional intelligent transportation system program in*
 2 *section 6052(b) of that Act; and*

3 *(3) continued investment by the Department of*
 4 *Transportation is needed to complete implementation*
 5 *of those goals.*

6 **SEC. 2103. INTELLIGENT TRANSPORTATION SYSTEMS.**

7 *Chapter 5 of title 23, United States Code (as added*
 8 *by section 2005), is amended by adding at the end the fol-*
 9 *lowing:*

10 **“SUBCHAPTER II—INTELLIGENT**
 11 **TRANSPORTATION SYSTEMS**

12 **“§ 521. Purposes**

13 *“The purposes of this subchapter are—*

14 *“(1) to expedite deployment and integration of*
 15 *basic intelligent transportation system services for*
 16 *consumers of passenger and freight transportation*
 17 *across the United States;*

18 *“(2) to encourage the use of intelligent transpor-*
 19 *tation systems to enhance international trade and do-*
 20 *mestic economic productivity;*

21 *“(3) to encourage the use of intelligent transpor-*
 22 *tation systems to promote the achievement of national*
 23 *environmental goals;*

1 “(4) to continue research, development, testing,
2 and evaluation activities to continually expand the
3 state-of-the-art in intelligent transportation systems;

4 “(5) to provide financial and technical assist-
5 ance to State and local governments and metropolitan
6 planning organizations to ensure the integration of
7 interoperable, intermodal, and cost-effective intelligent
8 transportation systems;

9 “(6) to foster regional cooperation, standards im-
10 plementation, and operations planning to maximize
11 the benefits of integrated and coordinated intelligent
12 transportation systems;

13 “(7) to promote the consideration of intelligent
14 transportation systems in mainstream transportation
15 planning and investment decisionmaking by ensuring
16 that Federal and State transportation officials have
17 adequate, working knowledge of intelligent transpor-
18 tation system technologies and applications and by
19 ensuring comprehensive funding eligibility for the
20 technologies and applications;

21 “(8) to encourage intelligent transportation sys-
22 tem training for, and technology transfer to, State
23 and local agencies;

24 “(9) to promote the deployment of intelligent
25 transportation system services in rural America so as

1 *to achieve safety benefits, promote tourism, and im-*
2 *prove quality of life;*

3 *“(10) to promote the innovative use of private*
4 *resources, such as through public-private partnerships*
5 *or other uses of private sector investment, to support*
6 *the development and integration of intelligent trans-*
7 *portation systems throughout the United States;*

8 *“(11) to complete the Federal investment in the*
9 *deployment of Commercial Vehicle Information Sys-*
10 *tems and Networks by September 30, 2003;*

11 *“(12) to facilitate intermodalism through deploy-*
12 *ment of intelligent transportation systems, including*
13 *intelligent transportation system technologies for*
14 *transit systems to improve safety, efficiency, capacity,*
15 *and utility for the public;*

16 *“(13) to enhance the safe operation of motor ve-*
17 *hicles, including motorcycles, and nonmotorized vehi-*
18 *cles on the surface transportation systems of the*
19 *United States, with a particular emphasis on decreas-*
20 *ing the number and severity of collisions;*

21 *“(14) to encourage the use of intelligent trans-*
22 *portation systems to promote the achievement of na-*
23 *tional transportation safety goals, including safety at*
24 *at-grade railway-highway crossings; and*

1 “(15) to accommodate the needs of all users of
 2 the surface transportation systems of the United
 3 States, including the operators of commercial vehicles,
 4 passenger vehicles, and motorcycles.

5 **“§ 522. Definitions**

6 *“In this subchapter:*

7 “(1) *COMMERCIAL VEHICLE INFORMATION SYS-*
 8 *TEMS AND NETWORKS.—The term ‘Commercial Vehi-*
 9 *cle Information Systems and Networks’ means the in-*
 10 *formation systems and communications networks that*
 11 *support commercial vehicle operations.*

12 “(2) *COMMERCIAL VEHICLE OPERATIONS.—The*
 13 *term ‘commercial vehicle operations’—*

14 “(A) *means motor carrier operations and*
 15 *motor vehicle regulatory activities associated*
 16 *with the commercial movement of goods, includ-*
 17 *ing hazardous materials, and passengers; and*

18 “(B) *with respect to the public sector, in-*
 19 *cludes the issuance of operating credentials, the*
 20 *administration of motor vehicle and fuel taxes,*
 21 *and roadside safety and border crossing inspec-*
 22 *tion and regulatory compliance operations.*

23 “(3) *COMPLETED STANDARD.—The term ‘com-*
 24 *pleted standard’ means a standard adopted and pub-*
 25 *lished by the appropriate standards-setting organiza-*

1 *tion through a voluntary consensus standardmaking*
 2 *process.*

3 “(4) *CORRIDOR.*—*The term ‘corridor’ means any*
 4 *major transportation route that includes parallel lim-*
 5 *ited access highways, major arterials, or transit lines.*

6 “(5) *INTELLIGENT TRANSPORTATION SYSTEM.*—
 7 *The term ‘intelligent transportation system’ means*
 8 *electronics, communications, or information process-*
 9 *ing used singly or in combination to improve the effi-*
 10 *ciency or safety of a surface transportation system.*

11 “(6) *NATIONAL ARCHITECTURE.*—*The term ‘na-*
 12 *tional architecture’ means the common framework for*
 13 *interoperability adopted by the Secretary that de-*
 14 *fines—*

15 “(A) *the functions associated with intel-*
 16 *ligent transportation system user services;*

17 “(B) *the physical entities or subsystems*
 18 *within which the functions reside;*

19 “(C) *the data interfaces and information*
 20 *flows between physical subsystems; and*

21 “(D) *the communications requirements as-*
 22 *sociated with the information flows.*

23 “(7) *PROVISIONAL STANDARD.*—*The term ‘provi-*
 24 *sional standard’ means a provisional standard estab-*
 25 *lished by the Secretary under section 529(c).*

1 “(8) *STANDARD.*—*The term ‘standard’ means a*
2 *document that—*

3 “(A) *contains technical specifications or*
4 *other precise criteria for intelligent transpor-*
5 *tation systems that are to be used consistently as*
6 *rules, guidelines, or definitions of characteristics*
7 *so as to ensure that materials, products, proc-*
8 *esses, and services are fit for their purposes; and*

9 “(B) *may support the national architecture*
10 *and promote—*

11 “(i) *the widespread use and adoption*
12 *of intelligent transportation system tech-*
13 *nology as a component of the surface trans-*
14 *portation systems of the United States; and*

15 “(ii) *interoperability among intelligent*
16 *transportation system technologies imple-*
17 *mented throughout the States.*

18 **“§ 523. Cooperation, consultation, and analysis**

19 “(a) *COOPERATION.*—*In carrying out this subchapter,*
20 *the Secretary shall—*

21 “(1) *foster enhanced operation and management*
22 *of the surface transportation systems of the United*
23 *States;*

24 “(2) *promote the widespread deployment of intel-*
25 *ligent transportation systems; and*

1 “(3) *advance emerging technologies, in coopera-*
 2 *tion with State and local governments and the pri-*
 3 *vate sector.*

4 “(b) *CONSULTATION.—As appropriate, in carrying out*
 5 *this subchapter, the Secretary shall—*

6 “(1) *consult with the heads of other interested*
 7 *Federal departments and agencies; and*

8 “(2) *maximize the involvement of the United*
 9 *States private sector, colleges and universities, the*
 10 *Federal laboratories, and State and local governments*
 11 *in all aspects of carrying out this subchapter.*

12 “(c) *PROCUREMENT METHODS.—To meet the need for*
 13 *effective implementation of intelligent transportation sys-*
 14 *tem projects, the Secretary shall develop appropriate tech-*
 15 *nical assistance and guidance to assist State and local*
 16 *agencies in evaluating and selecting appropriate methods*
 17 *of procurement for intelligent transportation system*
 18 *projects, including innovative and nontraditional methods*
 19 *of procurement.*

20 **“§ 524. Research, development, and training**

21 “(a) *IN GENERAL.—The Secretary shall carry out a*
 22 *comprehensive program of intelligent transportation system*
 23 *research, development, operational testing, technical assist-*
 24 *ance and training, national architecture activities, stand-*
 25 *ards development and implementation, and other similar*

1 *activities that are necessary to carry out the purposes of*
 2 *this subchapter.*

3 “(b) *INTELLIGENT VEHICLE AND INTELLIGENT INFRA-*
 4 *STRUCTURE PROGRAMS.*—

5 “(1) *IN GENERAL.*—

6 “(A) *PROGRAM.*—*The Secretary shall carry*
 7 *out a program to conduct research, development,*
 8 *and engineering designed to stimulate and ad-*
 9 *vance deployment of an integrated intelligent ve-*
 10 *hicle program and an integrated intelligent in-*
 11 *frastructure program, consisting of—*

12 “(i) *projects such as crash avoidance,*
 13 *automated highway systems, advanced vehi-*
 14 *cle controls, and roadway safety and effi-*
 15 *ciency systems linked to intelligent vehicles;*
 16 *and*

17 “(ii) *projects that improve mobility*
 18 *and the quality of the environment, includ-*
 19 *ing projects for traffic management, inci-*
 20 *dent management, transit management, toll*
 21 *collection, traveler information, and traffic*
 22 *control systems.*

23 “(B) *CONSIDERATION OF VEHICLE AND IN-*
 24 *FRASTRUCTURE ELEMENTS.*—*In carrying out*
 25 *subparagraph (A), the Secretary may consider*

1 *systems that include both vehicle and infrastruc-*
2 *ture elements and determine the most appro-*
3 *priate mix of those elements.*

4 “(2) *NATIONAL ARCHITECTURE.*—*The program*
5 *carried out under paragraph (1) shall be consistent*
6 *with the national architecture.*

7 “(3) *PRIORITIES.*—*In carrying out paragraph*
8 *(1), the Secretary shall give higher priority to activi-*
9 *ties that—*

10 “(A) *assist motor vehicle drivers in avoid-*
11 *ing motor vehicle crashes;*

12 “(B) *assist in the development of an auto-*
13 *mated highway system; or*

14 “(C) *improve the integration of air bag*
15 *technology with other on-board safety systems*
16 *and maximize the safety benefits of the simulta-*
17 *neous use of an automatic restraint system and*
18 *seat belts.*

19 “(4) *COST SHARING.*—

20 “(A) *IN GENERAL.*—*Except as provided in*
21 *subparagraph (B), the Federal share of the cost*
22 *of a research project carried out in cooperation*
23 *with a non-Federal entity under a program car-*
24 *ried out under paragraph (1) shall not exceed 80*
25 *percent.*

1 “(B) *INNOVATIVE OR HIGH-RISK RESEARCH*
 2 *PROJECTS.—The Federal share of the cost of an*
 3 *innovative or high-risk research project described*
 4 *in subparagraph (A) may, at the discretion of*
 5 *the Secretary, be 100 percent.*

6 “(5) *PLAN.—The Secretary shall—*

7 “(A) *not later than 1 year after the date of*
 8 *enactment of this subchapter, submit to Congress*
 9 *a 6-year plan specifying the goals, objectives,*
 10 *and milestones to be achieved by each program*
 11 *carried out under paragraph (1); and*

12 “(B) *report biennially to Congress on the*
 13 *progress in meeting the goals, objectives, and*
 14 *milestones.*

15 “(c) *EVALUATION.—*

16 “(1) *GUIDELINES AND REQUIREMENTS.—*

17 “(A) *IN GENERAL.—The Secretary shall es-*
 18 *tablish guidelines and requirements for the inde-*
 19 *pendent evaluation of field and related oper-*
 20 *ational tests, and, if necessary, deployment*
 21 *projects, carried out under this subchapter.*

22 “(B) *REQUIRED PROVISIONS.—The guide-*
 23 *lines and requirements established under sub-*
 24 *paragraph (A) shall include provisions to ensure*
 25 *the objectivity and independence of the evaluator*

1 *so as to avoid any real or apparent conflict of*
2 *interest or potential influence on the outcome by*
3 *parties to any such test or deployment project or*
4 *by any other formal evaluation carried out*
5 *under this subchapter.*

6 “(2) *FUNDING.*—

7 “(A) *SMALL PROJECTS.*—*In the case of a*
8 *test or project with a cost of less than*
9 *\$5,000,000, the Secretary may allocate not more*
10 *than 15 percent of the funds made available to*
11 *carry out the test or project for an evaluation of*
12 *the test or project.*

13 “(B) *MODERATE PROJECTS.*—*In the case of*
14 *a test or project with a cost of \$5,000,000 or*
15 *more, but less than \$10,000,000, the Secretary*
16 *may allocate not more than 10 percent of the*
17 *funds made available to carry out the test or*
18 *project for an evaluation of the test or project.*

19 “(C) *LARGE PROJECTS.*—*In the case of a*
20 *test or project with a cost of \$10,000,000 or*
21 *more, the Secretary may allocate not more than*
22 *5 percent of the funds made available to carry*
23 *out the test or project for an evaluation of the*
24 *test or project.*

1 “(3) *INAPPLICABILITY OF PAPERWORK REDUC-*
 2 *TION ACT.*—*Any survey, questionnaire, or interview*
 3 *that the Secretary considers necessary to carry out the*
 4 *evaluation of any test or program assessment activity*
 5 *under this subchapter shall not be subject to chapter*
 6 *35 of title 44.*

7 “(d) *INFORMATION CLEARINGHOUSE.*—

8 “(1) *IN GENERAL.*—*The Secretary shall—*

9 “(A) *maintain a repository for technical*
 10 *and safety data collected as a result of federally*
 11 *sponsored projects carried out under this sub-*
 12 *chapter; and*

13 “(B) *on request, make that information (ex-*
 14 *cept for proprietary information and data) read-*
 15 *ily available to all users of the repository at an*
 16 *appropriate cost.*

17 “(2) *DELEGATION OF AUTHORITY.*—

18 “(A) *IN GENERAL.*—*The Secretary may del-*
 19 *egate the responsibility of the Secretary under*
 20 *this subsection, with continuing oversight by the*
 21 *Secretary, to an appropriate entity not within*
 22 *the Department of Transportation.*

23 “(B) *FEDERAL ASSISTANCE.*—*If the Sec-*
 24 *retary delegates the responsibility, the entity to*

1 *which the responsibility is delegated shall be eli-*
 2 *gible for Federal assistance under this section.*

3 “(e) *TRAFFIC INCIDENT MANAGEMENT AND RE-*
 4 *SPONSE.—The Secretary shall carry out a program to ad-*
 5 *vance traffic incident management and response tech-*
 6 *nologies, strategies, and partnerships that are fully inte-*
 7 *grated with intelligent transportation systems.*

8 “(f) *AUTHORIZATION OF CONTRACT AUTHORITY.—*

9 “(1) *IN GENERAL.—There shall be available from*
 10 *the Highway Trust Fund (other than the Mass Tran-*
 11 *sit Account) to carry out this section \$120,000,000 for*
 12 *fiscal year 1998, \$125,000,000 for fiscal year 1999,*
 13 *\$130,000,000 for fiscal year 2000, \$135,000,000 for*
 14 *fiscal year 2001, \$140,000,000 for fiscal year 2002,*
 15 *and \$150,000,000 for fiscal year 2003, of which, for*
 16 *each fiscal year—*

17 “(A) *not less than \$25,000,000 shall be*
 18 *available for activities that assist motor vehicle*
 19 *drivers in avoiding motor vehicle crashes, includ-*
 20 *ing activities that improve the integration of air*
 21 *bag technology with other on-board safety sys-*
 22 *tems;*

23 “(B) *not less than \$25,000,000 shall be*
 24 *available for activities that assist in the develop-*
 25 *ment of an automated highway system; and*

1 “(C) not less than \$3,000,000 shall be avail-
 2 able for traffic incident management and re-
 3 sponse.

4 “(2) *CONTRACT AUTHORITY.*—Funds authorized
 5 under this subsection shall be available for obligation
 6 in the same manner as if the funds were apportioned
 7 under chapter 1.

8 **“§ 525. Intelligent transportation system integration**
 9 **program**

10 “(a) *IN GENERAL.*—The Secretary shall conduct a
 11 comprehensive program (referred to in this section as the
 12 ‘program’) to accelerate the integration and interoper-
 13 ability of intelligent transportation systems.

14 “(b) *SELECTION OF PROJECTS.*—

15 “(1) *IN GENERAL.*—Under the program, the Sec-
 16 retary shall select for funding, through competitive so-
 17 licitation, projects that will serve as models to im-
 18 prove transportation efficiency, promote safety, in-
 19 crease traffic flow, reduce emissions of air pollutants,
 20 improve traveler information, or enhance alternative
 21 transportation modes.

22 “(2) *PRIORITIES.*—Under the program, the Sec-
 23 retary shall give higher priority to funding projects
 24 that—

1 “(A) promote and foster integration strate-
2 gies and written agreements among local govern-
3 ments, States, and other regional entities;

4 “(B) build on existing (as of the date of
5 project selection) intelligent transportation sys-
6 tem projects;

7 “(C) deploy integrated intelligent transpor-
8 tation system projects throughout metropolitan
9 areas;

10 “(D) deploy integrated intelligent transpor-
11 tation system projects that enhance safe freight
12 movement or coordinate intermodal travel, in-
13 cluding intermodal travel at ports of entry into
14 the United States; and

15 “(E) advance intelligent transportation sys-
16 tem deployment projects that are consistent with
17 the national architecture and, as appropriate,
18 comply with required standards as described in
19 section 529.

20 “(3) CONTINUATION OF PARTNERSHIP AGREE-
21 MENTS.—The Secretary shall continue through to
22 completion public/private partnership agreements
23 previously executed to promote the integration of sur-
24 face transportation management systems, including

1 *the integration of highway, transit, railroad and*
 2 *emergency management systems.*

3 “(c) *PRIVATE SECTOR INVOLVEMENT.*—*In carrying*
 4 *out the program, the Secretary shall encourage private sec-*
 5 *tor involvement and financial commitment, to the maxi-*
 6 *mum extent practicable, through innovative financial ar-*
 7 *rangements, especially public-private partnerships.*

8 “(d) *FINANCING AND OPERATIONS PLANS.*—*As a con-*
 9 *dition of receipt of funds under the program, a recipient*
 10 *participating in a project shall submit to the Secretary a*
 11 *multiyear financing and operations plan that describes how*
 12 *the project can be cost-effectively operated and maintained.*

13 “(e) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

14 “(1) *IN GENERAL.*—*There shall be available from*
 15 *the Highway Trust Fund (other than the Mass Tran-*
 16 *sit Account) to carry out this section \$100,000,000 for*
 17 *fiscal year 1998, \$110,000,000 for fiscal year 1999,*
 18 *\$115,000,000 for fiscal year 2000, \$130,000,000 for*
 19 *fiscal year 2001, \$135,000,000 for fiscal year 2002,*
 20 *and \$145,000,000 for fiscal year 2003.*

21 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
 22 *under this subsection shall be available for obligation*
 23 *in the same manner as if the funds were apportioned*
 24 *under chapter 1, except that, in the case of a project*
 25 *funded under paragraph (1)—*

1 “(A) *the Federal share of the cost of the*
 2 *project payable from funds made available under*
 3 *paragraph (1) shall not exceed 50 percent; and*

4 “(B) *the total Federal share of the cost of*
 5 *the project payable from all eligible sources (in-*
 6 *cluding paragraph (1)) shall not exceed 80 per-*
 7 *cent.*

8 **“§ 526. *Integration program for rural areas***

9 “(a) *IN GENERAL.—The Secretary shall conduct a*
 10 *comprehensive program (referred to in this section as the*
 11 *‘program’) to accelerate the integration or deployment of*
 12 *intelligent transportation systems in rural areas.*

13 “(b) *SELECTION OF PROJECTS.—Under the program,*
 14 *the Secretary shall—*

15 “(1) *select projects through competitive solicita-*
 16 *tion; and*

17 “(2) *give higher priority to funding projects*
 18 *that—*

19 “(A) *promote and foster integration strate-*
 20 *gies and agreements among local governments,*
 21 *States, and other regional entities;*

22 “(B) *deploy integrated intelligent transpor-*
 23 *tation system projects that improve mobility, en-*
 24 *hance the safety of the movement of passenger ve-*
 25 *hicles and freight, or promote tourism; and*

1 “(C) *advance intelligent transportation sys-*
 2 *tem deployment projects that are consistent with*
 3 *the national architecture and comply with re-*
 4 *quired standards as described in section 529.*

5 “(c) *PRIVATE SECTOR INVOLVEMENT.—In carrying*
 6 *out the program, the Secretary shall encourage private sec-*
 7 *tor involvement and financial commitment, to the maxi-*
 8 *mum extent practicable, through innovative financial ar-*
 9 *rangements, especially public-private partnerships.*

10 “(d) *FINANCING AND OPERATIONS PLANS.—As a con-*
 11 *dition of receipt of funds under the program, a recipient*
 12 *participating in a project shall submit to the Secretary a*
 13 *multiyear financing and operations plan that describes how*
 14 *the project can be cost-effectively operated and maintained*

15 “(e) *AUTHORIZATION OF CONTRACT AUTHORITY.—*

16 “(1) *IN GENERAL.—There shall be available from*
 17 *the Highway Trust Fund (other than the Mass Tran-*
 18 *sit Account) to carry out this section \$10,000,000 for*
 19 *fiscal year 1998, \$10,000,000 for fiscal year 1999,*
 20 *\$15,000,000 for fiscal year 2000, \$15,000,000 for fis-*
 21 *cal year 2001, \$20,000,000 for fiscal year 2002, and*
 22 *\$20,000,000 for fiscal year 2003.*

23 “(2) *CONTRACT AUTHORITY.—Funds authorized*
 24 *under this subsection shall be available for obligation*
 25 *in the same manner as if the funds were apportioned*

1 under chapter 1, except that, in the case of a project
2 funded under paragraph (1)—

3 “(A) the Federal share of the cost of the
4 project payable from funds made available under
5 paragraph (1) shall not exceed 50 percent; and

6 “(B) the total Federal share of the cost of
7 the project payable from all eligible sources (in-
8 cluding paragraph (1)) shall not exceed 80 per-
9 cent.

10 **“§527. Commercial vehicle intelligent transportation**
11 **system infrastructure**

12 “(a) *IN GENERAL.*—The Secretary shall carry out a
13 comprehensive program—

14 “(1) to deploy intelligent transportation systems
15 that will promote the safety and productivity of com-
16 mercial vehicles and drivers; and

17 “(2) to reduce costs associated with commercial
18 vehicle operations and State and Federal commercial
19 vehicle regulatory requirements.

20 “(b) *ELEMENTS OF PROGRAM.*—

21 “(1) *SAFETY INFORMATION SYSTEMS AND NET-*
22 *WORKS.*—

23 “(A) *IN GENERAL.*—The program shall ad-
24 vance the technological capability and promote
25 the deployment of commercial vehicle, commer-

1 *cial driver, and carrier-specific safety informa-*
2 *tion systems and networks and other intelligent*
3 *transportation system technologies used to assist*
4 *States in identifying high-risk commercial oper-*
5 *ations and in conducting other innovative safety*
6 *strategies, including the Commercial Vehicle In-*
7 *formation Systems and Networks.*

8 *“(B) FOCUS OF PROJECTS.—Projects as-*
9 *sisted under the program shall focus on—*

10 *“(i) identifying and eliminating un-*
11 *safe and illegal carriers, vehicles, and driv-*
12 *ers in a manner that does not unduly*
13 *hinder the productivity and efficiency of*
14 *safe and legal commercial operations;*

15 *“(ii) enhancing the safe passage of*
16 *commercial vehicles across the United States*
17 *and across international borders;*

18 *“(iii) reducing the numbers of viola-*
19 *tions of out-of-service orders;*

20 *“(iv) complying with directives to ad-*
21 *dress other safety violations; and*

22 *“(v) developing and implementing un-*
23 *obtrusive eyetracking technology.*

24 *“(2) MONITORING SYSTEMS.—The program shall*
25 *advance on-board driver and vehicle safety monitor-*

ing systems, including fitness-for-duty, brake, and other operational monitoring technologies, that will facilitate commercial vehicle safety, including inspection by motor carrier safety assistance program officers and employees under chapter 311 of title 49.

“(c) *USE OF FEDERAL FUNDS.*—

“(1) *IN GENERAL.*—Federal funds used to carry out the program shall be primarily used to improve—

“(A) commercial vehicle safety and the effectiveness and efficiency of enforcement efforts conducted under the motor carrier safety assistance program under chapter 311 of title 49;

“(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

“(C) communication of the information described in subparagraph (B) among the States.

“(2) *LEVERAGING.*—Federal funds used to carry out the program shall, to the maximum extent practicable—

“(A) be leveraged with non-Federal funds;

and

“(B) be used for activities not carried out through the use of private funds.

1 “(d) *FEDERAL SHARE.*—*The Federal share of the cost*
 2 *of a project assisted under the program shall be not more*
 3 *than 80 percent.*

4 “(e) *AUTHORIZATION OF CONTRACT AUTHORITY.*—

5 “(1) *IN GENERAL.*—*There shall be available from*
 6 *the Highway Trust Fund (other than the Mass Tran-*
 7 *sit Account) to carry out this section \$25,000,000 for*
 8 *fiscal year 1998, \$25,000,000 for fiscal year 1999,*
 9 *\$25,000,000 for fiscal year 2000, \$35,000,000 for fis-*
 10 *cal year 2001, \$35,000,000 for fiscal year 2002, and*
 11 *\$40,000,000 for fiscal year 2003.*

12 “(2) *CONTRACT AUTHORITY.*—*Funds authorized*
 13 *under this subsection shall be available for obligation*
 14 *in the same manner as if the funds were apportioned*
 15 *under chapter 1, except that, in the case of a project*
 16 *funded under paragraph (1)—*

17 “(A) *the Federal share of the cost of the*
 18 *project payable from funds made available under*
 19 *paragraph (1) shall not exceed 50 percent; and*

20 “(B) *the total Federal share of the cost of*
 21 *the project payable from all eligible sources (in-*
 22 *cluding paragraph (1)) shall not exceed 80 per-*
 23 *cent.*

1 **“§ 528. Corridor development and coordination**

2 “(a) *IN GENERAL.*—The Secretary shall encourage
3 *multistate cooperative agreements, coalitions, or other ar-*
4 *rangements intended to promote regional cooperation, plan-*
5 *ning, and shared project implementation for intelligent*
6 *transportation system projects.*

7 “(b) *FUNDING.*—There shall be available to carry out
8 *this section for each fiscal year not more than—*

9 “(1) *\$3,000,000 of the amounts made available*
10 *under section 524(f); and*

11 “(2) *\$7,000,000 of the amounts made available*
12 *under section 525(e).*

13 **“§ 529. Standards**

14 “(a) *IN GENERAL.*—

15 “(1) *DEVELOPMENT, IMPLEMENTATION, AND*
16 *MAINTENANCE.*—The Secretary shall develop, imple-
17 *ment, and maintain a national architecture and sup-*
18 *porting standards to promote the widespread use and*
19 *evaluation of intelligent transportation system tech-*
20 *nology as a component of the surface transportation*
21 *systems of the United States.*

22 “(2) *INTEROPERABILITY AND EFFICIENCY.*—To
23 *the maximum extent practicable, the standards shall*
24 *promote interoperability among, and efficiency of, in-*
25 *telligent transportation system technologies imple-*
26 *mented throughout the States.*

1 “(3) *USE OF STANDARDS-SETTING ORGANIZA-*
 2 *TIONS.—In carrying out this section, the Secretary*
 3 *may use the services of such standards-setting organi-*
 4 *zations as the Secretary determines appropriate.*

5 “(b) *REPORT.—*

6 “(1) *IN GENERAL.—Not later than January 1,*
 7 *1999, the Secretary shall submit a report describing*
 8 *the status of all standards.*

9 “(2) *CONTENTS.—The report shall—*

10 “(A) *identify each standard that is needed*
 11 *for operation of intelligent transportation sys-*
 12 *tems in the United States;*

13 “(B) *specify the status of the development of*
 14 *each standard;*

15 “(C) *provide a timetable for achieving*
 16 *agreement on each standard as described in this*
 17 *section; and*

18 “(D) *determine which standards are critical*
 19 *to ensuring national interoperability or critical*
 20 *to the development of other standards.*

21 “(c) *ESTABLISHMENT OF PROVISIONAL STANDARDS.—*

22 “(1) *ESTABLISHMENT.—Subject to subsection*
 23 *(d), if a standard determined to be critical under sub-*
 24 *section (b)(2)(D) is not adopted and published by the*
 25 *appropriate standards-setting organization by Janu-*

1 *ary 1, 2001, the Secretary shall establish a provi-*
 2 *sional standard after consultation with affected par-*
 3 *ties.*

4 *“(2) PERIOD OF EFFECTIVENESS.—The provi-*
 5 *sional standard shall—*

6 *“(A) be published in the Federal Register;*

7 *“(B) take effect not later than May 1, 2001;*

8 *and*

9 *“(C) remain in effect until the appropriate*
 10 *standards-setting organization adopts and pub-*
 11 *lishes a standard.*

12 *“(d) WAIVER OF REQUIREMENT TO ESTABLISH PRO-*
 13 *VISIONAL STANDARDS.—*

14 *“(1) NOTICE.—The Secretary may waive the re-*
 15 *quirement to establish a provisional standard by sub-*
 16 *mitting, not later than January 1, 2001, to the Com-*
 17 *mittee on Environment and Public Works of the Sen-*
 18 *ate and the Committee on Transportation and Infra-*
 19 *structure of the House of Representatives, a notice*
 20 *that—*

21 *“(A) specifies the provisional standard sub-*
 22 *ject to the waiver;*

23 *“(B) describes the history of the develop-*
 24 *ment of the standard subject to the waiver;*

1 “(C) specifies the reasons why the require-
2 ment for the establishment of the provisional
3 standard is being waived;

4 “(D) describes the impacts of delaying the
5 establishment of the standard subject to the waiv-
6 er, especially the impacts on the purposes of this
7 subchapter; and

8 “(E) provides specific estimates as to when
9 the standard subject to the waiver is expected to
10 be adopted and published by the appropriate
11 standards-setting organization.

12 “(2) *PROGRESS REPORTS.*—

13 “(A) *IN GENERAL.*—In the case of each
14 standard subject to a waiver by the Secretary
15 under paragraph (1), the Secretary shall submit,
16 in accordance with the schedule specified in sub-
17 paragraph (B), a report to the Committee on
18 Environment and Public Works of the Senate
19 and the Committee on Transportation and Infra-
20 structure of the House of Representatives on the
21 progress of the adoption of a completed standard.

22 “(B) *SCHEDULE OF REPORTS.*—The Sec-
23 retary shall submit a report under subparagraph
24 (A) with respect to a standard—

1 “(i) not later than 180 days after the
2 date of submission of the notice under para-
3 graph (1) with respect to the standard; and

4 “(ii) at the end of each 180-day period
5 thereafter until such time as a standard has
6 been adopted and published by the appro-
7 priate standards-setting organization or the
8 waiver is withdrawn under paragraph (3).

9 “(C) CONSULTATION.—In developing each
10 progress report under subparagraph (A), the Sec-
11 retary shall consult with the standards-setting
12 organizations involved in the standardmaking
13 process for the standard.

14 “(3) WITHDRAWAL OF WAIVER.—

15 “(A) IN GENERAL.—At any time, the Sec-
16 retary may, through notification to the Commit-
17 tee on Environment and Public Works of the
18 Senate and the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives, withdraw a notice of a waiver of the re-
21 quirement to establish a provisional standard.

22 “(B) IMPLEMENTATION.—If the Secretary
23 submits notification under subparagraph (A)
24 with respect to a provisional standard, not less
25 than 30 days, but not more than 90 days, after

1 *the date of the notification, the Secretary shall*
 2 *implement the provisional standard, unless, by*
 3 *the end of the 90-day period beginning on the*
 4 *date of the notification, a standard has been*
 5 *adopted and published by the appropriate stand-*
 6 *ards-setting organization.*

7 *“(e) REQUIREMENT FOR COMPLIANCE WITH STAND-*
 8 *ARD.—*

9 *“(1) IN GENERAL.—*

10 *“(A) STANDARD IN EXISTENCE.—Funds*
 11 *made available from the Highway Trust Fund*
 12 *shall not be used to deploy an intelligent trans-*
 13 *portation system technology if the technology*
 14 *does not comply with each applicable provisional*
 15 *standard or completed standard.*

16 *“(B) NO STANDARD IN EXISTENCE.—In the*
 17 *absence of a provisional standard or completed*
 18 *standard, Federal funds shall not be used to de-*
 19 *ploy an intelligent transportation system tech-*
 20 *nology if the deployment is not consistent with*
 21 *the interfaces to ensure interoperability that are*
 22 *contained in the national architecture.*

23 *“(2) APPLICABILITY.—Paragraph (1) shall not*
 24 *apply to—*

1 “(A) the operation or maintenance of an in-
2 telligent transportation system in existence on
3 the date of enactment of this subchapter; or

4 “(B) the upgrade or expansion of an intel-
5 ligent transportation system in existence on the
6 date of enactment of this subchapter if the Sec-
7 retary determines that the upgrade or expan-
8 sion—

9 “(i) does not adversely affect the pur-
10 poses of this subchapter, especially the goal
11 of national or regional interoperability;

12 “(ii) is carried out before the end of the
13 useful life of the system; and

14 “(iii) is cost effective as compared to
15 alternatives that meet the compliance re-
16 quirement of paragraph (1)(A) or the con-
17 sistency requirement of paragraph (1)(B).

18 “(f) *SPECTRUM*.—

19 “(1) *CONSULTATION*.—The Secretary shall con-
20 sult with the Secretary of Commerce, the Secretary of
21 Defense, and the Chairman of the Federal Commu-
22 nications Commission to determine the best means for
23 securing the necessary spectrum for the near-term es-
24 tablishment of a dedicated short-range vehicle-to-way-
25 side wireless standard and any other spectrum that

1 *the Secretary determines to be critical to the imple-*
 2 *mentation of this title.*

3 “(2) *PROGRESS REPORT.*—*After consultation*
 4 *under paragraph (1) and with other affected agencies,*
 5 *but not later than 1 year after the date of enactment*
 6 *of this subchapter, the Secretary shall submit a report*
 7 *to Congress on the progress made in securing the spec-*
 8 *trum described in paragraph (1).*

9 “(3) *DEADLINE FOR SECURING SPECTRUM.*—
 10 *Notwithstanding any other provision of law, not later*
 11 *than 2 years after the date of enactment of this sub-*
 12 *chapter, the Secretary of Commerce shall release to*
 13 *the Federal Communications Commission, and the*
 14 *Federal Communications Commission shall allocate,*
 15 *the spectrum described in paragraph (1).*

16 “(g) *FUNDING.*—*The Secretary shall use funds made*
 17 *available under section 524 to carry out this section.*

18 **“§ 530. Funding limitations**

19 “(a) *CONSISTENCY WITH NATIONAL ARCHITEC-*
 20 *TURE.*—*The Secretary shall use funds made available under*
 21 *this subchapter to deploy intelligent transportation system*
 22 *technologies only if the technologies are consistent with the*
 23 *national architecture.*

24 “(b) *COMPETITION WITH PRIVATELY FUNDED*
 25 *PROJECTS.*—*To the maximum extent practicable, the Sec-*

1 *retary shall not fund any intelligent transportation system*
 2 *operational test or deployment project that competes with*
 3 *a similar privately funded project.*

4 “(c) *INFRASTRUCTURE DEVELOPMENT.—Funds made*
 5 *available under this subchapter for operational tests and*
 6 *deployment projects—*

7 “(1) *shall be used primarily for the development*
 8 *of intelligent transportation system infrastructure;*
 9 *and*

10 “(2) *to the maximum extent practicable, shall*
 11 *not be used for the construction of physical highway*
 12 *and transit infrastructure unless the construction is*
 13 *incidental and critically necessary to the implementa-*
 14 *tion of an intelligent transportation system project.*

15 “(d) *PUBLIC RELATIONS AND TRAINING.—For each*
 16 *fiscal year, not more than \$15,000,000 of the funds made*
 17 *available under this subchapter shall be used for intelligent*
 18 *transportation system outreach, public relations, training,*
 19 *mainstreaming, shareholder relations, or related activities.*

20 **“§ 531. Use of innovative financing**

21 “(a) *IN GENERAL.—The Secretary may use up to 25*
 22 *percent of the funds made available under this subchapter*
 23 *and section 541 to make available loans, lines of credit, and*
 24 *loan guarantees for projects that are eligible for assistance*

1 *under this title and that have significant intelligent trans-*
 2 *portation system elements.*

3 “(b) *CONSISTENCY WITH OTHER LAW.*—Credit assist-
 4 *ance described in subsection (a) shall be made available in*
 5 *a manner consistent with the Transportation Infrastructure*
 6 *Finance and Innovation Act of 1998.*

7 **“§ 532. Advisory committees**

8 “(a) *IN GENERAL.*—In carrying out this subchapter,
 9 *the Secretary shall use 1 or more advisory committees.*

10 “(b) *APPLICABILITY OF FEDERAL ADVISORY COMMIT-*
 11 *TEE ACT.*—Any advisory committee so used shall be subject
 12 *to the Federal Advisory Committee Act (5 U.S.C. App.).”.*

13 **SEC. 2104. CONFORMING AMENDMENT.**

14 *The Intermodal Surface Transportation Efficiency Act*
 15 *of 1991 is amended by striking part B of title VI (23 U.S.C.*
 16 *307 note; 105 Stat. 2189).*

17 ***Subtitle C—Funding***

18 **SEC. 2201. FUNDING.**

19 *Chapter 5 of title 23, United States Code (as amended*
 20 *by section 2103), is amended by adding at the end the fol-*
 21 *lowing:*

22 **“SUBCHAPTER III—FUNDING**

23 **“§ 541. Funding**

24 “(a) *RESEARCH, TECHNOLOGY, AND TRAINING.*—
 25 *There shall be available from the Highway Trust Fund*

1 *(other than the Mass Transit Account) to carry out sections*
 2 *502, 507, 509, and 511 \$68,000,000 for fiscal year 1998,*
 3 *\$1,500,000 for fiscal year 1999, \$4,500,000 for fiscal year*
 4 *2000, \$2,500,000 for fiscal year 2001, \$1,500,000 for fiscal*
 5 *year 2002, and \$4,500,000 for fiscal year 2003.*

6 “(b) *CONTRACT AUTHORITY.—Funds authorized under*
 7 *this section shall be available for obligation in the same*
 8 *manner as if the funds were apportioned under chapter 1,*
 9 *except that—*

10 “(1) *any Federal share of the cost of an activity*
 11 *under this chapter shall be determined in accordance*
 12 *with this chapter; and*

13 “(2) *the funds shall remain available for obliga-*
 14 *tion for a period of 4 years after the last day of the*
 15 *fiscal year for which the funds are authorized.*

16 “(c) *LIMITATIONS ON OBLIGATIONS.—Notwithstand-*
 17 *ing any other provision of law, the total amount of all obli-*
 18 *gations under subsection (a) shall not exceed—*

19 “(1) *\$98,000,000 for fiscal year 1998;*

20 “(2) *\$101,000,000 for fiscal year 1999;*

21 “(3) *\$104,000,000 for fiscal year 2000;*

22 “(4) *\$107,000,000 for fiscal year 2001;*

23 “(5) *\$110,000,000 for fiscal year 2002; and*

24 “(6) *\$114,000,000 for fiscal year 2003.”.*

1 ***TITLE III—INTERMODAL TRANS-***
 2 ***PORTATION SAFETY AND RE-***
 3 ***LATED MATTERS***

4 ***SEC. 3001. SHORT TITLE.***

5 *This title may be cited as the “Intermodal Transpor-*
 6 *tation Safety Act of 1998”.*

7 ***SEC. 3002. AMENDMENT OF TITLE 49, UNITED STATES CODE.***

8 *Except as otherwise expressly provided, whenever in*
 9 *this title an amendment or repeal is expressed in terms of*
 10 *an amendment to, or a repeal of, a section or other provi-*
 11 *sion, the reference shall be considered to be made to a section*
 12 *or other provision of title 49, United States Code.*

13 ***Subtitle A—Highway Safety***

14 ***SEC. 3101. HIGHWAY SAFETY PROGRAMS.***

15 *(a) UNIFORM GUIDELINES.—Section 402(a) of title 23,*
 16 *United States Code, is amended by striking “section 4007”*
 17 *and inserting “section 4004”.*

18 *(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b)*
 19 *of such title is amended—*

20 *(1) by striking the period at the end of subpara-*
 21 *graph (A) and subparagraph (B) of paragraph (1)*
 22 *and inserting a semicolon;*

23 *(2) in paragraph (1)(C), by inserting “, includ-*
 24 *ing Indian tribes,” after “subdivisions of such State”;*

1 (3) in paragraph (1)(C), by striking the period
 2 at the end and inserting a semicolon and “and”; and
 3 (4) by striking paragraphs (3) and (4) and re-
 4 designating paragraph (5) as paragraph (3).

5 (c) *APPORTIONMENT OF FUNDS*.—Section 402(c) of
 6 such title is amended—

7 (1) by inserting “the apportionment to the Sec-
 8 retary of the Interior shall not be less than $\frac{3}{4}$ of 1
 9 percent of the total apportionment and” after “except
 10 that” in the sixth sentence; and

11 (2) by striking the seventh sentence.

12 (d) *APPLICATION IN INDIAN COUNTRY*.—Section 402(i)
 13 of title 23, United States Code, is amended to read as fol-
 14 lows:

15 “(i) *APPLICATION IN INDIAN COUNTRY*.—

16 “(1) *IN GENERAL*.—For the purpose of applica-
 17 tion of this section in Indian country, the terms
 18 ‘State’ and ‘Governor of a State’ include the Sec-
 19 retary of the Interior and the term ‘political subdivi-
 20 sion of a State’ includes an Indian tribe. Notwith-
 21 standing the provisions of subsection (b)(1)(C), 95
 22 percent of the funds apportioned to the Secretary of
 23 the Interior under this section shall be expended by
 24 Indian tribes to carry out highway safety programs
 25 within their jurisdictions. The provisions of subpara-

1 *graph (b)(1)(D) shall be applicable to Indian tribes,*
 2 *except to those tribes with respect to which the Sec-*
 3 *retary determines that application of such provisions*
 4 *would not be practicable.*

5 *“(2) INDIAN COUNTRY DEFINED.—For the pur-*
 6 *poses of this subsection, the term ‘Indian country’*
 7 *means—*

8 *“(A) all land within the limits of any In-*
 9 *dian reservation under the jurisdiction of the*
 10 *United States, notwithstanding the issuance of*
 11 *any patent, and including rights-of-way running*
 12 *through the reservation;*

13 *“(B) all dependent Indian communities*
 14 *within the borders of the United States whether*
 15 *within the original or subsequently acquired ter-*
 16 *ritory thereof and whether within or without the*
 17 *limits of a State; and*

18 *“(C) all Indian allotments, the Indian titles*
 19 *to which have not been extinguished, including*
 20 *rights-of-way running through such allotments.”.*

21 *(e) RULEMAKING PROCESS.—Section 402(j) of title 23,*
 22 *United States Code, is amended to read as follows:*

23 *“(j) RULEMAKING PROCESS.—The Secretary may*
 24 *from time to time conduct a rulemaking process to identify*
 25 *highway safety programs that are highly effective in reduc-*

1 *ing motor vehicle crashes, injuries, and deaths. Any such*
 2 *rulemaking shall take into account the major role of the*
 3 *States in implementing such programs. When a rule pro-*
 4 *mulgated in accordance with this section takes effect, States*
 5 *shall consider these highly effective programs when develop-*
 6 *ing their highway safety programs.”.*

7 (f) *SAFETY INCENTIVE GRANTS.—Section 402 of title*
 8 *23, United States Code, is amended by striking subsection*
 9 *(k) and inserting the following:*

10 “(k) *SAFETY INCENTIVE GRANTS.—*

11 “(1) *SAFETY INCENTIVE GRANTS: GENERAL AU-*
 12 *THORITY.—The Secretary shall make a grant to a*
 13 *State that takes specific actions to advance highway*
 14 *safety under subsection (l) or (m) or section 410. A*
 15 *State may qualify for more than 1 grant and shall*
 16 *receive a separate grant for each subsection for which*
 17 *it qualifies. Such grants may only be used by recipi-*
 18 *ent States to implement and enforce, as appropriate,*
 19 *the programs for which the grants are awarded.*

20 “(2) *MAINTENANCE OF EFFORT.—No grant may*
 21 *be made to a State under subsection (l) or (m) in any*
 22 *fiscal year unless such State enters into such agree-*
 23 *ments with the Secretary as the Secretary may re-*
 24 *quire to ensure that such State will maintain its ag-*
 25 *gregate expenditures from all other sources for the spe-*

1 *cific actions for which a grant is provided at or above*
 2 *the average level of such expenditures in its 2 fiscal*
 3 *years preceding the date of the enactment of this sub-*
 4 *section.*

5 *“(3) MAXIMUM PERIOD OF ELIGIBILITY; FED-*
 6 *ERAL SHARE FOR GRANTS.—Each grant under sub-*
 7 *section (l) or (m) shall be available for not more than*
 8 *6 fiscal years beginning in the fiscal year after Sep-*
 9 *tember 30, 1997, in which the State becomes eligible*
 10 *for the grant. The Federal share payable for any*
 11 *grant under subsection (l) or (m) shall not exceed—*

12 *“(A) in the first and second fiscal years in*
 13 *which the State receives the grant, 75 percent of*
 14 *the cost of implementing and enforcing, as ap-*
 15 *propriate, in such fiscal year a program adopted*
 16 *by the State;*

17 *“(B) in the third and fourth fiscal years in*
 18 *which the State receives the grant, 50 percent of*
 19 *the cost of implementing and enforcing, as ap-*
 20 *propriate, in such fiscal year such program; and*

21 *“(C) in the fifth and sixth fiscal years in*
 22 *which the State receives the grant, 25 percent of*
 23 *the cost of implementing and enforcing, as ap-*
 24 *propriate, in such fiscal year such program.*

1 “(l) ALCOHOL-IMPAIRED DRIVING COUNTER-
 2 MEASURES: BASIC GRANT ELIGIBILITY.—The Secretary
 3 shall make grants to those States that adopt and implement
 4 effective programs to reduce traffic safety problems resulting
 5 from persons driving under the influence of alcohol. A State
 6 shall become eligible for 1 or more of 3 basic grants under
 7 this subsection by adopting or demonstrating the following
 8 to the satisfaction of the Secretary:

9 “(1) BASIC GRANT A.—At least 7 of the follow-
 10 ing:

11 “(A) .08 BAC PER SE LAW.—A law that
 12 provides that any individual with a blood alco-
 13 hol concentration of 0.08 percent or greater while
 14 operating a motor vehicle shall be deemed to be
 15 driving while intoxicated.

