

Calendar No. 201

105TH CONGRESS
1ST Session

S. 1271

[Report No. 105-103]

A BILL

To reauthorize the mass transit programs of the
Federal Government, and for other purposes.

OCTOBER 8, 1997

Read twice and placed on the calendar

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To reauthorize the mass transit programs of the Federal Government, and
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IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 1997

Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs,
reported the following original bill; which was read twice and placed on
the calendar

A BILL

To reauthorize the mass transit programs of the Federal
Government, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Transit Act of 1997”.

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

Sec. 1. Short title; table of contents.

- Sec. 2. Authorizations.
- Sec. 3. Capital projects and small area flexibility.
- Sec. 4. Metropolitan planning.
- Sec. 5. Metropolitan planning organizations.
- Sec. 6. Fare box revenues.
- Sec. 7. Clean fuels formula grant program.
- Sec. 8. Capital investment grants and loans.
- Sec. 9. Transit supportive land use.
- Sec. 10. New starts.
- Sec. 11. Joint partnership for deployment of innovation.
- Sec. 12. Workplace safety.
- Sec. 13. University transportation centers.
- Sec. 14. Job access grants.
- Sec. 15. Grant requirements.
- Sec. 16. HHS and public transit service.
- Sec. 17. Proceeds from the sale of transit assets.
- Sec. 18. Operating assistance for small transit authorities in large urbanized areas.
- Sec. 19. Apportionment of appropriations for fixed guideway modernization.
- Sec. 20. Urbanized area formula study.

1 **SEC. 2. AUTHORIZATIONS.**

2 (a) IN GENERAL.—Section 5338 of title 49, United
3 States Code, is amended to read as follows:

4 **“§ 5338. Authorizations**

5 “(a) SECTIONS 5303–5308, 5310, 5311, 5313, 5314,
6 5317, 5320, 5320a, 5327, AND 5334 (a) AND (c).—

7 “(1) MASS TRANSIT ACCOUNT AMOUNTS.—Not
8 more than the following amounts are available to the
9 Secretary from the Account to carry out sections
10 5303 through 5308, 5310, 5311, 5313, 5314, 5317,
11 5320, 5320a, 5327, and subsections (a) and (c) of
12 section 5334:

13 “(A) \$2,698,790,000 for fiscal year 1998.

14 “(B) \$2,773,934,000 for fiscal year 1999.

15 “(C) \$2,849,079,000 for fiscal year 2000.

16 “(D) \$2,925,965,000 for fiscal year 2001.

1 “(E) \$3,004,667,000 for fiscal year 2002.

2 “(F) \$3,085,725,000 for fiscal year 2003.

3 “(2) OTHER AMOUNTS.—In addition to
4 amounts made available under paragraph (1), not
5 more than the following amounts may be appro-
6 priated to the Secretary to carry out section 5303
7 through 5308, 5310, 5311, 5313, 5314, 5317, 5320,
8 5320a, 5327, and subsections (a) and (c) of section
9 5334:

10 “(A) \$738,000,000 for fiscal year 1998.

11 “(B) \$756,000,000 for fiscal year 1999.

12 “(C) \$774,000,000 for fiscal year 2000.

13 “(D) \$793,000,000 for fiscal year 2001.

14 “(E) \$812,000,000 for fiscal year 2002.

15 “(F) \$832,000,000 for fiscal year 2003.

16 “(b) SECTION 5309.—Not more than the following
17 amounts are available to the Secretary from the Account
18 to carry out section 5309:

19 “(1) \$2,221,210,000 for fiscal year 1998.

20 “(2) \$2,278,770,000 for fiscal year 1999.

21 “(3) \$2,340,501,000 for fiscal year 2000.

22 “(4) \$2,403,661,000 for fiscal year 2001.

23 “(5) \$2,468,315,000 for fiscal year 2002.

24 “(6) \$2,534,904,000 for fiscal year 2003.