16 “(B) ADMINISTRATIVE LICENSE REVOCA-
 17 TION.—An administrative driver’s license sus-
 18 pension or revocation system for persons who op-
 19 erate motor vehicles while under the influence of
 20 alcohol that requires that—

21 “(i) in the case of a person who, in
 22 any 5-year period beginning after the date
 23 of enactment of this subsection, is deter-
 24 mined on the basis of a chemical test to
 25 have been operating a motor vehicle under

1 *the influence of alcohol or is determined to*
2 *have refused to submit to such a test as pro-*
3 *posed by a law enforcement officer, the*
4 *State agency responsible for administering*
5 *drivers' licenses, upon receiving the report*
6 *of the law enforcement officer—*

7 *“(I) shall suspend the driver’s li-*
8 *cense of such person for a period of not*
9 *less than 90 days if such person is a*
10 *first offender in such 5-year period;*
11 *and*

12 *“(II) shall suspend the driver’s li-*
13 *cense of such person for a period of not*
14 *less than 1 year, or revoke such license,*
15 *if such person is a repeat offender in*
16 *such 5-year period; and*

17 *“(ii) the suspension and revocation re-*
18 *ferred to under subparagraph (A)(i) shall*
19 *take effect not later than 30 days after the*
20 *date on which the person refused to submit*
21 *to a chemical test or received notice of hav-*
22 *ing been determined to be driving under the*
23 *influence of alcohol, in accordance with the*
24 *State’s procedures.*

1 “(C) *UNDERAGE DRINKING PROGRAM.*—An
2 *effective system, as determined by the Secretary,*
3 *for preventing operators of motor vehicles under*
4 *age 21 from obtaining alcoholic beverages. Such*
5 *system shall include the issuance of drivers’ li-*
6 *censes to individuals under age 21 that are eas-*
7 *ily distinguishable in appearance from drivers’*
8 *licenses issued to individuals age 21 years of age*
9 *or older.*

10 “(D) *STOPPING MOTOR VEHICLES.*—*Ei-*
11 *ther—*

12 “(i) *a statewide program for stopping*
13 *motor vehicles on a nondiscriminatory, law-*
14 *ful basis for the purpose of determining*
15 *whether the operators of such motor vehicles*
16 *are driving while under the influence of al-*
17 *cohol; or*

18 “(ii) *a statewide Special Traffic En-*
19 *forcement Program for impaired driving*
20 *that emphasizes publicity for the program.*

21 “(E) *REPEAT OFFENDERS.*—*Effective sanc-*
22 *tions for repeat offenders convicted of driving*
23 *under the influence of alcohol. Such sanctions, as*
24 *determined by the Secretary, may include elec-*
25 *tronic monitoring; alcohol interlocks; intensive*

1 supervision of probation; vehicle impoundment,
2 confiscation, or forfeiture; and dedicated deten-
3 tion facilities.

4 “(F) GRADUATED LICENSING SYSTEM.—A
5 3-stage graduated licensing system for young
6 drivers that includes nighttime driving restric-
7 tions during the first 2 stages, requires all vehi-
8 cle occupants to be properly restrained, and
9 makes it unlawful for a person under age 21 to
10 operate a motor vehicle with a blood alcohol con-
11 centration of .02 percent or greater.

12 “(G) DRIVERS WITH HIGH BAC’S.—Pro-
13 grams to target individuals with high blood alco-
14 hol concentrations who operate a motor vehicle.
15 Such programs may include implementation of a
16 system of graduated penalties and assessment of
17 individuals convicted of driving under the influ-
18 ence of alcohol.

19 “(H) YOUNG ADULT DRINKING PRO-
20 GRAMS.—Programs to reduce driving while
21 under the influence of alcohol by individuals age
22 21 through 34. Such programs may include
23 awareness campaigns; traffic safety partnerships
24 with employers, colleges, and the hospitality in-

1 *dustury; assessment of first time offenders; and in-*
 2 *corporation of treatment into judicial sentencing.*

3 *“(I) TESTING FOR BAC.—An effective sys-*
 4 *tem for increasing the rate of testing for blood al-*
 5 *cohol concentration of motor vehicle drivers at*
 6 *fault in fatal accidents.*

7 *“(2) BASIC GRANT B.—Either of the following:*

8 *“(A) ADMINISTRATIVE LICENSE REVOCA-*
 9 *TION.—An administrative driver’s license sus-*
 10 *pension or revocation system for persons who op-*
 11 *erate motor vehicles while under the influence of*
 12 *alcohol which requires that—*

13 *“(i) in the case of a person who, in*
 14 *any 5-year period beginning after the date*
 15 *of enactment of this subsection, is deter-*
 16 *mined on the basis of a chemical test to*
 17 *have been operating a motor vehicle under*
 18 *the influence of alcohol or is determined to*
 19 *have refused to submit to such a test as re-*
 20 *quested by a law enforcement officer, the*
 21 *State agency responsible for administering*
 22 *drivers’ licenses, upon receiving the report*
 23 *of the law enforcement officer—*

24 *“(I) shall suspend the driver’s li-*
 25 *cense of such person for a period of not*

1 *less than 90 days if such person is a*
2 *first offender in such 5-year period;*
3 *and*

4 “(II) *shall suspend the driver’s li-*
5 *cense of such person for a period of not*
6 *less than 1 year, or revoke such license,*
7 *if such person is a repeat offender in*
8 *such 5-year period; and*

9 “(ii) *the suspension and revocation re-*
10 *ferred to under subparagraph (A)(i) shall*
11 *take effect not later than 30 days after the*
12 *day on which the person refused to submit*
13 *to a chemical test or receives notice of hav-*
14 *ing been determined to be driving under the*
15 *influence of alcohol, in accordance with the*
16 *State’s procedures; or*

17 “(B) *.08 BAC PER SE LAW.—A law that*
18 *provides that any person with a blood alcohol*
19 *concentration of 0.08 percent or greater while*
20 *operating a motor vehicle shall be deemed to be*
21 *driving while intoxicated.*

22 “(3) *BASIC GRANT C.—Both of the following:*

23 “(A) *FATAL IMPAIRED DRIVER PERCENTAGE*
24 *REDUCTION.—The percentage of fatally injured*
25 *drivers with 0.10 percent or greater blood alcohol*

1 *concentration in the State has decreased in each*
2 *of the 3 most recent calendar years for which*
3 *statistics for determining such percentages are*
4 *available; and*

5 “(B) *FATAL IMPAIRED DRIVER PERCENTAGE*
6 *COMPARISON.—The percentage of fatally injured*
7 *drivers with 0.10 percent or greater blood alcohol*
8 *concentration in the State has been lower than*
9 *the average percentage for all States in each of*
10 *such calendar years.*

11 “(4) *BASIC GRANT AMOUNT.—The amount of*
12 *each basic grant under this subsection for any fiscal*
13 *year shall be up to 15 percent of the amount appor-*
14 *tioned to the State for fiscal year 1997 under section*
15 *402 of this title.*

16 “(5) *ALCOHOL-IMPAIRED DRIVING COUNTER-*
17 *MEASURES: SUPPLEMENTAL GRANTS.—During the pe-*
18 *riod in which a State is eligible for a basic grant*
19 *under this subsection, the State shall be eligible to re-*
20 *ceive a supplemental grant in no more than 2 fiscal*
21 *years of up to 5 percent of the amount apportioned*
22 *to the State in fiscal year 1997 under section 402.*
23 *The State may receive a separate supplemental grant*
24 *for meeting each of the following criteria:*

1 “(A) *OPEN CONTAINER LAWS.*—*The State*
2 *makes unlawful the possession of any open alco-*
3 *holic beverage container, or the consumption of*
4 *any alcoholic beverage, in the passenger area of*
5 *any motor vehicle located on a public highway*
6 *or the right-of-way of a public highway, except—*

7 “(i) *as allowed in the passenger area,*
8 *by a person (other than the driver), of any*
9 *motor vehicle designed to transport more*
10 *than 10 passengers (including the driver)*
11 *while being used to provide charter trans-*
12 *portation of passengers; or*

13 “(ii) *as otherwise specifically allowed*
14 *by such State, with the approval of the Sec-*
15 *retary, but in no event may the driver of*
16 *such motor vehicle be allowed to possess or*
17 *consume an alcoholic beverage in the pas-*
18 *senger area.*

19 “(B) *MANDATORY BLOOD ALCOHOL CON-*
20 *CENTRATION TESTING PROGRAMS.*—*The State*
21 *provides for mandatory blood alcohol concentra-*
22 *tion testing whenever a law enforcement officer*
23 *has probable cause under State law to believe*
24 *that a driver of a motor vehicle involved in a*
25 *crash resulting in the loss of human life or, as*

1 *determined by the Secretary, serious bodily in-*
2 *jury, has committed an alcohol-related traffic of-*
3 *fense.*

4 “(C) *VIDEO EQUIPMENT FOR DETECTION OF*
5 *DRUNK DRIVERS.*—*The State provides for a pro-*
6 *gram to acquire video equipment to be used in*
7 *detecting persons who operate motor vehicles*
8 *while under the influence of alcohol and in pros-*
9 *ecuting those persons, and to train personnel in*
10 *the use of that equipment.*

11 “(D) *BLOOD ALCOHOL CONCENTRATION FOR*
12 *PERSONS UNDER AGE 21.*—*The State enacts and*
13 *enforces a law providing that any person under*
14 *age 21 with a blood alcohol concentration of 0.02*
15 *percent or greater when driving a motor vehicle*
16 *shall be deemed to be driving while intoxicated*
17 *or driving under the influence of alcohol, and*
18 *further provides for a minimum suspension of*
19 *the person’s driver’s license for not less than 30*
20 *days.*

21 “(E) *SELF-SUSTAINING DRUNK DRIVING*
22 *PREVENTION PROGRAM.*—*The State provides for*
23 *a self-sustaining drunk driving prevention pro-*
24 *gram under which a significant portion of the*
25 *finest or surcharges collected from individuals ap-*

1 *prehended and fined for operating a motor vehi-*
2 *cle while under the influence of alcohol are re-*
3 *turned to those communities which have com-*
4 *prehensive programs for the prevention of such*
5 *operations of motor vehicles.*

6 “(F) *REDUCING DRIVING WITH A SUS-*
7 *PENDED LICENSE.—The State enacts and en-*
8 *forces a law to reduce driving with a suspended*
9 *license. Such law, as determined by the Sec-*
10 *retary, may require a ‘zebra’ stripe that is clear-*
11 *ly visible on the license plate of any motor vehi-*
12 *cle owned and operated by a driver with a sus-*
13 *pended license.*

14 “(G) *EFFECTIVE DWI TRACKING SYSTEM.—*
15 *The State demonstrates an effective driving while*
16 *intoxicated (DWI) tracking system. Such a sys-*
17 *tem, as determined by the Secretary, may in-*
18 *clude data covering arrests, case prosecutions,*
19 *court dispositions and sanctions, and provide for*
20 *the linkage of such data and traffic records sys-*
21 *tems to appropriate jurisdictions and offices*
22 *within the State.*

23 “(H) *ASSESSMENT OF PERSONS CONVICTED*
24 *OF ABUSE OF CONTROLLED SUBSTANCES; AS-*
25 *SIGNMENT OF TREATMENT FOR ALL DWI/DUI OF-*

1 *FENDERS.—The State provides for assessment of*
2 *individuals convicted of driving while intoxi-*
3 *cated or driving under the influence of alcohol or*
4 *controlled substances, and for the assignment of*
5 *appropriate treatment.*

6 *“(I) USE OF PASSIVE ALCOHOL SENSORS.—*
7 *The State provides for a program to acquire pas-*
8 *sive alcohol sensors to be used by police officers*
9 *in detecting persons who operate motor vehicles*
10 *while under the influence of alcohol, and to train*
11 *police officers in the use of that equipment.*

12 *“(J) EFFECTIVE PENALTIES FOR PROVISION*
13 *OR SALE OF ALCOHOL TO PERSONS UNDER 21.—*
14 *The State enacts and enforces a law that pro-*
15 *vides for effective penalties or other consequences*
16 *for the sale or provision of alcoholic beverages to*
17 *any individual under 21 years of age. The Sec-*
18 *retary shall determine what penalties are effec-*
19 *tive.*

20 *“(6) DEFINITIONS.—For the purposes of this*
21 *subsection, the following definitions apply:*

22 *“(A) ‘Alcoholic beverage’ has the meaning*
23 *such term has under section 158(c).*

1 “(B) ‘Controlled substances’ has the mean-
 2 ing such term has under section 102(6) of the
 3 Controlled Substances Act (21 U.S.C. 802(6)).

4 “(C) ‘Motor vehicle’ means a vehicle driven
 5 or drawn by mechanical power and manufac-
 6 tured primarily for use on public streets, roads,
 7 and highways, but does not include a vehicle op-
 8 erated only on a rail line.

9 “(D) ‘Open alcoholic beverage container’
 10 means any bottle, can, or other receptacle—

11 “(i) that contains any amount of an
 12 alcoholic beverage; and

13 “(ii)(I) that is open or has a broken
 14 seal, or

15 “(II) the contents of which are par-
 16 tially removed.

17 “(m) STATE HIGHWAY SAFETY DATA IMPROVE-
 18 MENTS.—The Secretary shall make a grant to a State that
 19 takes effective actions to improve the timeliness, accuracy,
 20 completeness, uniformity, and accessibility of the State’s
 21 data needed to identify priorities within State and local
 22 highway and traffic safety programs, to evaluate the effec-
 23 tiveness of such efforts, and to link these State data systems,
 24 including traffic records, together and with other data sys-

1 *tems within the State, such as systems that contain medical*
 2 *and economic data:*

3 “(1) *FIRST-YEAR GRANT ELIGIBILITY.*—*A State*
 4 *is eligible for a first-year grant under this subsection*
 5 *in a fiscal year if such State either:*

6 “(A) *Demonstrates, to the satisfaction of the*
 7 *Secretary, that it has—*

8 “(i) *established a Highway Safety*
 9 *Data and Traffic Records Coordinating*
 10 *Committee with a multidisciplinary mem-*
 11 *bership including the administrators, collec-*
 12 *tors, and users of such data (including the*
 13 *public health, injury control, and motor*
 14 *carrier communities) of highway safety and*
 15 *traffic records databases;*

16 “(ii) *completed within the preceding 5*
 17 *years a highway safety data and traffic*
 18 *records assessment or audit of its highway*
 19 *safety data and traffic records system; and*

20 “(iii) *initiated the development of a*
 21 *multiyear highway safety data and traffic*
 22 *records strategic plan to be approved by the*
 23 *Highway Safety Data and Traffic Records*
 24 *Coordinating Committee that identifies and*
 25 *prioritizes its highway safety data and traf-*

1 *fic records needs and goals, and that identi-*
2 *fies performance-based measures by which*
3 *progress toward those goals will be deter-*
4 *mined; or*

5 *“(B) provides, to the satisfaction of the Sec-*
6 *retary—*

7 *“(i) certification that it has met the*
8 *provisions outlined in clauses (i) and (ii) of*
9 *subparagraph (A);*

10 *“(ii) a multiyear plan that identifies*
11 *and prioritizes the State’s highway safety*
12 *data and traffic records needs and goals,*
13 *that specifies how its incentive funds for the*
14 *fiscal year will be used to address those*
15 *needs and the goals of the plan, and that*
16 *identifies performance-based measures by*
17 *which progress toward those goals will be*
18 *determined; and*

19 *“(iii) certification that the Highway*
20 *Safety Data and Traffic Records Coordinat-*
21 *ing Committee continues to operate and*
22 *supports the multiyear plan described in*
23 *clause (ii).*

24 *“(2) FIRST-YEAR GRANT AMOUNT.—The amount*
25 *of a first-year grant made for State highway safety*

1 *data and traffic records improvements for any fiscal*
 2 *year to any State eligible for such a grant under*
 3 *paragraph (1)(A) shall equal \$1,000,000, subject to*
 4 *the availability of appropriations, and for any State*
 5 *eligible for such a grant under paragraph (1)(B) of*
 6 *this subsection shall equal a proportional amount of*
 7 *the amount apportioned to the State for fiscal year*
 8 *1997 under section 402, except that no State shall re-*
 9 *ceive less than \$250,000, subject to the availability of*
 10 *appropriations. The Secretary may award a grant of*
 11 *up to \$25,000 for 1 year to any State that does not*
 12 *meet the criteria established in paragraph (1). The*
 13 *grant may only be used to conduct activities needed*
 14 *to enable that State to qualify for first-year funding*
 15 *to begin in the next fiscal year.*

16 “(3) *STATE HIGHWAY SAFETY DATA AND TRAF-*
 17 *FIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR*
 18 *GRANTS.—A State shall be eligible for a grant in any*
 19 *fiscal year succeeding the first fiscal year in which*
 20 *the State receives a State highway safety data and*
 21 *traffic records grant if the State, to the satisfaction*
 22 *of the Secretary:*

23 “(A) *Submits or updates a multiyear plan*
 24 *that identifies and prioritizes the State’s high-*
 25 *way safety data and traffic records needs and*

1 *goals, that specifies how its incentive funds for*
 2 *the fiscal year will be used to address those needs*
 3 *and the goals of the plan, and that identifies*
 4 *performance-based measures by which progress*
 5 *toward those goals will be determined.*

6 *“(B) Certifies that its Highway Safety*
 7 *Data and Traffic Records Coordinating Commit-*
 8 *tee continues to support the multiyear plan.*

9 *“(C) Reports annually on its progress in*
 10 *implementing the multi-year plan.*

11 *“(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The*
 12 *amount of a succeeding-year grant made for State*
 13 *highway safety data and traffic records improvements*
 14 *for any fiscal year to any State that is eligible for*
 15 *such a grant shall equal a proportional amount of the*
 16 *amount apportioned to the State for fiscal year 1997*
 17 *under section 402, except that no State shall receive*
 18 *less than \$225,000, subject to the availability of ap-*
 19 *propriations.”.*

20 *(g) OCCUPANT PROTECTION PROGRAM.—*

21 *(1) IN GENERAL.—Section 410 of title 23,*
 22 *United States Code, is amended to read as follows:*

23 **“§410. Safety belts and occupant protection programs**

24 *“(a) IN GENERAL.—The Secretary shall make basic*
 25 *grants to those States that adopt and implement effective*

1 *programs to reduce highway deaths and injuries resulting*
2 *from persons riding unrestrained or improperly restrained*
3 *in motor vehicles. A State may establish its eligibility for*
4 *1 or both of the grants by adopting or demonstrating the*
5 *following to the satisfaction of the Secretary:*

6 “(1) *BASIC GRANT A.—At least 4 of the follow-*
7 *ing:*

8 “(A) *SAFETY BELT USE LAW FOR ALL*
9 *FRONT SEAT OCCUPANTS.—The State has in ef-*
10 *fect a safety belt use law that makes unlawful*
11 *throughout the State the operation of a passenger*
12 *motor vehicle whenever a person in the front seat*
13 *of the vehicle (other than a child who is secured*
14 *in a child restraint system) does not have a safe-*
15 *ty belt properly secured about the person’s body.*

16 “(B) *PRIMARY SAFETY BELT USE LAW.—*
17 *The State provides for primary enforcement of*
18 *its safety belt use law.*

19 “(C) *CHILD PASSENGER PROTECTION LAW;*
20 *PUBLIC AWARENESS PROGRAM.—The State has*
21 *in effect—*

22 “(i) *a law that requires minors who*
23 *are riding in a passenger motor vehicle to*
24 *be properly secured in a child safety seat or*
25 *other appropriate restraint system; and*

1 “(ii) an effective public awareness pro-
2 gram that advocates placing passengers
3 under the age of 13 in the back seat of a
4 motor vehicle equipped with a passenger-
5 side air bag whenever possible.

6 “(D) CHILD OCCUPANT PROTECTION EDU-
7 CATION PROGRAM.—The State demonstrates im-
8 plementation of a statewide comprehensive child
9 occupant protection education program that in-
10 cludes education about proper seating positions
11 for children in air bag equipped motor vehicles
12 and instruction on how to reduce the improper
13 use of child restraints systems. The States are to
14 submit to the Secretary an evaluation or report
15 on the effectiveness of the programs at least 3
16 years after receipt of the grant.

17 “(E) MINIMUM FINES.—The State requires
18 a minimum fine of at least \$25 for violations of
19 its safety belt use law and a minimum fine of
20 at least \$25 for violations of its child passenger
21 protection law.

22 “(F) SPECIAL TRAFFIC ENFORCEMENT PRO-
23 GRAM.—The State demonstrates implementation
24 of a statewide Special Traffic Enforcement Pro-

1 *gram for occupant protection that emphasizes*
 2 *publicity for the program.*

3 “(2) *BASIC GRANT B.—Both of the following:*

4 “(A) *STATE SAFETY BELT USE RATE.—The*
 5 *State demonstrates a statewide safety belt use*
 6 *rate in both front outboard seating positions in*
 7 *all passenger motor vehicles of 80 percent or*
 8 *higher in each of the first 3 years a grant under*
 9 *this paragraph is received, and of 85 percent or*
 10 *higher in each of the fourth, fifth, and sixth*
 11 *years a grant under this paragraph is received.*

12 “(B) *SURVEY METHOD.—The State follows*
 13 *safety belt use survey methods which conform to*
 14 *guidelines issued by the Secretary ensuring that*
 15 *such measurements are accurate and representa-*
 16 *tive.*

17 “(3) *BASIC GRANT AMOUNT.—The amount of*
 18 *each basic grant for which a State qualifies under*
 19 *this subsection for any fiscal year shall equal up to*
 20 *20 percent of the amount apportioned to the State for*
 21 *fiscal year 1997 under section 402.*

22 “(4) *OCCUPANT PROTECTION PROGRAM: SUPPLE-*
 23 *MENTAL GRANTS.—During the period in which a*
 24 *State is eligible for a basic grant under this sub-*
 25 *section, the State shall be eligible to receive a supple-*

1 *mental grant in a fiscal year of up to 5 percent of*
 2 *the amount apportioned to the State in fiscal year*
 3 *1997 under section 402. The State may receive a sep-*
 4 *arate supplemental grant for meeting each of the fol-*
 5 *lowing criteria:*

6 *“(A) PENALTY POINTS AGAINST A DRIVER’S*
 7 *LICENSE FOR VIOLATIONS OF CHILD PASSENGER*
 8 *PROTECTION REQUIREMENTS.—The State has in*
 9 *effect a law that requires the imposition of pen-*
 10 *alty points against a driver’s license for viola-*
 11 *tions of child passenger protection requirements.*

12 *“(B) ELIMINATION OF NONMEDICAL EXEMP-*
 13 *TIONS TO SAFETY BELT AND CHILD PASSENGER*
 14 *PROTECTION LAWS.—The State has in effect safe-*
 15 *ty belt and child passenger protection laws that*
 16 *contain no nonmedical exemptions.*

17 *“(C) SAFETY BELT USE IN REAR SEATS.—*
 18 *The State has in effect a law that requires safety*
 19 *belt use by all rear-seat passengers in all pas-*
 20 *senger motor vehicles with a rear seat.*

21 *“(5) DEFINITIONS.—As used in this subsection,*
 22 *the term—*

23 *“(A) ‘child safety seat’ means any device ex-*
 24 *cept safety belts, designed for use in a motor ve-*

1 *hicle to restrain, seat, or position children who*
2 *weigh 50 pounds or less;*

3 *“(B) ‘motor vehicle’ means a vehicle driven*
4 *or drawn by mechanical power and manufac-*
5 *tured primarily for use on public streets, roads,*
6 *and highways, but does not include a vehicle op-*
7 *erated only on a rail line;*

8 *“(C) ‘multipurpose passenger vehicle’ means*
9 *a motor vehicle with motive power (except a*
10 *trailer), designed to carry not more than 10 in-*
11 *dividuals, that is constructed either on a truck*
12 *chassis or with special features for occasional off-*
13 *road operation;*

14 *“(D) ‘passenger car’ means a motor vehicle*
15 *with motive power (except a multipurpose pas-*
16 *senger vehicle, motorcycle, or trailer) designed to*
17 *carry not more than 10 individuals.*

18 *“(E) ‘passenger motor vehicle’ means a pas-*
19 *senger car or a multipurpose passenger motor ve-*
20 *hicle; and*

21 *“(F) ‘safety belt’ means—*

22 *“(i) with respect to open-body pas-*
23 *senger vehicles, including convertibles, an*
24 *occupant restraint system consisting of a*

1 *lap belt or a lap belt and a detachable*
 2 *shoulder belt; and*

3 “(ii) *with respect to other passenger ve-*
 4 *hicles, an occupant restraint system consist-*
 5 *ing of integrated lap and shoulder belts.*

6 “(b) *CHILD OCCUPANT PROTECTION EDUCATION*
 7 *GRANTS.—*

8 “(1) *DEFINITIONS.—In this subsection:*

9 “(A) *COVERED CHILD OCCUPANT PROTEC-*
 10 *TION EDUCATION PROGRAM.—The term ‘covered*
 11 *child occupant protection education program’*
 12 *means a program described in subsection*
 13 *(a)(1)(D).*

14 “(B) *COVERED STATE.—The term ‘covered*
 15 *State’ means a State that demonstrates the im-*
 16 *plementation of a program described in sub-*
 17 *section (a)(1)(D).*

18 “(2) *CHILD PASSENGER EDUCATION.—*

19 “(A) *GRANTS.—*

20 “(i) *IN GENERAL.—Subject to the*
 21 *availability of appropriations, the Secretary*
 22 *may make a grant to a covered State that*
 23 *submits an application, in such form and*
 24 *manner as the Secretary may prescribe,*
 25 *that is approved by the Secretary to carry*

1 *out the activities specified in subparagraph*
2 *(B) through—*

3 “(I) *the covered child occupant*
4 *protection program of the State; and*

5 “(II) *at the option of the State, a*
6 *grant program established by the State*
7 *to provide for the carrying out of 1 or*
8 *more of the activities specified in sub-*
9 *paragraph (B) by a political subdivi-*
10 *sion of the State or an appropriate*
11 *private entity.*

12 “(ii) *GRANT AWARDS.—The Secretary*
13 *may make a grant under this subsection*
14 *without regard to whether a covered State is*
15 *eligible to receive, or has received, a grant*
16 *under subsection (a).*

17 “(B) *USE OF FUNDS.—Funds provided to a*
18 *State under a grant under this subsection shall*
19 *be used to implement child restraint programs*
20 *that—*

21 “(i) *are designed to prevent deaths and*
22 *injuries to children under the age of 9; and*

23 “(ii) *educate the public concerning—*

24 “(I) *all aspects of the proper in-*
25 *stallation of child restraints using*

1 *standard seatbelt hardware, supple-*
2 *mental hardware, and modification de-*
3 *vices (if needed), including special in-*
4 *stallation techniques; and*

5 “(II)(aa) *appropriate child re-*
6 *straint design selection and placement*
7 *and; and*

8 “(bb) *harness threading and har-*
9 *ness adjustment; and*

10 “(iii) *train and retrain child pas-*
11 *senger safety professionals, police officers,*
12 *fire and emergency medical personnel, and*
13 *other educators concerning all aspects of*
14 *child restraint use.*

15 “(C) *REPORTS.—*

16 “(i) *IN GENERAL.—The appropriate of-*
17 *ficial of each State that receives a grant*
18 *under this subsection shall prepare, and*
19 *submit to the Secretary, an annual report*
20 *for the period covered by the grant.*

21 “(ii) *REQUIREMENTS FOR REPORTS.—*
22 *A report described in clause (i) shall—*

23 “(I) *contain such information as*
24 *the Secretary may require; and*

1 “(II) *at a minimum, describe the*
 2 *program activities undertaken with the*
 3 *funds made available under the grant.*

4 “(D) *REPORT TO CONGRESS.—Not later*
 5 *than 1 year after the date of enactment of the*
 6 *Intermodal Surface Transportation Efficiency*
 7 *Act of 1998, and annually thereafter, the Sec-*
 8 *retary shall prepare, and submit to Congress, a*
 9 *report on the implementation of this subsection*
 10 *that includes a description of the programs un-*
 11 *dertaken and materials developed and distrib-*
 12 *uted by the States that receive grants under this*
 13 *subsection.*

14 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*
 15 *There are authorized to be appropriated to the De-*
 16 *partment of Transportation to carry out this sub-*
 17 *section, \$7,500,000 for each of fiscal years 1999 and*
 18 *2000.”.*

19 “(2) *CONFORMING AMENDMENT.—The chapter*
 20 *analysis for chapter 4 of that title is amended by*
 21 *striking the item relating to section 410 and inserting*
 22 *the following:*

 “410. *Safety belts and occupant protection programs.”.*

23 “(h) *DRUGGED DRIVER RESEARCH AND DEMONSTRATION*
 24 *PROGRAM.—Section 403(b) of title 23, United States*
 25 *Code, is amended—*

- 1 (1) by inserting “(1)” before “In addition”;
- 2 (2) by striking “is authorized to” and inserting
- 3 “shall”;
- 4 (3) by redesignating paragraphs (1) and (2) as
- 5 subparagraphs (A) and (B); and
- 6 (4) by inserting after subparagraph (B), as re-
- 7 designated, the following:
- 8 “(C) Measures that may deter drugged driving.”.

9 **SEC. 3102. NATIONAL DRIVER REGISTER.**

10 (a) *TRANSFER OF SELECTED FUNCTIONS TO NON-*
 11 *FEDERAL MANAGEMENT.*—Section 30302 is amended by
 12 adding at the end the following:

13 “(e) *TRANSFER OF SELECTED FUNCTIONS TO NON-*
 14 *FEDERAL MANAGEMENT.*—

15 “(1) The Secretary may enter into an agreement
 16 with an organization that represents the interests of
 17 the States to manage, administer, and operate the
 18 National Driver Register’s computer timeshare and
 19 user assistance functions. If the Secretary decides to
 20 enter into such an agreement, the Secretary shall en-
 21 sure that the management of these functions is com-
 22 patible with this chapter and the regulations issued to
 23 implement this chapter.

24 “(2) Any transfer of the National Driver Reg-
 25 ister’s computer timeshare and user assistance func-

1 *tions to an organization that represents the interests*
2 *of the States shall begin only after a determination is*
3 *made by the Secretary that all States are participat-*
4 *ing in the National Driver Register's 'Problem Driver*
5 *Pointer System' (the system used by the Register to*
6 *effect the exchange of motor vehicle driving records),*
7 *and that the system is functioning properly.*

8 *“(3) The agreement entered into under this sub-*
9 *section shall include a provision for a transition pe-*
10 *riod sufficient to allow the States to make the budg-*
11 *etary and legislative changes they may need to pay*
12 *fees charged by the organization representing their in-*
13 *terests for their use of the National Driver Register's*
14 *computer timeshare and user assistance functions.*
15 *During this transition period, the Secretary (through*
16 *the National Highway Traffic Safety Administration)*
17 *shall continue to fund these transferred functions.*

18 *“(4) The total of the fees charged by the organi-*
19 *zation representing the interests of the States in any*
20 *fiscal year for the use of the National Driver Reg-*
21 *ister's computer timeshare and user assistance func-*
22 *tions shall not exceed the total cost to the organization*
23 *for performing these functions in such fiscal year.*

1 “(5) *Nothing in this subsection shall be construed*
2 *to diminish, limit, or otherwise affect the authority of*
3 *the Secretary to carry out this chapter.*”.

4 (b) *ACCESS TO REGISTER INFORMATION.*—Section
5 30305(b) is amended by—

6 (1) by striking “request.” in paragraph (2) and
7 inserting the following: “request, unless the informa-
8 tion is about a revocation or suspension still in effect
9 on the date of the request”;

10 (2) by inserting after paragraph (6) the follow-
11 ing:

12 “(7) *The head of a Federal department or agency*
13 *that issues motor vehicle operator’s licenses may re-*
14 *quest the chief driver licensing official of a State to*
15 *obtain information under subsection (a) about an in-*
16 *dividual applicant for a motor vehicle operator’s li-*
17 *cence from such department or agency. The depart-*
18 *ment or agency may receive the information, provided*
19 *it transmits to the Secretary a report regarding any*
20 *individual who is denied a motor vehicle operator’s*
21 *license by that department or agency for cause; whose*
22 *motor vehicle operator’s license is revoked, suspended,*
23 *or canceled by that department or agency for cause;*
24 *or about whom the department or agency has been no-*
25 *tified of a conviction of any of the motor vehicle-relat-*

ed offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

“(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.”;

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(4) by striking “paragraph (2)” in paragraph (10), as redesignated, and inserting “subsection (a)”.

SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

- 1 (i) \$117,858,000 for fiscal year 1998;
- 2 (ii) \$123,492,000 for fiscal year 1999;
- 3 (iii) \$126,877,000 for fiscal year 2000;
- 4 (iv) \$130,355,000 for fiscal year 2001;
- 5 (v) \$133,759,000 for fiscal year 2002;
- 6 and
- 7 (vi) \$141,803,000 for fiscal year 2003.

8 (B) To carry out the alcohol-impaired driv-
9 ing countermeasures incentive grant provisions
10 of section 402(l) of title 23, United States Code,
11 by the National Highway Traffic Safety Admin-
12 istration—

- 13 (i) \$30,570,000 for fiscal year 1998;
- 14 (ii) \$28,500,000 for fiscal year 1999;
- 15 (iii) \$29,273,000 for fiscal year 2000;
- 16 (iv) \$30,065,000 for fiscal year 2001;
- 17 (v) \$38,743,000 for fiscal year 2002;
- 18 and
- 19 (vi) \$39,815,000 for fiscal year 2003.

20 Amounts made available to carry out section
21 402(l) of title 23, United States Code, are au-
22 thorized to remain available until expended, pro-
23 vided that, in each fiscal year the Secretary may
24 reallocate any amounts remaining available
25 under section 402(l) of section 402 of title 23,

1 *United States Code, as necessary to ensure, to*
 2 *the maximum extent possible, that States may*
 3 *receive the maximum incentive funding for*
 4 *which they are eligible under these programs.*

5 *(C) To carry out the occupant protection*
 6 *program incentive grant provisions of section*
 7 *410 of title 23, United States Code, by the Na-*
 8 *tional Highway Traffic Safety Administration—*

9 *(i) \$13,950,000 for fiscal year 1998;*

10 *(ii) \$14,618,000 for fiscal year 1999;*

11 *(iii) \$15,012,000 for fiscal year 2000;*

12 *(iv) \$15,418,000 for fiscal year 2001;*

13 *(v) \$17,640,000 for fiscal year 2002;*

14 *and*

15 *(vi) \$17,706,000 for fiscal year 2003.*

16 *Amounts made available to carry out section 410*
 17 *of title 23, United States Code, are authorized to*
 18 *remain available until expended, provided that,*
 19 *in each fiscal year the Secretary may reallocate*
 20 *any amounts remaining available under section*
 21 *410 of title 23, United States Code, to sub-*
 22 *sections (l) and (m) of section 402 of title 23,*
 23 *United States Code, as necessary to ensure, to*
 24 *the maximum extent possible, that States may*

1 *receive the maximum incentive funding for*
 2 *which they are eligible under these programs.*

3 *(D) To carry out the State highway safety*
 4 *data improvements incentive grant provisions of*
 5 *section 402(m) of title 23, United States Code,*
 6 *by the National Highway Traffic Safety Admin-*
 7 *istration—*

8 *(i) \$8,370,000 for fiscal year 1998;*

9 *(ii) \$8,770,000 for fiscal year 1999;*

10 *(iii) \$9,007,000 for fiscal year 2000;*

11 *and*

12 *(iv) \$9,250,000 for fiscal year 2001.*

13 *Amounts made available to carry out section*
 14 *402(m) of title 23, United States Code, are au-*
 15 *thorized to remain available until expended.*

16 *(E) To carry out the drugged driving re-*
 17 *search and demonstration programs of section*
 18 *403(b)(1) of title 23, United States Code, by the*
 19 *National Highway Traffic Safety Administra-*
 20 *tion, \$2,000,000 for each of fiscal years 1999,*
 21 *2000, 2001, 2002, and 2003.*

22 *(2) SECTION 403 HIGHWAY SAFETY AND RE-*
 23 *SEARCH.—For carrying out the functions of the Sec-*
 24 *retary, by the National Highway Traffic Safety Ad-*
 25 *ministration, for highway safety under section 403 of*

1 *title 23, United States Code, there are authorized to*
 2 *be appropriated \$60,100,000 for each of fiscal years*
 3 *1998, 1999, 2000, 2001, and 2002, and \$61,700,000*
 4 *for fiscal year 2003.*

5 (3) *PUBLIC EDUCATION EFFORT.*—*Out of funds*
 6 *made available for carrying out programs under sec-*
 7 *tion 403 of title 23, United States Code, for each of*
 8 *fiscal years 1998, 1999, 2000, 2001, 2002, and 2003,*
 9 *the Secretary of Transportation shall obligate at least*
 10 *\$500,000 to educate the motoring public on how to*
 11 *share the road safely with commercial motor vehicles.*

12 (4) *NATIONAL DRIVER REGISTER.*—*For carrying*
 13 *out chapter 303 (National Driver Register) of title 49,*
 14 *United States Code, by the National Highway Traffic*
 15 *Safety Administration—*

16 (A) *\$1,605,000 for fiscal year 1998;*

17 (B) *\$1,680,000 for fiscal year 1999;*

18 (C) *\$1,726,000 for fiscal year 2000;*

19 (D) *\$1,772,000 for fiscal year 2001;*

20 (E) *\$1,817,000 for fiscal year 2002; and*

21 (F) *\$1,872,000 for fiscal year 2003.*

22 **SEC. 3104. MOTOR VEHICLE PURSUIT PROGRAM.**

23 (a) *MOTOR VEHICLE PURSUIT PROGRAM.*—

1 (1) *TRAINING.*—Section 403(b)(1) of title 23,
2 *United States Code*, as amended by section 3101(h),
3 is amended by adding at the end thereof the following:

4 “(D) *Programs to train law enforcement of-*
5 *ficers on motor vehicle pursuits conducted by law*
6 *enforcement officers.*”.

7 (2) *FUNDING.*—Out of amounts appropriated to
8 carry out section 403 of title 23, *United States Code*,
9 the Secretary of Transportation may use such
10 amounts as may be necessary to carry out the motor
11 vehicle pursuit training program of section
12 403(b)(1)(D) of title 23, *United States Code*, but not
13 in excess of \$1,000,000 for each of fiscal years 1999,
14 2000, 2001, 2002, and 2003.

15 (b) *REPORT OF FEDERAL POLICIES AND PROCE-*
16 *DURES.*—Not later than 180 days after the date of enact-
17 ment of this Act, the Attorney General of the United States,
18 the Secretary of Agriculture, the Secretary of the Interior,
19 the Secretary of the Treasury, the Chief of Capitol Police,
20 and the Administrator of General Services shall each trans-
21 mit to Congress a report containing—

22 (1) *the policy of the department or agency head-*
23 *ed by that individual concerning motor vehicle pur-*
24 *suits by law enforcement officers of that department*
25 *or agency; and*

1 (2) a description of the procedures that the de-
 2 partment or agency uses to train law enforcement of-
 3 ficers in the implementation of the policy referred to
 4 in paragraph (1).

5 **SEC. 3105. ENFORCEMENT OF WINDOW GLAZING STAND-**
 6 **ARDS FOR LIGHT TRANSMISSION.**

7 Section 402(a) of title 23, United States Code, is
 8 amended by striking “post-accident procedures.” and in-
 9 serting “post-accident procedures, including the enforce-
 10 ment of light transmission standards of glazing for pas-
 11 senger motor vehicles and light trucks as necessary to im-
 12 prove highway safety.”.

13 **SEC. 3106. IMPROVING AIR BAG SAFETY.**

14 (a) *SUSPENSION OF UNBELTED BARRIER TESTING.*—
 15 The provision in Federal Motor Vehicle Safety Standard
 16 No. 208, Occupant crash protection, 49 CFR 571.208, that
 17 requires air bag-equipped vehicles to be crashed into a bar-
 18 rier using unbelted 50th percentile adult male dummies is
 19 suspended until either the rule issued under subsection (b)
 20 goes into effect or, prior to the effective date of the rule,
 21 the Secretary of Transportation, after reporting to the Com-
 22 merce Committee of the House of Representatives, and the
 23 Committee on Commerce, Science, and Transportation of
 24 the Senate, determines by rule that restoring the test is nec-
 25 essary to accomplish the purposes of subsection (b).

1 (b) *RULEMAKING TO IMPROVE AIR BAGS.*—

2 (1) *NOTICE OF PROPOSED RULEMAKING.*—Not
3 *later than June 1, 1998, the Secretary of Transpor-*
4 *tation shall issue a notice of proposed rulemaking to*
5 *improve the occupant protection for all occupants*
6 *provided by Federal Motor Vehicle Safety Standard*
7 *No. 208, while minimizing the risk to infants, chil-*
8 *dren, and other occupants from injuries and deaths*
9 *caused by air bags, by means that include advanced*
10 *air bags.*

11 (2) *FINAL RULE.*—*The Secretary shall complete*
12 *the rulemaking required by this subsection by issuing,*
13 *not later than June 1, 1999, a final rule consistent*
14 *with paragraph (1). If the Secretary determines that*
15 *the final rule cannot be completed by that date to*
16 *meet the purposes of paragraph (1), and advises the*
17 *Congress of the reasons for this determination, the*
18 *Secretary may extend the date for issuing the final*
19 *rule by not more than one year. The Congress may,*
20 *by joint resolution, grant a further extension of the*
21 *date for issuing a final rule.*

22 (3) *METHODS TO ENSURE PROTECTION.*—Not-
23 *withstanding subsection (a) of this section, the rule*
24 *required by paragraph (2) may include such tests, in-*
25 *cluding tests with dummies of different sizes, as the*

1 *Secretary determines to be reasonable, practicable,*
2 *and appropriate to meet the purposes of paragraph*
3 *(1).*

4 *(4) EFFECTIVE DATE.—The final rule issued*
5 *under this subsection shall become effective in phases*
6 *as rapidly as practicable, beginning not earlier than*
7 *September 1, 2001, and not later than September 1,*
8 *2002, and shall become effective not later than Sep-*
9 *tember 1, 2005, for all motor vehicles in which air*
10 *bags are required to be installed. If the Secretary de-*
11 *termines that the September 1, 2005, effective date is*
12 *not practicable to meet the purposes of paragraph (1),*
13 *the Secretary may extend the effective date for not*
14 *more than one year. The Congress may, by joint reso-*
15 *lution, grant a further extension of the effective date.*

16 *(c) REPORT ON AIR BAG IMPROVEMENTS.—Not later*
17 *than 6 months after the enactment of this section, the Sec-*
18 *retary of Transportation shall report to Congress on the de-*
19 *velopment of technology to improve the protection given by*
20 *air bags and reduce the risks from air bags. To the extent*
21 *possible, the report shall describe the performance character-*
22 *istics of advanced air bag devices, their estimated cost, their*
23 *estimated benefits, and the time within which they could*
24 *be installed in production vehicles.*

1 **SEC. 3107. ROADSIDE SAFETY TECHNOLOGIES.**

2 (a) *CRASH CUSHIONS.*—

3 (1) *GUIDANCE.*—*The Secretary shall initiate and*
 4 *issue a guidance regarding the benefits and safety*
 5 *performance of redirective and nonredirective crash*
 6 *cushions in different road applications, taking into*
 7 *consideration roadway conditions, operating speed*
 8 *limits, the location of the crash cushion in the right-*
 9 *of-way, and any other relevant factors. The guidance*
 10 *shall include recommendations on the most appro-*
 11 *priate circumstances for utilization of redirective and*
 12 *nonredirective crash cushions.*

13 (2) *USE OF GUIDANCE.*—*States shall use the*
 14 *guidance issued under this subsection in evaluating*
 15 *the safety and cost-effectiveness of utilizing different*
 16 *crash cushion designs and determining whether re-*
 17 *directive or nonredirective crash cushions or other*
 18 *safety appurtenances should be installed at specific*
 19 *highway locations.*

20 ***Subtitle B—Hazardous Materials***
 21 ***Transportation Reauthorization***

22 **SEC. 3201. FINDINGS AND PURPOSES; DEFINITIONS.**

23 (a) *FINDINGS AND PURPOSES.*—*Section 5101 is*
 24 *amended to read as follows:*

1 **“§ 5101. Findings and purposes**

2 “(a) *FINDINGS.*—Congress finds with respect to haz-
3 *ardous materials transportation that—*

4 “(1) *approximately 4,000,000,000 tons of regu-*
5 *lated hazardous materials are transported each year*
6 *and that approximately 1,000,000 movements of haz-*
7 *ardous materials occur each day, according to De-*
8 *partment of Transportation estimates;*

9 “(2) *accidents involving the release of hazardous*
10 *materials are a serious threat to public health and*
11 *safety;*

12 “(3) *many States and localities have enacted*
13 *laws and regulations that vary from Federal laws*
14 *and regulations pertaining to the transportation of*
15 *hazardous materials, thereby creating the potential*
16 *for unreasonable hazards in other jurisdictions and*
17 *confounding shippers and carriers that attempt to*
18 *comply with multiple and conflicting registration,*
19 *permitting, routings, notification, loading, unloading,*
20 *incidental storage, and other regulatory requirements;*

21 “(4) *because of the potential risks to life, prop-*
22 *erty and the environment posed by unintentional re-*
23 *leases of hazardous materials, consistency in laws and*
24 *regulations governing the transportation of hazardous*
25 *materials, including loading, unloading, and inciden-*
26 *tal storage, is necessary and desirable;*

1 “(5) in order to achieve greater uniformity and
2 to promote the public health, welfare, and safety at all
3 levels, Federal standards for regulating the transpor-
4 tation of hazardous materials in intrastate, interstate,
5 and foreign commerce are necessary and desirable;

6 “(6) in order to provide reasonable, adequate,
7 and cost-effective protection from the risks posed by
8 the transportation of hazardous materials, a network
9 of adequately trained State and local emergency re-
10 sponse personnel is required;

11 “(7) the movement of hazardous materials in
12 commerce is necessary and desirable to maintain eco-
13 nomic vitality and meet consumer demands, and shall
14 be conducted in a safe and efficient manner;

15 “(8) primary authority for the regulation of such
16 transportation should be consolidated in the Depart-
17 ment of Transportation to ensure the safe and effi-
18 cient movement of hazardous materials in commerce;
19 and

20 “(9) emergency response personnel have a con-
21 tinuing need for training on responses to releases of
22 hazardous materials in transportation and small
23 businesses have a continuing need for training on
24 compliance with hazardous materials regulations.

25 “(b) PURPOSES.—The purposes of this chapter are—

1 “(1) to ensure the safe and efficient transpor-
 2 tation of hazardous materials in intrastate, interstate,
 3 and foreign commerce, including the loading, unload-
 4 ing, and incidental storage of hazardous material;

5 “(2) to provide the Secretary with preemption
 6 authority to achieve uniform regulation of hazardous
 7 material transportation, to eliminate inconsistent
 8 rules that apply differently from Federal rules, to en-
 9 sure efficient movement of hazardous materials in
 10 commerce, and to promote the national health, wel-
 11 fare, and safety; and

12 “(3) to provide adequate training for public sec-
 13 tor emergency response teams to ensure safe responses
 14 to hazardous material transportation accidents and
 15 incidents.”.

16 (b) *DEFINITIONS.*—Section 5102 is amended by—

17 (1) by striking paragraph (1) and inserting the
 18 following:

19 “(1) ‘commerce’ means trade or transportation
 20 in the jurisdiction of the United States—

21 “(A) between a place in a State and a place
 22 outside of the State;

23 “(B) that affects trade or transportation be-
 24 tween a place in a State and a place outside of
 25 the State; or

1 “(C) on a United States-registered air-
2 craft.”;

3 (2) by striking paragraphs (3) and (4) and in-
4 serting the following:

5 “(3) ‘hazmat employee’ means an individual
6 who—

7 “(A) is—

8 “(i) employed by a hazmat employer,

9 “(ii) self-employed, or

10 “(iii) an owner-operator of a motor ve-
11 hicle; and

12 “(B) during the course of employment—

13 “(i) loads, unloads, or handles hazard-
14 ous material;

15 “(ii) manufactures, reconditions, or
16 tests containers, drums, or other packagings
17 represented as qualified for use in trans-
18 porting hazardous material;

19 “(iii) performs any function pertain-
20 ing to the offering of hazardous material for
21 transportation;

22 “(iv) is responsible for the safety of
23 transporting hazardous material; or

24 “(v) operates a vehicle used to trans-
25 port hazardous material.

- 1 “(4) ‘hazmat employer’ means a person who—
2 “(A) either—
3 “(i) is self-employed,
4 “(ii) is an owner-operator of a motor
5 vehicle, or
6 “(iii) has at least 1 employee; and
7 “(B) performs a function, or uses at least 1
8 employee, in connection with—
9 “(i) transporting hazardous material
10 in commerce;
11 “(ii) causing hazardous material to be
12 transported in commerce, or
13 “(iii) manufacturing, reconditioning,
14 or testing containers, drums, or other pack-
15 agings represented as qualified for use in
16 transporting hazardous material.”;
17 (3) by striking “title.” in paragraph (7) and in-
18 serting “title, except that a freight forwarder is in-
19 cluded only if performing a function related to high-
20 way transportation.”;
21 (4) by redesignating paragraphs (9) through (13)
22 as paragraphs (12) through (16), respectively;
23 (5) by inserting after paragraph (8) the follow-
24 ing:

1 “(9) ‘out-of-service order’ means a mandate that
2 an aircraft, vessel, motor vehicle, train, other vehicle,
3 or a part of any of these, not be moved until specified
4 conditions have been met.

5 “(10) ‘package’ or ‘outside package’ means a
6 packaging plus its contents.

7 “(11) ‘packaging’ means a receptacle and any
8 other components or materials necessary for the recep-
9 tacle to perform its containment function in conform-
10 ance with the minimum packaging requirements es-
11 tablished by the Secretary of Transportation.”; and

12 (6) by striking “or transporting hazardous mate-
13 rial to further a commercial enterprise;” in para-
14 graph (12)(A), as redesignated by paragraph (4) of
15 this subsection, and inserting “, and transporting
16 hazardous material to further a commercial enter-
17 prise, or manufacturing, reconditioning, or testing
18 containers, drums, or other packagings represented as
19 qualified for use in transporting hazardous material”.

20 (c) CLERICAL AMENDMENT.—The chapter analysis of
21 chapter 51 is amended by striking the item relating to sec-
22 tion 5101 and inserting the following:

 “5101. Findings and purposes.”.

1 **SEC. 3202. HANDLING CRITERIA REPEAL.**

2 Section 5106 is repealed and the chapter analysis of
3 chapter 51 is amended by striking the item relating to that
4 section.

5 **SEC. 3203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.**

6 Section 5107(f)(2) is amended by striking “and section
7 5106, and subsections (a) through (g)(1) and (h) of section
8 5108(a), and 5109 of this title”.

9 **SEC. 3204. REGISTRATION.**

10 Section 5108 is amended by—

11 (1) by striking subsection (b)(1)(C) and inserting
12 the following:

13 “(C) each State in which the person carries
14 out any of the activities.”;

15 (2) by striking subsection (c) and inserting the
16 following:

17 “(c) *FILING SCHEDULE.*—Each person required to file
18 a registration statement under subsection (a) of this section
19 shall file that statement annually in accordance with regu-
20 lations issued by the Secretary.”;

21 (3) by striking “552(f)” in subsection (f) and in-
22 serting “552(b)”;

23 (4) by striking “may” in subsection (g)(1) and
24 inserting “shall”; and

25 (5) by inserting “or an Indian tribe,” in sub-
26 section (i)(2)(B) after “State,”.

1 **SEC. 3205. SHIPPING PAPER RETENTION.**

2 Section 5110(e) is amended by striking the first sen-
 3 tence and inserting “After expiration of the requirement in
 4 subsection (c), the person who provided the shipping paper
 5 and the carrier required to maintain it under subsection
 6 (a) shall retain the paper or an electronic image thereof,
 7 for a period of 1 year after the shipping paper was provided
 8 to the carrier, to be accessible through their respective prin-
 9 cipal places of business.”.

10 **SEC. 3206. PUBLIC SECTOR TRAINING CURRICULUM.**

11 Section 5115 is amended—

12 (1) in subsection (a), by striking “DEVELOP-
 13 MENT AND UPDATING.—Not later than November 16,
 14 1992, in” and inserting “UPDATING.—In”;

15 (2) in the first sentence of subsection (a), by
 16 striking “develop and”;

17 (3) in subsection (a), by striking the second sen-
 18 tence;

19 (4) in the first sentence of subsection (b), by
 20 striking “developed”;

21 (5) in subparagraphs (A) and (B) of subsection
 22 (b)(1), by inserting “or involving an alternative fuel
 23 vehicle” after “material”; and

24 (6) by striking subsection (d) and inserting the
 25 following:

1 “(d) *DISTRIBUTION AND PUBLICATION.*—With the na-
2 tional response team, the Secretary of Transportation may
3 publish a list of programs that use a course developed under
4 this section for training public sector employees to respond
5 to an accident or incident involving the transportation of
6 hazardous material.”.

7 **SEC. 3207. PLANNING AND TRAINING GRANTS.**

8 Section 5116 is amended by—

9 (1) by striking “of” in the second sentence of
10 subsection (e) and inserting “received by”;

11 (2) by striking subsection (f) and inserting the
12 following:

13 “(f) *MONITORING AND TECHNICAL ASSISTANCE.*—The
14 Secretary of Transportation shall monitor public sector
15 emergency response planning and training for an accident
16 or incident involving hazardous material. Considering the
17 results of the monitoring, the Secretary shall provide tech-
18 nical assistance to a State, political subdivision of a State,
19 or Indian tribe for carrying out emergency response train-
20 ing and planning for an accident or incident involving haz-
21 ardous material and shall coordinate the assistance using
22 the existing coordinating mechanisms of the national re-
23 sponse team for oil and hazardous substances and, for ra-
24 dioactive material, the Federal Radiological Preparedness
25 Coordinating Committee.”; and

1 (3) *by adding at the end thereof the following:*

2 “(1) *SMALL BUSINESSES.—The Secretary may author-*
 3 *ize a State or Indian tribe receiving a grant under this*
 4 *section to use up to 25 percent of the amount of the grant*
 5 *to assist small businesses in complying with regulations*
 6 *issued under this chapter.”.*

7 **SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EX-**
 8 **CLUSIONS.**

9 (a) *Section 5117 is amended—*

10 (1) *by striking the section heading and inserting*
 11 *the following:*

12 **“§5117. Special permits, pilot programs, exemptions,**
 13 **and exclusions”;**

14 (2) *by striking “2 years” in subsection (a)(2)*
 15 *and inserting “4 years”;*

16 (3) *by redesignating subsection (e) as subsection*
 17 *(f); and*

18 (4) *by inserting after subsection (d) the follow-*
 19 *ing:*

20 “(e) *AUTHORITY TO CARRY OUT PILOT PROGRAMS.—*

21 “(1) *IN GENERAL.—The Secretary is authorized*
 22 *to carry out pilot programs to examine innovative*
 23 *approaches or alternatives to regulations issued under*
 24 *this chapter for private motor carriage in intrastate*

1 *transportation of an agricultural production material*
2 *from—*

3 “(A) *a source of supply to a farm;*

4 “(B) *a farm to another farm;*

5 “(C) *a field to another field on a farm; or*

6 “(D) *a farm back to the source of supply.*

7 “(2) *LIMITATION.—The Secretary may not carry*
8 *out a pilot program under paragraph (1) if the Sec-*
9 *retary determines that the program would pose an*
10 *undue risk to public health and safety.*

11 “(3) *SAFETY LEVELS.—In carrying out a pilot*
12 *project under this subsection, the Secretary shall re-*
13 *quire, as a condition of approval of the project, that*
14 *the safety measures in the project are designed to*
15 *achieve a level of safety that is equivalent to, or great-*
16 *er than, the level of safety that would otherwise be*
17 *achieved through compliance with the standards pre-*
18 *scribed under this chapter.*

19 “(4) *TERMINATION OF PROJECT.—The Secretary*
20 *shall immediately terminate any project entered into*
21 *under this subsection if the motor carrier or other en-*
22 *tity to which it applies fails to comply with the terms*
23 *and conditions of the pilot project or the Secretary de-*
24 *termines that the project has resulted in a lower level*

1 of safety than was maintained before the project was
2 initiated.

3 “(5) *NONAPPLICATION.*—This subsection does not
4 apply to the application of regulations issued under
5 this chapter to vessels or aircraft.”.

6 (b) Section 5119(c) is amended by adding at the end
7 the following:

8 “(4) Pending promulgation of regulations under
9 this subsection, States may participate in a program
10 of uniform forms and procedures recommended by the
11 working group under subsection (b).”.

12 (c) The chapter analysis for chapter 51 is amended
13 by striking the item related to section 5117 and inserting
14 the following:

“5117. Special permits, pilot programs, exemptions, and exclusions.”.

15 **SEC. 3209. ADMINISTRATION.**

16 (a) Section 5121 is amended by striking subsections
17 (a), (b), and (c) and redesignating subsections (d) and (e)
18 as subsections (a) and (b), respectively.

19 (b) Section 5122 is amended by redesignating sub-
20 sections (a), (b), and (c) as subsections (d), (e), and (f),
21 and by inserting before subsection (d), as redesignated, the
22 following:

23 “(a) *GENERAL AUTHORITY.*—To carry out this chap-
24 ter, the Secretary of Transportation may investigate, make
25 reports, issue subpoenas, conduct hearings, require the pro-

1 *duction of records and property, take depositions, and con-*
 2 *duct research, development, demonstration, and training*
 3 *activities. After notice and an opportunity for a hearing,*
 4 *the Secretary may issue an order requiring compliance with*
 5 *this chapter or a regulation prescribed under this chapter.*

6 “(b) *RECORDS, REPORTS, AND INFORMATION.—A per-*
 7 *son subject to this chapter shall—*

8 “(1) *maintain records, make reports, and pro-*
 9 *vide information the Secretary by regulation or order*
 10 *requires; and*

11 “(2) *make the records, reports, and information*
 12 *available when the Secretary requests.*

13 “(c) *INSPECTION.—*

14 “(1) *The Secretary may authorize an officer, em-*
 15 *ployee, or agent to inspect, at a reasonable time and*
 16 *in a reasonable way, records and property related*
 17 *to—*

18 “(A) *manufacturing, fabricating, marking,*
 19 *maintaining, reconditioning, repairing, testing,*
 20 *or distributing a packaging or a container for*
 21 *use by a person in transporting hazardous mate-*
 22 *rial in commerce; or*

23 “(B) *the transportation of hazardous mate-*
 24 *rial in commerce.*

1 “(2) *An officer, employee, or agent under this*
 2 *subsection shall display proper credentials when re-*
 3 *quested.*”.

4 **SEC. 3210. COOPERATIVE AGREEMENTS.**

5 *Section 5121, as amended by section 3209(a), is fur-*
 6 *ther amended by adding at the end thereof the following:*

7 “(f) *AUTHORITY FOR COOPERATIVE AGREEMENTS.—*
 8 *To carry out this chapter, the Secretary may enter into*
 9 *grants, cooperative agreements, and other transactions with*
 10 *a person, agency or instrumentality of the United States,*
 11 *a unit of State or local government, an Indian tribe, a for-*
 12 *eign government (in coordination with the State Depart-*
 13 *ment), an educational institution, or other entity to further*
 14 *the objectives of this chapter. The objectives of this chapter*
 15 *include the conduct of research, development, demonstra-*
 16 *tion, risk assessment, emergency response planning and*
 17 *training activities.*”.

18 **SEC. 3211. ENFORCEMENT.**

19 *Section 5122, as amended by section 3209(b), is fur-*
 20 *ther amended—*

21 (1) *in the first sentence of subsection (a), by in-*
 22 *serting “inspect,” after “may”;*

23 (2) *by striking the last sentence of subsection (a)*
 24 *and inserting: “Except as provided in subsection (e)*
 25 *of this section, the Secretary shall provide notice and*

1 *an opportunity for a hearing prior to issuing an*
 2 *order requiring compliance with this chapter or a*
 3 *regulation, order, special permit, or approval issued*
 4 *under this chapter.”; and*

5 *(3) by redesignating subsections (d), (e) and (f)*
 6 *as subsections (f), (g) and (h), and inserting after*
 7 *subsection (c) the following:*

8 *“(d) OTHER AUTHORITY.—*

9 *“(1) INSPECTION.—During inspections and in-*
 10 *vestigations, officers, employees, or agents of the Sec-*
 11 *retary may—*

12 *“(A) open and examine the contents of a*
 13 *package offered for, or in, transportation when—*

14 *“(i) the package is marked, labeled,*
 15 *certified, placarded, or otherwise represented*
 16 *as containing a hazardous material, or*

17 *“(ii) there is an objectively reasonable*
 18 *and articulable belief that the package may*
 19 *contain a hazardous material;*

20 *“(B) take a sample, sufficient for analysis,*
 21 *of material marked or represented as a hazard-*
 22 *ous material or for which there is an objectively*
 23 *reasonable and articulable belief that the mate-*
 24 *rial may be a hazardous material, and analyze*
 25 *that material;*

1 “(C) *when there is an objectively reasonable*
2 *and articulable belief that an imminent hazard*
3 *may exist, prevent the further transportation of*
4 *the material until the hazardous qualities of that*
5 *material have been determined; and*

6 “(D) *when safety might otherwise be com-*
7 *promised, authorize properly qualified personnel*
8 *to conduct the examination, sampling, or analy-*
9 *sis of a material.*

10 “(2) *NOTIFICATION.—No package opened pursu-*
11 *ant to this subsection shall continue its transpor-*
12 *tation until the officer, employee, or agent of the Sec-*
13 *retary—*

14 “(A) *affixes a label to the package indicat-*
15 *ing that the package was inspected pursuant to*
16 *this subsection; and*

17 “(B) *notifies the shipper that the package*
18 *was opened for examination.*

19 “(e) *EMERGENCY ORDERS.—*

20 “(1) *If, through testing, inspection, investigation,*
21 *or research carried out under this chapter, the Sec-*
22 *retary decides that an unsafe condition or practice, or*
23 *a combination of them, causes an emergency situation*
24 *involving a hazard of death, personal injury, or sig-*
25 *nificant harm to the environment, the Secretary may*

1 *immediately issue or impose restrictions, prohibitions,*
 2 *recalls, or out-of-service orders, without notice or the*
 3 *opportunity for a hearing, that may be necessary to*
 4 *abate the situation.*

5 “(2) *The Secretary’s action under this subsection*
 6 *must be in a written order describing the condition*
 7 *or practice, or combination of them, that causes the*
 8 *emergency situation; stating the restrictions, prohibi-*
 9 *tions, recalls, or out-of-service orders being issued or*
 10 *imposed; and prescribing standards and procedures*
 11 *for obtaining relief from the order.*

12 “(3) *After taking action under this subsection,*
 13 *the Secretary shall provide an opportunity for review*
 14 *of that action under section 554 of title 5.*

15 “(4) *If a petition for review is filed and the re-*
 16 *view is not completed by the end of the 30-day period*
 17 *beginning on the date the petition was filed, the ac-*
 18 *tion will cease to be effective at the end of that period*
 19 *unless the Secretary determines in writing that the*
 20 *emergency situation still exists.”.*

21 **SEC. 3212. PENALTIES.**

22 (a) *IN GENERAL.*—Section 5123(a)(1) is amended by
 23 *striking the first sentence and inserting the following: “A*
 24 *person that knowingly violates this chapter or a regulation,*
 25 *order, special permit, or approval issued under this chapter*

1 *is liable to the United States Government for a civil penalty*
2 *of at least \$250 but not more than \$27,500 for each viola-*
3 *tion.”.*

4 (b) *DEGREE OF CULPABILITY.*—Section 5123(c)(2) is
5 *amended to read as follows:*

6 “(2) *with respect to the violator, the degree of*
7 *culpability, any good-faith efforts to comply with the*
8 *applicable requirements, any history of prior viola-*
9 *tions, any economic benefit resulting from the viola-*
10 *tion, the ability to pay, and any effect on the ability*
11 *to continue to do business; and”.*

12 (c) *CRIMINAL PENALTY.*—Section 5124 is amended to
13 *read as follows:*

14 **“§5124. Criminal penalty**

15 “(a) *IN GENERAL.*—A person knowingly violating sec-
16 *tion 5104(b) of this title or willfully violating this chapter*
17 *or a regulation, order, special permit, or approval issued*
18 *under this chapter, shall be fined under title 18, imprisoned*
19 *for not more than 5 years, or both.*

20 “(b) *AGGRAVATED VIOLATIONS.*—A person knowingly
21 *violating section 5104(b) of this title or willfully violating*
22 *this chapter or a regulation, order, special permit, or ap-*
23 *proval issued under this chapter, and thereby causing the*
24 *release of a hazardous material, shall be fined under title*
25 *18, imprisoned for not more than 20 years, or both.”.*

1 **SEC. 3213. PREEMPTION.**

2 (a) *REQUIREMENTS CONTRARY TO PURPOSES OF*
 3 *CHAPTER.*—Section 5125(a)(2) is amended by inserting “,
 4 *the purposes of this chapter,*” after “*this chapter*” the first
 5 *place it appears.*

6 (b) *DEADWOOD.*—Section 5125(b)(2) is amended by
 7 striking “*prescribes after November 16, 1990.*” and insert-
 8 *ing “prescribes.”.*

9 (c) *INDEPENDENT APPLICATION OF PREEMPTION*
 10 *STANDARDS.*—Section 5125 is amended by adding at the
 11 *end thereof the following:*

12 “(h) *INDEPENDENT APPLICATION OF EACH STAND-*
 13 *ARD.*—Each preemption standard in subsections (a), (b)(1),
 14 (c), and (g) of this section and section 5119(c)(2) is inde-
 15 *pendent in its application to a requirement of any State,*
 16 *political subdivision of a State, or Indian tribe.”.*

17 **SEC. 3214. JUDICIAL REVIEW.**

18 (a) *IN GENERAL.*—Chapter 51 is amended by redesign-
 19 *ating section 5127 as section 5128, and by inserting after*
 20 *section 5126 the following new section:*

21 **“§5127. Judicial review**

22 “(a) *FILING AND VENUE.*—Except as provided in sec-
 23 *tion 20114(c), a person disclosing a substantial interest in*
 24 *a final order issued, under the authority of section 5122*
 25 *or 5123, by the Secretary of Transportation, the Adminis-*
 26 *trators of the Research and Special Programs Administra-*

1 *tion, the Federal Aviation Administration, or the Federal*
 2 *Highway Administration, or the Commandant of the*
 3 *United States Coast Guard ('modal Administrator'), with*
 4 *respect to the duties and powers designated to be carried*
 5 *out by the Secretary under this chapter, may apply for re-*
 6 *view in the United States Court of Appeals for the District*
 7 *of Columbia or in the court of appeals for the United States*
 8 *for the circuit in which the person resides or has its prin-*
 9 *cipal place of business. The petition must be filed not more*
 10 *than 60 days after the order is issued. The court may allow*
 11 *the petition to be filed after the 60th day only if there are*
 12 *reasonable grounds for not filing by the 60th day.*

13 “(b) *JUDICIAL PROCEDURES.*—When a petition is
 14 *filed under subsection (a) of this section, the clerk of the*
 15 *court immediately shall send a copy of the petition to the*
 16 *Secretary or the modal Administrator, as appropriate. The*
 17 *Secretary or the modal Administrator shall file with the*
 18 *court a record of any proceeding in which the order was*
 19 *issued, as provided in section 2112 of title 28.*

20 “(c) *AUTHORITY OF COURT.*—When the petition is sent
 21 *to the Secretary or the modal Administrator, the court has*
 22 *exclusive jurisdiction to affirm, amend, modify, or set aside*
 23 *any part of the order and may order the Secretary or the*
 24 *modal Administrator to conduct further proceedings. After*
 25 *reasonable notice to the Secretary or the modal Adminis-*

1 *trator, the court may grant interim relief by staying the*
 2 *order or taking other appropriate action when good cause*
 3 *for its action exists. Findings of fact by the Secretary or*
 4 *the modal Administrator, if supported by substantial evi-*
 5 *dence, are conclusive.*

6 “(d) *REQUIREMENT FOR PRIOR OBJECTION.*—*In re-*
 7 *viewing a final order under this section, the court may con-*
 8 *sider an objection to a final order of the Secretary or the*
 9 *modal Administrator only if the objection was made in the*
 10 *course of a proceeding or review conducted by the Secretary,*
 11 *the modal Administrator, or an administrative law judge,*
 12 *or if there was a reasonable ground for not making the ob-*
 13 *jection in the proceeding.*

14 “(e) *SUPREME COURT REVIEW.*—*A decision by a court*
 15 *under this section may be reviewed only by the Supreme*
 16 *Court under section 1254 of title 28, United States Code.”.*

17 “(b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
 18 *chapter 51 is amended by striking the item related to sec-*
 19 *tion 5127 and inserting the following:*

“5127. *Judicial review.*

“5128. *Authorization of appropriations.”.*

20 **SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAU-**
 21 **THORIZATION.**

22 “(a) *IN GENERAL.*—*Chapter 51, as amended by section*
 23 *3214 of this Act, is amended by redesignating section 5128*

1 as section 5129 and by inserting after section 5127 the fol-
2 lowing:

3 **“§5128. High risk hazardous material and hazardous**
4 **waste; motor carrier safety study**

5 “(a) *STUDY.*—The Secretary of Transportation shall
6 conduct a study—

7 “(1) to determine the safety benefits and admin-
8 istrative efficiency of implementing a Federal permit
9 program for high risk hazardous material and haz-
10 ardous waste carriers;

11 “(2) to identify and evaluate alternative regu-
12 latory methods and procedures that may improve the
13 safety of high risk hazardous material and hazardous
14 waste carriers and shippers, including evaluating
15 whether an annual safety fitness determination that
16 is linked to permit renewals for hazardous material
17 and hazardous waste carriers is warranted;

18 “(3) to examine the safety benefits of increased
19 monitoring of high risk hazardous material and haz-
20 ardous waste carriers, and the costs, benefits, and
21 procedures of existing State permit programs;

22 “(4) to make such recommendations as may be
23 appropriate for the improvement of uniformity
24 among existing State permit programs; and

10 “(c) *REPORT.*—The Secretary shall report the findings
11 of the study required by subsection (a), together with such
12 recommendations as may be appropriate, within 36 months
13 after the date of enactment of the Intermodal Transpor-
14 tation Safety Act of 1998.”.

19 (c) CONFORMING AMENDMENT.—*The chapter analysis*
20 *for chapter 51, as amended by section 3214, is amended*
21 *by striking the item relating to section 5128 and inserting*
22 *the following:*

“5129. *Authorization of appropriations.*”.

24 *Section 5129, as redesignated, is amended—*

1 (1) *by striking subsection (a) and inserting the*
 2 *following:*

3 “(a) *GENERAL.—There are authorized to be appro-*
 4 *priated to the Secretary of Transportation to carry out this*
 5 *chapter (except sections 5107(e), 5108(g)(2), 5113, 5115,*
 6 *and 5116) not more than—*

7 “(1) \$15,492,000 for fiscal year 1998;

8 “(2) \$16,000,000 for fiscal year 1999;

9 “(3) \$16,500,000 for fiscal year 2000;

10 “(4) \$17,000,000 for fiscal year 2001;

11 “(5) \$17,500,000 for fiscal year 2002; and

12 “(6) \$18,000,000 for fiscal year 2003.”; and

13 (2) *by striking subsections (c) and (d) and in-*
 14 *serting the following:*

15 “(c) *TRAINING CURRICULUM.—Not more than*
 16 *\$200,000 is available to the Secretary of Transportation*
 17 *from the account established under section 5116(i) for each*
 18 *of the fiscal years ending September 30, 1999–2003, to*
 19 *carry out section 5115.*

20 “(d) *PLANNING AND TRAINING.—*

21 (1) *Not more than \$2,444,000 is available to the*
 22 *Secretary of Transportation from the account estab-*
 23 *lished under section 5116(i) for the fiscal year ending*
 24 *September 30, 1998, and such sums as may be nec-*

1 *essary for fiscal years 1999–2003, to carry out section*
 2 *5116(a).*

3 *“(2) Not more than \$3,666,000 is available to*
 4 *the Secretary of Transportation from the account es-*
 5 *tablished under section 5116(i) for the fiscal year end-*
 6 *ing September 30, 1998, and such sums as may be*
 7 *necessary for fiscal years 1999–2003, to carry out sec-*
 8 *tion 5116(b).*

9 *“(3) Not more than \$600,000 is available to the*
 10 *Secretary of Transportation from the account estab-*
 11 *lished under section 5116(i) for the fiscal year ending*
 12 *September 30, 1998, and such sums as may be nec-*
 13 *essary for fiscal years 1999–2003, to carry out section*
 14 *5116(f).”.*

15 ***Subtitle C—Comprehensive One-*** 16 ***Call Notification***

17 ***SEC. 3301. FINDINGS.***

18 *Congress finds that—*

19 *(1) unintentional damage to underground facili-*
 20 *ties during excavation is a significant cause of dis-*
 21 *ruptions in telecommunications, water supply, elec-*
 22 *tric power, and other vital public services, such as*
 23 *hospital and air traffic control operations, and is a*
 24 *leading cause of natural gas and hazardous liquid*
 25 *pipeline accidents;*

1 (2) *excavation that is performed without prior*
 2 *notification to an underground facility operator or*
 3 *with inaccurate marking of such a facility prior to*
 4 *excavation can cause damage that results in fatalities,*
 5 *serious injuries, harm to the environment and disrup-*
 6 *tion of vital services to the public; and*

7 (3) *protection of the public and the environment*
 8 *from the consequences of underground facility damage*
 9 *caused by excavations will be enhanced by a coordi-*
 10 *nated national effort to improve one-call notification*
 11 *programs in each State and the effectiveness and effi-*
 12 *ciency of one-call notification systems that operate*
 13 *under such programs.*

14 **SEC. 3302. ESTABLISHMENT OF ONE-CALL NOTIFICATION**
 15 **PROGRAMS.**

16 (a) *IN GENERAL.*—*Subtitle III is amended by adding*
 17 *at the end thereof the following:*

18 **“CHAPTER 61—ONE-CALL NOTIFICATION**
 19 **PROGRAMS**

“*Sec.*

“6101. *Purposes.*

“6102. *Definitions.*

“6103. *Minimum standards for State one-call notification programs.*

“6104. *Compliance with minimum standards.*

“6105. *Review of one-call system best practices.*

“6106. *Grants to States.*

“6107. *Authorization of appropriations.*

20 **“§ 6101. Purposes**

21 *“The purposes of this chapter are—*

1 “(1) to enhance public safety;
2 “(2) to protect the environment;
3 “(3) to minimize risks to excavators; and
4 “(4) to prevent disruption of vital public serv-
5 ices,
6 by reducing the incidence of damage to underground facili-
7 ties during excavation through the adoption and efficient
8 implementation by all States of State one-call notification
9 programs that meet the minimum standards set forth under
10 section 6103.

11 **“§ 6102. Definitions**

12 *“For purposes of this chapter:*

13 “(1) *ONE-CALL NOTIFICATION SYSTEM.*—The
14 term “one-call notification system” means a system
15 operated by an organization that has as 1 of its pur-
16 poses to receive notification from excavators of in-
17 tended excavation in a specified area in order to dis-
18 seminate such notification to underground facility op-
19 erators that are members of the system so that such
20 operators can locate and mark their facilities in order
21 to prevent damage to underground facilities in the
22 course of such excavation.

23 “(2) *STATE ONE-CALL NOTIFICATION PRO-*
24 *GRAM.*—The term “State one-call notification pro-
25 gram” means the State statutes, regulations, orders,

1 *judicial decisions, and other elements of law and pol-*
 2 *icy in effect in a State that establish the requirements*
 3 *for the operation of one-call notification systems in*
 4 *such State.*

5 “(3) *STATE.*—*The term ‘State’ means a State,*
 6 *the District of Columbia, and Puerto Rico.*

7 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
 8 *the Secretary of Transportation.*

9 **“§ 6103. Minimum standards for State one-call notifi-**
 10 ***cation programs***

11 “(a) *MINIMUM STANDARDS.*—*A State one-call notifi-*
 12 *cation program shall, at a minimum, provide for—*

13 “(1) *appropriate participation by all under-*
 14 *ground facility operators;*

15 “(2) *appropriate participation by all excavators;*
 16 *and*

17 “(3) *flexible and effective enforcement under*
 18 *State law with respect to participation in, and use of,*
 19 *one-call notification systems.*

20 “(b) *APPROPRIATE PARTICIPATION.*—*In determining*
 21 *the appropriate extent of participation required for types*
 22 *of underground facilities or excavators under subsection (a),*
 23 *a State shall assess, rank, and take into consideration the*
 24 *risks to the public safety, the environment, excavators, and*
 25 *vital public services associated with—*

1 “(1) *damage to types of underground facilities;*
2 *and*

3 “(2) *activities of types of excavators.*

4 “(c) *IMPLEMENTATION.—A State one-call notification*
5 *program also shall, at a minimum, provide for—*

6 “(1) *consideration of the ranking of risks under*
7 *subsection (b) in the enforcement of its provisions;*

8 “(2) *a reasonable relationship between the bene-*
9 *fits of one-call notification and the cost of implement-*
10 *ing and complying with the requirements of the State*
11 *one-call notification program; and*

12 “(3) *voluntary participation where the State de-*
13 *termines that a type of underground facility or an ac-*
14 *tivity of a type of excavator poses a de minimis risk*
15 *to public safety or the environment.*

16 “(d) *PENALTIES.—To the extent the State determines*
17 *appropriate and necessary to achieve the purposes of this*
18 *chapter, a State one-call notification program shall, at a*
19 *minimum, provide for—*

20 “(1) *administrative or civil penalties commensu-*
21 *rate with the seriousness of a violation by an exca-*
22 *vator or facility owner of a State one-call notification*
23 *program;*

24 “(2) *increased penalties for parties that repeat-*
25 *edly damage underground facilities because they fail*

1 to use one-call notification systems or for parties that
 2 repeatedly fail to provide timely and accurate mark-
 3 ing after the required call has been made to a one-
 4 call notification system;

5 “(3) reduced or waived penalties for a violation
 6 of a requirement of a State one-call notification pro-
 7 gram that results in, or could result in, damage that
 8 is promptly reported by the violator;

9 “(4) equitable relief; and

10 “(5) citation of violations.

11 **“§ 6104. Compliance with minimum standards**

12 “(a) *REQUIREMENT.*—In order to qualify for a grant
 13 under section 6106, each State shall, within 2 years after
 14 the date of the enactment of the Intermodal Transportation
 15 Safety Act of 1998, submit to the Secretary a grant applica-
 16 tion under subsection (b).

17 “(b) *APPLICATION.*—

18 “(1) Upon application by a State, the Secretary
 19 shall review that State’s one-call notification pro-
 20 gram, including the provisions for the implementa-
 21 tion of the program and the record of compliance and
 22 enforcement under the program.

23 “(2) Based on the review under paragraph (1),
 24 the Secretary shall determine whether the State’s one-
 25 call notification program meets the minimum stand-

1 *ards for such a program set forth in section 6103 in*
2 *order to qualify for a grant under section 6106.*

3 *“(3) In order to expedite compliance under this*
4 *section, the Secretary may consult with the State as*
5 *to whether an existing State one-call notification pro-*
6 *gram, a specific modification thereof, or a proposed*
7 *State program would result in a positive determina-*
8 *tion under paragraph (2).*

9 *“(4) The Secretary shall prescribe the form of,*
10 *and manner of filing, an application under this sec-*
11 *tion that shall provide sufficient information about a*
12 *State’s one-call notification program for the Secretary*
13 *to evaluate its overall effectiveness. Such information*
14 *may include the nature and reasons for exceptions*
15 *from required participation, the types of enforcement*
16 *available, and such other information as the Sec-*
17 *retary deems necessary.*

18 *“(5) The application of a State under paragraph*
19 *(1) and the record of actions of the Secretary under*
20 *this section shall be available to the public.*

21 *“(c) ALTERNATIVE PROGRAM.—A State may maintain*
22 *an alternative one-call notification program if that pro-*
23 *gram provides protection for public safety, the environment,*
24 *or excavators that is equivalent to, or greater than, protec-*

1 *tion under a program that meets the minimum standards*
2 *set forth in section 6103.*

3 “(d) *REPORT.*—*Within 3 years after the date of the*
4 *enactment of the Intermodal Transportation Safety Act of*
5 *1998, the Secretary shall begin to include the following in-*
6 *formation in reports submitted under section 60124 of this*
7 *title—*

8 “(1) *a description of the extent to which each*
9 *State has adopted and implemented the minimum*
10 *Federal standards under section 6103 or maintains*
11 *an alternative program under subsection (c);*

12 “(2) *an analysis by the Secretary of the overall*
13 *effectiveness of the State’s one-call notification pro-*
14 *gram and the one-call notification systems operating*
15 *under such program in achieving the purposes of this*
16 *chapter;*

17 “(3) *the impact of the State’s decisions on the ex-*
18 *tent of required participation in one-call notification*
19 *systems on prevention of damage to underground fa-*
20 *cilities; and*

21 “(4) *areas where improvements are needed in*
22 *one-call notification systems in operation in the*
23 *State.*

24 *The report shall also include any recommendations the Sec-*
25 *retary determines appropriate. If the Secretary determines*

1 *that the purposes of this chapter have been substantially*
 2 *achieved, no further report under this section shall be re-*
 3 *quired.*

4 **“§ 6105. Review of one-call system best practices**

5 “(a) *STUDY OF EXISTING ONE-CALL SYSTEMS.—Ex-*
 6 *cept as provided in subsection (d), the Secretary, in con-*
 7 *sultation with other appropriate Federal agencies, State*
 8 *agencies, one-call notification system operators, under-*
 9 *ground facility operators, excavators, and other interested*
 10 *parties, shall undertake a study of damage prevention prac-*
 11 *tices associated with existing one-call notification systems.*

12 “(b) *PURPOSE OF STUDY OF DAMAGE PREVENTION*
 13 *PRACTICES.—The purpose of the study is to assemble infor-*
 14 *mation in order to determine which existing one-call notifi-*
 15 *cation systems practices appear to be the most effective in*
 16 *preventing damage to underground facilities and in protect-*
 17 *ing the public, the environment, excavators, and public*
 18 *service disruption. As part of the study, the Secretary shall*
 19 *at a minimum consider—*

20 “(1) *the methods used by one-call notification*
 21 *systems and others to encourage participation by ex-*
 22 *cavators and owners of underground facilities;*

23 “(2) *the methods by which one-call notification*
 24 *systems promote awareness of their programs, includ-*

1 *ing use of public service announcements and edu-*
2 *cational materials and programs;*

3 *“(3) the methods by which one-call notification*
4 *systems receive and distribute information from exca-*
5 *vators and underground facility owners;*

6 *“(4) the use of any performance and service*
7 *standards to verify the effectiveness of a one-call noti-*
8 *fication system;*

9 *“(5) the effectiveness and accuracy of mapping*
10 *used by one-call notification systems;*

11 *“(6) the relationship between one-call notifica-*
12 *tion systems and preventing intentional damage to*
13 *underground facilities;*

14 *“(7) how one-call notification systems address*
15 *the need for rapid response to situations where the*
16 *need to excavate is urgent;*

17 *“(8) the extent to which accidents occur due to*
18 *errors in marking of underground facilities, untimely*
19 *marking or errors in the excavation process after a*
20 *one-call notification system has been notified of an*
21 *excavation;*

22 *“(9) the extent to which personnel engaged in*
23 *marking underground facilities may be endangered;*

24 *“(10) the characteristics of damage prevention*
25 *programs the Secretary believes could be relevant to*

1 *the effectiveness of State one-call notification pro-*
2 *grams; and*

3 “(11) *the effectiveness of penalties and enforce-*
4 *ment activities under State one-call notification pro-*
5 *grams in obtaining compliance with program require-*
6 *ments.*

7 “(c) *REPORT.—Within 1 year after the date of the en-*
8 *actment of the Intermodal Transportation Safety Act of*
9 *1998, the Secretary shall publish a report identifying those*
10 *practices of one-call notification systems that are the most*
11 *and least successful in—*

12 “(1) *preventing damage to underground facili-*
13 *ties; and*

14 “(2) *providing effective and efficient service to*
15 *excavators and underground facility operators.*

16 *The Secretary shall encourage States and operators of one-*
17 *call notification programs to adopt and implement the most*
18 *successful practices identified in the report.*

19 “(d) *SECRETARIAL DISCRETION.—Prior to undertak-*
20 *ing the study described in subsection (a), the Secretary shall*
21 *determine whether timely information described in sub-*
22 *section (b) is readily available. If the Secretary determines*
23 *that such information is readily available, the Secretary is*
24 *not required to carry out the study.*

1 **“§ 6106. Grants to States**

2 “(a) *IN GENERAL.*—*The Secretary may make a grant*
3 *of financial assistance to a State that qualifies under sec-*
4 *tion 6104(b) to assist in improving—*

5 “(1) *the overall quality and effectiveness of one-*
6 *call notification systems in the State;*

7 “(2) *communications systems linking one-call*
8 *notification systems;*

9 “(3) *location capabilities, including training*
10 *personnel and developing and using location tech-*
11 *nology;*

12 “(4) *record retention and recording capabilities*
13 *for one-call notification systems;*

14 “(5) *public information and education;*

15 “(6) *participation in one-call notification sys-*
16 *tems; or*

17 “(7) *compliance and enforcement under the State*
18 *one-call notification program.*

19 “(b) *STATE ACTION TAKEN INTO ACCOUNT.*—*In mak-*
20 *ing grants under this section the Secretary shall take into*
21 *consideration the commitment of each State to improving*
22 *its State one-call notification program, including legislative*
23 *and regulatory actions taken by the State after the date of*
24 *enactment of the Intermodal Transportation Safety Act of*
25 *1998.*

1 “(c) *FUNDING FOR ONE-CALL NOTIFICATION SYS-*
 2 *TEMS.—A State may provide funds received under this sec-*
 3 *tion directly to any one-call notification system in such*
 4 *State that substantially adopts the best practices identified*
 5 *under section 6105.*

6 **“§ 6107. Authorization of appropriations**

7 “(a) *FOR GRANTS TO STATES.—There are authorized*
 8 *to be appropriated to the Secretary in fiscal year 1999 no*
 9 *more than \$1,000,000 and in fiscal year 2000 no more than*
 10 *\$5,000,000, to be available until expended, to provide grants*
 11 *to States under section 6106.*

12 “(b) *FOR ADMINISTRATION.—There are authorized to*
 13 *be appropriated to the Secretary such sums as may be nec-*
 14 *essary during fiscal years 1998, 1999, and 2000 to carry*
 15 *out sections 6103, 6104, and 6105.*

16 “(c) *GENERAL REVENUE FUNDING.—Any sums appro-*
 17 *priated under this section shall be derived from general rev-*
 18 *enues and may not be derived from amounts collected under*
 19 *section 60301 of this title.”.*

20 (b) *CONFORMING AMENDMENTS.—*

21 (1) *The table of chapters for subtitle III is*
 22 *amended by adding at the end thereof the following:*

“61. One-Call Notification Program 6101”.

23 (2) *Chapter 601 is amended—*

1 (A) by striking “sections 60114 and” in sec-
 2 tion 60105(a) of that chapter and inserting “sec-
 3 tion”;

4 (B) by striking section 60114 and the item
 5 relating to that section in the table of sections for
 6 that chapter;

7 (C) by striking “60114(c), 60118(a),” in
 8 section 60122(a)(1) of that chapter and inserting
 9 “60118(a),”;

10 (D) by striking “60114(c) or” in section
 11 60123(a) of that chapter;

12 (E) by striking “sections 60107 and
 13 60114(b)” in subsections (a) and (b) of section
 14 60125 and inserting “section 60107” in each
 15 such subsection; and

16 (F) by striking subsection (d) of section
 17 60125, and redesignating subsections (e) and (f)
 18 of that section as subsections (d) and (e), respec-
 19 tively.

20 ***Subtitle D—Motor Carrier Safety***

21 **SEC. 3401. STATEMENT OF PURPOSES.**

22 Chapter 311 is amended—

23 (1) by inserting before section 31101 the follow-
 24 ing:

1 **“§ 31100. Purpose**

2 “The purposes of this subchapter are—

3 “(1) to improve commercial motor vehicle and
4 driver safety;

5 “(2) to facilitate efforts by the Secretary, States,
6 and other political jurisdictions, working in partner-
7 ship, to focus their resources on strategic safety in-
8 vestments;

9 “(3) to increase administrative flexibility;

10 “(4) to improve enforcement activities;

11 “(5) to invest in activities related to areas of the
12 greatest crash reduction;

13 “(6) to identify high risk carriers and drivers;
14 and

15 “(7) to improve information and analysis sys-
16 tems.”; and

17 (2) by inserting before the item relating to sec-
18 tion 31101 in the chapter analysis for chapter 311 the
19 following:

“31100. Purposes.”.

20 **SEC. 3402. GRANTS TO STATES.**

21 (a) *PERFORMANCE-BASED GRANTS*.—Section 31102 is
22 amended—

23 (1) in subsection (a), by inserting “improving
24 motor carrier safety and” after “programs for”; and

1 (2) *in the first sentence of subsection (b)(1), by*
 2 *striking “adopt and assume responsibility for enforce-*
 3 *ing” and inserting “assume responsibility for improv-*
 4 *ing motor carrier safety and to adopt and enforce”.*

5 (b) *HAZARDOUS MATERIALS.—Section 31102 is*
 6 *amended—*

7 (1) *in subsection (a), by inserting a comma and*
 8 *“hazardous materials transportation safety,” after*
 9 *“commercial motor vehicle safety”; and*

10 (2) *in the first sentence of subsection (b), by in-*
 11 *serting “, hazardous materials transportation safety,”*
 12 *after “commercial motor vehicle safety”.*

13 (c) *CONTENTS OF STATE PLANS.—Section 31102(b)(1)*
 14 *is amended—*

15 (1) *by redesignating subparagraphs (A) through*
 16 *(Q) as subparagraphs (B) through (R), respectively;*

17 (2) *by inserting before subparagraph (B), as re-*
 18 *designated, the following:*

19 *“(A) implements performance-based activi-*
 20 *ties by fiscal year 2000;”*

21 (3) *by inserting “(1)” in subparagraph (K), as*
 22 *redesignated, after “(c)”;*

23 (4) *by striking subparagraphs (L), (M), and (N)*
 24 *as redesignated, and inserting the following:*

1 “(L) ensures consistent, effective, and rea-
2 sonable sanctions;

3 “(M) ensures that the State agency will co-
4 ordinate the plan, data collection, and informa-
5 tion systems with the State highway safety pro-
6 grams under title 23;

7 “(N) ensures participation in SAFETYNET
8 by all jurisdictions receiving funding;”;

9 (5) in subparagraph (P), as redesignated, by
10 striking “activities—” and inserting “activities in
11 support of national priorities and performance goals
12 including—”;

13 (6) in clause (i) of subparagraph (P), as redesign-
14 ated, by striking “to remove” and inserting “activi-
15 ties aimed at removing”; and

16 (7) in clause (ii) of subparagraph (P), as redesi-
17 gnated, by striking “to provide” and inserting “ac-
18 tivities aimed at providing”.