25 “(c) SECTION 5315.—

1 “(1) IN GENERAL.—The Secretary shall make
 2 available in equal amounts from amounts provided
 3 under paragraphs (3) and (4) of subsection (g) of
 4 this section, not more than \$4,000,000 for each of
 5 fiscal years 1998 through 2003, to carry out section
 6 5315.

7 “(2) WORKPLACE SAFETY.—Not more than
 8 \$1,000,000 shall be appropriated to the Secretary
 9 for each of fiscal years 1998 through 2003, to carry
 10 out section 5315(a)(15).

11 “(d) SECTION 5316.—Not more than the following
 12 amounts may be appropriated to the Secretary from the
 13 Fund (other than from the Account) for each of fiscal
 14 years 1998 through 2003:

15 “(1) \$250,000 to carry out section 5316(a).

16 “(2) \$3,000,000 to carry out section 5316(b).

17 “(3) \$1,000,000 to carry out section 5316(c).

18 “(4) \$1,000,000 to carry out section 5316(d).

19 “(5) \$1,000,000 to carry out section 5316(e).

20 “(e) SECTION 5317.—Not more than \$6,000,000 is
 21 available to the Secretary from the Fund (other than from
 22 the Account) for each of fiscal years 1998 through 2003,
 23 to carry out section 5317.

24 “(f) SECTION 5307.—Amounts remaining available
 25 for each fiscal year under subsection (a) of this section,

1 after allocation under subsections (g), (h), and (i)(2) of
 2 this section, are available to carry out section 5307.

3 “(g) PLANNING, PROGRAMMING, AND RESEARCH.—
 4 In each fiscal year, before apportioning amounts made
 5 available or appropriated under subsection (a) of this sec-
 6 tion, an amount equal to 3 percent of amounts made avail-
 7 able or appropriated under subsections (a) and (b), less
 8 the amounts authorized for purposes of section 5320a, of
 9 this section is available as follows:

10 “(1) 45 percent for metropolitan planning ac-
 11 tivities under section 5303(g).

12 “(2) 5 percent to carry out section 5311(b)(2).

13 “(3) 20 percent to carry out State programs
 14 under section 5313.

15 “(4) 30 percent to carry out the national pro-
 16 gram under section 5314.

17 “(h) OTHER SET-ASIDES.—In each fiscal year, be-
 18 fore apportioning amounts made available or appropriated
 19 under subsection (a) of this section, of amounts made
 20 available or appropriated under subsections (a) and (b),
 21 less the amounts authorized for purposes of section 5320a,
 22 of this section—

23 “(1) not more than 0.96 percent is available for
 24 administrative expenses to carry out subsections (a)
 25 and (c) through (f) of section 5334;

1 “(2) not more than 1.34 percent is available for
 2 transportation services to elderly individuals and in-
 3 dividuals with disabilities under the formula under
 4 section 5310(a); and

5 “(3) \$6,000,000 is available to carry out sec-
 6 tion 5317 for each of fiscal years 1998 through
 7 2003.

8 “(i) LIMITATIONS.—Of amounts made available—

9 “(1) under subsection (a)(2), less the amounts
 10 authorized for purposes of section 5320a, of this sec-
 11 tion—

12 “(A) 3.5 percent may be used to finance
 13 programs and activities, including administra-
 14 tive costs, under section 5310;

15 “(B) to finance research, development, and
 16 demonstration projects under section 5312(a),
 17 1.5 percent may be used to increase the infor-
 18 mation and technology available to provide im-
 19 proved mass transportation service and facilities
 20 planned and designed to meet the special needs
 21 of elderly individuals and individuals with dis-
 22 abilities; and

23 “(C) not more than 12.5 percent may be
 24 used for grants to any 1 State under section
 25 5312(c)(2);

1 “(2) under subsection (a) of this section, less
 2 the amounts authorized for purposes of section
 3 5320a, 5.5 percent of the amount remaining avail-
 4 able each year, after allocation under subsections (g)
 5 and (h) of this section, is available under the for-
 6 mula under section 5311; and

7 “(3) under section 5309(m)(1)(C), the lesser of
 8 \$3,000,000 or an amount that the Secretary deter-
 9 mines is necessary for each fiscal year is available to
 10 carry out section 5318 for each of fiscal years 1998
 11 through 2003.