19 **SEC. 3403. FEDERAL SHARE.**

20 Section 31103 is amended—

21 (1) by inserting before “The Secretary of Trans-
22 portation” the following:

23 “(a) COMMERCIAL MOTOR VEHICLE SAFETY PRO-
24 GRAMS AND ENFORCEMENT.—”;

1 (2) by inserting “improve commercial motor ve-
 2 hicle safety and” in the first sentence before “enforce”;
 3 and

4 (3) by adding at the end the following:

5 “(b) *OTHER ACTIVITIES.*—The Secretary may reim-
 6 burse State agencies, local governments, or other persons up
 7 to 100 percent for those activities identified in
 8 31104(f)(2).”.

9 **SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *IN GENERAL.*—Section 31104(a) is amended to
 11 read as follows:

12 “(a) *IN GENERAL.*—Subject to section 9503(c)(1) of the
 13 Internal Revenue Code of 1986, there are available from the
 14 Highway Trust Fund (except the Mass Transit Account)
 15 for the Secretary of Transportation to incur obligations to
 16 carry out section 31102 of this title, not more than—

17 “(1) \$80,000,000 for the fiscal year ending Sep-
 18 tember 30, 1998;

19 “(2) \$100,000,000 for the fiscal year ending Sep-
 20 tember 30, 1999;

21 “(3) \$97,000,000 for the fiscal year ending Sep-
 22 tember 30, 2000;

23 “(4) \$94,000,000 for the fiscal year ending Sep-
 24 tember 30, 2001;

1 “(5) \$90,500,000 for the fiscal year ending Sep-
2 tember 30, 2002; and

3 “(6) \$90,500,000 for the fiscal year ending Sep-
4 tember 30, 2003.”.

5 (b) *AVAILABILITY AND REALLOCATION.*—Section
6 31104(b)(2) is amended to read as follows:

7 “(2) Amounts made available under section
8 4002(e)(1) and (2) of the Intermodal Surface Trans-
9 portation Efficiency Act of 1991 before October 1,
10 1996, that are not obligated on October 1, 1997, are
11 available for obligation under paragraph (1).”.

12 (c) *ALLOCATION CRITERIA.*—Section 31104(f) is
13 amended to read as follows:

14 “(f) *ALLOCATION CRITERIA AND ELIGIBILITY.*—

15 “(1) On October 1 of each fiscal year or as soon
16 after that date as practicable, the Secretary, after
17 making the deduction described in subsection (e) of
18 this section, shall allocate, under criteria the Sec-
19 retary prescribes through regulation, the amounts
20 available for that fiscal year among the States with
21 plans approved under section 31102 of this title.

22 “(2) The Secretary may designate—

23 “(A) not less than 5 percent of such
24 amounts for activities and projects of national

1 *priority for the improvement of commercial*
 2 *motor vehicle safety; and*

3 “(B) not less than 5 percent of such
 4 amounts to reimburse States for border commer-
 5 cial motor vehicle safety programs and enforce-
 6 ment activities and projects.

7 *The amounts referred to in subparagraph (B) shall be*
 8 *allocated by the Secretary to State agencies and local*
 9 *governments that use trained and qualified officers*
 10 *and employees in coordination with State motor vehi-*
 11 *cle safety agencies.”.*

12 (d) *OTHER AMENDMENTS.—*

13 (1) *Section 31104 is amended by striking sub-*
 14 *section (g) and redesignating subsection (h) as sub-*
 15 *section (g).*

16 (2) *Section 31104 is amended by striking sub-*
 17 *section (i) and redesignating subsection (j) as sub-*
 18 *section (h).*

19 **SEC. 3405. INFORMATION SYSTEMS AND STRATEGIC SAFETY**
 20 **INITIATIVES.**

21 *Section 31106 is amended to read as follows:*

22 **“§31106. Information systems and strategic safety ini-**
 23 **tiatives**

24 “(a) *INFORMATION SYSTEMS.—*

1 “(1) *IN GENERAL.*—*The Secretary is authorized*
2 *to establish motor carrier information systems and*
3 *data analysis programs to support motor carrier reg-*
4 *ulatory and enforcement activities required under this*
5 *title. In cooperation with the States, the information*
6 *systems shall be coordinated into a network providing*
7 *accurate identification of motor carriers and drivers,*
8 *registration and licensing tracking, and motor carrier*
9 *and driver safety performance. The Secretary shall*
10 *develop and maintain data analysis capacity and*
11 *programs to provide the means to develop strategies*
12 *to address safety problems and to use data analysis*
13 *to measure the effectiveness of these strategies and re-*
14 *lated programs; to determine the cost effectiveness of*
15 *Federal and State safety compliance, enforcement*
16 *programs, and other countermeasures; to evaluate the*
17 *safety fitness of motor carriers and drivers; to iden-*
18 *tify and collect necessary data; and to adapt, im-*
19 *prove, and incorporate other information and infor-*
20 *mation systems as deemed appropriate by the Sec-*
21 *retary.*

22 “(2) *PERFORMANCE AND REGISTRATION INFOR-*
23 *MATION SYSTEMS MANAGEMENT.*—

24 “(A) *The Secretary shall include, as part of*
25 *the motor carrier safety information network*

1 *system of the Department of Transportation, an*
2 *information system, to be called the Performance*
3 *and Registration Information Systems Manage-*
4 *ment, to serve as a clearinghouse and repository*
5 *of information related to State registration and*
6 *licensing of commercial motor vehicles and the*
7 *safety system of the commercial motor vehicle*
8 *registrants or the motor carriers operating the*
9 *vehicles. The Secretary may include in the sys-*
10 *tem information on the safety fitness of each of*
11 *the motor carriers and registrants and other in-*
12 *formation the Secretary considers appropriate,*
13 *including information on vehicle, driver, and*
14 *motor carrier safety performance.*

15 *“(B) The Secretary shall prescribe technical*
16 *and operational standards to ensure—*

17 *“(i) uniform, timely and accurate in-*
18 *formation collection and reporting by the*
19 *States necessary to carry out this system;*

20 *“(ii) uniform Federal and State proce-*
21 *dures and policies necessary to operate the*
22 *Commercial Vehicle Information System;*
23 *and*

1 “(iii) the availability and reliability of
2 the information to the States and the Sec-
3 retary from the information system.

4 “(C) The system shall link the Federal
5 motor carrier safety systems with State driver
6 and commercial vehicle registration and licens-
7 ing systems, and shall be designed—

8 “(i) to enable a State, when issuing li-
9 cense plates or throughout the registration
10 period for a commercial motor vehicle, to
11 determine, through the use of the informa-
12 tion system, the safety fitness of the reg-
13 istrant or motor carrier;

14 “(ii) to allow a State to decide, in co-
15 operation with the Secretary, the types of
16 sanctions that may be imposed on the reg-
17 istrant or motor carrier, or the types of con-
18 ditions or limitations that may be imposed
19 on the operations of the registrant or motor
20 carrier that will ensure the safety fitness of
21 the registrant or motor carrier;

22 “(iii) to monitor the safety fitness of
23 the registrant or motor carrier during the
24 registration period; and

1 “(iv) to require the State, as a condi-
2 tion of participation in the system, to im-
3 plement uniform policies, procedures, and
4 standards, and to possess or seek authority
5 to impose commercial motor vehicle reg-
6 istration sanctions on the basis of a Federal
7 safety fitness determination.

8 “(D) Of the amounts available for expendi-
9 ture under this section, up to 50 percent in each
10 of fiscal years 1998, 1999, 2000, 2001, 2002, and
11 2003 may be made available to carry out this
12 paragraph. The Secretary may authorize the op-
13 eration of the information system by contract,
14 through an agreement with 1 or more States, or
15 by designating, after consultation with the
16 States, a third party that represents the interests
17 of the States. Of the amounts made available to
18 carry out this paragraph, the Secretary is en-
19 couraged to direct no less than 80 percent to
20 States that have not previously received finan-
21 cial assistance to develop or implement the Per-
22 formance and Registration Information Systems
23 Management system.

24 “(b) *COMMERCIAL MOTOR VEHICLE DRIVER SAFETY*
25 *PROGRAM.*—The Secretary is authorized to establish a pro-

1 gram focusing on improving commercial motor vehicle driv-
 2 er safety. The objectives of the program shall include—

3 “(1) enhancing the exchange of driver licensing
 4 information among employers, the States, the Federal
 5 Government, and foreign countries;

6 “(2) providing information to the judicial sys-
 7 tem on the commercial motor vehicle driver licensing
 8 program; and

9 “(3) evaluating any aspect of driver performance
 10 and safety that the Secretary deems appropriate.

11 “(c) COOPERATIVE AGREEMENTS, GRANTS, AND CON-
 12 TRACTS.—The Secretary may carry out this section either
 13 independently or in cooperation with other Federal depart-
 14 ments, agencies, and instrumentalities, or by making grants
 15 to and entering into contracts and cooperative agreements
 16 with States, localities, associations, institutions, corpora-
 17 tions (profit or nonprofit) or other persons.”.

18 **SEC. 3406. IMPROVED FLOW OF DRIVER HISTORY PILOT**
 19 **PROGRAM.**

20 The Secretary of Transportation shall carry out a pilot
 21 program in cooperation with 1 or more States to improve
 22 upon the timely exchange of pertinent driver performance
 23 and safety records data to motor carriers. The program
 24 shall—

1 (1) *determine to what extent driver performance*
 2 *records data, including relevant fines, penalties, and*
 3 *failures to appear for a hearing or trial, should be in-*
 4 *cluded as part of any information systems under the*
 5 *Department of Transportation's oversight;*

6 (2) *assess the feasibility, costs, safety impact,*
 7 *pricing impact, and benefits of record exchanges; and*

8 (3) *assess methods for the efficient exchange of*
 9 *driver safety data available from existing State infor-*
 10 *mation systems and sources.*

11 **SEC. 3407. MOTOR CARRIER AND DRIVER SAFETY RE-**
 12 **SEARCH.**

13 *Of the funds made available to carry out programs es-*
 14 *tablished by the amendments made by title II of the Inter-*
 15 *modal Surface Transportation Efficiency Act of 1998, no*
 16 *less than \$10,000,000 shall be made available for each of*
 17 *fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for*
 18 *activities designed to advance commercial motor vehicle and*
 19 *driver safety. Any obligation, contract, cooperative agree-*
 20 *ment, or support granted under this section in excess of*
 21 *\$250,000 shall be awarded on a competitive basis. The Sec-*
 22 *retary shall submit annually a report to the Committee on*
 23 *Commerce, Science, and Transportation of the Senate and*
 24 *the Committee on Transportation and Infrastructure of the*
 25 *House of Representatives on the research activities carried*

1 out under this section, including the amount, purpose, re-
 2 cipient and nature of each contract, cooperative agreement
 3 or award and results of such research activities carried out
 4 under this section, including benefits to motor carrier safe-
 5 ty.”.

6 **SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 31107 is amended to read as follows:

8 **“§ 31107. Authorization of appropriations for informa-**
 9 **tion systems and strategic safety initia-**
 10 **tives**

11 “(a) *IN GENERAL.*—There shall be available from the
 12 Highway Trust Fund (other than the Mass Transit Ac-
 13 count) for the Secretary to incur obligations to carry out
 14 section 31106—

15 “(1) \$10,000,000 for fiscal year 1998;

16 “(2) \$9,620,000 for fiscal year 1999;

17 “(3) \$9,620,000 for fiscal year 2000;

18 “(4) \$9,620,000 for fiscal year 2001;

19 “(5) \$9,320,000 for fiscal year 2002; and

20 “(6) \$9,320,000 for fiscal year 2003.

21 “(b) *AVAILABILITY.*—The amounts made available
 22 under this subsection shall remain available until ex-
 23 pended.”.

24 **SEC. 3409. CONFORMING AMENDMENTS.**

25 The chapter analysis for chapter 311 is amended—

1 (1) *by striking the heading for subchapter I and*
 2 *inserting the following:*

“SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR
 VEHICLE PROGRAMS”;

3 *and*

4 (2) *by striking the items relating to sections*
 5 *31106 and 31107 and inserting the following:*

“31106. *Information systems and strategic safety initiatives.*

“31107. *Authorization of appropriations for information systems and strategic
 safety initiatives.*”.

6 **SEC. 3410. AUTOMOBILE TRANSPORTER DEFINED.**

7 *Section 31111(a) is amended—*

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

10 (2) *by inserting before paragraph (2), as redesign-*
 11 *ated, the following:*

12 “(1) ‘*automobile transporter*’ means any vehicle
 13 *combination designed and used specifically for the*
 14 *transport of assembled highway vehicles, including*
 15 *truck camper units.*”.

16 **SEC. 3411. REPEAL OF REVIEW PANEL; REVIEW PROCE-**
 17 **DURE.**

18 (a) *REPEAL.*—*Subchapter III of chapter 311 is*
 19 *amended—*

20 (1) *by striking sections 31134 and 31140; and*

(2) *by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.*

(b) REVIEW PROCEDURE.—

(1) IN GENERAL.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

“(b) REVIEW AND DECISIONS BY THE SECRETARY.—

“(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

“(A) whether the State law or regulation—

“(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

“(ii) is less stringent than that regulation; or

“(iii) is additional to or more stringent than that regulation; and

1 “(B) for each State law or regulation which
2 is additional to or more stringent than the regu-
3 lation prescribed by the Secretary, whether—

4 “(i) the State law or regulation has no
5 safety benefit;

6 “(ii) the State law or regulation is in-
7 compatible with the regulation prescribed
8 by the Secretary under section 31136 of this
9 title; or

10 “(iii) enforcement of the State law or
11 regulation would cause an unreasonable
12 burden on interstate commerce.”;

13 (C) by striking paragraph (5) of subsection
14 (b)(5), as redesignated, and inserting the follow-
15 ing:

16 “(5) In deciding under paragraph (4) of this
17 subsection whether a State law or regulation will
18 cause an unreasonable burden on interstate commerce,
19 the Secretary may consider the effect on interstate
20 commerce of implementation of all similar laws and
21 regulations of other States.”;

22 (D) by striking subsections (d) and (e), as
23 redesignated, and inserting the following:

1 “(d) *WRITTEN NOTICE OF DECISIONS.*—*The Secretary*
 2 *shall give written notice of the decision under subsection*
 3 *(b) of this section to the State concerned.*”; and

4 *(E) by redesignating subsections (f) and (g),*
 5 *as redesignated, as subsections (e) and (f), re-*
 6 *spectively.*

7 (2) *CONFORMING CHANGES.*—

8 *(A) The heading of section 31141 of such*
 9 *title is amended to read as follows:*

10 **“§31141. Preemption of State laws and regulations”.**

11 *(B) The chapter analysis of chapter 311 of*
 12 *such title is amended by striking the item relat-*
 13 *ing to section 31141 and inserting the following:*

“31141. Preemption of State laws and regulations.”.

14 (c) *INSPECTION OF VEHICLES.*—

15 (1) *Section 31142 is amended—*

16 *(A) in subsection (a), by striking “part 393*
 17 *of title 49, Code of Federal Regulations” and in-*
 18 *serting “regulations issued pursuant to section*
 19 *31135 of this title”; and*

20 *(B) by striking subsection (c)(1)(C) and in-*
 21 *serting the following:*

22 *“(C) prevent a State from participating in*
 23 *the activities of a voluntary group of States en-*
 24 *forcing a program for inspection of commercial*
 25 *motor vehicles; or”.*

1 (2) *Subchapter IV of chapter 311 is amended—*

2 *(A) by striking sections 31161 and 31162;*

3 *and*

4 *(B) by striking the items relating to sections*

5 *31161 and 31162 in the chapter analysis for that*

6 *chapter.*

7 (3) *Section 31102(b)(1), as amended by section*

8 *3402(c)(1), is amended—*

9 *(A) by striking “and” at the end of sub-*

10 *paragraph (Q);*

11 *(B) by striking “thereunder.” in subpara-*

12 *graph (R) and inserting “thereunder; and”; and*

13 *(C) by adding at the end thereof the follow-*

14 *ing:*

15 *“(S) provides that the State will establish a*

16 *program (i) to ensure the proper and timely cor-*

17 *rection of commercial motor vehicle safety viola-*

18 *tions noted during an inspection carried out*

19 *with funds authorized under section 31104 of*

20 *this title; and (ii) to ensure that information is*

21 *exchanged among the States in a timely man-*

22 *ner.”.*

23 (d) *SAFETY FITNESS OF OWNERS AND OPERATORS.—*

24 *Section 31144 is amended to read as follows:*

1 **“§31144. Safety fitness of owners and operators**

2 “(a) *PROCEDURE.*—*The Secretary of Transportation*
3 *shall maintain in regulation a procedure for determining*
4 *the safety fitness of owners and operators of commercial*
5 *motor vehicles, including persons seeking new or additional*
6 *operating authority as motor carriers under section 13902*
7 *of this title. The procedure shall include—*

8 “(1) *specific initial and continuing requirements*
9 *to be met by the owners, operators, and other persons*
10 *to demonstrate safety fitness;*

11 “(2) *a means of deciding whether the owners, op-*
12 *erators, or other persons meet the safety requirements*
13 *under paragraph (1); and*

14 “(3) *specific time deadlines for action by the*
15 *Secretary in making fitness decisions.*

16 “(b) *PROHIBITED TRANSPORTATION.*—*Except as pro-*
17 *vided in sections 521(b)(5)(A) and 5113, a motor carrier*
18 *that fails to meet the safety fitness requirements established*
19 *under subsection (a) may not operate in interstate com-*
20 *merce beginning on the 61st day after the date of the deter-*
21 *mination by the Secretary that the motor carrier fails to*
22 *meet the safety fitness requirements and until the motor*
23 *carrier meets the safety fitness requirements. The Secretary*
24 *may, for good cause shown, provide a carrier with up to*
25 *an additional 60 days to meet the safety fitness require-*
26 *ments.*

1 “(c) *RATING REVIEW.*—*The Secretary shall review the*
 2 *factors that resulted in a motor carrier failing to meet the*
 3 *safety fitness requirements not later than 45 days after the*
 4 *motor carrier requests a review.*

5 “(d) *GOVERNMENT USE PROHIBITED.*—*A department,*
 6 *agency, or instrumentality of the United States Government*
 7 *may not use a motor carrier that does not meet the safety*
 8 *fitness requirements.*

9 “(e) *PUBLIC AVAILABILITY; UPDATING OF FITNESS*
 10 *DETERMINATIONS.*—*The Secretary shall amend the motor*
 11 *carrier safety regulations in subchapter B of chapter III*
 12 *of title 49, Code of Federal Regulations, to establish a sys-*
 13 *tem to make readily available to the public, and to update*
 14 *periodically, the final safety fitness determinations of motor*
 15 *carriers made by the Secretary.*

16 “(f) *PENALTIES.*—*The Secretary shall prescribe regu-*
 17 *lations setting penalties for violations of this section con-*
 18 *sistent with section 521 of this title.”.*

19 (e) *SAFETY FITNESS OF PASSENGER AND HAZARDOUS*
 20 *MATERIAL CARRIERS.*—

21 (1) *IN GENERAL.*—*Section 5113 is amended—*

22 (A) *by striking subsection (a) and inserting*
 23 *the following:*

24 “(a) *PROHIBITED TRANSPORTATION.*—

1 “(1) A motor carrier that fails to meet the safety
 2 fitness requirements established under subsection
 3 31144(a) of this title may not operate a commercial
 4 motor vehicle (as defined in section 31132 of this
 5 title)—

6 “(A) to transport hazardous material for
 7 which placarding of a motor vehicle is required
 8 under regulations prescribed under this chapter;
 9 or

10 “(B) to transport more than 15 individuals.

11 “(2) The prohibition in paragraph (1) of this
 12 subsection applies beginning on the 46th day after the
 13 date on which the Secretary determines that a motor
 14 carrier fails to meet the safety fitness requirements
 15 and applies until the motor carrier meets the safety
 16 fitness requirements.”;

17 (B) by striking “RATING” in the heading of
 18 subsection (b) and inserting “FITNESS”;

19 (C) by striking “receiving an unsatisfactory
 20 rating” in subsection (b) and inserting “failing
 21 to meet the safety fitness requirements”;

22 (D) by striking “has an unsatisfactory rat-
 23 ing from the Secretary” in subsection (c) and in-
 24 serting “failed to meet the safety fitness require-
 25 ments”; and

1 (E) by striking “*RATINGS*” in the heading
 2 of subsection (d) and inserting “*FITNESS DE-*
 3 *TERMINATIONS*”;

4 (F) by striking “, in consultation with the
 5 Interstate Commerce Commission,” in subsection
 6 (d); and

7 (G) by striking “ratings of motor carriers
 8 that have unsatisfactory ratings from” in sub-
 9 section (d) and inserting “fitness determinations
 10 of motor carriers made by”.

11 (2) *CONFORMING AMENDMENTS.*—

12 (A) The heading of section 5113 of such
 13 chapter is amended to read as follows:

14 “**§5113. Safety fitness of passenger and hazardous**
 15 **material carriers**”.

16 (B) The chapter analysis for chapter 51 is
 17 amended by striking the item relating to section
 18 5113 and inserting the following:

“5113. Safety fitness of passenger and hazardous material carriers.”.

19 (f) *DEFINITIONS.*—

20 (1) Section 31101(1) is amended—

21 (A) in subparagraph (A)—

22 (i) by inserting “or gross vehicle
 23 weight, whichever is greater,” after “rat-
 24 ing”; and

1 (ii) by striking “10,000” and inserting
2 “10,001”;

3 (B) in subparagraph (B), by striking “driv-
4 er; or” and inserting “driver, or a smaller num-
5 ber of passengers including the driver as deter-
6 mined under regulations implementing sections
7 31132(1)(B) or 31301(4)(B)”;

8 (C) in subparagraph (C), by inserting “and
9 transported in a quantity requiring placarding
10 under regulations prescribed by the Secretary
11 under section 5103” after “title”.

12 (2) Section 31132 is amended—

13 (A) in paragraph (1)(A), by inserting “or
14 gross vehicle weight, whichever is greater,” after
15 “rating”; and

16 (B) by adding at the end of paragraph (3)
17 the following:

18 “For purposes of this paragraph, the term ‘business
19 affecting interstate commerce’ means a business pre-
20 dominantly engaged in employing commercial motor
21 vehicles in interstate commerce and includes all oper-
22 ations of the business in intrastate commerce which
23 use vehicles otherwise defined as commercial motor ve-
24 hicles under paragraph (1) of this section.”.

1 (g) *EMPLOYEE PROTECTIONS.*—Not later than 2 years
 2 after the date of enactment of this Act, the Secretary of
 3 Transportation, in conjunction with the Secretary of Labor,
 4 shall report to the Committee on Commerce, Science, and
 5 Transportation of the Senate and the Committee on Trans-
 6 portation and Infrastructure of the House of Representa-
 7 tives on the effectiveness of existing statutory employee pro-
 8 tections provided for under section 31105 of title 49, United
 9 States Code. The report shall include recommendations to
 10 address any statutory changes as may be necessary to
 11 strengthen the enforcement of such employee protection pro-
 12 visions.

13 (h) *INSPECTIONS AND REPORTS.*—

14 (1) *GENERAL POWERS OF THE SECRETARY.*—

15 Section 31133(a)(1) is amended by inserting “and
 16 make contracts for” after “conduct”.

17 (2) *REPORTS AND RECORDS.*—Section 504(c) is

18 amended by inserting “(and, in the case of a motor
 19 carrier, a contractor)” before the second comma.

20 **SEC. 3412. COMMERCIAL MOTOR VEHICLE OPERATORS.**

21 (a) *REPEAL OF OBSOLETE GRANT PROGRAMS.*—Chap-
 22 ter 313 is amended—

23 (1) by striking sections 31312 and 31313; and

1 (2) *by striking the items relating to sections*
 2 *31312 and 31313 in the chapter analysis for that*
 3 *chapter.*

4 (b) *COMMERCIAL DRIVER'S LICENSE REQUIRE-*
 5 *MENT.—*

6 (1) *IN GENERAL.—Section 31302 is amended to*
 7 *read as follows:*

8 **“§ 31302. Commercial driver's license requirement**

9 *“No individual shall operate a commercial motor vehi-*
 10 *cle without a commercial driver's license issued according*
 11 *to section 31308 of this title.”.*

12 (2) *CONFORMING AMENDMENTS.—*

13 (A) *The chapter analysis for that chapter is*
 14 *amended by striking the item relating to section*
 15 *31302 and inserting the following:*

“31302. Commercial driver's license requirement.”.

16 (B) *Section 31305(a) is amended by redes-*
 17 *ignating paragraphs (2) through (8) as para-*
 18 *graphs (3) through (9), respectively, and by in-*
 19 *serting after paragraph (1) the following:*

20 *“(2) may establish performance-based testing*
 21 *and licensing standards that more accurately measure*
 22 *and reflect an individual's knowledge and skills as an*
 23 *operator;”.*

24 (c) *COMMERCIAL DRIVER'S LICENSE INFORMATION*
 25 *SYSTEM.—Section 31309 is amended—*

1 (1) *in subsection (a), by striking “make an*
 2 *agreement under subsection (b) of this section for the*
 3 *operation of, or establish under subsection (c) of this*
 4 *section,” and inserting “maintain”;*

5 (2) *by striking subsections (b) and (c) and redes-*
 6 *ignating subsections (d), (e), and (f) as subsections*
 7 *(b), (c), and (d), respectively;*

8 (3) *by striking “Not later than December 31,*
 9 *1990, the” in paragraph (2) of subsection (b), as re-*
 10 *designated, and inserting “The”; and*

11 (4) *in subsection (c), as redesignated—*

12 (A) *by inserting after the heading the fol-*
 13 *lowing: “Information about a driver in the in-*
 14 *formation system may be made available under*
 15 *the following circumstances:”;* and

16 (B) *by starting a new paragraph with “(1)*
 17 *On request” and indenting the paragraph 2 ems*
 18 *from the lefthand margin.*

19 (d) *REQUIREMENTS FOR STATE PARTICIPATION.—Sec-*
 20 *tion 31311(a) is amended—*

21 (1) *by striking “31310(b)-(e)” in paragraph (15)*
 22 *and inserting “31310 (b)-(e), and (g)(1)(A) and (2)”;*

23 (2) *by striking paragraph (17); and*

24 (3) *by redesignating paragraph (18) as para-*
 25 *graph (17).*

1 (e) *WITHHOLDING AMOUNTS FOR STATE NONCOMPLI-*
 2 *ANCE.—Section 31314 is amended—*

3 (1) *in subsection (a), by striking “, (2), (5), and*
 4 *(6)” and inserting “(3), and (5)”;*

5 (2) *in subsections (a) and (b), by striking*
 6 *“1992” each place it appears and inserting “1995”;*

7 (3) *in subsection (c), by striking paragraph (1);*

8 (4) *in subsection (c)(2), by striking “(2)”;*

9 (5) *by striking subsection (d); and*

10 (6) *by redesignating subsection (e) as subsection*
 11 *(d).*

12 (f) *COMMERCIAL MOTOR VEHICLE DEFINED.—Section*
 13 *31301 is amended—*

14 (1) *in paragraph (4)(A), by inserting “or gross*
 15 *vehicle weight, whichever is greater,” after “rating”*
 16 *each place it appears; and*

17 (2) *in paragraph (4)(C)(ii), by inserting “is” be-*
 18 *fore “transporting” each place it appears and before*
 19 *“not otherwise”.*

20 (g) *SAFETY PERFORMANCE HISTORY OF NEW DRIV-*
 21 *ERS; LIMITATION ON LIABILITY.—*

22 (1) *IN GENERAL.—Chapter 5 is amended by add-*
 23 *ing at the end the following:*

1 **“§ 508. Safety performance history of new drivers; lim-**
 2 **itation on liability**

3 “(a) *LIMITATION ON LIABILITY.*—No action or pro-
 4 ceeding for defamation, invasion of privacy, or interference
 5 with a contract that is based on the furnishing or use of
 6 safety performance records in accordance with regulations
 7 issued by the Secretary may be brought against—

8 “(1) a motor carrier requesting the safety per-
 9 formance records of an individual under consider-
 10 ation for employment as a commercial motor vehicle
 11 driver as required by and in accordance with regula-
 12 tions issued by the Secretary;

13 “(2) a person who has complied with such a re-
 14 quest; or

15 “(3) the agents or insurers of a person described
 16 in paragraph (1) or (2).

17 “(b) *RESTRICTIONS.*—

18 “(1) Subsection (a) does not apply unless—

19 “(A) the motor carrier requesting the safety
 20 performance records at issue, the person comply-
 21 ing with such a request, and their agents have
 22 taken all precautions reasonably necessary to en-
 23 sure the accuracy of the records and have fully
 24 complied with the regulations issued by the Sec-
 25 retary in using and furnishing the records, in-
 26 cluding the requirement that the individual who

1 *is the subject of the records be afforded a reason-*
2 *able opportunity to review and comment on the*
3 *records;*

4 “(B) *the motor carrier requesting the safety*
5 *performance records, the person complying with*
6 *such a request, their agents, and their insurers,*
7 *have taken all precautions reasonably necessary*
8 *to protect the records from disclosure to any per-*
9 *son, except for their insurers, not directly in-*
10 *involved in forwarding the records or deciding*
11 *whether to hire that individual; and*

12 “(C) *the motor carrier requesting the safety*
13 *performance records has used those records only*
14 *to assess the safety performance of the individual*
15 *who is the subject of those records in deciding*
16 *whether to hire that individual.*

17 “(2) *Subsection (a) does not apply to persons*
18 *who knowingly furnish false information.*

19 “(c) *PREEMPTION OF STATE AND LOCAL LAW.—No*
20 *State or political subdivision thereof may enact, prescribe,*
21 *issue, continue in effect, or enforce any law (including any*
22 *regulation, standard, or other provision having the force*
23 *and effect of law) that prohibits, penalizes, or imposes li-*
24 *ability for furnishing or using safety performance records*
25 *in accordance with regulations issued by the Secretary. Not-*

1 *withstanding any provision of law, written authorization*
 2 *shall not be required to obtain information on the motor*
 3 *vehicle driving record of an individual under consideration*
 4 *for employment with a motor carrier.”.*

5 (2) *CONFORMING AMENDMENT.—The chapter*
 6 *analysis for chapter 5 is amended by inserting after*
 7 *the item relating to section 507 the following:*

“508. Safety performance history of new drivers; limitation on liability.”.

8 **SEC. 3413. PENALTIES.**

9 (a) *NOTIFICATION OF VIOLATIONS AND ENFORCEMENT*
 10 *PROCEDURES.—Section 521(b)(1) is amended—*

11 (1) *by inserting: “with the exception of reporting*
 12 *and recordkeeping violations,” in the first sentence of*
 13 *subparagraph (A) after “under any of those provi-*
 14 *sions,”;*

15 (2) *by striking “fix a reasonable time for abate-*
 16 *ment of the violation,” in the third sentence of sub-*
 17 *paragraph (A);*

18 (3) *by striking “(A)” in subparagraph (A); and*

19 (4) *by striking subparagraph (B).*

20 (b) *CIVIL PENALTIES.—Section 521(b)(2) is amend-*
 21 *ed—*

22 (1) *by striking subparagraph (A) and inserting*
 23 *the following:*

24 “(A) *IN GENERAL.—Except as otherwise*
 25 *provided in this subsection, any person who is*

1 *determined by the Secretary, after notice and op-*
 2 *portunity for a hearing, to have committed an*
 3 *act that is a violation of regulations issued by*
 4 *the Secretary under subchapter III of chapter*
 5 *311 (except sections 31137 and 31138) or section*
 6 *31502 of this title shall be liable to the United*
 7 *States for a civil penalty in an amount not to*
 8 *exceed \$10,000 for each offense. Notwithstanding*
 9 *any other provision of this section (except sub-*
 10 *paragraph (C)), no civil penalty shall be assessed*
 11 *under this section against an employee for a vio-*
 12 *lation in an amount exceeding \$2,500.”;*

13 *(2) by redesignating subparagraphs (B) and (C)*
 14 *as subparagraphs (C) and (D), respectively; and*

15 *(3) by inserting after subparagraph (A) the fol-*
 16 *lowing:*

17 *“(B) RECORDKEEPING AND REPORTING VIO-*
 18 *LATIONS.—*

19 *“(i) A person required to make a re-*
 20 *port to the Secretary, answer a question, or*
 21 *make, prepare, or preserve a record under*
 22 *section 504 of this title or under any regu-*
 23 *lation issued by the Secretary pursuant to*
 24 *subchapter III of chapter 311 (except sec-*
 25 *tions 31137 and 31138) or section 31502 of*

1 *this title about transportation by motor car-*
2 *rier, motor carrier of migrant workers, or*
3 *motor private carrier, or an officer, agent,*
4 *or employee of that person, who—*

5 *“(I) does not make that report;*

6 *“(II) does not specifically, com-*
7 *pletely, and truthfully answer that*
8 *question in 30 days from the date the*
9 *Secretary requires the question to be*
10 *answered; or*

11 *“(III) does not make, prepare, or*
12 *preserve that record in the form and*
13 *manner prescribed by the Secretary,*
14 *shall be liable to the United States for a*
15 *civil penalty in an amount not to exceed*
16 *\$500 for each offense, and each day of the*
17 *violation shall constitute a separate offense,*
18 *except that the total of all civil penalties as-*
19 *essed against any violator for all offenses*
20 *related to any single violation shall not ex-*
21 *ceed \$5,000.*

22 *“(ii) Any such person, or an officer,*
23 *agent, or employee of that person, who—*

1 “(I) knowingly falsifies, destroys,
2 mutilates, or changes a required report
3 or record;

4 “(II) knowingly files a false re-
5 port with the Secretary;

6 “(III) knowingly makes or causes
7 or permits to be made a false or in-
8 complete entry in that record about an
9 operation or business fact or trans-
10 action; or

11 “(IV) knowingly makes, prepares,
12 or preserves a record in violation of a
13 regulation or order of the Secretary,
14 shall be liable to the United States for a
15 civil penalty in an amount not to exceed
16 \$5,000 for each violation, provided that any
17 such action can be shown to have misrepre-
18 sented a fact that constitutes a violation
19 other than a reporting or recordkeeping vio-
20 lation.”.

21 **SEC. 3414. INTERNATIONAL REGISTRATION PLAN AND**
22 **INTERNATIONAL FUEL TAX AGREEMENT.**

23 Chapter 317 is amended—

24 (1) by striking sections 31702, 31703, and
25 31708; and

1 (2) *by striking the items relating to sections*
 2 *31702, 31703, and 31708 in the chapter analysis for*
 3 *that chapter.*

4 **SEC. 3415. STUDY OF ADEQUACY OF PARKING FACILITIES.**

5 *The Secretary shall conduct studies to determine the*
 6 *location and quantity of parking facilities at commercial*
 7 *truck stops and travel plazas and public rest areas that*
 8 *could be used by motor carriers to comply with Federal*
 9 *hours-of-service rules. Each study shall include an inven-*
 10 *tory of current facilities serving corridors of the National*
 11 *Highway System, analyze where specific shortages exist or*
 12 *are projected to exist, and propose a specific plan to reduce*
 13 *the shortages. The studies may be carried out in cooperation*
 14 *with research entities representing the motor carrier and*
 15 *travel plaza industry. The studies shall be completed not*
 16 *later than 36 months after the date of enactment of this*
 17 *Act.*

18 **SEC. 3416. APPLICATION OF REGULATIONS.**

19 *(a) APPLICATION OF REGULATIONS TO CERTAIN COM-*
 20 *MERCIAL MOTOR VEHICLES.—Section 31135 as redesign-*
 21 *nated, is amended by adding at the end the following:*

22 *“(g) APPLICATION TO CERTAIN VEHICLES.—Effective*
 23 *12 months after the date of enactment of the Intermodal*
 24 *Transportation Safety Act of 1998, regulations prescribed*
 25 *under this section shall apply to operators of commercial*

1 *motor vehicles described in section 31132(1)(B) to the extent*
 2 *that those regulations did not apply to those operators be-*
 3 *fore the day that is 12 months after such date of enactment,*
 4 *except to the extent that the Secretary determines, through*
 5 *a rulemaking proceeding, that it is appropriate to exempt*
 6 *such operations of commercial motor vehicles from the ap-*
 7 *plication of those regulations.”.*

8 (b) *DEFINITION.—Section 31301(4)(B) is amended to*
 9 *read as follows:*

10 “(B) *is designed or used to transport—*
 11 “(i) *passengers for compensation, but*
 12 *does not include a vehicle providing taxicab*
 13 *service and having a capacity of not more*
 14 *than 6 passengers and not operated on a*
 15 *regular route or between specified places; or*
 16 “(ii) *more than 15 passengers, includ-*
 17 *ing the driver, and not used to transport*
 18 *passengers for compensation; or”.*

19 (c) *APPLICATION OF REGULATIONS TO CERTAIN OPER-*
 20 *ATORS.—*

21 (1) *Chapter 313 is amended by adding at the*
 22 *end the following:*

1 **“§31318. Application of regulations to certain opera-**
 2 **tors**

3 *“Effective 12 months after the date of enactment of the*
 4 *Intermodal Transportation Safety Act of 1998, regulations*
 5 *prescribed under this chapter shall apply to operators of*
 6 *commercial motor vehicles described in section 31301(4)(B)*
 7 *to the extent that those regulations did not apply to those*
 8 *operators before the day that is 1 year after such date of*
 9 *enactment, except to the extent that the Secretary deter-*
 10 *mines, after notice and opportunity for public comment,*
 11 *that it is appropriate to exempt such operators of commer-*
 12 *cial motor vehicles from the application of those regula-*
 13 *tions.”.*

14 *(2) The analysis for chapter 313 is amended by*
 15 *adding at the end the following:*

“31318. Application of regulations to certain operators.”.

16 *(d) DEADLINE FOR CERTAIN DEFINITIONAL REGULA-*
 17 *TIONS.—The Secretary shall issue regulations implement-*
 18 *ing the definition of commercial motor vehicles under sec-*
 19 *tion 31132(1)(B) and section 31301(4)(B) of title 49,*
 20 *United States Code, as amended by this Act within 12*
 21 *months after the date of enactment of this Act.*

22 **SEC. 3417. AUTHORITY OVER CHARTER BUS TRANSPOR-**
 23 **TATION.**

24 *Section 14501(a) is amended—*

1 (1) by striking “route or relating” and inserting
2 “route;”; and

3 (2) by striking “required.” and inserting “re-
4 quired; or to the authority to provide intrastate or
5 interstate charter bus transportation.”.

6 **SEC. 3418. FEDERAL MOTOR CARRIER SAFETY INVESTIGA-**
7 **TIONS.**

8 *The Department of Transportation shall maintain the*
9 *level of Federal motor carrier safety investigators for inter-*
10 *national border commercial vehicle inspections as in effect*
11 *on September 30, 1997, or provide for alternative resources*
12 *and mechanisms to ensure an equivalent level of commercial*
13 *motor vehicle safety inspections. Such funds as are nec-*
14 *essary to carry out this section shall be made available*
15 *within the limitation on general operating expenses of the*
16 *Department of Transportation.*

17 **SEC. 3419. FOREIGN MOTOR CARRIER SAFETY FITNESS.**

18 (a) *IN GENERAL.*—No later than 90 days after enact-
19 *ment of this Act, the Secretary of Transportation shall make*
20 *a determination regarding the willingness and ability of*
21 *any foreign motor carrier, the application for which has*
22 *not been processed due to the moratorium on the granting*
23 *of authority to foreign carriers to operate in the United*
24 *States, to meet the safety fitness and other regulatory re-*
25 *quirements under this title.*

1 (b) *REPORT*.—Not later than 120 days after the date
 2 of enactment this Act, the Secretary of Transportation shall
 3 submit a report to the Committee on Commerce, Science,
 4 and Transportation of the Senate and the Committee on
 5 Transportation and Infrastructure of the House of Rep-
 6 resentatives on the application of section 13902(c)(9) of title
 7 49, United States Code. The report shall include—

8 (1) any findings made by the Secretary under
 9 subsection (a);

10 (2) information on which carriers have applied
 11 to the Department of Transportation under that sec-
 12 tion; and

13 (3) a description of the process utilized to re-
 14 spond to such applications and to certify the safety
 15 fitness of those carriers.

16 **SEC. 3420. COMMERCIAL MOTOR VEHICLE SAFETY ADVI-**
 17 **SORY COMMITTEE.**

18 (a) *ESTABLISHMENT*.—The Secretary of Transpor-
 19 tation may establish a Commercial Motor Vehicle Safety
 20 Advisory Committee to provide advice and recommenda-
 21 tions on a range of regulatory issues. The members of the
 22 advisory committee shall be appointed by the Secretary
 23 from among individuals affected by rulemakings under con-
 24 sideration by the Department of Transportation.

1 (b) *FUNCTION.*—*The Advisory Committee established*
 2 *under subsection (a) shall provide advice to the Secretary*
 3 *on commercial motor vehicle safety regulations and safety*
 4 *review procedures and findings, and may assist the Sec-*
 5 *retary in timely completion of ongoing rulemakings by uti-*
 6 *lizing negotiated rulemaking procedures.*

7 **SEC. 3421. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.**

8 (a) *WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS*
 9 *FOR CHAPTERS 311 AND 315.*—*Section 31136(e) is amend-*
 10 *ed—*

11 (1) *by redesignating paragraphs (2) and (3) as*
 12 *paragraphs (5) and (6), respectively; and*

13 (2) *by striking the subsection heading and para-*
 14 *graph (1) and inserting the following:*

15 “(e) *WAIVERS, EXEMPTIONS, AND PILOT PRO-*
 16 *GRAMS.*—

17 “(1) *IN GENERAL.*—*The Secretary shall, by regu-*
 18 *lation promulgated after notice and an opportunity*
 19 *for public comment and within 180 days after the*
 20 *date of enactment of the Intermodal Transportation*
 21 *Safety Act of 1998, establish procedures by which*
 22 *waivers, exemptions, and pilot programs under this*
 23 *section may be initiated. The regulation shall pro-*
 24 *vide—*

1 “(A) a process for the issuance of waivers or
2 exemptions from any part of a regulation pre-
3 scribed under this subchapter or chapter 315;
4 and

5 “(B) procedures for the conduct of pilot
6 projects or demonstration programs to support
7 the appropriateness of regulations, enforcement
8 policies, waivers, or exemptions under this sec-
9 tion.

10 “(2) *WAIVERS.*—The Secretary may grant a
11 waiver that relieves a person from compliance in
12 whole or in part with a regulation issued under this
13 subchapter or chapter 315 if the Secretary determines
14 that it is in the public interest to grant the waiver
15 and that the waiver is likely to achieve a level of safe-
16 ty that is equivalent to, or greater than, the level of
17 safety that would be obtained in the absence of the
18 waiver—

19 “(A) for a period not in excess of 3 months;

20 “(B) limited in scope and circumstances;

21 “(C) for nonemergency and unique events;

22 and

23 “(D) subject to such conditions as the Sec-
24 retary may impose.

1 “(3) *EXEMPTIONS.*—*The Secretary may grant*
2 *an exemption in whole or in part from a regulation*
3 *issued under this subchapter or chapter 315 to a class*
4 *of persons, vehicles, or circumstances if the Secretary*
5 *determines, after notice and opportunity for public*
6 *comment, that it is in the public interest to grant the*
7 *exemption and that the exemption is likely to achieve*
8 *a level of safety that is equivalent to, or greater than,*
9 *the level of safety that would be obtained in the ab-*
10 *sence of the exemption. An exemption granted under*
11 *this paragraph shall be in effect for a period of not*
12 *more than 2 years, but may be renewed by the Sec-*
13 *retary after notice and opportunity for public com-*
14 *ment if the Secretary determines, based on the safety*
15 *impact and results of the first 2 years of an exemp-*
16 *tion, that the extension is in the public interest and*
17 *that the extension of the exemption is likely to achieve*
18 *a level of safety that is equivalent to, or greater than,*
19 *the level of safety that would be obtained in the ab-*
20 *sence of the extension.*

21 “(4) *PILOT PROGRAMS.*—

22 “(A) *IN GENERAL.*—*In carrying out this*
23 *section, the Secretary is authorized to carry out*
24 *pilot programs to examine innovative ap-*

1 *proaches or alternatives to regulations issued*
2 *under this chapter or chapter 315.*

3 “(B) *REQUIREMENT FOR APPROVAL.—In*
4 *carrying out a pilot project under this para-*
5 *graph, the Secretary shall require, as a condition*
6 *of approval of the project, that the safety meas-*
7 *ures in the project are designed to achieve a level*
8 *of safety that is equivalent to, or greater than,*
9 *the level of safety that would otherwise be*
10 *achieved through compliance with the standards*
11 *prescribed under this subchapter or chapter 315.*

12 “(C) *EXEMPTIONS.—A pilot project under*
13 *this paragraph—*

14 “(i) *may exempt a motor carrier under*
15 *the project from any requirement (or por-*
16 *tion thereof) imposed under this subchapter*
17 *or chapter 315; and*

18 “(ii) *shall preempt any State or local*
19 *regulation that conflicts with the pilot*
20 *project during the time the pilot project is*
21 *in effect.*

22 “(D) *REVOCATION OF EXEMPTION.—The*
23 *Secretary shall revoke an exemption granted*
24 *under subparagraph (C) if—*

1 “(i) the motor carrier to which it ap-
 2 plies fails to comply with the terms and
 3 conditions of the exemption; or

4 “(ii) the Secretary determines that the
 5 exemption has resulted in a lower level of
 6 safety than was maintained before the ex-
 7 emption was granted.”.

8 (b) *WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS*
 9 *FOR CHAPTER 313.*—Section 31315 is amended—

10 (1) by inserting “(a) *IN GENERAL.*—” before
 11 “After notice”; and

12 (2) by adding at the end the following:

13 “(b) *WAIVERS, EXEMPTIONS, AND PILOT PRO-*
 14 *GRAMS.*—

15 “(1) *IN GENERAL.*—The Secretary shall, by regu-
 16 lation promulgated after notice and an opportunity
 17 for public comment and within 180 days after the
 18 date of enactment of the Intermodal Transportation
 19 Safety Act of 1998, establish procedures by which
 20 waivers, exemptions, and pilot programs under this
 21 section may be initiated. The regulation shall pro-
 22 vide—

23 “(A) a process for the issuance of waivers or
 24 exemptions from any part of a regulation pre-
 25 scribed under this chapter; and

1 “(B) procedures for the conduct of pilot
 2 projects or demonstration programs to support
 3 the appropriateness of regulations, enforcement
 4 policies, or exemptions under this section.

5 “(2) *WAIVERS.*—The Secretary may grant a
 6 waiver that relieves a person from compliance in
 7 whole or in part with a regulation issued under this
 8 chapter if the Secretary determines that it is in the
 9 public interest to grant the waiver and that the waiv-
 10 er is likely to achieve a level of safety that is equiva-
 11 lent to, or greater than, the level of safety that would
 12 be obtained in the absence of the waiver—

13 “(A) for a period not in excess of 3 months;

14 “(B) limited in scope and circumstances;

15 “(C) for nonemergency and unique events;

16 and

17 “(D) subject to such conditions as the Sec-
 18 retary may impose.

19 “(3) *EXEMPTIONS.*—The Secretary may grant
 20 an exemption in whole or in part from a regulation
 21 issued under this chapter to a class of persons, vehi-
 22 cles, or circumstances if the Secretary determines,
 23 after notice and opportunity for public comment, that
 24 it is in the public interest to grant the exemption and
 25 that the exemption is likely to achieve a level of safety

1 *that is equivalent to, or greater than, the level of safe-*
 2 *ty that would be obtained in the absence of the exemp-*
 3 *tion. An exemption granted under this paragraph*
 4 *shall be in effect for a period of not more than 2*
 5 *years, but may be renewed by the Secretary after no-*
 6 *tice and opportunity for public comment if the Sec-*
 7 *retary determines, based on the safety impact and re-*
 8 *sults of the first 2 years of an exemption, that the ex-*
 9 *tension is in the public interest and that the extension*
 10 *of the exemption is likely to achieve a level of safety*
 11 *that is equivalent to, or greater than, the level of safe-*
 12 *ty that would be obtained in the absence of the exten-*
 13 *sion.*

14 *“(4) PILOT PROGRAMS.—*

15 *“(A) IN GENERAL.—In carrying out this*
 16 *section, the Secretary is authorized to carry out*
 17 *pilot programs to examine innovative ap-*
 18 *proaches or alternatives to regulations issued*
 19 *under this chapter.*

20 *“(B) REQUIREMENT FOR APPROVAL.—In*
 21 *carrying out a pilot project under this para-*
 22 *graph, the Secretary shall require, as a condition*
 23 *of approval of the project, that the safety meas-*
 24 *ures in the project are designed to achieve a level*
 25 *of safety that is equivalent to, or greater than,*

1 *the level of safety that would otherwise be*
2 *achieved through compliance with the standards*
3 *prescribed under this chapter.*

4 “(C) *EXEMPTIONS.*—*A pilot project under*
5 *this paragraph—*

6 “(i) *may exempt a motor carrier under*
7 *the project from any requirement (or por-*
8 *tion thereof) imposed under this chapter;*
9 *and*

10 “(ii) *shall preempt any State or local*
11 *regulation that conflicts with the pilot*
12 *project during the time the pilot project is*
13 *in effect.*

14 “(D) *REVOCATION OF EXEMPTION.*—*The*
15 *Secretary shall revoke an exemption granted*
16 *under subparagraph (C) if—*

17 “(i) *the motor carrier to which it ap-*
18 *plies fails to comply with the terms and*
19 *conditions of the exemption; or*

20 “(ii) *the Secretary determines that the*
21 *exemption has resulted in a lower level of*
22 *safety than was maintained before the ex-*
23 *emption was granted.”.*

1 **SEC. 3422. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.**

2 (a) *IN GENERAL.*—The Secretary shall conduct a
3 study of the impact on safety and infrastructure of tandem
4 axle commercial motor vehicle operations in States that
5 permit the operation of such vehicles in excess of the weight
6 limits established by section 127 of title 23, United States
7 Code.

8 (b) *COOPERATIVE AGREEMENTS WITH STATES.*—The
9 Secretary shall enter into cooperative agreements with
10 States described in subsection (a) under which the States
11 participate in the collection of weight-in-motion data nec-
12 essary to achieve the purpose of the study. If the Secretary
13 determines that additional weight-in-motion sites, on or off
14 the Dwight D. Eisenhower System of Interstate and Defense
15 Highways, are necessary to carry out the study, and re-
16 quests assistance from the States in choosing appropriate
17 locations, the States shall identify the industries or trans-
18 portation companies operating within their borders that
19 regularly utilize the 35,000-pound tandem axle.

20 (c) *REPORT.*—Not later than 2 years after the date of
21 enactment of this Act, the Secretary shall transmit to Con-
22 gress a report on the results of the study, together with any
23 related legislative or administrative recommendations.
24 Until the Secretary transmits the report to Congress, the
25 Secretary may not withhold funds under section 104 of title
26 23, United States Code, from any State for violation of the

1 *grandfathered tandem axle weight limits under section 127*
 2 *of that title.*

3 **SEC. 3423. INCREASED MCSAP PARTICIPATION IMPACT**
 4 **STUDY.**

5 (a) *IN GENERAL.*—*If a State that did not receive its*
 6 *full allocation of funding under the Motor Carrier Safety*
 7 *Assistance Program during fiscal years 1996 and 1997*
 8 *agrees to enter into a cooperative agreement with the Sec-*
 9 *retary to evaluate the safety impact, costs, and benefits of*
 10 *allowing such State to continue to participate fully in the*
 11 *Motor Carrier Safety Assistance Program, then the Sec-*
 12 *retary of Transportation shall allocate to that State the full*
 13 *amount of funds to which it would otherwise be entitled*
 14 *for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.*
 15 *The Secretary may not add conditions to the cooperative*
 16 *agreement other than those directly relating to the accurate*
 17 *and timely collection of inspection and crash data sufficient*
 18 *to ascertain the safety and effectiveness of such State's pro-*
 19 *gram.*

20 (b) *REQUIREMENTS.*—

21 (1) *REPORT.*—*The State shall submit to the Sec-*
 22 *retary each year the results of such safety evaluations.*

23 (2) *TERMINATION BY SECRETARY.*—*If the Sec-*
 24 *retary finds such an agreement not in the public in-*
 25 *terest based on the results of such evaluations after 2*

1 *years of full participation, the Secretary may termi-*
 2 *nate the agreement entered into under this section.*

3 *(c) PROHIBITION OF ADOPTION OF LESSER STAND-*
 4 *ARDS.—No State may enact or implement motor carrier*
 5 *safety regulations that are determined by the Secretary to*
 6 *be less strict than those in effect as of September 30, 1997.*

7 **SEC. 3424. EXEMPTION FROM CERTAIN REGULATIONS FOR**
 8 **UTILITY SERVICE COMMERCIAL MOTOR VEHI-**
 9 **CLE DRIVERS.**

10 *(a) IN GENERAL.—Section 31502 is amended by add-*
 11 *ing at the end the following new subsection:*

12 *“(e) EXCEPTION.—*

13 *“(1) IN GENERAL.—Notwithstanding any other*
 14 *provision of law, regulations promulgated under this*
 15 *section or section 31136 regarding—*

16 *“(A) maximum driving and on-duty times*
 17 *applicable to operators of commercial motor ve-*
 18 *hicles;*

19 *“(B) physical testing, reporting, or record-*
 20 *keeping; and*

21 *“(C) the installation of automatic recording*
 22 *devices associated with establishing the maxi-*
 23 *mum driving and on-duty times referred to in*
 24 *subparagraph (A),*

1 *shall not apply to any driver of a utility service vehi-*
2 *cle during an emergency period of not more than 30*
3 *days declared by an elected State or local government*
4 *official under paragraph (2) in the area covered by*
5 *the declaration.*

6 “(2) *DECLARATION OF EMERGENCY.*—*The regu-*
7 *lations described in subparagraphs (A), (B), and (C)*
8 *of paragraph (1) do not apply to the driver of a util-*
9 *ity service vehicle operated—*

10 “(A) *in the area covered by an emergency*
11 *declaration under this paragraph; and*

12 “(B) *for a period of not more than 30 days*
13 *designated in that declaration,*

14 *issued by an elected State or local government official*
15 *(or jointly by elected officials of more than one State*
16 *or local government), after notice to the Regional Di-*
17 *rector of the Federal Highway Administration with*
18 *jurisdiction over the area covered by the declaration.*

19 “(3) *INCIDENT REPORT.*—*Within 30 days after*
20 *the end of the declared emergency period the official*
21 *who issued the emergency declaration shall file with*
22 *the Regional Director a report of each safety-related*
23 *incident or accident that occurred during the emer-*
24 *gency period involving—*

1 “(A) a utility service vehicle driver to which
2 the declaration applied; or

3 “(B) a utility service vehicle to the driver of
4 which the declaration applied.

5 “(4) *DEFINITIONS.*—For purposes of this sub-
6 section—

7 “(A) *DRIVER OF A UTILITY SERVICE VEHI-*
8 *CLE.*—The term ‘driver of a utility service vehi-

9 cle’ means any driver who is considered to be a

10 driver of a utility service vehicle for purposes of

11 section 345(a)(4) of the National Highway Sys-

12 tem Designation Act of 1995 (49 U.S.C. 31136

13 note).

14 “(B) *UTILITY SERVICE VEHICLE.*—The term

15 ‘utility service vehicle’ has the meaning given

16 that term in section 345(e)(6) of the National

17 Highway System Designation Act of 1995 (49

18 U.S.C. 31136 note).”.

19 (b) *CONTINUED APPLICATION OF SAFETY AND MAIN-*
20 *TENANCE REQUIREMENTS.*—

21 (1) *IN GENERAL.*—The amendment made by sub-
22 section (a) may not be construed—

23 (A) to exempt any utility service vehicle
24 from compliance with any applicable provision

1 *of law relating to vehicle mechanical safety,*
2 *maintenance requirements, or inspections; or*

3 *(B) to exempt any driver of a utility service*
4 *vehicle from any applicable provision of law (in-*
5 *cluding any regulation) established for the*
6 *issuance, maintenance, or periodic renewal of a*
7 *commercial driver's license for that driver.*

8 (2) *DEFINITIONS.—For purposes of this sub-*
9 *section—*

10 *(A) COMMERCIAL DRIVER'S LICENSE.—The*
11 *term “commercial driver's license” has the mean-*
12 *ing given that term in section 31301(3) of title*
13 *49, United States Code.*

14 *(B) DRIVER OF A UTILITY SERVICE VEHI-*
15 *CLE.—The term “driver of a utility service vehi-*
16 *cle” has the meaning given that term in section*
17 *31502(e)(2)(A) of title 49, United States Code, as*
18 *added by subsection (a).*

19 *(C) REGULATION.—The term “regulation”*
20 *has the meaning given that term in section*
21 *31132(6) of title 49, United States Code.*

22 *(D) UTILITY SERVICE VEHICLE.—The term*
23 *“utility service vehicle” has the meaning given*
24 *that term in section 345(e)(6) of the National*

1 *Highway System Designation Act of 1995 (49*
2 *U.S.C. 31136 note).*

3 **SEC. 3425. SCHOOL TRANSPORTATION SAFETY.**

4 (a) *STUDY.*—*Not later than 3 months after the date*
5 *of enactment of this Act, the Secretary shall offer to enter*
6 *into an agreement with the Transportation Research Board*
7 *of the National Academy of Sciences to conduct, subject to*
8 *the availability of appropriations, a study of the safety*
9 *issues attendant to the transportation of school children to*
10 *and from school and school-related activities by various*
11 *transportation modes.*

12 (b) *TERMS OF AGREEMENT.*—*The agreement under*
13 *subsection (a) shall provide that—*

14 (1) *the Transportation Research Board, in con-*
15 *ducting the study, shall consider—*

16 (A) *in consultation with the National*
17 *Transportation Safety Board, the Bureau of*
18 *Transportation Statistics, and other relevant en-*
19 *tities, available crash injury data;*

20 (B) *vehicle design and driver training re-*
21 *quirements, routing, and operational factors that*
22 *affect safety; and*

23 (C) *other factors that the Secretary consid-*
24 *ers to be appropriate;*

1 (2) *if the data referred to in paragraph (1)(A)*
 2 *is unavailable or insufficient, the Transportation Re-*
 3 *search Board shall recommend a new data collection*
 4 *regimen and implementation guidelines; and*

5 (3) *a panel shall conduct the study and shall in-*
 6 *clude—*

7 (A) *representatives of—*

8 (i) *highway safety organizations;*

9 (ii) *school transportation; and*

10 (iii) *mass transportation operators;*

11 (B) *academic and policy analysts; and*

12 (C) *other interested parties.*

13 (c) *REPORT.—Not later than 12 months after the Sec-*
 14 *retary enters into an agreement under subsection (a), the*
 15 *Secretary shall transmit to the Committee on Commerce,*
 16 *Science, and Transportation of the Senate and the Commit-*
 17 *tee on Transportation and Infrastructure of the House of*
 18 *Representatives a report that contains the results of the*
 19 *study.*

20 (d) *AUTHORIZATION.—There are authorized to be ap-*
 21 *propriated to the Department of Transportation to carry*
 22 *out this section—*

23 (1) *\$200,000 for fiscal year 1999; and*

24 (2) *\$200,000 for fiscal year 2000.*

1 ***Subtitle E—Rail and Mass Trans-***
 2 ***portation Anti-Terrorism; Safety***

3 ***SEC. 3501. PURPOSE.***

4 *The purpose of this subtitle is to protect the passengers*
 5 *and employees of railroad carriers and mass transportation*
 6 *systems and the movement of freight by railroad from ter-*
 7 *rorist attacks.*

8 ***SEC. 3502. AMENDMENTS TO THE “WRECKING TRAINS”***
 9 ***STATUTE.***

10 *(a) Section 1992 of title 18, United States Code, is*
 11 *amended to read as follows:*

12 ***“§ 1992. Terrorist attacks against railroads***

13 *“(a) GENERAL PROHIBITIONS.—Whoever willfully—*

14 *“(1) wrecks, derails, sets fire to, or disables any*
 15 *train, locomotive, motor unit, or freight or passenger*
 16 *car used, operated, or employed by a railroad carrier;*

17 *“(2) brings, carries, possesses, places or causes to*
 18 *be placed any destructive substance, or destructive de-*
 19 *vice in, upon, or near any train, locomotive, motor*
 20 *unit, or freight or passenger car used, operated, or*
 21 *employed by a railroad carrier, without previously*
 22 *obtaining the permission of the carrier, and with in-*
 23 *tent to endanger the safety of any passenger or em-*
 24 *ployee of the carrier, or with a reckless disregard for*
 25 *the safety of human life;*

1 “(3) sets fire to, or places any destructive sub-
2 stance, or destructive device in, upon or near, or un-
3 dermines any tunnel, bridge, viaduct, trestle, track,
4 signal, station, depot, warehouse, terminal, or any
5 other way, structure, property, or appurtenance used
6 in the operation of, or in support of the operation of,
7 a railroad carrier, or otherwise makes any such tun-
8 nel, bridge, viaduct, trestle, track, station, depot,
9 warehouse, terminal, or any other way, structure,
10 property, or appurtenance unworkable or unusable or
11 hazardous to work or use, knowing or having reason
12 to know such activity would likely derail, disable, or
13 wreck a train, locomotive, motor unit, or freight or
14 passenger car used, operated, or employed by a rail-
15 road carrier;

16 “(4) removes appurtenances from, damages, or
17 otherwise impairs the operation of any railroad sig-
18 nal system, including a train control system, central-
19 ized dispatching system, or highway-railroad grade
20 crossing warning signal on a railroad line used, oper-
21 ated, or employed by a railroad carrier;

22 “(5) interferes with, disables, or incapacitates
23 any locomotive engineer, conductor, or other person
24 while they are operating or maintaining a train, lo-
25 comotive, motor unit, or freight or passenger car used,

1 *operated, or employed by a railroad carrier, with in-*
2 *tent to endanger the safety of any passenger or em-*
3 *ployee of the carrier, or with a reckless disregard for*
4 *the safety of human life;*

5 *“(6) commits an act intended to cause death or*
6 *serious bodily injury to an employee or passenger of*
7 *a railroad carrier while on the property of the car-*
8 *rier;*

9 *“(7) causes the release of a hazardous material*
10 *being transported by a rail freight car, with the in-*
11 *tent to endanger the safety of any person, or with a*
12 *reckless disregard for the safety of human life;*

13 *“(8) conveys or causes to be conveyed false infor-*
14 *mation, knowing the information to be false, concern-*
15 *ing an attempt or alleged attempt being made or to*
16 *be made, to do any act that would be a crime prohib-*
17 *ited by this subsection; or*

18 *“(9) attempts, threatens, or conspires to do any*
19 *of the aforesaid acts,*

20 *shall be fined under this title or imprisoned not more than*
21 *20 years, or both, if such act is committed, or in the case*
22 *of a threat or conspiracy such act would be committed,*
23 *within the United States on, against, or affecting a railroad*
24 *carrier engaged in or affecting interstate or foreign com-*
25 *merce, or if in the course of committing such acts, that per-*

1 *son travels or communicates across a State line in order*
2 *to commit such acts, or transports materials across a State*
3 *line in aid of the commission of such acts; except that who-*
4 *ever is convicted of any crime prohibited by this subsection*
5 *shall be—*

6 “(A) *imprisoned for not less than 30 years*
7 *or for life if the railroad train involved carried*
8 *high-level radioactive waste or spent nuclear fuel*
9 *at the time of the offense;*

10 “(B) *imprisoned for life if the railroad*
11 *train involved was carrying passengers at the*
12 *time of the offense; and*

13 “(C) *imprisoned for life or sentenced to*
14 *death if the offense has resulted in the death of*
15 *any person.*

16 “(b) *PROHIBITIONS ON THE USE OF FIREARMS AND*
17 *DANGEROUS WEAPONS.—*

18 “(1) *Except as provided in paragraph (4), who-*
19 *ever knowingly possesses or causes to be present any*
20 *firearm or other dangerous weapon on board a pas-*
21 *senger train of a railroad carrier, or attempts to do*
22 *so, shall be fined under this title or imprisoned not*
23 *more than 1 year, or both, if such act is committed*
24 *on a railroad carrier that is engaged in or affecting*
25 *interstate or foreign commerce, or if in the course of*

1 *committing such act, that person travels or commu-*
2 *nicates across a State line in order to commit such*
3 *act, or transports materials across a State line in aid*
4 *of the commission of such act.*

5 “(2) Whoever, with intent that a firearm or other
6 *dangerous weapon be used in the commission of a*
7 *crime, knowingly possesses or causes to be present*
8 *such firearm or dangerous weapon on board a pas-*
9 *senger train or in a passenger terminal facility of a*
10 *railroad carrier, or attempts to do so, shall be fined*
11 *under this title or imprisoned not more than 5 years,*
12 *or both, if such act is committed on a railroad carrier*
13 *that is engaged in or affecting interstate or foreign*
14 *commerce, or if in the course of committing such act,*
15 *that person travels or communicates across a State*
16 *line in order to commit such act, or transports mate-*
17 *rials across a State line in aid of the commission of*
18 *such act.*

19 “(3) A person who kills or attempts to kill a per-
20 *son in the course of a violation of paragraphs (1) or*
21 *(2), or in the course of an attack on a passenger train*
22 *or a passenger terminal facility of a railroad carrier*
23 *involving the use of a firearm or other dangerous*
24 *weapon, shall be punished as provided in sections*
25 *1111, 1112, and 1113.*

1 “(4) Paragraph (1) shall not apply to—

2 “(A) the possession of a firearm or other
3 dangerous weapon by an officer, agent, or em-
4 ployee of the United States, a State, or a politi-
5 cal subdivision thereof, while engaged in the law-
6 ful performance of official duties, who is author-
7 ized by law to engage in the transportation of
8 people accused or convicted of crimes, or super-
9 vise the prevention, detection, investigation, or
10 prosecution of any violation of law;

11 “(B) the possession of a firearm or other
12 dangerous weapon by an officer, agent, or em-
13 ployee of the United States, a State, or a politi-
14 cal subdivision thereof, while off duty, if such
15 possession is authorized by law;

16 “(C) the possession of a firearm or other
17 dangerous weapon by a Federal official or a
18 member of the Armed Forces if such possession is
19 authorized by law;

20 “(D) the possession of a firearm or other
21 dangerous weapon by a railroad police officer
22 employed by a rail carrier and certified or com-
23 missioned as a police officer under the laws of a
24 State, whether on or off duty; or

1 “(E) an individual transporting a firearm
2 on board a railroad passenger train (except a
3 loaded firearm) in baggage not accessible to any
4 passenger on board the train, if the railroad car-
5 rier was informed of the presence of the weapon
6 prior to the firearm being placed on board the
7 train.

8 “(c) PROHIBITION AGAINST PROPELLING OBJECTS.—
9 Whoever willfully or recklessly throws, shoots, or propels a
10 rock, stone, brick, or piece of iron, steel, or other metal or
11 any deadly or dangerous object or destructive substance at
12 any locomotive or car of a train, knowing or having reason
13 to know such activity would likely cause personal injury,
14 shall be fined under this title or imprisoned for not more
15 than 5 years, or both, if such act is committed on or against
16 a railroad carrier engaged in or affecting interstate or for-
17 eign commerce, or if in the course of committing such act,
18 that person travels or communicates across a State line in
19 order to commit such act, or transports materials across
20 a State line in aid of the commission of such act. Whoever
21 is convicted of any crime prohibited by this subsection shall
22 also be subject to imprisonment for not more than 20 years
23 if the offense has resulted in the death of any person.
24 “(d) DEFINITIONS.—In this section—

1 “(1) ‘dangerous device’ has the meaning given
2 that term in section 921(a)(4) of this title;

3 “(2) ‘dangerous weapon’ has the meaning given
4 that term in section 930 of this title;

5 “(3) ‘destructive substance’ has the meaning
6 given that term in section 31 of this title, except that
7 (A) the term ‘radioactive device’ does not include any
8 radioactive device or material used solely for medical,
9 industrial, research, or other peaceful purposes, and
10 (B) ‘destructive substance’ includes any radioactive
11 device or material that can be used to cause a harm
12 listed in subsection (a) and that is not in use solely
13 for medical, industrial, research, or other peaceful
14 purposes;

15 “(4) ‘firearm’ has the meaning given that term
16 in section 921 of this title;

17 “(5) ‘hazardous material’ has the meaning given
18 that term in section 5102(2) of title 49, United States
19 Code;

20 “(6) ‘high-level radioactive waste’ has the mean-
21 ing given that term in section 10101(12) of title 42,
22 United States Code;

23 “(7) ‘railroad’ has the meaning given that term
24 in section 20102(1) of title 49, United States Code;

1 “(8) ‘railroad carrier’ has the meaning given
2 that term in section 20102(2) of title 49, United
3 States Code;

4 “(9) ‘serious bodily injury’ has the meaning
5 given that term in section 1365 of this title;

6 “(10) ‘spent nuclear fuel’ has the meaning given
7 that term in section 10101(23) of title 42, United
8 States Code; and

9 “(11) ‘State’ has the meaning given that term in
10 section 2266 of this title.”.

11 (b) In the analysis of chapter 97 of title 18, United
12 States Code, item “1992” is amended to read as follows:

 “1992. Terrorist attacks against railroads.”.

13 **SEC. 3503. TERRORIST ATTACKS AGAINST MASS TRANSPOR-**
14 **TATION.**

15 (a) Chapter 97 of title 18, United States Code, is
16 amended by adding at the end thereof the following new
17 section:

18 **“§ 1994. Terrorist attacks against mass transportation**

19 “(a) *GENERAL PROHIBITIONS.*—Whoever willfully—

20 “(1) wrecks, derails, sets fire to, or disables a
21 mass transportation vehicle or vessel;

22 “(2) places or causes to be placed any destructive
23 substance in, upon, or near a mass transportation ve-
24 hicle or vessel, without previously obtaining the per-
25 mission of the mass transportation provider, and

1 *with intent to endanger the safety of any passenger*
2 *or employee of the mass transportation provider, or*
3 *with a reckless disregard for the safety of human life;*

4 *“(3) sets fire to, or places any destructive sub-*
5 *stance in, upon, or near any garage, terminal, struc-*
6 *ture, supply, or facility used in the operation of, or*
7 *in support of the operation of, a mass transportation*
8 *vehicle, knowing or having reason to know such activ-*
9 *ity would likely derail, disable, or wreck a mass*
10 *transportation vehicle used, operated, or employed by*
11 *a mass transportation provider;*

12 *“(4) removes appurtenances from, damages, or*
13 *otherwise impairs the operation of a mass transpor-*
14 *tation signal system, including a train control sys-*
15 *tem, centralized dispatching system, or rail grade*
16 *crossing warning signal;*

17 *“(5) interferes with, disables, or incapacitates*
18 *any driver or person while that driver or person is*
19 *employed in operating or maintaining a mass trans-*
20 *portation vehicle or vessel, with intent to endanger the*
21 *safety of any passenger or employee of the mass trans-*
22 *portation provider, or with a reckless disregard for*
23 *the safety of human life;*

24 *“(6) commits an act intended to cause death or*
25 *serious bodily injury to an employee or passenger of*

1 *a mass transportation provider on the property of a*
2 *mass transportation provider;*

3 *“(7) conveys or causes to be conveyed false infor-*
4 *mation, knowing the information to be false, concern-*
5 *ing an attempt or alleged attempt being made or to*
6 *be made, to do any act which would be a crime pro-*
7 *hibited by this subsection; or*

8 *“(8) attempts, threatens, or conspires to do any*
9 *of the aforesaid acts, shall be fined under this title or*
10 *imprisoned not more than 20 years, or both, if such*
11 *act is committed, or in the case of a threat or conspir-*
12 *acy such act would be committed, within the United*
13 *States on, against, or affecting a mass transportation*
14 *provider engaged in or affecting interstate or foreign*
15 *commerce, or if in the course of committing such act,*
16 *that person travels or communicates across a State*
17 *line in order to commit such act, or transports mate-*
18 *rials across a State line in aid of the commission of*
19 *such act. Whoever is convicted of a crime prohibited*
20 *by this section shall also be subject to imprisonment*
21 *for life if the mass transportation vehicle or vessel*
22 *was carrying a passenger at the time of the offense,*
23 *and imprisonment for life or sentenced to death if the*
24 *offense has resulted in the death of any person.*

1 “(b) *PROHIBITIONS ON THE USE OF FIREARMS AND*
2 *DANGEROUS WEAPONS.*—

3 “(1) *Except as provided in paragraph (4), who-*
4 *ever knowingly possesses or causes to be present any*
5 *firearm or other dangerous weapon on board a mass*
6 *transportation vehicle or vessel, or attempts to do so,*
7 *shall be fined under this title or imprisoned not more*
8 *than 1 year, or both, if such act is committed on a*
9 *mass transportation provider engaged in or affecting*
10 *interstate or foreign commerce, or if in the course of*
11 *committing such act, that person travels or commu-*
12 *nicates across a State line in order to commit such*
13 *act, or transports materials across a State line in aid*
14 *of the commission of such act.*

15 “(2) *Whoever, with intent that a firearm or other*
16 *dangerous weapon be used in the commission of a*
17 *crime, knowingly possesses or causes to be present*
18 *such firearm or dangerous weapon on board a mass*
19 *transportation vehicle or vessel, or in a mass trans-*
20 *portation passenger terminal facility, or attempts to*
21 *do so, shall be fined under this title, or imprisoned*
22 *not more than 5 years, or both, if such act is commit-*
23 *ted on a mass transportation provider engaged in or*
24 *affecting interstate or foreign commerce, or if in the*
25 *course of committing such act, that person travels or*

1 *communicates across a State line in order to commit*
2 *such act, or transports materials across a State line*
3 *in aid of the commission of such act.*

4 “(3) *A person who kills or attempts to kill a per-*
5 *son in the course of a violation of paragraphs (1) or*
6 *(2), or in the course of an attack on a mass transpor-*
7 *tation vehicle or vessel, or a mass transportation pas-*
8 *senger terminal facility involving the use of a firearm*
9 *or other dangerous weapon, shall be punished as pro-*
10 *vided in sections 1111, 1112, and 1113 of this title.*

11 “(4) *Paragraph (1) shall not apply to—*

12 “(A) *the possession of a firearm or other*
13 *dangerous weapon by an officer, agent, or em-*
14 *ployee of the United States, a State, or a politi-*
15 *cal subdivision thereof, while engaged in the law-*
16 *ful performance of official duties, who is author-*
17 *ized by law to engage in the transportation of*
18 *people accused or convicted of crimes, or super-*
19 *vise the prevention, detection, investigation, or*
20 *prosecution of any violation of law;*

21 “(B) *the possession of a firearm or other*
22 *dangerous weapon by an officer, agent, or em-*
23 *ployee of the United States, a State, or a politi-*
24 *cal subdivision thereof, while off duty, if such*
25 *possession is authorized by law;*

1 “(C) the possession of a firearm or other
2 dangerous weapon by a Federal official or a
3 member of the Armed Forces if such possession is
4 authorized by law;

5 “(D) the possession of a firearm or other
6 dangerous weapon by a railroad police officer
7 employed by a rail carrier and certified or com-
8 missioned as a police officer under the laws of a
9 State, whether on or off duty; or

10 “(E) an individual transporting a firearm
11 on board a mass transportation vehicle or vessel
12 (except a loaded firearm) in baggage not acces-
13 sible to any passenger on board the vehicle or
14 vessel, if the mass transportation provider was
15 informed of the presence of the weapon prior to
16 the firearm being placed on board the vehicle or
17 vessel.

18 “(c) *PROHIBITION AGAINST PROPELLING OBJECTS.*—
19 Whoever willfully or recklessly throws, shoots, or propels a
20 rock, stone, brick, or piece of iron, steel, or other metal or
21 any deadly or dangerous object or destructive substance at
22 any mass transportation vehicle or vessel, knowing or hav-
23 ing reason to know such activity would likely cause per-
24 sonal injury, shall be fined under this title or imprisoned
25 for not more than 5 years, or both, if such act is committed

1 *on or against a mass transportation provider engaged in*
2 *or substantially affecting interstate or foreign commerce, or*
3 *if in the course of committing such acts, that person travels*
4 *or communicates across a State line in order to commit*
5 *such acts, or transports materials across a State line in*
6 *aid of the commission of such acts. Whoever is convicted*
7 *of any crime prohibited by this subsection shall also be sub-*
8 *ject to imprisonment for not more than 20 years if the of-*
9 *fense has resulted in the death of any person.*

10 “(d) *DEFINITIONS.—In this section—*

11 “(1) ‘dangerous device’ has the meaning given
12 that term in section 921(a)(4) of this title;

13 “(2) ‘dangerous weapon’ has the meaning given
14 that term in section 930 of this title;

15 “(3) ‘destructive substance’ has the meaning
16 given that term in section 31 of this title, except that
17 (A) the term ‘radioactive device’ does not include any
18 radioactive device or material used solely for medical,
19 industrial, research, or other peaceful purposes, and
20 (B) ‘destructive substance’ includes any radioactive
21 device or material that can be used to cause a harm
22 listed in subsection (a) and that is not in use solely
23 for medical, industrial, research, or other peaceful
24 purposes;

1 “(4) ‘firearm’ has the meaning given that term
2 in section 921 of this title;

3 “(5) ‘mass transportation’ has the meaning
4 given that term in section 5302(a)(7) of title 49,
5 United States Code, except that the term shall include
6 schoolbus, charter, and sightseeing transportation;

7 “(6) ‘serious bodily injury’ has the meaning
8 given that term in section 1365 of this title; and

9 “(7) ‘State’ has the meaning given that term in
10 section 2266 of this title.”.

11 (b) *The analysis of chapter 97 of title 18, United States*
12 *Code, is amended by adding at the end thereof:*

“1994. Terrorist attacks against mass transportation.”.

13 **SEC. 3504. INVESTIGATIVE JURISDICTION.**

14 *The Federal Bureau of Investigation shall lead the in-*
15 *vestigation of all offenses under sections 1192 and 1994 of*
16 *title 18, United States Code. The Federal Bureau of Inves-*
17 *tigation shall cooperate with the National Transportation*
18 *Safety Board and with the Department of Transportation*
19 *in safety investigations by these agencies, and with the*
20 *Treasury Department’s Bureau of Alcohol, Tobacco and*
21 *Firearms concerning an investigation regarding the posses-*
22 *sion of firearms and explosives.*

1 **SEC. 3505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS**
 2 **TO COMMUTER RAILROADS.**

3 *Section 5329 is amended by adding at the end the fol-*
 4 *lowing:*

5 “(c) *COMMUTER RAILROAD SAFETY CONSIDER-*
 6 *ATIONS.—In making a grant or loan under this chapter*
 7 *that concerns a railroad subject to the Secretary’s railroad*
 8 *safety jurisdiction under section 20102 of this title, the Fed-*
 9 *eral Transit Administrator shall consult with the Federal*
 10 *Railroad Administrator concerning relevant safety issues.*
 11 *The Secretary may use appropriate authority under this*
 12 *chapter, including the authority to prescribe particular*
 13 *terms or covenants under section 5334 of this title, to ad-*
 14 *dress any safety issues identified in the project supported*
 15 *by the loan or grant.”.*

16 **SEC. 3506. RAILROAD ACCIDENT AND INCIDENT REPORT-**
 17 **ING.**

18 *Section 20901(a) is amended to read as follows:*

19 “(a) *GENERAL REQUIREMENTS.—On a periodic basis,*
 20 *not more frequently than monthly, as specified by the Sec-*
 21 *retary of Transportation, a railroad carrier shall file a re-*
 22 *port with the Secretary on all accidents and incidents re-*
 23 *sulting in injury or death to an individual, or damage to*
 24 *equipment or a roadbed arising from the carrier’s oper-*
 25 *ations during that period. The report shall state the nature,*
 26 *cause, and circumstances of each reported accident or inci-*

1 *dent. If a railroad carrier assigns human error as a cause,*
 2 *the report shall include, at the option of each employee*
 3 *whose error is alleged, a statement by the employee explain-*
 4 *ing any factors the employee alleges contributed to the acci-*
 5 *dent or incident.”.*

6 **SEC. 3507. MASS TRANSPORTATION BUSES.**

7 *Section 1023(h)(1) of the Intermodal Surface Trans-*
 8 *portation Efficiency Act of 1991, as amended (23 U.S.C.*
 9 *127 note), is amended by striking “the date on which” and*
 10 *all that follows through “1995” and inserting “January 1,*
 11 *2003”.*

12 ***Subtitle F—Sportfishing and***
 13 ***Boating Safety***

14 **SEC. 3601. AMENDMENT OF 1950 ACT.**

15 *Whenever in this Act an amendment or repeal is ex-*
 16 *pressed in terms of an amendment to, or repeal of, a section*
 17 *or other provision of the 1950 Act, the reference shall be*
 18 *considered to be made to a section or other provision of the*
 19 *Act entitled “An Act to provide that the United States shall*
 20 *aid the States in fish restoration and management projects,*
 21 *and for other purposes,” approved August 9, 1950 (16*
 22 *U.S.C. 777 et seq.).*

23 **SEC. 3602. OUTREACH AND COMMUNICATIONS PROGRAMS.**

24 *(a) DEFINITIONS.—Section 2 of the 1950 Act (16*
 25 *U.S.C. 777a) is amended—*

1 (1) *by indenting the left margin of so much of*
 2 *the text as precedes “(a)” by 2 ems;*

3 (2) *by inserting “For purposes of this Act—”*
 4 *after the section heading;*

5 (3) *by striking “For the purpose of this Act the”*
 6 *in the first paragraph and inserting “(1) the”;*

7 (4) *by indenting the left margin of so much of*
 8 *the text as follows “include—” by 4 ems;*

9 (5) *by striking “(a)”, “(b)”, “(c)”, and “(d)”*
 10 *and inserting “(A)”, “(B)”, “(C)”, and “(D)”, respec-*
 11 *tively;*

12 (6) *by striking “department.” and inserting “de-*
 13 *partment;”;* and

14 (7) *by adding at the end the following:*

15 “(2) *the term ‘outreach and communications*
 16 *program’ means a program to improve communica-*
 17 *tions with anglers, boaters, and the general public re-*
 18 *garding angling and boating opportunities, to reduce*
 19 *barriers to participation in these activities, to ad-*
 20 *vance adoption of sound fishing and boating prac-*
 21 *tices, to promote conservation and the responsible use*
 22 *of the Nation’s aquatic resources, and to further safety*
 23 *in fishing and boating; and*

24 “(3) *the term ‘aquatic resource education pro-*
 25 *gram’ means a program designed to enhance the*

1 *public’s understanding of aquatic resources and*
 2 *sportfishing, and to promote the development of re-*
 3 *sponsible attitudes and ethics toward the aquatic en-*
 4 *vironment.”.*

5 *(b) FUNDING FOR OUTREACH AND COMMUNICATIONS*
 6 *PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is*
 7 *amended—*

8 *(1) by redesignating subsections (c), (d), and (e)*
 9 *as subsections (d), (e), and (f), respectively;*

10 *(2) by inserting after subsection (b) the follow-*
 11 *ing:*

12 *“(c) NATIONAL OUTREACH AND COMMUNICATIONS*
 13 *PROGRAM.—Of the balance of each such annual appropria-*
 14 *tion remaining after making the distribution under sub-*
 15 *sections (a) and (b), respectively, an amount equal to—*

16 *“(1) \$5,000,000 for fiscal year 1999;*

17 *“(2) \$6,000,000 for fiscal year 2000;*

18 *“(3) \$7,000,000 for fiscal year 2001;*

19 *“(4) \$8,000,000 for fiscal year 2002; and*

20 *“(5) \$10,000,000 for fiscal year 2003;*

21 *shall be used for the National Outreach and Communica-*
 22 *tions Program under section 8(d). Such amounts shall re-*
 23 *main available for 3 fiscal years, after which any portion*
 24 *thereof that is unobligated by the Secretary of the Interior*

1 *for that program may be expended by the Secretary under*
2 *subsection (e).”;*

3 *(3) in subsection (d), as redesignated, by insert-*
4 *ing “, for an outreach and communications program”*
5 *after “Act”;*

6 *(4) in subsection (d), as redesignated, by striking*
7 *“subsections (a) and (b),” and inserting “subsections*
8 *(a), (b), and (c),”;*

9 *(5) by adding at the end of subsection (d), as re-*
10 *designated, the following: “Of the sum available to the*
11 *Secretary of the Interior under this subsection for any*
12 *fiscal year, up to \$2,500,000 may be used for the Na-*
13 *tional Outreach and Communications Program under*
14 *section 8(d) in addition to the amount available for*
15 *that program under subsection (c). No funds available*
16 *to the Secretary under this subsection may be used to*
17 *replace funding traditionally provided through gen-*
18 *eral appropriations, nor for any purposes except those*
19 *purposes authorized by this Act. The Secretary shall*
20 *publish a detailed accounting of the projects, pro-*
21 *grams, and activities funded under this subsection*
22 *annually in the Federal Register.”; and*

23 *(6) in subsection (e), as redesignated, by striking*
24 *“subsections (a), (b), and (c),” and inserting “sub-*
25 *sections (a), (b), (c), and (d),”.*

1 (c) *INCREASE IN STATE ALLOCATION.*—Section 8 of
2 the 1950 Act (16 U.S.C. 777g) is amended—

3 (1) by striking “12 1/2 percentum” each place it
4 appears in subsection (b) and inserting “15 percent”;

5 (2) by striking “10 percentum” in subsection (c)
6 and inserting “15 percent”;

7 (3) by inserting “and communications” in sub-
8 section (c) after “outreach”; and

9 (4) by redesignating subsection (d) as subsection
10 (f); and by inserting after subsection (c) the following:

11 “(d) *NATIONAL OUTREACH AND COMMUNICATIONS*
12 *PROGRAM.*—

13 “(1) *IMPLEMENTATION.*—Within 1 year after the
14 date of enactment of the Intermodal Transportation
15 Safety Act of 1998, the Secretary of the Interior shall
16 develop and implement, in cooperation and consulta-
17 tion with the Sport Fishing and Boating Partnership
18 Council, a national plan for outreach and commu-
19 nications.

20 “(2) *CONTENT.*—The plan shall provide—

21 “(A) guidance, including guidance on the
22 development of an administrative process and
23 funding priorities, for outreach and communica-
24 tions programs; and

1 “(B) for the establishment of a national
2 program.

3 “(3) SECRETARY MAY MATCH OR FUND PRO-
4 GRAMS.—Under the plan, the Secretary may obligate
5 amounts available under subsection (c) or (d) of sec-
6 tion 4 of this Act—

7 “(A) to make grants to any State or private
8 entity to pay all or any portion of the cost of
9 carrying out any outreach or communications
10 program under the plan; or

11 “(B) to fund contracts with States or pri-
12 vate entities to carry out such a program.

13 “(4) REVIEW.—The plan shall be reviewed peri-
14 odically, but not less frequently than once every 3
15 years.

16 “(e) STATE OUTREACH AND COMMUNICATIONS PRO-
17 GRAM.—Within 12 months after the completion of the na-
18 tional plan under subsection (d)(1), a State shall develop
19 a plan for an outreach and communications program and
20 submit it to the Secretary. In developing the plan, a State
21 shall—

22 “(1) review the national plan developed under
23 subsection (d);

1 “(2) consult with anglers, boaters, the
2 sportfishing and boating industries, and the general
3 public; and

4 “(3) establish priorities for the State outreach
5 and communications program proposed for imple-
6 mentation.”.

7 **SEC. 3603. CLEAN VESSEL ACT FUNDING.**

8 Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is
9 amended to read as follows:

10 “(b) *USE OF BALANCE AFTER DISTRIBUTION.*—

11 “(1) *FISCAL YEAR 1998.*—In fiscal year 1998,
12 an amount equal to \$20,000,000 of the balance re-
13 maining after the distribution under subsection (a)
14 shall be transferred to the Secretary of Transportation
15 and shall be expended for State recreational boating
16 safety programs under section 13106(a)(1) of title 46,
17 United States Code.

18 “(2) *FISCAL YEARS 1999–2003.*—For each of fis-
19 cal years 1999 through 2003, the balance of each an-
20 nual appropriation remaining after making the dis-
21 tribution under subsection (a), an amount equal to
22 \$84,000,000, reduced by 82 percent of the amount ap-
23 propriated for that fiscal year from the Boat Safety
24 Account of the Aquatic Resources Trust Fund estab-
25 lished by section 9504 of the Internal Revenue Code

1 *of 1986 to carry out the purposes of section 13106(a)*
2 *of title 46, United States Code, shall be used as fol-*
3 *lows:*

4 “(A) \$10,000,000 shall be available for each
5 *fiscal year to the Secretary of the Interior for 3*
6 *years for obligation for qualified projects under*
7 *section 5604(c) of the Clean Vessel Act of 1992*
8 *(33 U.S.C. 1322 note);*

9 “(B) \$10,000,000 shall be available for each
10 *fiscal year to the Secretary of the Interior for 3*
11 *years for obligation for qualified projects under*
12 *section 3604(d) of the Intermodal Transportation*
13 *Safety Act of 1998; and*

14 “(C) the balance shall be transferred for
15 *each such fiscal year to the Secretary of Trans-*
16 *portation and shall be expended for State rec-*
17 *reational boating safety programs under section*
18 *13106 of title 46, United States Code.*

19 “(3) *TRANSFER OF CERTAIN FUNDS.—Amounts*
20 *available under subparagraphs (A) and (B) of para-*
21 *graphs (1) and (2) that are unobligated by the Sec-*
22 *retary of the Interior after 3 years shall be transferred*
23 *to the Secretary of Transportation and shall be ex-*
24 *pended for State recreational boating safety programs*

1 *under section 13106(a) of title 46, United States*
2 *Code.”.*

3 **SEC. 3604. BOATING INFRASTRUCTURE.**

4 (a) *PURPOSE.*—*The purpose of this section is to pro-*
5 *vide funds to States for the development and maintenance*
6 *of public facilities for transient nontrailerable recreational*
7 *vessels.*

8 (b) *SURVEY.*—*Section 8 of the 1950 Act (16 U.S.C.*
9 *777g), as amended by section 3602, is amended by adding*
10 *at the end thereof the following:*

11 “(g) *SURVEYS.*—

12 “(1) *NATIONAL FRAMEWORK.*—*Within 6 months*
13 *after the date of enactment of the Intermodal Trans-*
14 *portation Safety Act of 1998, the Secretary, in con-*
15 *sultation with the States, shall adopt a national*
16 *framework for a public boat access needs assessment*
17 *which may be used by States to conduct surveys to de-*
18 *termine the adequacy, number, location, and quality*
19 *of facilities providing access to recreational waters for*
20 *all sizes of recreational boats.*

21 “(2) *STATE SURVEYS.*—*Within 18 months after*
22 *such date of enactment, each State that agrees to con-*
23 *duct a public boat access needs survey following the*
24 *recommended national framework shall report its*
25 *findings to the Secretary for use in the development*

1 of a comprehensive national assessment of rec-
2 reational boat access needs and facilities.

3 “(3) *EXCEPTION.*—Paragraph (2) does not apply
4 to a State if, within 18 months after such date of en-
5 actment, the Secretary certifies that the State has de-
6 veloped and is implementing a plan that ensures
7 there are and will be public boat access adequate to
8 meet the needs of recreational boaters on its waters.

9 “(4) *FUNDING.*—A State that conducts a public
10 boat access needs survey under paragraph (2) may
11 fund the costs of conducting that assessment out of
12 amounts allocated to it as funding dedicated to mo-
13 torboat access to recreational waters under subsection
14 (b)(1) of this section.”.

15 (c) *PLAN.*—Within 6 months after submitting a survey
16 to the Secretary under section 8(g) of the Act entitled “An
17 Act to provide that the United States shall aid the States
18 in fish restoration and management projects, and for other
19 purposes,” approved August 9, 1950 (16 U.S.C. 777g(g)),
20 as added by subsection (b) of this section, a State may de-
21 velop and submit to the Secretary a plan for the construc-
22 tion, renovation, and maintenance of public facilities, and
23 access to those facilities, for transient nontrailerable rec-
24 reational vessels to meet the needs of nontrailerable rec-
25 reational vessels operating on navigable waters in the State.