12 “(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—

13 “(1) FEDERAL OBLIGATIONS.—A grant or con-
 14 tract approved by the Secretary that is financed with
 15 amounts made available under subsection (a)(1), (b),
 16 (c), (d), or (e) of this section, is a contractual obli-
 17 gation of the United States Government to pay the
 18 Government’s share of the cost of the project.

19 “(2) APPROPRIATIONS LIMITATION.—A grant
 20 or contract approved by the Secretary that is fi-
 21 nanced with amounts made available under sub-
 22 section (a)(2) of this section, is a contractual obliga-
 23 tion of the United States Government to pay the
 24 Government’s share of the cost of the project, only

1 to the extent that amounts are provided in advance
2 in an appropriations Act.

3 “(k) EARLY APPROPRIATIONS AND AVAILABILITY OF
4 AMOUNTS.—

5 “(1) EARLY APPROPRIATION.—Amounts appro-
6 priated under subsection (a)(2) of this section to
7 carry out section 5311 may be appropriated in the
8 fiscal year before the fiscal year in which the appro-
9 priation is available for obligation.

10 “(2) AVAILABILITY OF AMOUNTS.—Amounts
11 made available or appropriated under subsections
12 (a), (b), and (g), paragraphs (1) and (2) of sub-
13 section (h), and subsection (i)(2) of this section shall
14 remain available until expended.

15 “(l) SECTION 5308.—In each fiscal year, before ap-
16 portioning or allocating amounts made available or appro-
17 priated under subsections (a) and (b), of amounts made
18 available or appropriated under subsections (a) or (b) of
19 this section, not more than \$200,000,000 is available to
20 carry out section 5308, with \$100,000,000 made available
21 from amounts made available from amounts provided
22 under subsection (a)(2) of this section and \$100,000,000
23 made available from amounts provided under subsection
24 (b) of this section.

1 “(m) SECTION 5320a.—In each fiscal year, before
 2 apportioning amounts made available or appropriated
 3 under subsection (a), of amounts appropriated under sub-
 4 section (a)(2) of this section, not more than \$100,000,000
 5 is available to carry out section 5320a.

6 “(n) DEFINITIONS.—In this section—

7 “(1) the term ‘Account’ means the Mass Tran-
 8 sit Account of the Highway Trust Fund;

9 “(2) the term ‘Fund’ means the Highway Trust
 10 Fund established under section 9503 of the Internal
 11 Revenue Code of 1986; and

12 “(3) the term ‘Secretary’ means the Secretary
 13 of Transportation.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 15 Chapter 53 of title 49, United States Code, is amended—

16 (1) in section 5318(d), by striking “5338(j)(5)”
 17 and inserting “5338(i)(3)”; and

18 (2) in section 5333(b)(1), by striking
 19 “5338(j)(5)” each place that term appears and in-
 20 serting “5338(i)(3)”.

21 **SEC. 3. CAPITAL PROJECTS AND SMALL AREA FLEXIBILITY.**

22 (a) IN GENERAL.—Section 5302 of title 49, United
 23 States Code, is amended—

24 (1) in subsection (a)(1)—

1 (A) in subparagraph (A), by inserting “in-
2 telligent transportation systems,” after “rights
3 agreements,”;

4 (B) in subparagraph (C), by striking “or”
5 at the end;

6 (C) in subparagraph (D), by striking the
7 period at the end and inserting a semicolon;
8 and

9 (D) by adding at the end the following:

10 “(E) preventive maintenance;

11 “(F) the leasing of equipment and facilities
12 for use in mass transportation;