1 (d) *GRANT PROGRAM.*—

2 (1) *MATCHING GRANTS.*—*The Secretary of the*
3 *Interior shall obligate amounts made available under*
4 *section 4(b)(2)(B) of the Act entitled “An Act to pro-*
5 *vide that the United States shall aid the States in fish*
6 *restoration and management projects, and for other*
7 *purposes,” approved August 9, 1950 (16 U.S.C.*
8 *777c(b)(2)(B)) to make grants to any State to pay*
9 *not more than 75 percent of the cost to a State of con-*
10 *structing, renovating, or maintaining public facilities*
11 *for transient nontrailerable recreational vessels.*

12 (2) *PRIORITIES.*—*In awarding grants under*
13 *paragraph (1), the Secretary shall give priority to*
14 *projects that—*

15 (A) *consist of the construction, renovation,*
16 *or maintenance of public facilities for transient*
17 *nontrailerable recreational vessels in accordance*
18 *with a plan submitted by a State under sub-*
19 *section (c);*

20 (B) *provide for public/private partnership*
21 *efforts to develop, maintain, and operate facili-*
22 *ties for transient nontrailerable recreational ves-*
23 *sels; and*

1 (C) propose innovative ways to increase the
 2 availability of facilities for transient
 3 nontrailerable recreational vessels.

4 (e) *DEFINITIONS.*—For purposes of this section, the
 5 term—

6 (1) “nontrailerable recreational vessel” means a
 7 recreational vessel 26 feet in length or longer—

8 (A) operated primarily for pleasure; or

9 (B) leased, rented, or chartered to another
 10 for the latter’s pleasure;

11 (2) “public facilities for transient nontrailerable
 12 recreational vessels” includes mooring buoys, day-
 13 docks, navigational aids, seasonal slips, or similar
 14 structures located on navigable waters, that are avail-
 15 able to the general public and designed for temporary
 16 use by nontrailerable recreational vessels; and

17 (3) “State” means each of the several States of
 18 the United States, the District of Columbia, the Com-
 19 monwealth of Puerto Rico, Guam, American Samoa,
 20 the Virgin Islands, and the Commonwealth of the
 21 Northern Mariana Islands.

22 **SEC. 3605. BOAT SAFETY FUNDS.**

23 (a) *AVAILABILITY OF ALLOCATIONS.*—Section
 24 13104(a) of title 46, United States Code, is amended—

1 (1) in paragraph (1), by striking “3 years” and
 2 inserting “2 years”; and

3 (2) in paragraph (2), by striking “3-year” and
 4 inserting “2-year”.

5 (b) *EXPENDITURES*.—Section 13106 of title 46, United
 6 States Code, is amended—

7 (1) by striking the first sentence of subsection
 8 (a)(1) and inserting the following: “Subject to para-
 9 graph (2) and subsection (c), the Secretary shall ex-
 10 pend in each fiscal year for State recreational boating
 11 safety programs, under contracts with States under
 12 this chapter, an amount equal to the sum of (A) the
 13 amount appropriated from the Boat Safety Account
 14 for that fiscal year and (B) the amount transferred
 15 to the Secretary under section 4(b) of the Act of Au-
 16 gust 9, 1950 (16 U.S.C. 777c(b)).”; and

17 (2) by striking subsection (c) and inserting the
 18 following:

19 “(c) Of the amount transferred for each fiscal year to
 20 the Secretary of Transportation under section 4(b)(2) of the
 21 Act of August 9, 1950 (16 U.S.C. 777c(b)), \$5,000,000 is
 22 available to the Secretary for payment of expenses of the
 23 Coast Guard for personnel and activities directly related
 24 to coordinating and carrying out the national recreational
 25 boating safety program under this title. No funds available

1 *to the Secretary under this subsection may be used to re-*
 2 *place funding traditionally provided through general ap-*
 3 *propriations, nor for any purposes except those purposes*
 4 *authorized by this section. Amounts made available by this*
 5 *subsection shall remain available until expended. The Sec-*
 6 *retary shall publish annually in the Federal Register a de-*
 7 *tailed accounting of the projects, programs, and activities*
 8 *funded under this subsection.”.*

9 (c) *CONFORMING AMENDMENTS.*—

10 (1) *The heading for section 13106 of title 46,*
 11 *United States Code, is amended to read as follows:*

12 **“§ 13106. Authorization of appropriations”.**

13 (2) *The chapter analysis for chapter 131 of title*
 14 *46, United States Code, is amended by striking the*
 15 *item relating to section 13106 and inserting the fol-*
 16 *lowing:*

“13106. Authorization of appropriations.”.

17 ***Subtitle G—Miscellaneous***

18 ***SEC. 3701. LIGHT DENSITY RAIL LINE PILOT PROJECTS.***

19 (a) *IN GENERAL.*—*Part B of subtitle V is amended*
 20 *by adding at the end the following new chapter:*

21 ***“CHAPTER 223—LIGHT DENSITY RAIL LINE***
 22 ***PILOT PROJECTS***

“Sec.

“22301. Light density rail line pilot projects.

1 **“§ 22301. Light density rail line pilot projects**

2 “(a) *GRANTS.*—*The Secretary of Transportation may*
3 *make grants to States that have State rail plans described*
4 *in section 22102 (1) and (2) to fund pilot projects that dem-*
5 *onstrate the relationship of light density railroad services*
6 *to the statutory responsibilities of the Secretary, including*
7 *those under title 23.*

8 “(b) *LIMITATIONS.*—*Grants under this section may be*
9 *made only for pilot projects for making capital improve-*
10 *ments to, and rehabilitating, publicly and privately owned*
11 *rail line structures, and may not be used for providing op-*
12 *erating assistance.*

13 “(c) *PRIVATE OWNER CONTRIBUTIONS.*—*Grants made*
14 *under this section for projects on privately owned rail line*
15 *structures shall include contributions by the owner of the*
16 *rail line structures, based on the benefit to those structures,*
17 *as determined by the Secretary.*

18 “(d) *STUDY.*—*The Secretary shall conduct a study of*
19 *the pilot projects carried out with grant assistance under*
20 *this section to determine the public interest benefits associ-*
21 *ated with the light density railroad networks in the States*
22 *and their contribution to a multimodal transportation sys-*
23 *tem. Not later than March 31, 2003, the Secretary shall re-*
24 *port to Congress any recommendations the Secretary con-*
25 *siders appropriate regarding the eligibility of light density*
26 *rail networks for Federal infrastructure financing.*

1 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated to the Secretary to carry out*
 3 *this section \$10,000,000 for each of the fiscal years 1998,*
 4 *1999, 2000, 2001, 2002, and 2003. Such funds shall remain*
 5 *available until expended.*”.

6 (b) *CLERICAL AMENDMENT.*—*The table of chapters for*
 7 *subtitle V is amended by inserting after the item relating*
 8 *to chapter 221 the following new item:*

“223. Light Density Rail Line Pilot Projects22301.”.

9 **SEC. 3702. SECTION 1407.**

10 (a) *Strike section 1407 of the bill.*

11 (b) *In the table of sections for the bill, strike the item*
 12 *relating to section 1407.*

13 **SEC. 3703. DESIGNATION OF NEW MEXICO COMMERCIAL**
 14 **ZONE.**

15 (a) *COMMERCIAL ZONE DEFINED.*—*Notwithstanding*
 16 *the provisions of section 13902(c)(4)(A) of title 49, United*
 17 *States Code, in this section, for the transportation of prop-*
 18 *erty only, the term “commercial zone” means a zone con-*
 19 *taining lands adjacent to, and commercially a part of, one*
 20 *or more municipalities with respect to which the exception*
 21 *described in section 13506(b)(1) of title 49, United States*
 22 *Code, applies.*

23 (b) *DESIGNATION OF ZONE.*—

1 (1) *IN GENERAL.*—*The area described in para-*
 2 *graph (2) is designated as a commercial zone, to be*
 3 *known as the “New Mexico Commercial Zone”.*

4 (2) *DESCRIPTION OF AREA.*—*The area described*
 5 *in this paragraph is the area that is comprised of*
 6 *Dona Ana County and Luna County in New Mexico.*

7 (c) *SAVINGS PROVISION.*—*Nothing in this section shall*
 8 *affect any action commenced or pending before the Sec-*
 9 *retary of Transportation or Surface Transportation Board*
 10 *before the date of enactment of this Act.*

11 ***TITLE IV—OZONE AND PARTICU-*** 12 ***LATE MATTER STANDARDS***

13 ***SEC. 4101. FINDINGS AND PURPOSE.***

14 (a) *The Congress finds that—*

15 (1) *there is a lack of air quality monitoring data*
 16 *for fine particle levels, measured as PM_{2.5}, in the*
 17 *United States and the States should receive full fund-*
 18 *ing for the monitoring efforts;*

19 (2) *such data would provide a basis for designat-*
 20 *ing areas as attainment or nonattainment for any*
 21 *PM_{2.5} national ambient air quality standards pursu-*
 22 *ant to the standards promulgated in July 1997;*

23 (3) *the President of the United States directed*
 24 *the Administrator in a memorandum dated July 16,*
 25 *1997, to complete the next periodic review of the par-*

1 *ticulate matter national ambient air quality stand-*
2 *ards by July 2002 in order to determine “whether to*
3 *revise or maintain the standards”;*

4 *(4) the Administrator has stated that 3 years of*
5 *air quality monitoring data for fine particle levels,*
6 *measured as PM_{2.5} and performed in accordance with*
7 *any applicable Federal reference methods, is appro-*
8 *priate for designating areas as attainment or non-*
9 *attainment pursuant to the July 1997 promulgated*
10 *standards; and*

11 *(5) the Administrator has acknowledged that in*
12 *drawing boundaries for attainment and nonattain-*
13 *ment areas for the July 1997 ozone national air qual-*
14 *ity standards, Governors would benefit from consider-*
15 *ing implementation guidance from EPA on drawing*
16 *area boundaries.*

17 *(b) The purposes of this title are—*

18 *(1) to ensure that 3 years of air quality monitor-*
19 *ing data regarding fine particle levels are gathered*
20 *for use in the determination of area attainment or*
21 *nonattainment designations respecting any PM_{2.5} na-*
22 *tional ambient air quality standards;*

23 *(2) to ensure that the Governors have adequate*
24 *time to consider implementation guidance from EPA*
25 *on drawing area boundaries prior to submitting area*

1 *designations respecting the July 1997 ozone national*
2 *ambient air quality standards;*

3 *(3) to ensure that implementation of the July*
4 *1997 revisions of the ambient air quality standards*
5 *are consistent with the purposes of the President's Im-*
6 *plementation Memorandum dated July 16, 1997.*

7 **SEC. 4102. PARTICULATE MATTER MONITORING PROGRAM.**

8 *(a) Through grants under section 103 of the Clean Air*
9 *Act the Administrator of the Environmental Protection*
10 *Agency shall use appropriated funds no later than fiscal*
11 *year 2000 to fund 100 percent of the cost of the establish-*
12 *ment, purchase, operation and maintenance of a PM_{2.5}*
13 *monitoring network necessary to implement the national*
14 *ambient air quality standards for PM_{2.5} under section 109*
15 *of the Clean Air Act. This implementation shall not result*
16 *in a diversion or reprogramming of funds from other Fed-*
17 *eral, State or local Clean Air Act activities. Any funds pre-*
18 *viously diverted or reprogrammed from section 105 Clean*
19 *Air Act grants for PM_{2.5} monitors must be restored to State*
20 *or local air programs in fiscal year 1999.*

21 *(b) EPA and the States shall ensure that the national*
22 *network (designated in subsection (a)) which consists of the*
23 *PM_{2.5} monitors necessary to implement the national ambi-*
24 *ent air quality standards is established by December 31,*
25 *1999.*

1 (c) *The Governors shall be required to submit designa-*
2 *tions for each area following promulgation of the July 1997*
3 *PM_{2.5} national ambient air quality standard within 1 year*
4 *after receipt of 3 years of air quality monitoring data per-*
5 *formed in accordance with any applicable Federal reference*
6 *methods for the relevant areas. Only data from the monitor-*
7 *ing network designated in subsection (a) and other Federal*
8 *reference method PM_{2.5} monitors shall be considered for*
9 *such designations. In reviewing the State Implementation*
10 *Plans the Administrator shall consider all relevant mon-*
11 *itoring data regarding transport of PM_{2.5}.*

12 (d) *The Administrator shall promulgate designations*
13 *of nonattainment areas no later than 1 year after the ini-*
14 *tial designations required under subsection (c) are required*
15 *to be submitted. Notwithstanding the previous sentence, the*
16 *Administrator shall promulgate such designations not later*
17 *than December 31, 2005.*

18 (e) *The Administrator shall conduct a field study of*
19 *the ability of the PM_{2.5} Federal Reference Method to dif-*
20 *ferentiate those particles that are larger than 2.5*
21 *micrograms in diameter. This study shall be completed and*
22 *provided to Congress no later than 2 years from the date*
23 *of enactment of this legislation.*

1 **SEC. 4103. OZONE DESIGNATION REQUIREMENTS.**

2 (a) *The Governors shall be required to submit designa-*
 3 *tions of nonattainment areas within 2 years following the*
 4 *promulgation of the July 1997 ozone national ambient air*
 5 *quality standards.*

6 (b) *The Administrator shall promulgate final designa-*
 7 *tions no later than 1 year after the designations required*
 8 *under subsection (a) are required to be submitted.*

9 **SEC. 4104. ADDITIONAL PROVISIONS.**

10 *Nothing in sections 4101–4103 shall be construed by*
 11 *the Administrator of Environmental Protection Agency or*
 12 *any court, State, or person to affect any pending litigation*
 13 *or to be a ratification of the ozone or PM_{2.5} standards.*

14 **TITLE V—MASS TRANSIT**

15 **SEC. 5001. SHORT TITLE.**

16 *This title may be cited as the “Federal Transit Act*
 17 *of 1998”.*

18 **SEC. 5002. AUTHORIZATIONS.**

19 (a) *IN GENERAL.*—Section 5338 of title 49, United
 20 States Code, is amended to read as follows:

21 **“§5338. Authorizations**

22 “(a) SECTIONS 5303–5308, 5310, 5311, 5313, 5314,
 23 5317, 5320, 5320a, 5327, AND 5334 (a) AND (c).—

24 “(1) MASS TRANSIT ACCOUNT AMOUNTS.—Not
 25 more than the following amounts are available to the
 26 Secretary from the Account to carry out sections 5303

1 *through 5308, 5310, 5311, 5313, 5314, 5317, 5320,*
 2 *5320a, 5327, and subsections (a) and (c) of section*
 3 *5334:*

4 “(A) \$2,698,790,000 for fiscal year 1998.

5 “(B) \$2,773,934,000 for fiscal year 1999.

6 “(C) \$2,849,079,000 for fiscal year 2000.

7 “(D) \$2,925,965,000 for fiscal year 2001.

8 “(E) \$3,004,667,000 for fiscal year 2002.

9 “(F) \$3,085,725,000 for fiscal year 2003.

10 “(2) *OTHER AMOUNTS.*—*In addition to amounts*
 11 *made available under paragraph (1), not more than*
 12 *the following amounts may be appropriated to the*
 13 *Secretary to carry out section 5303 through 5308,*
 14 *5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and*
 15 *subsections (a) and (c) of section 5334:*

16 “(A) \$738,000,000 for fiscal year 1998.

17 “(B) \$756,000,000 for fiscal year 1999.

18 “(C) \$774,000,000 for fiscal year 2000.

19 “(D) \$793,000,000 for fiscal year 2001.

20 “(E) \$812,000,000 for fiscal year 2002.

21 “(F) \$832,000,000 for fiscal year 2003.

22 “(b) *SECTION 5309.*—*Not more than the following*
 23 *amounts are available to the Secretary from the Account*
 24 *to carry out section 5309:*

25 “(1) \$2,221,210,000 for fiscal year 1998.

1 “(2) \$2,278,770,000 for fiscal year 1999.

2 “(3) \$2,340,501,000 for fiscal year 2000.

3 “(4) \$2,403,661,000 for fiscal year 2001.

4 “(5) \$2,468,315,000 for fiscal year 2002.

5 “(6) \$2,534,904,000 for fiscal year 2003.

6 “(c) *SECTION 5315.*—

7 “(1) *IN GENERAL.*—*The Secretary shall make*
 8 *available in equal amounts from amounts provided*
 9 *under paragraphs (3) and (4) of subsection (g) of this*
 10 *section, not more than \$4,000,000 for each of fiscal*
 11 *years 1998 through 2003, to carry out section 5315.*

12 “(2) *WORKPLACE SAFETY.*—*Not more than*
 13 *\$1,000,000 shall be appropriated to the Secretary for*
 14 *each of fiscal years 1998 through 2003, to carry out*
 15 *section 5315(a)(15).*

16 “(d) *SECTION 5316.*—*Not more than the following*
 17 *amounts may be appropriated to the Secretary from the*
 18 *Fund (other than from the Account) for each of fiscal years*
 19 *1998 through 2003:*

20 “(1) \$250,000 to carry out section 5316(a).

21 “(2) \$3,000,000 to carry out section 5316(b).

22 “(3) \$1,000,000 to carry out section 5316(c).

23 “(4) \$1,000,000 to carry out section 5316(d).

24 “(5) \$1,000,000 to carry out section 5316(e).

1 “(e) *SECTION 5317.*—Not more than \$6,000,000 is
 2 available to the Secretary from the Fund (other than from
 3 the Account) for each of fiscal years 1998 through 2003,
 4 to carry out section 5317.

5 “(f) *SECTION 5307.*—Amounts remaining available for
 6 each fiscal year under subsection (a) of this section, after
 7 allocation under subsections (g), (h), and (i)(2) of this sec-
 8 tion, are available to carry out section 5307.

9 “(g) *PLANNING, PROGRAMMING, AND RESEARCH.*—In
 10 each fiscal year, before apportioning amounts made avail-
 11 able or appropriated under subsection (a) of this section,
 12 an amount equal to 3 percent of amounts made available
 13 or appropriated under subsections (a) and (b), less the
 14 amounts authorized for purposes of section 5320a, of this
 15 section is available as follows:

16 “(1) 45 percent for metropolitan planning ac-
 17 tivities under section 5303(g).

18 “(2) 5 percent to carry out section 5311(b)(2).

19 “(3) 20 percent to carry out State programs
 20 under section 5313.

21 “(4) 30 percent to carry out the national pro-
 22 gram under section 5314.

23 “(h) *OTHER SET-ASIDES.*—In each fiscal year, before
 24 apportioning amounts made available or appropriated
 25 under subsection (a) of this section, of amounts made avail-

1 *able or appropriated under subsections (a) and (b), less the*
 2 *amounts authorized for purposes of section 5320a, of this*
 3 *section—*

4 “(1) *not more than 0.96 percent is available for*
 5 *administrative expenses to carry out subsections (a)*
 6 *and (c) through (f) of section 5334;*

7 “(2) *not more than 1.34 percent is available for*
 8 *transportation services to elderly individuals and in-*
 9 *dividuals with disabilities under the formula under*
 10 *section 5310(a); and*

11 “(3) *\$6,000,000 is available to carry out section*
 12 *5317 for each of fiscal years 1998 through 2003.*

13 “(i) *LIMITATIONS.—Of amounts made available—*

14 “(1) *under subsection (a)(2), less the amounts*
 15 *authorized for purposes of section 5320a, of this sec-*
 16 *tion—*

17 “(A) *3.5 percent may be used to finance*
 18 *programs and activities, including administra-*
 19 *tive costs, under section 5310;*

20 “(B) *to finance research, development, and*
 21 *demonstration projects under section 5312(a),*
 22 *1.5 percent may be used to increase the informa-*
 23 *tion and technology available to provide im-*
 24 *proved mass transportation service and facilities*
 25 *planned and designed to meet the special needs*

1 *of elderly individuals and individuals with dis-*
 2 *abilities; and*

3 *“(C) not more than 12.5 percent may be*
 4 *used for grants to any 1 State under section*
 5 *5312(c)(2);*

6 *“(2) under subsection (a) of this section, less the*
 7 *amounts authorized for purposes of section 5320a, 5.5*
 8 *percent of the amount remaining available each year,*
 9 *after allocation under subsections (g) and (h) of this*
 10 *section, is available under the formula under section*
 11 *5311; and*

12 *“(3) under section 5309(m)(1)(C), the lesser of*
 13 *\$3,000,000 or an amount that the Secretary deter-*
 14 *mines is necessary for each fiscal year is available to*
 15 *carry out section 5318 for each of fiscal years 1998*
 16 *through 2003.*

17 *“(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—*

18 *“(1) FEDERAL OBLIGATIONS.—A grant or con-*
 19 *tract approved by the Secretary that is financed with*
 20 *amounts made available under subsection (a)(1), (b),*
 21 *(c), (d), or (e) of this section, is a contractual obliga-*
 22 *tion of the United States Government to pay the Gov-*
 23 *ernment’s share of the cost of the project.*

24 *“(2) APPROPRIATIONS LIMITATION.—A grant or*
 25 *contract approved by the Secretary that is financed*

1 *with amounts made available under subsection (a)(2)*
 2 *of this section, is a contractual obligation of the*
 3 *United States Government to pay the Government's*
 4 *share of the cost of the project, only to the extent that*
 5 *amounts are provided in advance in an appropria-*
 6 *tions Act.*

7 “(k) *EARLY APPROPRIATIONS AND AVAILABILITY OF*
 8 *AMOUNTS.—*

9 “(1) *EARLY APPROPRIATION.—**Amounts appro-*
 10 *priated under subsection (a)(2) of this section to*
 11 *carry out section 5311 may be appropriated in the*
 12 *fiscal year before the fiscal year in which the appro-*
 13 *priation is available for obligation.*

14 “(2) *AVAILABILITY OF AMOUNTS.—**Amounts*
 15 *made available or appropriated under subsections (a),*
 16 *(b), and (g), paragraphs (1) and (2) of subsection (h),*
 17 *and subsection (i)(2) of this section shall remain*
 18 *available until expended.*

19 “(l) *SECTION 5308.—**In each fiscal year, before appor-*
 20 *tioning or allocating amounts made available or appro-*
 21 *priated under subsections (a) and (b), of amounts made*
 22 *available or appropriated under subsections (a) or (b) of*
 23 *this section, not more than \$200,000,000 is available to*
 24 *carry out section 5308, with \$100,000,000 made available*
 25 *from amounts made available from amounts provided*

1 *under subsection (a)(2) of this section and \$100,000,000*
 2 *made available from amounts provided under subsection (b)*
 3 *of this section.*

4 “(m) *SECTION 5320a.—In each fiscal year, before ap-*
 5 *portioning amounts made available or appropriated under*
 6 *subsection (a), of amounts appropriated under subsection*
 7 *(a)(2) of this section, not more than \$250,000,000 is avail-*
 8 *able to carry out section 5320a.*

9 “(n) *TRANSIT EQUITY PROGRAM.—*

10 “(1) *IN GENERAL.—The purpose of this sub-*
 11 *section is to further the national interest by providing*
 12 *proportional increases in funding for national mass*
 13 *transit programs, commensurate with increases in*
 14 *national highway programs, in order to ensure bal-*
 15 *anced improvement in the national intermodal trans-*
 16 *portation system.*

17 “(2) *FUNDING.—There are authorized to be ap-*
 18 *propriated to carry out this subsection, from the Gen-*
 19 *eral Fund of the Treasury of the United States, the*
 20 *following amounts:*

21 “(A) *\$1,000,000,000 for fiscal year 1999.*

22 “(B) *\$1,000,000,000 for fiscal year 2000.*

23 “(C) *\$1,000,000,000 for fiscal year 2001.*

24 “(D) *\$1,000,000,000 for fiscal year 2002.*

25 “(E) *\$1,000,000,000 for fiscal year 2003.*

1 “(3) *ELIGIBLE USES.*—Amounts made available
 2 to carry out this subsection shall be available for cap-
 3 ital projects eligible under sections 5307, 5309, 5310,
 4 and 5311, including meeting obligations of the United
 5 States associated with multiyear funding commit-
 6 ments, full funding grant agreements under section
 7 5309, and innovative financing activities.

8 “(4) *CONTINGENT COMMITMENT AUTHORITY.*—
 9 Notwithstanding subsection (g)(4) of section 5309, the
 10 total estimated amount of future obligations of the
 11 Government and contingent commitments to incur ob-
 12 ligations covered by all outstanding letters of intent
 13 and full financing grant agreements may be greater
 14 than the amounts authorized under subsection (b) of
 15 this section by an amount equal to not more than the
 16 amount authorized to be appropriated under para-
 17 graph (6) of this subsection as of the end of fiscal year
 18 2003.

19 “(5) *FIXED GUIDEWAY MODERNIZATION.*—In ad-
 20 dition to amounts authorized in section 5338(b), the
 21 following amounts are authorized to be appropriated
 22 to the Secretary, to be added to amounts allocated
 23 under section 5309(m)(1)(A) for fixed guideway mod-
 24 ernization:

25 “(A) \$100,000,000 for fiscal year 1999.

1 “(B) \$100,000,000 for fiscal year 2000.

2 “(C) \$100,000,000 for fiscal year 2001.

3 “(D) \$100,000,000 for fiscal year 2002.

4 “(E) \$100,000,000 for fiscal year 2003.

5 “(6) CAPITAL PROJECTS FOR FIXED GUIDEWAY
6 SYSTEMS.—

7 “(A) IN GENERAL.—In addition to amounts
8 authorized in under subsection (b) of this section,
9 the following amounts are authorized to be ap-
10 propriated to the Secretary, to be added to
11 amounts allocated under section 5309(m)(1)(B)
12 for capital projects for new fixed guideway sys-
13 tems and extensions to existing fixed guideway
14 systems:

15 “(i) \$470,000,000 for fiscal year 1999.

16 “(ii) \$470,000,000 for fiscal year 2000.

17 “(iii) \$470,000,000 for fiscal year
18 2001.

19 “(iv) \$470,000,000 for fiscal year 2002.

20 “(v) \$470,000,000 for fiscal year 2003.

21 “(B) FERRY BOAT SYSTEMS.—Not less than
22 2.8 percent of the amount made available under
23 subparagraph (A) in any fiscal year shall be
24 available for capital projects for existing and
25 new fixed guideway systems that are ferry boats,

1 *ferry terminal facilities, that are approaches to*
 2 *ferry terminal facilities in the noncontiguous*
 3 *States.*

4 “(7) *BUSES AND RELATED EQUIPMENT.*—*In ad-*
 5 *dition to amounts authorized in section 5338(b), the*
 6 *following amounts are authorized to be appropriated*
 7 *to the Secretary, to be added to amounts allocated*
 8 *under section 5309(m)(1)(C) to replace, rehabilitate,*
 9 *and purchase buses and related equipment and to*
 10 *construct bus-related facilities:*

11 “(A) \$80,000,000 for fiscal year 1999.

12 “(B) \$80,000,000 for fiscal year 2000.

13 “(C) \$80,000,000 for fiscal year 2001.

14 “(D) \$80,000,000 for fiscal year 2002.

15 “(E) \$80,000,000 for fiscal year 2003.

16 “(8) *URBANIZED AREAS; ELDERLY INDIVIDUALS*
 17 *AND DISABLED INDIVIDUALS.*—

18 “(A) *IN GENERAL.*—*In addition to amounts*
 19 *authorized in section 5338(a) for activities under*
 20 *sections 5307 and 5310, the following amounts*
 21 *are authorized to be appropriated to the Sec-*
 22 *retary, to be added to amounts made available*
 23 *for activities under section 5307 for urbanized*
 24 *areas and for activities under section 5310 for*

1 *elderly individuals and individuals with disabili-*
 2 *ties:*

3 “(i) \$250,000,000 for fiscal year 1999.

4 “(ii) \$250,000,000 for fiscal year 2000.

5 “(iii) \$250,000,000 for fiscal year
 6 2001.

7 “(iv) \$250,000,000 for fiscal year 2002.

8 “(v) \$250,000,000 for fiscal year 2003.

9 “(B) *ALLOCATION.*—*Of the amount appro-*
 10 *priated under this paragraph for each fiscal*
 11 *year—*

12 “(i) 97 percent is available for activi-
 13 *ties under section 5307; and*

14 “(ii) 3 percent is available for activi-
 15 *ties under section 5310.*

16 “(9) *OTHER THAN URBANIZED AREAS.*—*In addi-*
 17 *tion to amounts authorized in section 5338(a) for*
 18 *areas other than urbanized areas, the following*
 19 *amounts are authorized to be appropriated to the Sec-*
 20 *retary, to be added to amounts made available for as-*
 21 *sistance for areas other than urbanized areas under*
 22 *section 5311:*

23 “(A) \$100,000,000 for fiscal year 1999.

24 “(B) \$100,000,000 for fiscal year 2000.

25 “(C) \$100,000,000 for fiscal year 2001.

1 “(D) \$100,000,000 for fiscal year 2002.

2 “(E) \$100,000,000 for fiscal year 2003.

3 “(o) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘Account’ means the Mass Transit*
5 *Account of the Highway Trust Fund;*

6 “(2) *the term ‘Fund’ means the Highway Trust*
7 *Fund established under section 9503 of the Internal*
8 *Revenue Code of 1986; and*

9 “(3) *the term ‘Secretary’ means the Secretary of*
10 *Transportation.”.*

11 (b) *WORK AGREEMENTS AS OBLIGATIONS.—*

12 *Section 5309(g)(3)(B) of title 49, United States*
13 *Code, is amended by adding at the end the following:*

14 *“The work agreement shall state that the work agree-*
15 *ment is not an obligation of the Government.”.*

16 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*

17 *Chapter 53 of title 49, United States Code, is amended—*

18 (1) *in section 5318(d), by striking “5338(j)(5)”*
19 *and inserting “5338(i)(3)”;* and

20 (2) *in section 5333(b)(1), by striking*
21 *“5338(j)(5)” each place that term appears and insert-*
22 *ing “5338(i)(3)”.*

1 **SEC. 5003. CAPITAL PROJECTS AND SMALL AREA FLEXIBIL-**
2 **ITY.**

3 (a) *IN GENERAL.*—Section 5302 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), by inserting “in-

7 telligent transportation systems,” after “rights

8 agreements,”;

9 (B) in subparagraph (C), by striking “or”

10 at the end;

11 (C) in subparagraph (D), by striking the

12 period at the end and inserting a semicolon; and

13 (D) by adding at the end the following:

14 “(E) preventive maintenance;

15 “(F) the leasing of equipment and facilities

16 for use in mass transportation;

17 “(G) the introduction of new technology,

18 through innovative and improved products, into

19 mass transportation; or

20 “(H) a mass transportation improvement

21 that enhances economic development or incor-

22 porates private investment, including commer-

23 cial and residential development, pedestrian and

24 bicycle access to a mass transportation facility,

25 and the renovation and improvement of historic

1 *transportation facilities, because the improve-*
 2 *ment—*

3 “(i) *enhances the effectiveness of a*
 4 *mass transportation project and is related*
 5 *physically or functionally to that mass*
 6 *transportation project or establishes new or*
 7 *enhanced coordination between mass trans-*
 8 *portation and other transportation;*

9 “(ii) *provides a fair share of revenue*
 10 *for mass transportation that will be used*
 11 *for mass transportation; and*

12 “(iii) *provides nonfixed route para-*
 13 *transit transportation services in accord-*
 14 *ance with section 223 of the Americans with*
 15 *Disabilities Act of 1990 (42 U.S.C.*
 16 *12143);”;* and

17 (2) *by adding at the end the following:*

18 “(c) *ELIGIBLE COSTS OF PROJECTS THAT ENHANCE*
 19 *URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRI-*
 20 *VATE INVESTMENT.—Eligible costs for a capital project de-*
 21 *scribed in subsection (a)(1)(H)—*

22 “(1) *include property acquisition, demolition of*
 23 *existing structures, site preparation, utilities, build-*
 24 *ing foundations, walkways, open space, safety ele-*
 25 *ments (such as lighting, surveillance, and community*

1 *police and security services) that protect a transit*
 2 *project eligible under this chapter, and a capital*
 3 *project for, and improving, equipment or a facility*
 4 *for an intermodal transfer facility or transportation*
 5 *mall; and*

6 *“(2) do not include construction of a commercial*
 7 *revenue-producing facility or a part of a public facil-*
 8 *ity not related to mass transportation, except that, if*
 9 *such facilities incorporate community services such as*
 10 *daycare, health care, and public safety, the portion of*
 11 *the facilities related to such community services are*
 12 *eligible costs under this chapter.”.*

13 *(b) SMALL AREA FLEXIBILITY.—Section 5307(b)(1) of*
 14 *title 49, United States Code, is amended by adding at the*
 15 *end the following: “The Secretary may also make grants*
 16 *under this section to finance the operating cost of equipment*
 17 *and facilities for use in mass transportation in an urban-*
 18 *ized area with a population of less than 200,000.”.*

19 *(c) DISCRETIONARY GRANTS AND LOANS.—Section*
 20 *5309 of title 49, United States Code, is amended—*

21 *(1) in subsection (a)(1)—*

22 *(A) by striking subparagraphs (D) and (E);*

23 *and*

1 (B) by redesignating subparagraphs (F)
 2 and (G) as subparagraphs (D) and (E), respec-
 3 tively; and

4 (2) in subsection (f)—

5 (A) by striking “(f)” and all that follows
 6 through “(1) Each” and inserting the following:

7 “(f) *REQUIRED PAYMENTS.—Each*”; and

8 (B) by striking paragraph (2).

9 **SEC. 5004. METROPOLITAN PLANNING.**

10 (a) *IN GENERAL.*—Section 5303 of title 49, United
 11 States Code, is amended—

12 (1) by striking subsections (a) and (b) and in-
 13 serting the following:

14 “(a) *DEVELOPMENT REQUIREMENTS.*—

15 “(1) *IN GENERAL.*—To carry out section
 16 5301(a), metropolitan planning organizations des-
 17 ignated under subsection (c) of this section, in co-
 18 operation with the States and mass transportation
 19 operators, shall develop transportation plans and pro-
 20 grams for urbanized areas of the State.

21 “(2) *PLAN CONTENTS.*—The plans and programs
 22 developed under paragraph (1) for each metropolitan
 23 area shall provide for the development and integrated
 24 management and operation of transportation systems
 25 and facilities (including pedestrian walkways and bi-

1 *cycle transportation facilities) that will function as*
2 *an intermodal transportation system for the metro-*
3 *politan area and as an integral part of an inter-*
4 *modal transportation system for the State and the*
5 *United States.*

6 “(3) *DEVELOPMENT PROCESS.*—*The development*
7 *process for the plans and programs shall provide for*
8 *consideration of all modes of transportation and shall*
9 *be continuing, cooperative, and comprehensive to the*
10 *degree appropriate, based on the complexity of the*
11 *transportation problems to be addressed.*

12 “(b) *SCOPE OF PLANNING PROCESS.*—

13 “(1) *IN GENERAL.*—*The metropolitan transpor-*
14 *tation planning process for a metropolitan area*
15 *under this section and sections 5304 through 5306*
16 *shall provide for consideration of—*

17 “(A) *supporting the economic vitality of the*
18 *metropolitan area, especially by enabling global*
19 *competitiveness, productivity, and efficiency;*

20 “(B) *increasing the safety and security of*
21 *the transportation system for motorized and non-*
22 *motorized users;*

23 “(C) *increasing the accessibility and mobil-*
24 *ity options available to people and for freight;*

1 “(D) protecting and enhancing the environ-
 2 ment, promoting energy conservation and im-
 3 proved quality of life, and coordinating land-use
 4 and transportation plans and programs;

5 “(E) enhancing the integration and
 6 connectivity of the transportation system, across
 7 and between modes, for people and freight;

8 “(F) promoting efficient system manage-
 9 ment and operation; and

10 “(G) emphasizing the preservation of the ex-
 11 isting transportation system.

12 “(2) GOALS.—In cooperation with the State and
 13 mass transportation operators, and with opportunity
 14 for public review and comment, the metropolitan
 15 planning organization shall establish goals that relate
 16 to the factors described in paragraph (1), and propose
 17 projects, programs, and strategies to achieve those
 18 goals.”;

19 (2) in subsection (c)—

20 (A) in paragraph (1), by striking subpara-
 21 graph (A) and inserting the following:

22 “(A) by agreement between the chief executive of-
 23 ficer of the State and units of general purpose local
 24 government that together represent not less than 60
 25 percent of the affected population (including the cen-

1 *tral city, as defined by the Bureau of the Census) and*
 2 *60 percent of such units of government; or”;*

3 *(B) in paragraph (2)—*

4 *(i) by striking “In a metropolitan*
 5 *area” and all that follows through “shall in-*
 6 *clude” and inserting “Each policy board of*
 7 *a metropolitan planning organization that*
 8 *serves an area designated as a transpor-*
 9 *tation management area when designated or*
 10 *redesignated under this subsection shall con-*
 11 *sist of”; and*

12 *(ii) by striking “officials of authori-*
 13 *ties” and inserting “officials of public agen-*
 14 *cies”;*

15 *(C) in paragraph (3), by striking “in an*
 16 *urbanized area” and all that follows through “of-*
 17 *ficer decides” and inserting “within an existing*
 18 *metropolitan planning area only if the chief ex-*
 19 *ecutive officer of the State and the existing met-*
 20 *ropolitan organization determine”; and*

21 *(D) in paragraph (5)—*

22 *(i) in subparagraph (A)—*

23 *(I) by striking “75” and inserting*
 24 *“60”; and*

1 (II) by striking “as defined by the
 2 Secretary of Commerce)” and inserting
 3 “or cities, as defined by the Bureau of
 4 the Census) and 60 percent of such
 5 units of government”; and

6 (ii) by adding at the end the following:

7 “(D) Designations of metropolitan planning organiza-
 8 tions, whether made under this section or under any other
 9 provision of law, shall remain in effect until redesignation
 10 under this paragraph.”;

11 (3) in subsection (d)—

12 (A) by inserting “(1)” before “To carry out
 13 this section”;

14 (B) by striking “Secretary of Commerce”
 15 and inserting “Bureau of the Census”;

16 (C) by inserting “in existence as of the date
 17 of enactment of the Intermodal Surface Trans-
 18 portation Efficiency Act of 1998” after “at least
 19 the boundaries of the nonattainment area”;

20 (D) by inserting “, in the manner described
 21 in subsection (c)(5)” before the period at the end;
 22 and

23 (E) by adding at the end the following:

24 “(2) In the case of an urbanized area classified as a
 25 nonattainment area for ozone or carbon monoxide under

1 *the Clean Air Act (42 U.S.C. 7401 et seq.) after the date*
 2 *of enactment of the Intermodal Surface Transportation Ef-*
 3 *iciency Act of 1998—*

4 “(A) *the boundaries of the metropolitan plan-*
 5 *ning area shall be established by agreement between*
 6 *the appropriate units of general purpose local govern-*
 7 *ment (including the central city) and the chief execu-*
 8 *tive officer of the State; and*

9 “(B) *the area shall include at least the urbanized*
 10 *area and the contiguous area expected to become ur-*
 11 *banized within the 20-year forecast period, and may*
 12 *include the Metropolitan Statistical Area or Consoli-*
 13 *dated Metropolitan Statistical Area, as determined by*
 14 *the Bureau of the Census, and any area identified as*
 15 *a nonattainment area for ozone or carbon monoxide*
 16 *under the Clean Air Act (42 U.S.C. 7401 et seq.).”;*

17 *(4) in subsection (e)—*

18 *(A) in paragraph (2)—*

19 *(i) by inserting “or compact” after*
 20 *“agreement” the first place that term ap-*
 21 *pears”; and*

22 *(ii) by striking “making the agreement*
 23 *effective” and inserting “making the agree-*
 24 *ments and compacts effective”; and*

25 *(B) by adding at the end the following:*

1 “(4) *To the maximum extent practicable, each metro-*
2 *politan planning organization shall coordinate with gov-*
3 *ernmental agencies and nonprofit organizations operating*
4 *within an existing metropolitan planning area that receive*
5 *assistance from governmental sources (other than the De-*
6 *partment of Transportation) to provide nonemergency*
7 *transportation services. Such governmental agencies and*
8 *nonprofit organizations shall participate and coordinate*
9 *with recipients of assistance under this chapter in the de-*
10 *sign and delivery of transportation services. The purpose*
11 *of such coordination is to maximize the efficient use of re-*
12 *sources and to integrate all such services to ensure acces-*
13 *sibility and mobility.”; and*

14 (5) *in subsection (f)—*

15 (A) *in paragraph (1)—*

16 (i) *in subparagraph (A), by striking*
17 *“United States and regional functions” and*
18 *inserting “national, regional, and metro-*
19 *politan transportation functions”;*

20 (ii) *in subparagraph (B), by striking*
21 *clause (iii) and inserting the following:*

22 *“(iii) recommends any additional financing*
23 *strategies for needed projects and programs;”;*
24 *and*

1 (iii) by striking subparagraph (C) and
 2 inserting the following:

3 “(C) identify transportation strategies
 4 necessary—

5 “(i) to ensure preservation, including re-
 6 quirements for management, operation, mod-
 7 ernization, and rehabilitation, of the existing
 8 and future transportation system; and

9 “(ii) to use existing transportation facilities
 10 most efficiently to relieve congestion, to effi-
 11 ciently serve the mobility needs of people and
 12 goods, and to enhance access within the metro-
 13 politan planning area; and”;

14 (B) in paragraph (2), by striking “as they
 15 are related to a 20-year forecast period” and in-
 16 serting “and any State or local goals developed
 17 within the cooperative metropolitan planning
 18 process as they relate to a 20-year forecast period
 19 and to other forecast periods as determined by
 20 the participants in the planning process. In de-
 21 veloping long-range plans, the metropolitan
 22 planning organization shall take into account
 23 the impact of all transportation projects and de-
 24 velopment plans that will affect the transpor-
 25 tation system in the metropolitan area, without

1 *regard to whether such projects are financed with*
 2 *Federal funds”;*

3 (C) in paragraph (4), by inserting “freight
 4 shippers,” after “employees,”; and

5 (D) in paragraph (5)(A), by inserting
 6 “published or otherwise” before “made readily
 7 available”.

8 (b) *METROPOLITAN TRANSPORTATION IMPROVEMENT*
 9 *PROGRAM.*—Section 5304 of title 49, United States Code,
 10 *is amended—*

11 (1) in subsection (a), in the second sentence, by
 12 striking “the organization” and inserting “the metro-
 13 politan planning organization, in cooperation with
 14 the chief executive officer of the State and any affected
 15 mass transportation operator,”;

16 (2) in subsection (b)(2), by striking subpara-
 17 graph (C) and inserting the following:

18 “(C) identifies innovative financing tech-
 19 niques to finance projects, programs, and strate-
 20 gies.”; and

21 (3) in subsection (c)—

22 (A) in paragraph (1), by inserting “and the
 23 designated recipient under this chapter” after
 24 “metropolitan planning organization”; and

25 (B) by adding at the end the following:

1 “(3) Notwithstanding any other provision of law, ac-
 2 tion by the Secretary shall not be required to advance a
 3 project included in the approved transportation improve-
 4 ment program in place of another project of higher priority
 5 in the program, except where the project is relevant to con-
 6 formity with the Clean Air Act (42 U.S.C. 7401 et seq.).

7 “(4) A transportation improvement program and the
 8 annual selection of projects involving Government partici-
 9 pation shall be published or otherwise made readily avail-
 10 able for public review, identifying federally funded projects,
 11 and the estimated costs and locations of those projects.

12 “(5) Regionally significant projects proposed for fund-
 13 ing under chapter 2 of title 23 shall be identified individ-
 14 ually in the transportation improvement program. All other
 15 projects funded under chapter 2 of title 23 shall be grouped
 16 in 1 line item or identified individually in the transpor-
 17 tation improvement program.”.

18 (c) *TRANSPORTATION MANAGEMENT AREAS.*—Section
 19 5305 of title 49, United States Code, is amended—

20 (1) in subsection (a), by striking paragraph (2)
 21 and inserting the following:

22 “(2) any other area, if requested by the chief ex-
 23 ecutive officer and the metropolitan planning organi-
 24 zation designated for the area.”;

1 (2) in subsection (b), by inserting “affected” be-
2 fore “mass transportation operators”;

3 (3) in subsection (c), by striking “The Secretary”
4 and all that follows through the final period;

5 (4) in subsection (d)(1)(A)—

6 (A) by inserting “and any affected mass
7 transportation operator” after “the State”; and

8 (B) by striking “or under the Bridge and
9 Interstate Maintenance programs”;

10 (5) in subsection (d)(1)(B), by striking “or
11 under the Bridge and Interstate Maintenance pro-
12 grams”; and

13 (6) in subsection (e), by striking paragraph (2)
14 and inserting the following:

15 “(2)(A) If a metropolitan planning process is not cer-
16 tified or is certified conditionally, the Secretary may with-
17 hold not more than 20 percent of the apportioned funds at-
18 tributable to the transportation management area under
19 this chapter and title 23, or may establish such other condi-
20 tions as the Secretary determines to be appropriate.

21 “(B) Any apportionments withheld under subpara-
22 graph (A) shall be restored to the metropolitan area at such
23 time as the metropolitan planning organization is certified
24 by the Secretary.”.

25 (d) STATEWIDE PLANNING.—

1 (1) *IN GENERAL.*—Chapter 53 of title 49, United
 2 *States Code*, is amended by inserting after section
 3 5305 the following:

4 **“§ 5305a. Statewide planning**

5 “(a) *DEVELOPMENT REQUIREMENTS.*—

6 “(1) *IN GENERAL.*—To carry out sections 5303
 7 *through 5305 of this chapter and section 134 of title*
 8 *23, each State shall develop transportation plans and*
 9 *programs for all areas of the State, which shall pro-*
 10 *vide for the development and integrated management*
 11 *and operation of transportation systems (including*
 12 *pedestrian walkways and bicycle transportation fa-*
 13 *cilities) that will function as an intermodal State*
 14 *transportation system and an integral part of the*
 15 *intermodal transportation system of the United*
 16 *States.*

17 “(2) *SPECIFIC REQUIREMENTS.*—The develop-
 18 *ment of the plans and programs under paragraph (1)*
 19 *shall—*

20 “(A) *provide for consideration of all modes*
 21 *of transportation; and*

22 “(B) *be continuing, cooperative, and com-*
 23 *prehensive to the degree appropriate, based on*
 24 *the complexity of the transportation problems to*
 25 *be addressed.*

1 “(b) *SCOPE OF PLANNING PROCESS.*—

2 “(1) *IN GENERAL.*—Each State shall carry out a
3 *transportation planning process under this section,*
4 *which shall provide for consideration of—*

5 “(A) *supporting the economic vitality of the*
6 *metropolitan area, especially by enabling global*
7 *competitiveness, productivity, and efficiency;*

8 “(B) *increasing the safety and security of*
9 *the transportation system for motorized and non-*
10 *motorized users;*

11 “(C) *increasing the accessibility and mobil-*
12 *ity options available to people and for freight;*

13 “(D) *protecting and enhancing the environ-*
14 *ment, promoting energy conservation and im-*
15 *proved quality of life, and coordinating land-use*
16 *and transportation plans and programs;*

17 “(E) *enhancing the integration and*
18 *connectivity of the transportation system, across*
19 *and between modes, for people and freight;*

20 “(F) *promoting efficient system manage-*
21 *ment and operation; and*

22 “(G) *emphasizing the preservation of the ex-*
23 *isting transportation system.*

24 “(2) *GOALS.*—In cooperation with the metropoli-
25 *tan planning organization and mass transportation*

1 *operators, and with opportunity for public review*
 2 *and comment, the State shall establish goals that re-*
 3 *late to the factors described in paragraph (1), and*
 4 *propose projects, programs, and strategies to achieve*
 5 *those goals.*

6 *“(c) COORDINATION WITH METROPOLITAN PLANNING;*
 7 *STATE IMPLEMENTATION PLAN.—*

8 *“(1) IN GENERAL.—In carrying out the plan-*
 9 *ning under this section, a State shall—*

10 *“(A) coordinate the planning with the*
 11 *transportation planning activities carried out*
 12 *under sections 5303 through 5305 of this chapter*
 13 *and section 134 of title 23, for metropolitan*
 14 *areas of the State;*

15 *“(B) carry out the responsibilities of the*
 16 *State for the development of the transportation*
 17 *portion of the State air quality implementation*
 18 *plan, to the extent required by the Clean Air Act*
 19 *(42 U.S.C. 7401 et seq.); and*

20 *“(C) to the maximum extent practicable, co-*
 21 *ordinate with all other governmental agencies*
 22 *and nonprofit organizations operating within*
 23 *the State planning area that receive assistance*
 24 *from governmental sources (other than the De-*

1 partment of Transportation) to provide non-
2 emergency transportation services.

3 “(2) *PARTICIPATION.*—The governmental agen-
4 cies and nonprofit organizations described in para-
5 graph (1)(C) shall participate and coordinate with
6 recipients of assistance under this chapter in the de-
7 sign and delivery of transportation services.

8 “(3) *PURPOSE OF COORDINATION.*—The purpose
9 of coordination under this subsection is to maximize
10 the efficient use of resources and to integrate all such
11 services to ensure accessibility and mobility.

12 “(d) *ADDITIONAL REQUIREMENTS.*—In carrying out
13 planning under this section, each State shall, at a mini-
14 mum, consider—

15 “(1) with respect to nonmetropolitan areas, the
16 concerns of local elected officials representing units of
17 general purpose local government;

18 “(2) the concerns of Indian tribal governments
19 and Federal land management agencies that have ju-
20 risdiction over land within the boundaries of the
21 State; and

22 “(3) coordination of transportation plans, pro-
23 grams, and planning activities with related planning
24 activities being carried out outside of metropolitan
25 planning areas.

1 “(e) *LONG-RANGE TRANSPORTATION PLAN.*—

2 “(1) *IN GENERAL.*—*Each State shall develop a*
 3 *long-range transportation plan, with a minimum 20-*
 4 *year forecast period, for all areas of the State, that*
 5 *provides for the development and implementation of*
 6 *the intermodal transportation system of the State.*

7 “(2) *COOPERATION.*—*With respect to each metro-*
 8 *politan area in the State, the long-range transpor-*
 9 *tation plan referred to in paragraph (1) shall be de-*
 10 *veloped in cooperation with the metropolitan plan-*
 11 *ning organization designated for the metropolitan*
 12 *area under section 5303 and section 134 of title 23.*
 13 *With respect to each nonmetropolitan area, the long-*
 14 *range transportation plan shall be developed in con-*
 15 *sultation with local elected officials representing units*
 16 *of general purpose local government. With respect to*
 17 *each area of the State under the jurisdiction of an In-*
 18 *dian tribal government, the long-range transportation*
 19 *plan shall be developed in consultation with the tribal*
 20 *government and the Secretary of the Interior.*

21 “(3) *OPPORTUNITY FOR COMMENT.*—*In develop-*
 22 *ing the long-range transportation plan under this*
 23 *subsection, the State shall provide citizens, affected*
 24 *public agencies, representatives of transportation au-*
 25 *thority employees, other affected employee representa-*

1 *tives, freight shippers, private providers of transpor-*
 2 *tation, and other interested parties with a reasonable*
 3 *opportunity to comment on the proposed plan.*

4 “(4) *TRANSPORTATION STRATEGIES.*—*The long-*
 5 *range transportation plan developed under this sub-*
 6 *section shall identify transportation strategies nec-*
 7 *essary to efficiently serve the mobility needs of indi-*
 8 *viduals.*

9 “(f) *STATE TRANSPORTATION IMPROVEMENT*
 10 *PROGRAM.*—

11 “(1) *IN GENERAL.*—*The State shall develop a*
 12 *transportation improvement program for all areas of*
 13 *the State.*

14 “(2) *COOPERATION.*—*With respect to each metro-*
 15 *politan area in the State, the transportation improve-*
 16 *ment program under this subsection shall be developed*
 17 *in cooperation with the metropolitan planning orga-*
 18 *nization designated for the metropolitan area under*
 19 *section 5303 and section 134 of title 23. With respect*
 20 *to each nonmetropolitan area, the program shall be*
 21 *developed in consultation with local elected officials*
 22 *representing units of general purpose local govern-*
 23 *ment. With respect to each area of the State under the*
 24 *jurisdiction of an Indian tribal government, the pro-*

1 *gram shall be developed in consultation with the trib-*
2 *al government and the Secretary of the Interior.*

3 “(3) *OPPORTUNITY FOR COMMENT.*—*In develop-*
4 *ing the transportation improvement program under*
5 *this subsection, the State shall provide citizens, af-*
6 *fectured public agencies, representatives of transpor-*
7 *tation authority employees, other affected employee*
8 *representatives, freight shippers, private providers of*
9 *transportation, and other interested parties with a*
10 *reasonable opportunity to comment on the proposed*
11 *program.*

12 “(4) *REQUIRED INFORMATION.*—*A transpor-*
13 *tation improvement program developed for a State*
14 *under this subsection shall include federally supported*
15 *surface transportation expenditures within the bound-*
16 *aries of the State. Regionally significant projects pro-*
17 *posed for funding under chapter 2 of title 23 shall be*
18 *identified individually. All other projects funded*
19 *under chapter 2 of title 23 shall be grouped in 1 line*
20 *item or identified individually in the transportation*
21 *improvement program.*

22 “(5) *SPECIFIC REQUIREMENTS.*—*Each project*
23 *shall—*

1 “(A) be consistent with the long-range
2 transportation plan developed under this section
3 for the State;

4 “(B) be identical to the project described in
5 an approved metropolitan transportation im-
6 provement program; and

7 “(C) be in conformance with the applicable
8 State air quality implementation plan developed
9 under the Clean Air Act (42 U.S.C. 7401 et seq.),
10 if the project is carried out in an area des-
11 ignated as nonattainment for ozone or carbon
12 monoxide under that Act.

13 “(6) *PROJECTS*.—The transportation improve-
14 ment program developed under this subsection shall
15 include a project, or an identified phase of a project,
16 only if full funding can reasonably be anticipated to
17 be available for the project within the time period
18 contemplated for completion of the project.

19 “(7) *PRIORITIES*.—The transportation improve-
20 ment program developed under this subsection shall
21 reflect the priorities for programming and expendi-
22 tures of funds, including transportation enhance-
23 ments, required by this chapter.

24 “(8) *SMALL AREAS*.—Projects carried out in
25 areas with populations of less than 50,000—

1 “(A) *excluding projects carried out on the*
2 *National Highway System, shall be selected from*
3 *the approved statewide transportation improve-*
4 *ment program by the State in cooperation with*
5 *the affected local officials; and*

6 “(B) *on the National Highway System,*
7 *shall be selected from the approved statewide*
8 *transportation improvement program by the*
9 *State, in consultation with the affected local offi-*
10 *cials.*

11 “(9) *REVIEW.—A transportation improvement*
12 *program developed under this subsection shall be re-*
13 *viewed and, on a finding that the planning process*
14 *through which the program was developed is consist-*
15 *ent with this section and section 5303, approved not*
16 *less frequently than biennially by the Secretary. Not-*
17 *withstanding any other provision of law, action by*
18 *the Secretary shall not be required to advance a*
19 *project included in the approved statewide transpor-*
20 *tation improvement program in place of another*
21 *project of higher priority in the program, except*
22 *where the project is relevant to conformity with the*
23 *Clean Air Act (42 U.S.C. 7401 et seq.).*

1 “(g) *AVAILABLE FUNDS*.—Amounts set aside under
 2 section 5313(b) of this chapter and section 505 of title 23
 3 shall be available to carry out this section.”.

4 (2) *CONFORMING AMENDMENT*.—The analysis for
 5 chapter 53 of title 49, United States Code, is amended
 6 by inserting after the item relating to section 5305 the
 7 following:

 “5305a. *Statewide planning*.”.

8 **SEC. 5005. METROPOLITAN PLANNING ORGANIZATIONS.**

9 Section 5303(c)(2) of title 49, United States Code, is
 10 amended by striking “and appropriate State officials” and
 11 inserting “appropriate State officials, and a representative
 12 of the users of public transit”.

13 **SEC. 5006. FARE BOX REVENUES.**

14 (a) *BLOCK GRANTS*.—Section 5307(e) of title 49,
 15 United States Code, is amended—

16 (1) in the first sentence, by striking “A grant of”
 17 and inserting the following:

18 “(1) *IN GENERAL*.—A grant of”;

19 (2) in the fourth sentence, by striking “or reve-
 20 nues from” and all that follows through “1985”;

21 (3) in the last sentence, by inserting “proceeds
 22 from a local issuance of debt,” after “cash fund or re-
 23 serve,”; and

24 (4) by adding at the end the following:

1 “(2) *MAINTENANCE OF EFFORT.*—*The credit*
 2 *given for the use of proceeds from a local issuance of*
 3 *debt in meeting the non-Federal share under para-*
 4 *graph (1) shall not reduce or replace State monies re-*
 5 *quired to match Federal funds for any program pur-*
 6 *suant to this chapter. In receiving a credit for non-*
 7 *Federal capital expenditures under this section, a*
 8 *State shall enter into such agreements as the Sec-*
 9 *retary may require to ensure that the State will*
 10 *maintain its non-Federal transportation capital ex-*
 11 *penditures at or above the average level of such ex-*
 12 *penditures for the preceding 3 fiscal years.”.*

13 **(b) DISCRETIONARY GRANTS AND LOANS.**—*Section*
 14 *5309(h) of title 49, United States Code, is amended in the*
 15 *fourth sentence, by inserting “proceeds from a local issuance*
 16 *of debt,” after “cash fund or reserve.”.*

17 **SEC. 5007. CLEAN FUELS FORMULA GRANT PROGRAM.**

18 **(a) IN GENERAL.**—*Section 5308 of title 49, United*
 19 *States Code, is amended to read as follows:*

20 **“§ 5308. Clean fuels formula grant program**

21 **“(a) DEFINITIONS.**—*In this section—*

22 **“(1) the term ‘designated recipient’ has the same**
 23 *meaning as in section 5307(a);*

24 **“(2) the term ‘eligible project’—**

25 **“(A) means a project for the—**

1 “(i) purchase or lease of clean fuel ve-
 2 hicles or hybrid transit vehicles, including
 3 clean fuel vehicles that employ a lightweight
 4 composite primary structure;

5 “(ii) construction or leasing of clean
 6 fuel vehicle fueling or electrical recharging
 7 facilities and related equipment;

8 “(iii) improvement of existing transit
 9 facilities to accommodate clean fuel vehicles;
 10 or

11 “(iv) incremental costs of biodiesel fuel;
 12 and

13 “(B) in the discretion of the Secretary, may
 14 include projects relating to clean fuel, biodiesel,
 15 hybrid electric, or zero emissions technology vehi-
 16 cles that exhibit equivalent or superior emissions
 17 reductions to existing clean fuel or hybrid elec-
 18 tric technologies; and

19 “(3) the term ‘Secretary’ means the Secretary of
 20 Transportation.

21 “(b) *AUTHORITY.*—The Secretary shall make grants in
 22 accordance with this section to designated recipients to fi-
 23 nance eligible projects.

24 “(c) *APPLICATION.*—Not later than January 1 of each
 25 year, any designated recipient seeking to apply for a grant

1 *under this section for an eligible project shall submit an*
 2 *application to the Secretary, in such form and in accord-*
 3 *ance with such requirements as the Secretary shall establish*
 4 *by regulation.*

5 “(d) *APPORTIONMENT OF FUNDS.—*

6 “(1) *FORMULA.—Not later than February 1 of*
 7 *each year, the Secretary shall apportion amounts*
 8 *made available under this section to designated re-*
 9 *cipients submitting applications under subsection (c)*
 10 *in accordance with the following:*

11 “(A) *Two-thirds of the amount made avail-*
 12 *able under this section shall be apportioned to*
 13 *designated recipients with eligible projects in*
 14 *urban areas with a population of not less than*
 15 *1,000,000 as follows:*

16 “(i) *50 percent shall be apportioned,*
 17 *such that each such designated recipient re-*
 18 *ceives a grant in an amount equal to the*
 19 *ratio between—*

20 “(I) *the number of vehicles in the*
 21 *bus fleet of the eligible project of the*
 22 *designated recipient, weighted by sever-*
 23 *ity of nonattainment for the area in*
 24 *which the eligible project is located, as*
 25 *provided in paragraph (2); and*

1 “(II) the total number of vehicles
2 in the bus fleets of all eligible projects
3 in areas with a population of not less
4 than 1,000,000 funded under this sec-
5 tion, weighted by severity of nonattain-
6 ment for all areas in which those eligi-
7 ble projects are located, as provided in
8 paragraph (2).

9 “(ii) 50 percent of the amount made
10 available under this section shall be appor-
11 tioned, such that each such designated recip-
12 ient receives a grant in an amount equal to
13 the ratio between—

14 “(I) the number of bus passenger
15 miles (as that term is defined in sec-
16 tion 5336(c)) of the eligible project of
17 the designated recipient, weighted by
18 severity of nonattainment of the area
19 in which the eligible project is located,
20 as provided in paragraph (2); and

21 “(II) the total number of bus pas-
22 senger miles of all eligible projects in
23 areas with a population of not less
24 than 1,000,000 funded under this sec-
25 tion, weighted by severity of nonattain-

1 *ment of all areas in which those eligi-*
2 *ble projects are located, as provided in*
3 *paragraph (2).*

4 *“(B) One-third of the amount made avail-*
5 *able under this section shall be apportioned to*
6 *designated recipients with eligible projects in*
7 *urban areas with a population of less than*
8 *1,000,000 as follows:*

9 *“(i) 50 percent shall be apportioned,*
10 *such that each such designated recipient re-*
11 *ceives a grant in an amount equal to the*
12 *ratio between—*

13 *“(I) the number of vehicles in the*
14 *bus fleet of the eligible project of the*
15 *designated recipient, weighted by sever-*
16 *ity of nonattainment for the area in*
17 *which the eligible project is located, as*
18 *provided in paragraph (2); and*

19 *“(II) the total number of vehicles*
20 *in the bus fleets of all eligible projects*
21 *in areas with a population of less than*
22 *1,000,000 funded under this section,*
23 *weighted by severity of nonattainment*
24 *for all areas in which those eligible*

1 *projects are located, as provided in*
2 *paragraph (2).*

3 *“(ii) 50 percent of the amount made*
4 *available under this section shall be appor-*
5 *tioned, such that each such designated recip-*
6 *ient receives a grant in an amount equal to*
7 *the ratio between—*

8 *“(I) the number of bus passenger*
9 *miles (as that term is defined in sec-*
10 *tion 5336(c)) of the eligible project of*
11 *the designated recipient, weighted by*
12 *severity of nonattainment of the area*
13 *in which the eligible project is located,*
14 *as provided in paragraph (2); and*

15 *“(II) the total number of bus pas-*
16 *senger miles of all eligible projects in*
17 *areas with a population of less than*
18 *1,000,000 funded under this section,*
19 *weighted by severity of nonattainment*
20 *of all areas in which those eligible*
21 *projects are located, as provided in*
22 *paragraph (2).*

23 *“(2) WEIGHTING OF SEVERITY OF NONATTAIN-*
24 *MENT.—*

1 “(A) *IN GENERAL.*—For purposes of para-
 2 graph (1), subject to subparagraph (B) of this
 3 paragraph, the number of clean fuel vehicles in
 4 the fleet, or the number of passenger miles, shall
 5 be multiplied by a factor of—

6 “(i) 1.0 if, at the time of the appor-
 7 tionment, the area is a maintenance area
 8 (as that term is defined in section 101 of
 9 title 23) for ozone or carbon monoxide;

10 “(ii) 1.1 if, at the time of the appor-
 11 tionment, the area is classified as—

12 “(I) a marginal ozone nonattain-
 13 ment area under subpart 2 of part D
 14 of title I of the Clean Air Act (42
 15 U.S.C. 7511 *et seq.*); or

16 “(II) a marginal carbon monoxide
 17 nonattainment area under subpart 3 of
 18 part D of title I of that Act (42 U.S.C.
 19 7512 *et seq.*);

20 “(iii) 1.2 if, at the time of the appor-
 21 tionment, the area is classified as—

22 “(I) a moderate ozone nonattain-
 23 ment area under subpart 2 of part D
 24 of title I of the Clean Air Act (42
 25 U.S.C. 7511 *et seq.*); or

1 “(II) a moderate carbon monoxide
2 nonattainment area under subpart 3 of
3 part D of title I of that Act (42 U.S.C.
4 7512 *et seq.*);

5 “(iv) 1.3 if, at the time of the appor-
6 tionment, the area is classified as—

7 “(I) a serious ozone nonattain-
8 ment area under subpart 2 of part D
9 of title I of the Clean Air Act (42
10 U.S.C. 7511 *et seq.*); or

11 “(II) a serious carbon monoxide
12 nonattainment area under subpart 3 of
13 part D of title I of that Act (42 U.S.C.
14 7512 *et seq.*);

15 “(v) 1.4 if, at the time of the appor-
16 tionment, the area is classified as—

17 “(I) a severe ozone nonattainment
18 area under subpart 2 of part D of title
19 I of the Clean Air Act (42 U.S.C. 7511
20 *et seq.*); or

21 “(II) a severe carbon monoxide
22 nonattainment area under subpart 3 of
23 part D of title I of that Act (42 U.S.C.
24 7512 *et seq.*); or

“(vi) 1.5 if, at the time of the apportionment, the area is classified as—

“(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 *et seq.*); or

“(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 *et seq.*).

“(B) *ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.*—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 *et seq.*), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 *et seq.*) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

“(3) *MAXIMUM GRANT AMOUNT.*—

1 “(A) *IN GENERAL.*—*The amount of a grant*
 2 *made to a designated recipient under this section*
 3 *shall not exceed the lesser of—*

4 “(i) *for an eligible project in an*
 5 *area—*

6 “(I) *with a population of less*
 7 *than 1,000,000, \$15,000,000; and*

8 “(II) *with a population of not less*
 9 *than 1,000,000, \$25,000,000; or*

10 “(ii) *80 percent of the total cost of the*
 11 *eligible project.*

12 “(B) *REAPPORTIONMENT.*—*Any amounts*
 13 *that would otherwise be apportioned to a des-*
 14 *ignated recipient under this subsection that ex-*
 15 *ceed the amount described in subparagraph (A)*
 16 *shall be reapportioned among other designated*
 17 *recipients in accordance with paragraph (1).*

18 “(e) *AUTHORIZATION.*—

19 “(1) *IN GENERAL.*—*Subject to paragraph (2), in*
 20 *each fiscal year, \$200,000,000 shall be made available*
 21 *or appropriated under subsections (a) and (b) of sec-*
 22 *tion 5338 to carry out this section.*

23 “(2) *ADDITIONAL REQUIREMENT.*—*Notwith-*
 24 *standing any other provision of this section, not less*
 25 *than 5 percent of the amount apportioned under this*

1 *section in each fiscal year shall be apportioned to*
 2 *fund any eligible projects, for which an application is*
 3 *received from a designated recipient in accordance*
 4 *with subsection (a), for—*

5 *“(A) the purchase or construction of hybrid*
 6 *electric or battery-powered buses; or*

7 *“(B) facilities specifically designed to serv-*
 8 *ice those buses.*

9 *“(f) AVAILABILITY OF FUNDS.—Any amount made*
 10 *available or appropriated under this section—*

11 *“(1) shall remain available for 1 year after the*
 12 *fiscal year for which the amount is made available or*
 13 *appropriated; and*

14 *“(2) that remains unobligated at the end of the*
 15 *period described in paragraph (1), shall be added to*
 16 *the amount made available in the following fiscal*
 17 *year.”.*

18 *(b) DEFINITION OF CLEAN FUEL VEHICLE.—Section*
 19 *5302(a) of title 49, United States Code, is amended—*

20 *(1) in each of paragraphs (2) through (12), by*
 21 *striking the period at the end and inserting a semi-*
 22 *colon;*

23 *(2) in paragraph (13), by striking the period at*
 24 *the end and inserting “; and”; and*

25 *(3) by adding at the end the following:*

1 “(14) ‘clean fuel vehicle’ means a vehicle powered
 2 by compressed natural gas, liquefied natural gas, bio-
 3 diesel fuels, batteries, alcohol-based fuels, or hybrid
 4 electric, fuel cell, or other zero emissions technology.”.

5 (c) *CLERICAL AMENDMENT.*—The analysis for chapter
 6 53 of title 49, United States Code, is amended by striking
 7 the item relating to section 5308 and inserting the follow-
 8 ing:

“5308. Clean fuels formula grant program.”.

9 **SEC. 5008. CAPITAL INVESTMENT GRANTS AND LOANS.**

10 (a) *IN GENERAL.*—Section 5309 of title 49, United
 11 States Code, is amended in the section heading, by striking
 12 “**Discretionary**” and inserting “**Capital invest-**
 13 **ment**”.

14 (b) *ALLOCATING AMOUNTS.*—Section 5309(m)(1) of
 15 title 49, United States Code, is amended by striking “Of
 16 the amounts available for grants and loans under this sec-
 17 tion for each of the fiscal years ending September 30, 1993–
 18 1997” and inserting “After apportioning amounts for the
 19 purposes of section 5308, of the amounts available for
 20 grants and loans under this section for each of fiscal years
 21 1993 through 2003”.

22 (c) *CONFORMING AMENDMENT.*—The analysis for
 23 chapter 53 of title 49, United States Code, is amended in
 24 the item relating to section 5309, by striking “Discre-
 25 tionary” and inserting “Capital investment”.

1 **SEC. 5009. TRANSIT SUPPORTIVE LAND USE.**

2 *Section 5309(e)(3)(B) of title 49, United States Code,*
 3 *is amended by inserting “, and recognize reductions in local*
 4 *infrastructure costs achieved through compact land use de-*
 5 *velopment” before the semicolon.*

6 **SEC. 5010. NEW STARTS.**

7 *Section 5309(m) of title 49, United States Code, is*
 8 *amended by adding at the end the following:*

9 *“(5) Not more than 8 percent of the amount made*
 10 *available under paragraph (1)(B) in any fiscal year shall*
 11 *be available for activities other than final design and con-*
 12 *struction.”.*

13 **SEC. 5011. JOINT PARTNERSHIP FOR DEPLOYMENT OF IN-**
 14 **NOVATION.**

15 *Section 5312 of title 49, United States Code, is amend-*
 16 *ed by adding at the end the following:*

17 *“(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOY-*
 18 *MENT OF INNOVATION.—*

19 *“(1) DEFINITION OF CONSORTIUM.—In this sub-*
 20 *section, the term ‘consortium’—*

21 *“(A) means—*

22 *“(i) 1 or more public or private orga-*
 23 *nizations located in the United States, that*
 24 *provides mass transportation service to the*
 25 *public; and*

1 “(ii) 1 or more businesses, including
2 small- and medium-sized businesses, incor-
3 porated in a State, offering goods or services
4 or willing to offer goods and services to
5 mass transportation operators; and

6 “(B) may include, as additional members,
7 public or private research organizations located
8 in the United States, or State or local govern-
9 mental authorities.

10 “(2) GENERAL AUTHORITY.—The Secretary may,
11 under terms and conditions that the Secretary pre-
12 scribes, enter into grants, contracts, cooperative agree-
13 ments, and other agreements with consortia selected
14 in accordance with paragraph (4), to promote the
15 early deployment of innovation in mass transpor-
16 tation technology, services, management, or oper-
17 ational practices. This paragraph shall be carried out
18 in consultation with the transit industry by competi-
19 tively selected public/private partnerships that will
20 share costs, risks, and rewards of early deployment of
21 innovation with broad applicability.

22 “(3) CONSORTIUM CONTRIBUTION.—A consor-
23 tium assisted under this subsection shall provide not
24 less than 50 percent of the costs of any joint partner-
25 ship project. Any business, organization, person, or

1 governmental body may contribute funds to a joint
2 partnership project.

3 “(4) NOTICE REQUIREMENT.—The Secretary
4 shall periodically give public notice of the technical
5 areas for which joint partnerships are solicited, re-
6 quired qualifications of consortia desiring to partici-
7 pate, the method of selection and evaluation criteria
8 to be used in selecting participating consortia and
9 projects, and the process by which innovation projects
10 described in paragraph (1) will be awarded.

11 “(5) USE OF REVENUES.—The Secretary shall,
12 to the maximum extent practicable, accept a portion
13 of the revenues resulting from sales of an innovation
14 project funded under this section, to be credited to the
15 Mass Transit Account of the Highway Trust Fund
16 and used for joint partnership projects in accordance
17 with this subsection.”.

18 **SEC. 5012. WORKPLACE SAFETY.**

19 Section 5315(a) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (13), by striking “and” at the
22 end;

23 (2) in paragraph (14), by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(15) *workplace safety.*”.

2 **SEC. 5013. UNIVERSITY TRANSPORTATION CENTERS.**

3 (a) *IN GENERAL.*—Subchapter IV of chapter 52 of title
4 49, United States Code (as added by section 2003(a) of this
5 Act), is repealed effective 1 day after the date of enactment
6 of this Act.

7 (b) *REPEAL.*—

8 (1) *IN GENERAL.*—Section 2003(b) of this Act,
9 and the amendments made by that section, are re-
10 pealed effective 1 day after the date of enactment of
11 this Act.

12 (2) *APPLICABILITY.*—Effective 1 day after the
13 date of enactment of this Act, sections 5316 and 5317
14 of title 49, United States Code, and the items relating
15 to sections 5316 and 5317 in the analysis for chapter
16 53 of title 49, United States Code, shall be applied
17 and administered as if section 2003(b) of this Act had
18 not been enacted.

19 (c) *ESTABLISHMENT OF CENTER.*—Section 5317(b) of
20 title 49, United States Code, is amended by adding the fol-
21 lowing new paragraph:

22 “(6) The Secretary shall make grants to the Uni-
23 versity of Alabama Transportation Research Center to
24 establish a university Transportation Center.”.

1 **SEC. 5014. JOB ACCESS AND REVERSE COMMUTE GRANTS.**

2 (a) *FINDINGS.*—Congress finds that—

3 (1) *two-thirds of all new jobs are in the suburbs,*
4 *whereas three-quarters of welfare recipients live in*
5 *rural areas or central cities;*

6 (2) *even in metropolitan areas with excellent*
7 *public transit systems, less than half of the jobs are*
8 *accessible by transit;*

9 (3) *in 1991, the median price of a new car was*
10 *equivalent to 25 weeks of salary for the average work-*
11 *er, and considerably more for the low-income worker;*

12 (4) *not fewer than 9,000,000 households and*
13 *10,000,000 Americans of driving age, most of whom*
14 *are low-income workers, do not own cars;*

15 (5) *94 percent of welfare recipients do not own*
16 *cars;*

17 (6) *nearly 40 percent of workers with annual in-*
18 *comes below \$10,000 do not commute by car;*

19 (7) *many of the 2,000,000 Americans who will*
20 *have their Temporary Assistance to Needy Families*
21 *grants (under the State program funded under part*
22 *A of title IV of the Social Security Act (42 U.S.C.*
23 *601 et seq.)) terminated by the year 2002 will be un-*
24 *able to get to jobs they could otherwise hold;*

25 (8) *increasing the transit options for low-income*
26 *workers, especially those who are receiving or who*

1 *have recently received welfare benefits, will increase*
 2 *the likelihood of those workers getting and keeping*
 3 *jobs; and*

4 (9) *many residents of cities and rural areas*
 5 *would like to take advantage of mass transit to gain*
 6 *access to suburban employment opportunities.*

7 (b) *GRANT AUTHORITY.*—

8 (1) *IN GENERAL.*—Chapter 53 of title 49, United
 9 *States Code, is amended by inserting after section*
 10 *5320 the following:*

11 **“§ 5320a. Access to jobs**

12 “(a) *DEFINITIONS.*—*In this section:*

13 “(1) *ELIGIBLE LOW-INCOME INDIVIDUAL.*—*The*
 14 *term ‘eligible low-income individual’ means an indi-*
 15 *vidual whose family income is at or below 150 per-*
 16 *cent of the poverty line (as that term is defined in*
 17 *section 673(2) of the Community Services Block*
 18 *Grant Act (42 U.S.C. 9902(2)), including any revi-*
 19 *sion required by that section) for a family of the size*
 20 *involved.*

21 “(2) *ELIGIBLE PROJECT AND RELATED TERMS.*—

22 “(A) *IN GENERAL.*—*The term ‘eligible*
 23 *project’ means an access to jobs project or a re-*
 24 *verse commute project.*

1 “(B) *ACCESS TO JOBS PROJECT*.—The term
2 ‘access to jobs project’ means a project relating
3 to the development of transportation services de-
4 signed to transport welfare recipients and eligi-
5 ble low-income individuals to and from jobs and
6 activities related to their employment, includ-
7 ing—

8 “(i) capital projects and to finance op-
9 erating costs of equipment, facilities, and
10 associated capital maintenance items relat-
11 ed to providing access to jobs under this sec-
12 tion;

13 “(ii) promoting the use of transit by
14 workers with nontraditional work schedules;

15 “(iii) promoting the use by appro-
16 priate agencies of transit vouchers for wel-
17 fare recipients and eligible low-income indi-
18 viduals under specific terms and conditions
19 developed by the Secretary; and

20 “(iv) promoting the use of employer-
21 provided transportation including the tran-
22 sit pass benefit program under subsections
23 (a) and (f) of section 132 of title 26.

24 “(C) *REVERSE COMMUTE PROJECT*.—The
25 term ‘reverse commute project’ means a project

1 *related to the development of transportation serv-*
2 *ices designed to transport residents of urban*
3 *areas, urbanized areas, and areas other than ur-*
4 *banized areas to suburban employment opportu-*
5 *nities, including any project to—*

6 “(i) subsidize the costs associated with
7 adding reverse commute bus, train, or van
8 routes, or service from urban areas, urban-
9 ized areas, and areas other than urbanized
10 areas, to suburban workplaces;

11 “(ii) subsidize the purchase or lease by
12 a private employer, nonprofit organization,
13 or public agency of a van or bus dedicated
14 to shuttling employees from their residences
15 to a suburban workplace;

16 “(iii) otherwise facilitate the provision
17 of mass transportation services to suburban
18 employment opportunities to residents of
19 urban areas, urbanized areas, and areas
20 other than urbanized areas.

21 “(3) *EXISTING TRANSPORTATION SERVICE PRO-*
22 *VIDERS.—The term ‘existing transportation service*
23 *providers’ means mass transportation operators and*
24 *governmental agencies and nonprofit organizations*

1 *that receive assistance from Federal, State, or local*
2 *sources for nonemergency transportation services.*

3 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
4 *the Secretary of Transportation.*

5 “(5) *QUALIFIED ENTITY.*—*The term ‘qualified*
6 *entity’ means—*

7 “(A) *with respect to any proposed eligible*
8 *project in an urbanized area with a population*
9 *of not less than 200,000, the entity or entities se-*
10 *lected by the appropriate metropolitan planning*
11 *organization, in coordination with affected tran-*
12 *sit grant recipients (as provided in subsection*
13 *(g)(2)), from among local governmental authori-*
14 *ties and nonprofit organizations; and*

15 “(B) *with respect to any proposed eligible*
16 *project in an urbanized area with a population*
17 *of less than 200,000, or an area other than an*
18 *urbanized area, the entity or entities selected by*
19 *the chief executive officer of the State in which*
20 *the area is located, in coordination with affected*
21 *transit grant recipients (as provided in sub-*
22 *section (g)(2)), from among local governmental*
23 *authorities and nonprofit organizations.*

24 “(6) *WELFARE RECIPIENT.*—*The term ‘welfare*
25 *recipient’ means an individual who receives or re-*

1 *ceived aid or assistance under a State program fund-*
 2 *ed under part A of title IV of the Social Security Act*
 3 *(whether in effect before or after the effective date of*
 4 *the amendments made by title I of the Personal Re-*
 5 *sponsibility and Work Opportunity Reconciliation*
 6 *Act of 1996 (Public Law 104–193; 110 Stat. 2110))*
 7 *at any time during the 3-year period before the date*
 8 *on which the applicant applies for a grant under this*
 9 *section.*

10 “(b) *GENERAL AUTHORITY.*—

11 “(1) *IN GENERAL.*—*The Secretary may make ac-*
 12 *cess to jobs grants and reverse commute grants under*
 13 *this section to assist qualified entities in financing el-*
 14 *igible projects.*

15 “(2) *COORDINATION.*—*The Secretary shall co-*
 16 *ordinate activities under this section with related ac-*
 17 *tivities under programs of other Federal departments*
 18 *and agencies.*

19 “(c) *APPLICATIONS.*—*Each qualified entity seeking to*
 20 *receive a grant under this section for an eligible project*
 21 *shall submit to the Secretary an application in such form*
 22 *and in accordance with such requirements as the Secretary*
 23 *shall establish by regulation.*

1 “(d) *PROHIBITION.*—*Grants awarded under this sec-*
2 *tion may not be used for planning or coordination activi-*
3 *ties.*

4 “(e) *FACTORS FOR CONSIDERATION.*—*In awarding*
5 *grants under this section to applicants under subsection (c),*
6 *the Secretary shall consider—*

7 “(1) *the percentage of the population in the area*
8 *to be served by the applicant that are welfare recipi-*
9 *ents;*

10 “(2) *in the case of an applicant seeking assist-*
11 *ance to finance an access to jobs project, the need for*
12 *additional services in the area to be served by the ap-*
13 *plicant to transport welfare recipients and eligible*
14 *low-income individuals to and from specified jobs,*
15 *training, and other employment support services, and*
16 *the extent to which the proposed services will address*
17 *those needs;*

18 “(3) *the extent to which the applicant dem-*
19 *onstrates coordination with, and the financial com-*
20 *mitment of, existing transportation service providers;*

21 “(4) *the extent to which the applicant dem-*
22 *onstrates maximum utilization of existing transpor-*
23 *tation service providers and expands transit networks*
24 *or hours of service, or both;*

1 “(5) *the extent to which the applicant dem-*
2 *onstrates an innovative approach that is responsive to*
3 *identified service needs;*

4 “(6) *the extent to which the applicant—*

5 “(A) *in the case of an applicant seeking as-*
6 *sistance to finance an access to jobs project, pre-*
7 *sents a regional transportation plan for address-*
8 *ing the transportation needs of welfare recipients*
9 *and eligible low-income individuals; and*

10 “(B) *identifies long-term financing strate-*
11 *gies to support the services under this section;*

12 “(7) *the extent to which the applicant dem-*
13 *onstrates that the community to be served has been*
14 *consulted in the planning process; and*

15 “(8) *in the case of an applicant seeking assist-*
16 *ance to finance a reverse commute project, the need*
17 *for additional services identified in a regional trans-*
18 *portation plan to transport individuals to suburban*
19 *employment opportunities, and the extent to which*
20 *the proposed services will address those needs.*

21 “(f) *FEDERAL SHARE OF COSTS.—*

22 “(1) *MAXIMUM AMOUNT.—The amount of a*
23 *grant under this section may not exceed 50 percent of*
24 *the total project cost.*

1 “(2) *NONGOVERNMENTAL SHARE.*—*The portion*
 2 *of the total cost of an eligible project that is not fund-*
 3 *ed under this section—*

4 “(A) *shall be provided in cash from sources*
 5 *other than revenues from providing mass trans-*
 6 *portation; and*

7 “(B) *may be derived from amounts made*
 8 *available to a department or agency of the Fed-*
 9 *eral Government (other than the Department of*
 10 *Transportation) that are eligible to be expended*
 11 *for transportation.*

12 “(g) *PLANNING REQUIREMENTS.*—

13 “(1) *IN GENERAL.*—*The requirements of sections*
 14 *5303 through 5306 apply to any grant made under*
 15 *this section.*

16 “(2) *COORDINATION.*—*Each application for a*
 17 *grant under this section shall reflect coordination*
 18 *with and the approval of affected transit grant recipi-*
 19 *ents. The eligible access to jobs projects financed must*
 20 *be part of a coordinated public transit-human serv-*
 21 *ices transportation planning process.*

22 “(h) *GRANT REQUIREMENTS.*—*A grant under this sec-*
 23 *tion shall be subject to—*

24 “(1) *all of the terms and conditions to which a*
 25 *grant made under section 5307 is subject; and*

1 “(2) *such other terms and conditions as deter-*
 2 *mined by the Secretary.*

3 “(i) *PROGRAM EVALUATION.*—

4 “(1) *COMPTROLLER GENERAL.*—*Beginning 6*
 5 *months after the date of enactment of this section, and*
 6 *every 6 months thereafter, the Comptroller General of*
 7 *the United States shall—*

8 “(A) *conduct a study to evaluate the grant*
 9 *program authorized under this section; and*

10 “(B) *submit to the Committee on Transpor-*
 11 *tation and Infrastructure of the House of Rep-*
 12 *resentatives and the Committee on Banking,*
 13 *Housing, and Urban Affairs of the Senate a re-*
 14 *port describing the results of each study under*
 15 *subparagraph (A).*

16 “(2) *DEPARTMENT OF TRANSPORTATION.*—*Not*
 17 *later than 2 years after the date of enactment of this*
 18 *section, the Secretary shall—*

19 “(A) *conduct a study to evaluate the access*
 20 *to jobs grant program authorized under this sec-*
 21 *tion; and*

22 “(B) *submit to the Committee on Transpor-*
 23 *tation and Infrastructure of the House of Rep-*
 24 *resentatives and the Committee on Banking,*
 25 *Housing, and Urban Affairs of the Senate a re-*

1 port describing the results of the study under
2 subparagraph (A).

3 “(j) *FUNDING; ALLOCATION.*—

4 “(1) *IN GENERAL.*—There is authorized to be ap-
5 propriated to carry out this section, to remain avail-
6 able until expended, \$250,000,000 for each of fiscal
7 years 1998 through 2003, of which—

8 “(A) \$150,000,000 in each fiscal year shall
9 be used for grants for access to jobs projects; and

10 “(B) \$100,000,000 in each fiscal year shall
11 be used for grants for reverse commute projects.

12 “(2) *ALLOCATION.*—The amount made available
13 to carry out this section in each fiscal year shall be
14 allocated as follows:

15 “(A) 60 percent shall be allocated for eligi-
16 ble projects in urbanized areas with populations
17 of not less than 200,000.

18 “(B) 20 percent shall be allocated for eligi-
19 ble projects in urbanized areas with populations
20 of less than 200,000.

21 “(C) 20 percent shall be allocated for eligi-
22 ble projects in areas other than urbanized
23 areas.”.

24 “(2) *CONFORMING AMENDMENT.*—The analysis for
25 chapter 53 of title 49, United States Code, is amended

1 *by inserting after the item relating to section 5320 the*
 2 *following:*

“5320a. Access to jobs.”.

3 **SEC. 5015. GRANT REQUIREMENTS.**

4 *Section 5323 of title 49, United States Code, is amend-*
 5 *ed by adding at the end the following:*

6 *“(m) GRANT REQUIREMENTS.—The grant require-*
 7 *ments under sections 5307 and 5309 apply to any project*
 8 *under this chapter that receives any assistance from an in-*
 9 *frastructure bank or through other financing under subtitle*
 10 *C of title I of the Intermodal Surface Transportation Effi-*
 11 *ciency Act of 1998.”.*

12 **SEC. 5016. HHS AND PUBLIC TRANSIT SERVICE.**

13 *Section 5323 of title 49, United States Code, is amend-*
 14 *ed by adding at the end the following:*

15 *“(n) PARTICIPATION OF GOVERNMENTAL AGENCIES IN*
 16 *DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—*
 17 *To the extent feasible, governmental agencies and nonprofit*
 18 *organizations that receive assistance from Government*
 19 *sources (other than the Department of Transportation) for*
 20 *nonemergency transportation services—*

21 *“(1) shall participate and coordinate with re-*
 22 *cipients of assistance under this chapter in the design*
 23 *and delivery of transportation services; and*

24 *“(2) shall be included in the planning for those*
 25 *services.”.*

1 **SEC. 5017. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.**

2 Section 5334(g) of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(4) Notwithstanding any other provision of law, if
5 a recipient of assistance under this chapter determines that
6 an asset (including real property) acquired with such as-
7 sistance is no longer needed for the purpose for which it
8 was acquired, the recipient may sell that asset with no fur-
9 ther obligation to the Government, if the proceeds of the sale
10 are used for the provision of mass transportation services
11 in accordance with this chapter.”.

12 **SEC. 5018. OPERATING ASSISTANCE FOR SMALL TRANSIT**
13 **AUTHORITIES IN LARGE URBANIZED AREAS.**

14 Section 5336(d) of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(3) In distributing operating assistance under this
17 subsection to urbanized areas with a population of
18 1,000,000 or more under the most recent census, the Sec-
19 retary shall direct each such area to give priority consider-
20 ation to the impact of reductions on operating assistance
21 on smaller transit authorities operating within the area
22 and to consider the needs and resources of such transit au-
23 thorities.”.

1 **SEC. 5019. APPORTIONMENT OF APPROPRIATIONS FOR**
 2 **FIXED GUIDEWAY MODERNIZATION.**

3 (a) *DISTRIBUTION.*—Section 5337(a) of title 49,
 4 *United States Code*, is amended to read as follows:

5 “(a) *DISTRIBUTION.*—The Secretary of Transportation
 6 shall apportion amounts made available for fixed guideway
 7 modernization under section 5309 for each of fiscal years
 8 1998, 1999, 2000, 2001, 2002, and 2003 as follows:

9 “(1) The first \$497,700,000 shall be apportioned
 10 in the following urbanized areas as follows:

11 “(A) Baltimore, \$8,372,000.

12 “(B) Boston, \$38,948,000.

13 “(C) Chicago/Northwestern Indiana,
 14 \$78,169,000.

15 “(D) Cleveland, \$9,509,500.

16 “(E) New Orleans, \$1,730,588.

17 “(F) New York, \$176,034,461.

18 “(G) Northeastern New Jersey, \$50,604,653.

19 “(H) Philadelphia/Southern New Jersey,
 20 \$58,924,764.

21 “(I) Pittsburgh, \$13,662,463.

22 “(J) San Francisco, \$33,989,571.

23 “(K) Southwestern Connecticut,
 24 \$27,755,000.

25 “(2) The next \$70,000,000 shall be apportioned
 26 as follows:

1 “(A) 50 percent in the urbanized areas list-
2 ed in paragraph (1), as provided in section
3 5336(b)(2)(A).

4 “(B) 50 percent in other urbanized areas el-
5 igible for assistance under section 5336(b)(2)(A)
6 to which amounts were apportioned under this
7 section for fiscal year 1997, as provided in sec-
8 tion 5336(b)(2)(A) and subsection (e) of this sec-
9 tion.

10 “(3) The next \$5,700,000 shall be apportioned in
11 the following urbanized areas as follows:

12 “(A) Pittsburgh, 61.76 percent.

13 “(B) Cleveland, 10.73 percent.

14 “(C) New Orleans, 5.79 percent.

15 “(D) 21.72 percent in urbanized areas to
16 which paragraph (2)(B) applies, as provided in
17 section 5336(b)(2)(A) and subsection (e) of this
18 section.

19 “(4) The next \$186,600,000 shall be apportioned
20 in each urbanized area to which paragraph (1) ap-
21 plies and in each urbanized area to which paragraph
22 (2)(B) applies, as provided in section 5336(b)(2)(A)
23 and subsection (e) of this section.

24 “(5) Remaining amounts shall be apportioned as
25 follows:

1 “(A) 50 percent in the urbanized areas list-
 2 ed in paragraph (1) as provided in section
 3 5336(b)(2)(A) and subsection (e) of this section.

4 “(B) 50 percent to urbanized areas to which
 5 paragraph (5)(B) applies, as provided in section
 6 5336(b)(2)(A) and subsection (e) of this section.”.

7 (b) *ROUTE SEGMENTS TO BE INCLUDED IN APPOR-*
 8 *TIONMENT FORMULAS.*—Section 5337 of title 49, United
 9 States Code, is amended by adding at the end the following:

10 “(e) *ROUTE SEGMENTS TO BE INCLUDED IN APPOR-*
 11 *TIONMENT FORMULAS.*—

12 “(1) Amounts apportioned under paragraphs
 13 (2)(B), (3), and (4) of subsection (a) shall have at-
 14 tributable to each urbanized area only the number of
 15 fixed guideway revenue miles of service and number
 16 of fixed guideway route miles for segments of fixed
 17 guideway systems used to determine apportionments
 18 for fiscal year 1997.