13 “(G) the introduction of new technology,
14 through innovative and improved products, into
15 mass transportation; or

16 “(H) a mass transportation improvement
17 that enhances economic development or incor-
18 porates private investment, including commer-
19 cial and residential development, pedestrian and
20 bicycle access to a mass transportation facility,
21 and the renovation and improvement of historic
22 transportation facilities, because the improve-
23 ment—

24 “(i) enhances the effectiveness of a
25 mass transportation project and is related

1 physically or functionally to that mass
 2 transportation project or establishes new
 3 or enhanced coordination between mass
 4 transportation and other transportation;
 5 and

6 “(ii) provides a fair share of revenue
 7 for mass transportation that will be used
 8 for mass transportation;”; and

9 (2) by adding at the end the following:

10 “(c) ELIGIBLE COSTS OF PROJECTS THAT ENHANCE
 11 URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRI-
 12 VATE INVESTMENT.—Eligible costs for a capital project
 13 described in subsection (a)(1)(H)—

14 “(1) include property acquisition, demolition of
 15 existing structures, site preparation, utilities, build-
 16 ing foundations, walkways, open space, safety ele-
 17 ments (such as lighting, surveillance, and community
 18 police and security services) that protect a transit
 19 project eligible under this chapter, and a capital
 20 project for, and improving, equipment or a facility
 21 for an intermodal transfer facility or transportation
 22 mall; and

23 “(2) do not include construction of a commer-
 24 cial revenue-producing facility or a part of a public
 25 facility not related to mass transportation, except

1 that, if such facilities incorporate community serv-
 2 ices such as daycare, health care, and public safety,
 3 the portion of the facilities related to such commu-
 4 nity services are eligible costs under this chapter.”.

5 (b) SMALL AREA FLEXIBILITY.—Section 5307(b)(1)
 6 of title 49, United States Code, is amended by adding at
 7 the end the following: “The Secretary may also make
 8 grants under this section to finance the operating cost of
 9 equipment and facilities for use in mass transportation in
 10 an urbanized area with a population of less than
 11 200,000.”.

12 (c) DISCRETIONARY GRANTS AND LOANS.—Section
 13 5309 of title 49, United States Code, is amended—

14 (1) in subsection (a)(1)—

15 (A) by striking subparagraphs (D) and
 16 (E); and

17 (B) by redesignating subparagraphs (F)
 18 and (G) as subparagraphs (D) and (E), respec-
 19 tively; and

20 (2) in subsection (f)—

21 (A) by striking “(f)” and all that follows
 22 through “(1) Each” and inserting the following:

23 “(f) REQUIRED PAYMENTS.—Each”; and

24 (B) by striking paragraph (2).

1 **SEC. 4. METROPOLITAN PLANNING.**

2 (a) IN GENERAL.—

3 (1) SECTION 5303.—Section 5303 of title 49,
4 United States Code, is amended—

5 (A) by striking subsections (a) and (b) and
6 inserting the following:

7 “(a) DEVELOPMENT REQUIREMENTS.—

8 “(1) IN GENERAL.—To carry out section
9 5301(a), metropolitan planning organizations des-
10 ignated under subsection (c) of this section, in co-
11 operation with the States and mass transportation
12 operators, shall develop transportation plans and
13 programs for urbanized areas of the State.

14 “(2) PLAN CONTENTS.—The plans and pro-
15 grams developed under paragraph (1) for each met-
16 ropolitan area shall provide for the development and
17 integrated management and operation of transpor-
18 tation systems and facilities (including pedestrian
19 walkways and bicycle transportation facilities) that
20 will function as an intermodal transportation system
21 for the metropolitan area and as an integral part of
22 an intermodal transportation system for the State
23 and the United States.

24 “(3) DEVELOPMENT PROCESS.—The develop-
25 ment process for the plans and programs shall pro-
26 vide for consideration of all modes of transportation

1 and shall be continuing, cooperative, and comprehen-
2 sive to the degree appropriate, based on the com-
3 plexity of the transportation problems to be ad-
4 dressed.