19 “(2) Amounts apportioned under paragraphs (5)
 20 through (7) of subsection (a) shall have attributable to
 21 each urbanized area only the number of fixed guide-
 22 way revenue miles of service and number of fixed
 23 guideway route-miles for segments of fixed guideway
 24 systems placed in revenue service not less than 7

1 *years before the fiscal year in which amounts are*
2 *made available.”.*

3 **SEC. 5020. URBANIZED AREA FORMULA STUDY.**

4 (a) *STUDY.*—The Secretary of Transportation shall
5 *conduct a study to determine whether the formula for ap-*
6 *portioning funds to urbanized areas under section 5336 of*
7 *title 49, United States Code accurately reflects the transit*
8 *needs of the urbanized areas and, if not, whether any*
9 *changes should be made either to the formula or through*
10 *some other mechanism to reflect the fact that some urban-*
11 *ized areas with a population between 50,000 and 200,000*
12 *have transit systems that carry more passengers per mile*
13 *or hour than the average of those transit systems in urban-*
14 *ized areas with a population over 200,000.*

15 (b) *REPORT.*—Not later than December 31, 1999, the
16 *Secretary of Transportation shall transmit to the Commit-*
17 *tee on Transportation and Infrastructure of the House of*
18 *Representatives and the Committee on Banking, Housing,*
19 *and Urban Affairs of the Senate a report on the results of*
20 *the study conducted under this section, together with any*
21 *proposed changes to the method for apportioning funds to*
22 *urbanized areas with a population over 50,000.*

1 **SEC. 5021. INTERCITY RAIL INFRASTRUCTURE INVESTMENT**
 2 **FROM MASS TRANSIT ACCOUNT OF HIGHWAY**
 3 **TRUST FUND.**

4 *Section 5323 of title 49, United States Code, is amend-*
 5 *ed by adding at the end the following new subsection:*

6 “(o) *INTERCITY RAIL INFRASTRUCTURE INVEST-*
 7 *MENT.—Any assistance provided to a State that does not*
 8 *have Amtrak service as of the date of enactment of this sub-*
 9 *section from the Mass Transit Account of the Highway*
 10 *Trust Fund may be used for capital improvements to, and*
 11 *operating support for, intercity passenger rail service.”.*

12 **SEC. 5022. NEW START RATING AND EVALUATION.**

13 (a) *CRITERIA FOR GRANTS AND LOANS FOR FIXED*
 14 *GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United*
 15 *States Code, is amended to read as follows:*

16 “(e) *CRITERIA FOR GRANTS AND LOANS FOR FIXED*
 17 *GUIDEWAY SYSTEMS.—*

18 “(1) *The Secretary of Transportation may ap-*
 19 *prove a grant or loan under this section for a capital*
 20 *project for a new fixed guideway system or extension*
 21 *of an existing fixed guideway system only if the Sec-*
 22 *retary decides that the proposed project is—*

23 “(A) *based on the results of an alternatives*
 24 *analysis and preliminary engineering;*

25 “(B) *justified based on a comprehensive re-*
 26 *view of its mobility improvements, environ-*

1 *mental benefits, cost effectiveness, and operating*
2 *efficiencies; and*

3 *“(C) supported by an acceptable degree of*
4 *local financial commitment, including evidence*
5 *of stable and dependable financing sources to*
6 *construct, maintain, and operate the system or*
7 *extension.*

8 *“(2) In evaluating a project under paragraph*
9 *(1)(A), the Secretary shall analyze and consider the*
10 *results of the alternatives analysis and preliminary*
11 *engineering for the project.*

12 *“(3) In evaluating a project under paragraph*
13 *(1)(B), the Secretary shall—*

14 *“(A) consider the direct and indirect costs*
15 *of relevant alternatives;*

16 *“(B) account for costs and benefits related*
17 *to factors such as congestion relief, improved mo-*
18 *bility, air pollution, noise pollution, congestion,*
19 *energy consumption, and all associated ancillary*
20 *and mitigation costs necessary to carry out each*
21 *alternative analyzed;*

22 *“(C) identify and consider mass transpor-*
23 *tation supportive existing land use policies and*
24 *future patterns, and the cost of urban sprawl;*

1 “(D) consider the degree to which the project
2 increases the mobility of the mass transportation
3 dependent population or promotes economic de-
4 velopment;

5 “(E) consider population density, and cur-
6 rent transit ridership in the corridor;

7 “(F) consider the technical capability of the
8 grant recipient to construct the project;

9 “(G) adjust the project justification to re-
10 flect differences in local land, construction, and
11 operating costs; and

12 “(H) consider other factors the Secretary
13 considers appropriate to carry out this chapter.

14 “(3)(A) The Secretary of Transportation shall
15 issue guidelines on the manner in which the Secretary
16 will evaluate results of alternatives analysis, project
17 justification, and the degree of local financial com-
18 mitment.

19 “(B) The project justification under paragraph
20 (1)(B) shall be adjusted to reflect differences in local
21 land, construction, and operating costs.

22 “(4)(A) In evaluating a project under paragraph
23 (1)(C), the Secretary shall require that—

24 “(i) the proposed project plan provides for
25 the availability of contingency amounts the Sec-

1 *retary of Transportation determines to be rea-*
 2 *sonable to cover unanticipated cost overruns;*

3 *“(ii) each proposed local source of capital*
 4 *and operating financing is stable, reliable, and*
 5 *available within the proposed project timetable;*
 6 *and*

7 *“(iii) local resources are available to oper-*
 8 *ate the overall proposed mass transportation sys-*
 9 *tem (including essential feeder bus and other*
 10 *services necessary to achieve the projected rider-*
 11 *ship levels) without requiring a reduction in ex-*
 12 *isting mass transportation services to operate the*
 13 *proposed project.*

14 *“(B) In assessing the stability, reliability, and*
 15 *availability of proposed sources of local financing, the*
 16 *Secretary of Transportation shall consider—*

17 *“(i) existing grant commitments;*

18 *“(ii) the degree to which financing sources*
 19 *are dedicated to the purposes proposed;*

20 *“(iii) any debt obligation that exists or is*
 21 *proposed by the recipient for the proposed project*
 22 *or other mass transportation purpose; and*

23 *“(iv) the extent to which the project has a*
 24 *local financial commitment that exceeds the re-*

1 *quired non-Federal share of the cost of the*
2 *project.*

3 “(5)(A) *Not later than 120 days after the date*
4 *of enactment of the Federal Transit Act of 1998, the*
5 *Secretary of Transportation shall issue guidelines on*
6 *the manner in which the Secretary will evaluate and*
7 *rate the projects based on the results of alternatives*
8 *analysis, project justification, and the degree of local*
9 *financial commitment.*

10 “(B) *The project justification under paragraph*
11 *(1)(B) shall be adjusted to reflect differences in local*
12 *land, construction, and operating costs as required*
13 *under this subsection.*

14 “(6)(A) *A proposed project may advance from*
15 *alternatives analysis to preliminary engineering, and*
16 *may advance from preliminary engineering to final*
17 *design and construction, only if the Secretary of*
18 *Transportation finds that the project meets the re-*
19 *quirements of this section and there is a reasonable*
20 *likelihood that the project will continue to meet the*
21 *requirements.*

22 “(B) *In making any findings under subpara-*
23 *graph (A), the Secretary shall evaluate and rate the*
24 *project as either highly recommended, recommended,*
25 *or not recommended, based on the results of alter-*

1 *natives analysis, the project justification criteria, and*
2 *the degree of local financial commitment as required*
3 *under this subsection.*

4 *“(C) In rating each project, the Secretary shall*
5 *provide, in addition to the overall project rating, in-*
6 *dividual ratings for each criteria established under*
7 *the guidelines issued under paragraph (5).*

8 *“(7)(A) Each project financed under this sub-*
9 *section shall be carried out through a full funding*
10 *grant agreement.*

11 *“(B) The Secretary shall enter a full funding*
12 *grant agreement based on evaluations and ratings re-*
13 *quired under this subsection.*

14 *“(C) The Secretary shall not enter into a full*
15 *funding grant agreement for a project unless that*
16 *project is authorized for final design and construc-*
17 *tion.*

18 *“(8)(A) A project for a fixed guideway system or*
19 *extension of an existing fixed guideway system is not*
20 *subject to the requirements of this subsection, and the*
21 *simultaneous evaluation of similar projects in at least*
22 *2 corridors in a metropolitan area may not be lim-*
23 *ited, if the assistance provided under this section with*
24 *respect to the project is less than \$25,000,000.*

1 “(B) *The simultaneous evaluation of projects in*
 2 *at least 2 corridors in a metropolitan area may not*
 3 *be limited and the Secretary of Transportation shall*
 4 *make decisions under this subsection with expedited*
 5 *procedures that will promote carrying out an ap-*
 6 *proved State Implementation Plan in a timely way*
 7 *if a project is—*

8 “(i) *located in a nonattainment area;*

9 “(ii) *a transportation control measure (as*
 10 *that term is defined in the Clean Air Act (42*
 11 *U.S.C. 7401 et seq.)); and*

12 “(iii) *required to carry out the State Imple-*
 13 *mentation Plan.*

14 “(C) *This subsection does not apply to a part of*
 15 *a project financed completely with amounts made*
 16 *available from the Highway Trust Fund (other than*
 17 *the Mass Transit Account).*

18 “(D) *This subsection does not apply to projects*
 19 *for which the Secretary has issued a letter of intent*
 20 *or entered into a full funding grant agreement before*
 21 *the date of enactment of the Federal Transit Act of*
 22 *1998.”.*

23 (b) *LETTERS OF INTENT, FULL FINANCING GRANT*
 24 *AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-*

1 *MENTS.—Section 5309(g) of title 49, United States Code,*
 2 *is amended—*

3 (1) *in the subsection heading, by striking “FI-*
 4 *NANCING” and inserting “FUNDING”;*

5 (2) *by striking “full financing” each place it ap-*
 6 *pears and inserting “full funding”; and*

7 (3) *in paragraph (1)(B)—*

8 (A) *by striking “30 days” and inserting*
 9 *“60 days”;*

10 (B) *by inserting “or entering into a full*
 11 *funding grant agreement” after “this para-*
 12 *graph”; and*

13 (C) *by striking “issuance of the letter” and*
 14 *inserting “letter or agreement. The Secretary*
 15 *shall include with the notification a copy of the*
 16 *proposed letter or agreement as well as evalua-*
 17 *tions and ratings for the project”.*

18 (c) *REPORTS.—Section 5309 of title 49, United States*
 19 *Code, is amended by adding at the end the following:*

20 “(p) *REPORTS.—*

21 “(1) *FUNDING LEVELS AND ALLOCATIONS OF*
 22 *FUNDS FOR FIXED GUIDEWAY SYSTEMS.—*

23 “(A) *ANNUAL REPORT.—Not later than the*
 24 *first Monday in February of each year, the Sec-*
 25 *retary shall submit to the Committee on Trans-*

1 *portation and Infrastructure of the House of*
 2 *Representatives and the Committee on Banking,*
 3 *Housing, and Urban Affairs of the Senate a re-*
 4 *port that includes a proposal on the allocation of*
 5 *amounts to be made available to finance grants*
 6 *and loans for capital projects for new fixed*
 7 *guideway systems and extensions to existing*
 8 *fixed guideway systems among applicants for*
 9 *those amounts.*

10 “(B) *RECOMMENDATIONS ON FUNDING.—*
 11 *Each report submitted under this paragraph*
 12 *shall include—*

13 “(i) *evaluations and ratings, as re-*
 14 *quired under subsection (e), for each project*
 15 *that is authorized or has received funds*
 16 *under this section since the date of enact-*
 17 *ment of the Federal Transit Act of 1998 or*
 18 *October 1 of the preceding fiscal year,*
 19 *whichever date is earlier; and*

20 “(ii) *recommendations of projects for*
 21 *funding, based on the evaluations and rat-*
 22 *ings and on existing commitments and an-*
 23 *ticipated funding levels for the next 3 fiscal*
 24 *years and for the next 10 fiscal years, based*
 25 *on information available to the Secretary.*

1 “(2) *SUPPLEMENTAL REPORT ON NEW STARTS.*—
 2 *On August 30 of each year, the Secretary shall submit*
 3 *a report to Congress that describes the Secretary’s*
 4 *evaluation and rating of each project that has com-*
 5 *pleted alternatives analysis or preliminary engineer-*
 6 *ing since the date of the last report. The report shall*
 7 *include all relevant information that supports the*
 8 *evaluation and rating of each project, including a*
 9 *summary of each project’s financial plan.*

10 “(3) *ANNUAL GAO REVIEW.*—*The Comptroller*
 11 *General of the United States shall—*

12 “(A) *conduct an annual review of—*

13 “(i) *the processes and procedures for*
 14 *evaluating and rating projects and rec-*
 15 *ommending projects; and*

16 “(ii) *the Secretary’s implementation of*
 17 *such processes and procedures; and*

18 “(B) *report to Congress on the results of*
 19 *such review not later than April 30 of each*
 20 *year.”.*

21 ***TITLE VI—REVENUE***

22 ***SEC. 6001. SHORT TITLE; AMENDMENT OF 1986 CODE.***

23 (a) *SHORT TITLE.*—*This title may be cited as the*
 24 *“Intermodal Surface Transportation Revenue Act of 1998”.*

1 (b) *AMENDMENT OF 1986 CODE.*—*Except as otherwise*
 2 *expressly provided, whenever in this title an amendment*
 3 *or repeal is expressed in terms of an amendment to, or re-*
 4 *peal of, a section or other provision, the reference shall be*
 5 *considered to be made to a section or other provision of the*
 6 *Internal Revenue Code of 1986.*

7 **SEC. 6002. EXTENSION AND MODIFICATION OF HIGHWAY-**
 8 **RELATED TAXES AND TRUST FUND.**

9 (a) *EXTENSION OF TAXES AND EXEMPTIONS.*—

10 (1) *The following provisions are each amended*
 11 *by striking “1999” each place it appears and insert-*
 12 *ing “2005”:*

13 (A) *Section 4041(a)(1)(C)(iii)(I) (relating*
 14 *to rate of tax on certain buses).*

15 (B) *Section 4041(a)(2)(B) (relating to rate*
 16 *of tax on special motor fuels), as amended by*
 17 *section 907(a)(1) of the Taxpayer Relief Act of*
 18 *1997.*

19 (C) *Section 4041(m)(1)(A) (relating to cer-*
 20 *tain alcohol fuels), as amended by section 907(b)*
 21 *of the Taxpayer Relief Act of 1997.*

22 (D) *Section 4051(c) (relating to termi-*
 23 *nation).*

24 (E) *Section 4071(d) (relating to termi-*
 25 *nation).*

1 (F) Section 4081(d)(1) (relating to termi-
2 nation).

3 (G) Section 4221(a) (relating to certain
4 tax-free sales).

5 (H) Section 4481(e) (relating to period tax
6 in effect).

7 (I) Section 4482(c)(4) (relating to taxable
8 period).

9 (J) Section 4482(d) (relating to special rule
10 for taxable period in which termination date oc-
11 curs).

12 (K) Section 4483(g) (relating to termi-
13 nation of exemptions).

14 (L) Section 6156(e)(2) (relating to section
15 inapplicable to certain liabilities).

16 (M) Section 6412(a) (relating to floor stocks
17 refunds).

18 (2) The following provisions are each amended
19 by striking “2000” each place it appears and insert-
20 ing “2007”:

21 (A) Section 4041(b)(2)(C) (relating to ter-
22 mination).

23 (B) Section 4041(k)(3) (relating to termi-
24 nation).

1 (C) Section 4081(c)(8) (relating to termi-
2 nation).

3 (D) Section 4091(c)(5) (relating to termi-
4 nation).

5 (3) Section 6412(a) (relating to floor stocks re-
6 funds) is amended by striking “2000” each place it
7 appears and inserting “2006”.

8 (4) Section 6427(f)(4) (relating to termination)
9 is amended by striking “1999” and inserting “2007”.

10 (5) Section 40(e)(1) (relating to termination) is
11 amended—

12 (A) by striking “December 31, 2000” and
13 inserting “December 31, 2007”, and

14 (B) by striking subparagraph (B) and in-
15 serting the following:

16 “(B) of any fuel for any period before Janu-
17 ary 1, 2008, during which the rate of tax under
18 section 4081(a)(2)(A) is 4.3 cents per gallon.”.

19 (6) Headings 9901.00.50 and 9901.00.52 of the
20 Harmonized Tariff Schedule of the United States (19
21 U.S.C. 3007) are amended in the effective period col-
22 umn by striking “10/1/2000” each place it appears
23 and inserting “10/1/2007”.

24 (b) *EXTENSION AND MODIFICATION OF HIGHWAY*
25 *TRUST FUND.*—

1 (1) *EXTENSION.*—Section 9503 (relating to
2 *Highway Trust Fund*) is amended—

3 (A) in subsection (b)—

4 (i) in paragraph (1), as amended by
5 section 1032(e)(13) of the *Taxpayer Relief*
6 *Act of 1997*—

7 (I) by striking “1999” and insert-
8 ing “2005”,

9 (II) by striking subparagraph (C),

10 (III) in subparagraph (D), by
11 striking “and tread rubber”, and

12 (IV) by redesignating subpara-
13 graphs (D), (E), and (F) as subpara-
14 graphs (C), (D), and (E), respectively,

15 (ii) in paragraph (2), by striking
16 “1999” each place it appears and inserting
17 “2005” and by striking “2000” and insert-
18 ing “2006”,

19 (iii) in the heading of paragraph (2),
20 by striking “OCTOBER 1, 1999” and inserting
21 “OCTOBER 1, 2005”, and

22 (iv) in subparagraphs (E) and (F) of
23 paragraph (4), as amended by section
24 901(a) of the *Taxpayer Relief Act of 1997*,

1 by striking “1999” and inserting “2005”,
2 and

3 (B) in subsection (c), as amended by section
4 9(a)(1) of the Surface Transportation Extension
5 Act of 1997—

6 (i) in paragraph (1)—

7 (I) by striking “1998” and insert-
8 ing “2003”,

9 (II) in subparagraph (C), by
10 striking “or” at the end,

11 (III) in subparagraph (D), by
12 striking “1991.” and inserting “1991,
13 or”,

14 (IV) by inserting after subpara-
15 graph (D) the following:

16 “(E) authorized to be paid out of the High-
17 way Trust Fund under the Intermodal Surface
18 Transportation Efficiency Act of 1998.”, and

19 (V) by striking the last sentence
20 and inserting the following:

21 “In determining the authorizations under the Acts re-
22 ferred to in the preceding subparagraphs, such Acts
23 shall be applied as in effect on the date of the enact-
24 ment of the Intermodal Surface Transportation Effi-
25 ciency Act of 1998.”,

1 *(ii) in paragraph (2)(A)(i)—*

2 *(I) by striking “2000” and insert-*
 3 *ing “2006”,*

4 *(II) in subclause (II), by adding*
 5 *“and” at the end,*

6 *(III) in subclause (IV), by strik-*
 7 *ing “1999” and inserting “2005”, and*

8 *(IV) by striking subclause (III)*
 9 *and redesignating subclause (IV) as*
 10 *subclause (III),*

11 *(iii) in paragraph (2)(A), by striking*
 12 *clause (ii) and inserting the following:*

13 *“(ii) the credits allowed under section*
 14 *34 (relating to credit for certain uses of*
 15 *fuel) with respect to fuel used before October*
 16 *1, 2005.”,*

17 *(iv) in paragraph (3)—*

18 *(I) by striking “July 1, 2000”*
 19 *and inserting “July 1, 2006”, and*

20 *(II) by striking the heading and*
 21 *inserting “FLOOR STOCKS REFUNDS”,*

22 *(v) in paragraph (4)(A)—*

23 *(I) in clause (i), by striking*
 24 *“1998” and inserting “2003”, and*

1 (II) in clause (ii), by adding at
 2 the end the following new flush sen-
 3 tence:

4 *“In making the determination under sub-*
 5 *clause (II) for any fiscal year, the Secretary*
 6 *shall not take into account any amount ap-*
 7 *propriated from the Boat Safety Account in*
 8 *any preceding fiscal year but not distrib-*
 9 *uted.”, and*

10 (vi) in paragraph (5)(A), by striking
 11 “1998” and inserting “2003”.

12 (2) *LIMITATION ON EXPENDITURES.—*

13 (A) *IN GENERAL.—Section 9503(c) (relating*
 14 *to expenditures from Highway Trust Fund), as*
 15 *amended by subsection (d)(2)(A), is amended by*
 16 *inserting after paragraph (5) the following:*

17 “(6) *LIMITATION ON EXPENDITURES FROM HIGH-*
 18 *WAY TRUST FUND.—*

19 “(A) *IN GENERAL.—Except as provided in*
 20 *subparagraph (B), no expenditure shall be made*
 21 *from the Highway Trust Fund unless such ex-*
 22 *penditure is permitted under a provision of this*
 23 *title. The determination of whether an expendi-*
 24 *ture is so permitted shall be made without re-*
 25 *gard to—*

1 “(i) *any provision of law which is not*
 2 *contained or referenced in this title and*
 3 *which is not contained or referenced in a*
 4 *revenue Act, and*

5 “(ii) *whether such provision of law is*
 6 *a subsequently enacted provision or directly*
 7 *or indirectly seeks to waive the application*
 8 *of this paragraph.*

9 “(B) *EXCEPTION FOR PRIOR OBLIGA-*
 10 *TIONS.—Subparagraph (A) shall not apply to*
 11 *any expenditure to liquidate any contract en-*
 12 *tered into, or for any amount otherwise obli-*
 13 *gated, in accordance with the provisions of this*
 14 *section before October 1, 2003.”.*

15 “(B) *TRANSFER OF TAXES TO TRUST FUND*
 16 *TERMINATED IF EXPENDITURE LIMITATION VIO-*
 17 *LATED.—Section 9503(b)(4) (relating to certain*
 18 *taxes not transferred to Highway Trust Fund),*
 19 *as amended by subsection (b)(1)(A)(iv), is*
 20 *amended—*

21 (i) *in subparagraph (E), by striking*
 22 *“or” at the end,*

23 (ii) *in subparagraph (F), by striking*
 24 *the period at the end and inserting “, or”,*
 25 *and*

1 (iii) by adding at the end the follow-
2 ing:

3 “(G) any provision described in paragraph
4 (1) on and after the date of any expenditure not
5 permitted by subsection (c)(6).”.

6 (c) MODIFICATION OF SUBSIDIES FOR ALCOHOL
7 FUELS.—

8 (1) IN GENERAL.—Subsection (h) of section 40
9 (relating to alcohol used as fuel) is amended to read
10 as follows:

11 “(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

12 “(1) IN GENERAL.—In the case of any alcohol
13 mixture credit or alcohol credit with respect to any
14 sale or use of alcohol which is ethanol during cal-
15 endar years 2001 through 2007—

16 “(A) subsections (b)(1)(A) and (b)(2)(A)
17 shall be applied by substituting ‘the blender
18 amount’ for ‘60 cents’,

19 “(B) subsection (b)(3) shall be applied by
20 substituting ‘the low-proof blender amount’ for
21 ‘45 cents’ and ‘the blender amount’ for ‘60 cents’,
22 and

23 “(C) subparagraphs (A) and (B) of sub-
24 section (d)(3) shall be applied by substituting

1 *‘the blender amount’ for ‘60 cents’ and ‘the low-*
 2 *proof blender amount’ for ‘45 cents’.*

3 “(2) *AMOUNTS.—For purposes of paragraph (1),*
 4 *the blender amount and the low-proof blender amount*
 5 *shall be determined in accordance with the following*
 6 *table:*

<i>In the case of any sale or use during calendar year:</i>	<i>The blender amount is:</i>	<i>The low-proof blend- er amount is:</i>
<i>2001 or 2002</i>	<i>53 cents</i>	<i>39.26 cents</i>
<i>2003 or 2004</i>	<i>52 cents</i>	<i>38.52 cents</i>
<i>2005, 2006, or 2007</i>	<i>51 cents</i>	<i>37.78 cents.”.</i>

7 (2) *CONFORMING AMENDMENTS.—*

8 (A) *Section 4041(b)(2) is amended—*

9 (i) *in subparagraph (A)(i), by striking*
 10 *“5.4 cents” and inserting “the applicable*
 11 *blender rate”, and*

12 (ii) *by redesignating subparagraph*
 13 *(C), as amended by subsection (a)(2)(A), as*
 14 *subparagraph (D) and by inserting after*
 15 *subparagraph (B) the following:*

16 “(C) *APPLICABLE BLENDER RATE.—For*
 17 *purposes of subparagraph (A)(i), the applicable*
 18 *blender rate is—*

19 *“(i) except as provided in clause (ii),*
 20 *5.4 cents, and*

21 *“(ii) for sales or uses during calendar*
 22 *years 2001 through 2007, $\frac{1}{10}$ of the blender*
 23 *amount applicable under section 40(h)(2)*

1 *for the calendar year in which the sale or*
2 *use occurs.”.*

3 *(B) Subparagraph (A) of section 4081(c)(4)*
4 *is amended to read as follows:*

5 “(A) *GENERAL RULES.*—

6 “(i) *MIXTURES CONTAINING ETHA-*
7 *NOL.—Except as provided in clause (ii), in*
8 *the case of a qualified alcohol mixture*
9 *which contains gasoline, the alcohol mixture*
10 *rate is the excess of the rate which would*
11 *(but for this paragraph) be determined*
12 *under subsection (a) over—*

13 “(I) *in the case of 10 percent gas-*
14 *ohol, the applicable blender rate (as de-*
15 *finied in section 4041(b)(2)(A)) per gal-*
16 *lon,*

17 “(II) *in the case of 7.7 percent*
18 *gasohol, the number of cents per gallon*
19 *equal to 77 percent of such applicable*
20 *blender rate, and*

21 “(III) *in the case of 5.7 percent*
22 *gasohol, the number of cents per gallon*
23 *equal to 57 percent of such applicable*
24 *blender rate.*

1 “(ii) *MIXTURES NOT CONTAINING ETH-*
 2 *ANOL.—In the case of a qualified alcohol*
 3 *mixture which contains gasoline and none*
 4 *of the alcohol in which consists of ethanol,*
 5 *the alcohol mixture rate is the excess of the*
 6 *rate which would (but for this paragraph)*
 7 *be determined under subsection (a) over—*

8 “(I) *in the case of 10 percent gas-*
 9 *ohol, 6 cents per gallon,*

10 “(II) *in the case of 7.7 percent*
 11 *gasohol, 4.62 cents per gallon, and*

12 “(III) *in the case of 5.7 percent*
 13 *gasohol, 3.42 cents per gallon.”.*

14 (C) *Section 4081(c)(5) is amended by strik-*
 15 *ing “5.4 cents” and inserting “the applicable*
 16 *blender rate (as defined in section*
 17 *4041(b)(2)(C))”.*

18 (D) *Section 4091(c)(1) is amended by strik-*
 19 *ing “13.4 cents” each place it appears and in-*
 20 *serting “the applicable blender amount” and by*
 21 *adding at the end the following: “For purposes*
 22 *of this paragraph, the term ‘applicable blender*
 23 *amount’ means 13.3 cents in the case of any sale*
 24 *or use during 2001 or 2002, 13.2 cents in the*
 25 *case of any sale or use during 2003 or 2004, 13.1*

1 *cents in the case of any sale or use during 2005,*
 2 *2006, or 2007, and 13.4 cents in the case of any*
 3 *sale or use during 2008 or thereafter.”.*

4 (3) *EFFECTIVE DATE.*—*The amendments made*
 5 *by this subsection shall take effect on January 1,*
 6 *2001.*

7 (d) *ELIMINATION OF NATIONAL RECREATIONAL*
 8 *TRAILS TRUST FUND.*—

9 (1) *IN GENERAL.*—*Section 9511 (relating to Na-*
 10 *tional Recreational Trails Trust Fund) is repealed.*

11 (2) *CONFORMING AMENDMENTS.*—

12 (A) *Section 9503(c) is amended by striking*
 13 *paragraph (6).*

14 (B) *The table of sections for subchapter A of*
 15 *chapter 98 is amended by striking the item relat-*
 16 *ing to section 9511.*

17 (e) *AQUATIC RESOURCES TRUST FUND.*—

18 (1) *EXTENSION.*—*Section 9504(c) (relating to*
 19 *expenditures from Boat Safety Account), as amended*
 20 *by section 9(b) of the Surface Transportation Exten-*
 21 *sion Act of 1997, is amended—*

22 (A) *by striking “1998” and inserting*
 23 *“2004”, and*

1 (B) by striking “1988” and inserting “the
2 date of the enactment of the Intermodal Surface
3 Transportation Efficiency Act of 1998”.

4 (2) *LIMITATION ON EXPENDITURES.*—Section
5 9504 (relating to Aquatic Resources Trust Fund) is
6 amended by redesignating subsection (d) as subsection
7 (e) and by inserting after subsection (c) the following:
8 “(d) *LIMITATION ON EXPENDITURES FROM TRUST*
9 *FUND.*—

10 “(1) *IN GENERAL.*—Except as provided in para-
11 graph (2), no expenditure shall be made from the
12 Aquatics Resources Trust Fund unless such expendi-
13 ture is permitted under a provision of this title. The
14 determination of whether an expenditure is so per-
15 mitted shall be made without regard to—

16 “(A) any provision of law which is not con-
17 tained or referenced in this title and which is
18 not contained or referenced in a revenue Act,
19 and

20 “(B) whether such provision of law is a sub-
21 sequently enacted provision or directly or indi-
22 rectly seeks to waive the application of this sub-
23 section.

24 “(2) *EXCEPTION FOR PRIOR OBLIGATIONS FROM*
25 *THE BOAT SAFETY ACCOUNT.*—Paragraph (1) shall

1 *not apply to any expenditure to liquidate any con-*
 2 *tract entered into, or for any amount otherwise obli-*
 3 *gated, in accordance with the provisions of subsection*
 4 *(c) before April 1, 2004.*

5 “(3) *TRANSFER OF TAXES TO TRUST FUND TER-*
 6 *MINATED IF EXPENDITURE LIMITATION VIOLATED.—*
 7 *For purposes of the second sentence of subsection*
 8 *(a)(2), there shall not be taken into account any*
 9 *amount described in subsection (b)(1), section*
 10 *9503(c)(4), or section 9503(c)(5)(A) on and after the*
 11 *date of any expenditure not permitted by paragraph*
 12 *(1).”.*

13 (3) *CONFORMING AMENDMENTS.—Section*
 14 *9504(b)(2) is amended—*

15 (A) *in subparagraph (A), by striking “Octo-*
 16 *ber 1, 1988” and inserting “the date of the en-*
 17 *actment of the Intermodal Surface Transpor-*
 18 *tation Efficiency Act of 1998”, and*

19 (B) *in subparagraph (B), by striking “No-*
 20 *vember 29, 1990” and inserting “the date of the*
 21 *enactment of the Intermodal Surface Transpor-*
 22 *tation Efficiency Act of 1998”.*

23 **SEC. 6003. MASS TRANSIT ACCOUNT.**

24 (a) *IN GENERAL.—Section 9503(e)(3) (relating to ex-*
 25 *penditures from Account), as amended by section 9(a)(2)*

1 *of the Surface Transportation Extension Act of 1997, is*
 2 *amended—*

3 (1) *by striking “1998” and inserting “2003”,*

4 (2) *in subparagraph (A), by striking “or” at the*
 5 *end,*

6 (3) *in subparagraph (B), by adding “or” at the*
 7 *end, and*

8 (4) *by striking all that follows subparagraph (B)*
 9 *and inserting:*

10 *“(C) the Intermodal Surface Transportation*
 11 *Efficiency Act of 1998,*

12 *as such sections and Acts are in effect on the date of*
 13 *the enactment of the Intermodal Surface Transpor-*
 14 *tation Efficiency Act of 1998.”.*

15 (b) *CONFORMING AMENDMENT.—Paragraph (4) of sec-*
 16 *tion 9503(e) is amended to read as follows:*

17 *“(4) LIMITATION.—Rules similar to the*
 18 *rules of subsection (d) shall apply to the Mass*
 19 *Transit Account.”.*

20 (c) *TECHNICAL CORRECTION.—*

21 (1) *IN GENERAL.—Section 9503(e)(2) is amend-*
 22 *ed by striking the last sentence and inserting the fol-*
 23 *lowing: “For purposes of the preceding sentence, the*
 24 *term ‘mass transit portion’ means, for any fuel with*
 25 *respect to which tax was imposed under section 4041*

1 or 4081 and otherwise deposited into the Highway
2 Trust Fund, the amount determined at the rate of—

3 “(A) except as otherwise provided in this
4 sentence, 2.86 cents per gallon,

5 “(B) 1.43 cents per gallon in the case of
6 any partially exempt methanol or ethanol fuel
7 (as defined in section 4041(m)) none of the alco-
8 hol in which consists of ethanol,

9 “(C) 1.86 cents per gallon in the case of liq-
10 uefied natural gas,

11 “(D) 2.13 cents per gallon in the case of liq-
12 uefied petroleum gas, and

13 “(E) 9.71 cents per MCF (determined at
14 standard temperature and pressure) in the case
15 of compressed natural gas.”.

16 (2) *EFFECTIVE DATE.*—The amendment made by
17 paragraph (1) shall take effect as if included in the
18 amendment made by section 901(b) of the Taxpayer
19 Relief Act of 1997.

20 **SEC. 6004. TAX-EXEMPT FINANCING OF QUALIFIED HIGH-**
21 **WAY INFRASTRUCTURE CONSTRUCTION.**

22 (a) *TREATMENT AS EXEMPT FACILITY BOND.*—A bond
23 described in subsection (b) shall be treated as described in
24 section 141(e)(1)(A) of the Internal Revenue Code of 1986,
25 except that—

1 (1) *section 146 of such Code shall not apply to*
 2 *such bond, and*

3 (2) *section 147(c)(1) of such Code shall be ap-*
 4 *plied by substituting “any portion of” for “25 percent*
 5 *or more”.*

6 ***(b) BOND DESCRIBED.—***

7 (1) *IN GENERAL.—A bond is described in this*
 8 *subsection if such bond is issued after the date of the*
 9 *enactment of this Act as part of an issue—*

10 (A) *95 percent or more of the net proceeds*
 11 *of which are to be used to provide a qualified*
 12 *highway infrastructure project, and*

13 (B) *to which there has been allocated a por-*
 14 *tion of the allocation to the project under para-*
 15 *graph (2)(C)(ii) which is equal to the aggregate*
 16 *face amount of bonds to be issued as part of such*
 17 *issue.*

18 (2) ***QUALIFIED HIGHWAY INFRASTRUCTURE***
 19 ***PROJECTS.—***

20 (A) *IN GENERAL.—For purposes of para-*
 21 *graph (1), the term “qualified highway infra-*
 22 *structure project” means a project—*

23 (i) *for the construction or reconstruc-*
 24 *tion of a highway, and*

1 (ii) designated under subparagraph
2 (B) as an eligible pilot project.

3 (B) *ELIGIBLE PILOT PROJECT.*—

4 (i) *IN GENERAL.*—The Secretary of
5 Transportation, in consultation with the
6 Secretary of the Treasury, shall select not
7 more than 15 highway infrastructure
8 projects to be pilot projects eligible for tax-
9 exempt financing.

10 (ii) *ELIGIBILITY CRITERIA.*—In deter-
11 mining the criteria necessary for the eligi-
12 bility of pilot projects, the Secretary of
13 Transportation shall include the following:

14 (I) *The project must serve the gen-*
15 *eral public.*

16 (II) *The project is necessary to*
17 *evaluate the potential of the private*
18 *sector's participation in the provision*
19 *of the highway infrastructure of the*
20 *United States.*

21 (III) *The project must be located*
22 *on publicly-owned rights-of-way.*

23 (IV) *The project must be publicly*
24 *owned or the ownership of the highway*

1 *constructed or reconstructed under the*
2 *project must revert to the public.*

3 (V) *The project must be consistent*
4 *with a transportation plan developed*
5 *pursuant to section 134(g) or 135(e) of*
6 *title 23, United States Code.*

7 (C) *AGGREGATE FACE AMOUNT OF TAX-EX-*
8 *EMPT FINANCING.—*

9 (i) *IN GENERAL.—The aggregate face*
10 *amount of bonds issued pursuant to this*
11 *section shall not exceed \$15,000,000,000, de-*
12 *termined without regard to any bond the*
13 *proceeds of which are used exclusively to re-*
14 *fund (other than to advance refund) a bond*
15 *issued pursuant to this section (or a bond*
16 *which is a part of a series of refundings of*
17 *a bond so issued) if the amount of the re-*
18 *funding bond does not exceed the outstand-*
19 *ing amount of the refunded bond.*

20 (ii) *ALLOCATION.—The Secretary of*
21 *Transportation, in consultation with the*
22 *Secretary of the Treasury, shall allocate the*
23 *amount described in clause (i) among the*
24 *eligible pilot projects designated under sub-*
25 *paragraph (B).*

1 (iii) *REALLOCATION*.—If any portion
 2 of an allocation under clause (ii) is unused
 3 on the date which is 3 years after such allo-
 4 cation, the Secretary of Transportation, in
 5 consultation with the Secretary of the
 6 Treasury, may reallocate such portion
 7 among the remaining eligible pilot projects.

8 (c) *REPORT*.—

9 (1) *IN GENERAL*.—Not later than the earlier of—

10 (A) 1 year after either $\frac{1}{2}$ of the projects au-
 11 thorized under this section have been identified
 12 or $\frac{1}{2}$ of the total bonds allowable for the projects
 13 under this section have been issued, or

14 (B) 7 years after the date of the enactment
 15 of this Act,

16 the Secretary of Transportation, in consultation with
 17 the Secretary of the Treasury, shall submit the report
 18 described in paragraph (2) to the Committees on Fi-
 19 nance and on Environment and Public Works of the
 20 Senate and the Committees on Ways and Means and
 21 on Transportation and Infrastructure of the House of
 22 Representatives.

23 (2) *CONTENTS*.—The report under paragraph (1)
 24 shall evaluate the overall success of the program con-
 25 ducted pursuant to this section, including—

1 (A) a description of each project under the
2 program,

3 (B) the extent to which the projects used
4 new technologies, construction techniques, or in-
5 novative cost controls that resulted in savings in
6 building the project, and

7 (C) the use and efficiency of the Federal tax
8 subsidy provided by the bond financing.

9 **SEC. 6005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL**
10 **FUEL.**

11 (a) *IN GENERAL.*—Section 4041(a)(1)(C)(ii) (relating
12 to rate of tax on trains) is amended—

13 (1) in subclause (II), by striking “October 1,
14 1999” and inserting “March 1, 1999”, and

15 (2) in subclause (III), by striking “September
16 30, 1999” and inserting “February 28, 1999”.

17 (b) *CONFORMING AMENDMENTS.*—

18 (1) Section 6421(f)(3)(B) is amended—

19 (A) in clause (ii), by striking “October 1,
20 1999” and inserting “March 1, 1999”, and

21 (B) in clause (iii), by striking “September
22 30, 1999” and inserting “February 28, 1999”.

23 (2) Section 6427(l)(3)(B) is amended—

24 (A) in clause (ii), by striking “October 1,
25 1999” and inserting “March 1, 1999”, and

1 (B) in clause (iii), by striking “September
2 30, 1999” and inserting “February 28, 1999”.

3 **SEC. 6006. ELECTION TO RECEIVE TAXABLE CASH COM-**
4 **PENSATION IN LIEU OF NONTAXABLE QUALI-**
5 **FIED TRANSPORTATION FRINGE BENEFITS.**

6 (a) *NO CONSTRUCTIVE RECEIPT.*—

7 (1) *IN GENERAL.*— Paragraph (4) of section
8 132(f) (relating to qualified transportation fringe) is
9 amended to read as follows:

10 “(4) *NO CONSTRUCTIVE RECEIPT.*—No amount
11 shall be included in the gross income of an employee
12 solely because the employee may choose between any
13 qualified transportation fringe and compensation
14 which would otherwise be includible in gross income
15 of such employee.”.

16 (2) *EFFECTIVE DATE.*—The amendment made by
17 this subsection shall apply to taxable years beginning
18 after December 31, 1997.

19 (b) *INCREASE IN MAXIMUM EXCLUSION FOR EM-*
20 *PLOYER-PROVIDED TRANSIT PASSES.*—

21 (1) *IN GENERAL.*—Subparagraph (A) of section
22 132(f)(2) (relating to limitation on exclusion) is
23 amended by striking “\$60” and inserting “\$100”.

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
 2 *this subsection shall apply to taxable years beginning*
 3 *after December 31, 2001.*

4 (c) *NO INFLATION ADJUSTMENT FOR 1999.*—

5 (1) *IN GENERAL.*—*Paragraph (6) of section*
 6 *132(f) (relating to qualified transportation fringe) is*
 7 *amended to read as follows:*

8 “(6) *INFLATION ADJUSTMENT.*—*In the case of*
 9 *any taxable year beginning in a calendar year after*
 10 *1999, the dollar amounts contained in subparagraphs*
 11 *(A) and (B) of paragraph (2) shall be increased by*
 12 *an amount equal to—*

13 “(A) *such dollar amount, multiplied by*

14 “(B) *the cost-of-living adjustment deter-*
 15 *mined under section 1(f)(3) for the calendar year*
 16 *in which the taxable year begins, by substituting*
 17 *‘calendar year 1998’ for ‘calendar year 1992’.*

18 *If any increase determined under the preceding sen-*
 19 *tence is not a multiple of \$5, such increase shall be*
 20 *rounded to the next lowest multiple of \$5.”.*

21 (2) *CONFORMING AMENDMENT.*—*Section*
 22 *132(f)(2)(B) is amended by striking “\$155” and in-*
 23 *serting “\$175”.*

1 (3) *EFFECTIVE DATE.*—*The amendments made*
 2 *by this subsection shall apply to taxable years begin-*
 3 *ning after December 31, 1998.*

4 (d) *CONFORMING INFLATION ADJUSTMENT.*—

5 (1) *IN GENERAL.*—*Paragraph (6) of section*
 6 *132(f) (relating to qualified transportation fringe) is*
 7 *amended to read as follows:*

8 “(6) *INFLATION ADJUSTMENT.*—

9 “(A) *ADJUSTMENT TO QUALIFIED PARKING*
 10 *LIMITATION.*—*In the case of any taxable year be-*
 11 *ginning in a calendar year after 1999, the dollar*
 12 *amount contained in paragraph (2)(B) shall be*
 13 *increased by an amount equal to—*

14 “(i) *such dollar amount, multiplied by*

15 “(ii) *the cost-of-living adjustment de-*
 16 *termined under section 1(f)(3) for the cal-*
 17 *endar year in which the taxable year be-*
 18 *gins, by substituting ‘calendar year 1998’*
 19 *for ‘calendar year 1992’.*

20 “(B) *ADJUSTMENT TO OTHER QUALIFIED*
 21 *TRANSPORTATION FRINGES LIMITATION.*—*In the*
 22 *case of any taxable year beginning in a calendar*
 23 *year after 2002, the dollar amount contained in*
 24 *paragraph (2)(A) shall be increased by an*
 25 *amount equal to—*

1 “(i) such dollar amount, multiplied by

2 “(ii) the cost-of-living adjustment de-
3 termined under section 1(f)(3) for the cal-
4 endar year in which the taxable year be-
5 gins, by substituting ‘calendar year 2001’
6 for ‘calendar year 1992’.

7 “(c) *ROUNDING*.—If any increase deter-
8 mined under subparagraph (A) or (B) is not a
9 multiple of \$5, such increase shall be rounded to
10 the next lowest multiple of \$5.”.

11 (2) *EFFECTIVE DATE*.—The amendment made
12 by this subsection shall apply to taxable years begin-
13 ning after December 31, 2002.

14 **SEC. 6007. TAX TREATMENT OF CERTAIN FEDERAL PARTICI-**
15 **PATION PAYMENTS.**

16 *For purposes of the Internal Revenue Code of 1986,*
17 *with respect to any Federal participation payment to a tax-*
18 *payer in any taxable year made under section 149(e) of*
19 *title 23, United States Code, as added by section 1502, to*
20 *the extent such payment is not subject to tax under such*
21 *Code for the taxable year—*

22 (1) *no credit or deduction (other than a deduc-*
23 *tion with respect to any interest on a loan) shall be*
24 *allowed to the taxpayer with respect to any property*

1 *placed in service or other expenditure that is directly*
 2 *or indirectly attributable to the payment, and*

3 *(2) the basis of any such property shall be re-*
 4 *duced by the portion of the cost of the property that*
 5 *is attributable to the payment.*

6 **SEC. 6008. DELAY IN EFFECTIVE DATE OF NEW REQUIRE-**
 7 **MENT FOR APPROVED DIESEL OR KEROSENE**
 8 **TERMINALS.**

9 *Subsection (f) of section 1032 of the Taxpayer Relief*
 10 *Act of 1997 is amended to read as follows:*

11 “(f) *EFFECTIVE DATES.*—

12 “(1) *Except as provided in paragraph (2), the*
 13 *amendments made by this section shall take effect on*
 14 *July 1, 1998.*

15 “(2) *The amendment made by subsection (d)*
 16 *shall take effect on July 1, 2000.”.*

17 **SEC. 6009. REPEAL OF CERTAIN LIMITATION ON EXPENDI-**
 18 **TURES.**

19 (a) *IN GENERAL.*—*Section 9503(c) of the Internal*
 20 *Revenue Code of 1986 (relating to expenditures from High-*
 21 *way Trust Fund) is amended by striking paragraph (7).*

22 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 23 *section takes effect as if included in the enactment of section*
 24 *901 of the Taxpayer Relief Act of 1997.*

Calendar No. 188

105TH CONGRESS
1ST Session

S. 1173

[Report No. 105-95]

A BILL

To authorize funds for construction of highways,
for highway safety programs, and for mass trans-
it programs, and for other purposes.

MARCH 16, 1998

Ordered to be printed as amended

S 1173 OPS—2
S 1173 OPS—3
S 1173 OPS—4
S 1173 OPS—5
S 1173 OPS—6
S 1173 OPS—7
S 1173 OPS—8
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