5 “(b) SCOPE OF PLANNING PROCESS.—

6 “(1) IN GENERAL.—The metropolitan transpor-
7 tation planning process for a metropolitan area
8 under this section and sections 5304 through 5306
9 shall provide for consideration of—

10 “(A) supporting the economic vitality of
11 the metropolitan area, especially by enabling
12 global competitiveness, productivity, and
13 efficiency;

14 “(B) increasing the safety and security of
15 the transportation system for motorized and
16 nonmotorized users;

17 “(C) increasing the accessibility and mobil-
18 ity options available to people and for freight;

19 “(D) protecting and enhancing the envi-
20 ronment, promoting energy conservation and
21 improved quality of life, and coordinating land-
22 use and transportation plans and programs;

23 “(E) enhancing the integration and
24 connectivity of the transportation system,

1 across and between modes, for people and
2 freight;

3 “(F) promoting efficient system manage-
4 ment and operation; and

5 “(G) emphasizing the preservation of the
6 existing transportation system.

7 “(2) GOALS.—In cooperation with the State
8 and mass transportation operators, and with oppor-
9 tunity for public review and comment, the metropoli-
10 tan planning organization shall establish goals that
11 relate to the factors described in paragraph (1), and
12 propose projects, programs, and strategies to achieve
13 those goals.”;

14 (B) in subsection (c)—

15 (i) in paragraph (1), by striking sub-
16 paragraph (A) and inserting the following:

17 “(A) by agreement between the chief executive
18 officer of the State and units of general purpose
19 local government that together represent not less
20 than 60 percent of the affected population (including
21 the central city, as defined by the Bureau of the
22 Census) and 60 percent of such units of government;
23 or”;

24 (ii) in paragraph (2)—

1 (I) by striking “In a metropolitan
 2 area” and all that follows through
 3 “shall include” and inserting “Each
 4 policy board of a metropolitan plan-
 5 ning organization that serves an area
 6 designated as a transportation man-
 7 agement area when designated or re-
 8 designated under this subsection shall
 9 consist of”; and

10 (II) by striking “officials of au-
 11 thorities” and inserting “officials of
 12 public agencies”;

13 (iii) in paragraph (3), by striking “in
 14 an urbanized area” and all that follows
 15 through “officer decides” and inserting
 16 “within an existing metropolitan planning
 17 area only if the chief executive officer of
 18 the State and the existing metropolitan or-
 19 ganization determine”; and

20 (iv) in paragraph (5)—

21 (I) in subparagraph (A)—

22 (aa) by striking “75” and
 23 inserting “60”; and

24 (bb) by striking “as defined
 25 by the Secretary of Commerce)”

1 and inserting “or cities, as de-
 2 fined by the Bureau of the Cen-
 3 sus) and 60 percent of such units
 4 of government”; and

5 (II) by adding at the end the
 6 following:

7 “(D) Designations of metropolitan planning organi-
 8 zations, whether made under this section or under any
 9 other provision of law, shall remain in effect until redesign-
 10 nation under this paragraph.”;

11 (C) in subsection (d)—

12 (i) by inserting “(1)” before “To
 13 carry out this section”;

14 (ii) by striking “Secretary of Com-
 15 merce” and inserting “Bureau of the
 16 Census”;

17 (iii) by inserting “in existence as of
 18 the date of enactment of the Intermodal
 19 Surface Transportation Efficiency Act of
 20 1997” after “at least the boundaries of the
 21 nonattainment area”;

22 (iv) by inserting “, in the manner de-
 23 scribed in subsection (c)(5)” before the pe-
 24 riod at the end; and

25 (v) by adding at the end the following:

1 “(2) In the case of an urbanized area classified as
 2 a nonattainment area for ozone or carbon monoxide under
 3 the Clean Air Act (42 U.S.C. 7401 et seq.) after the date
 4 of enactment of the Intermodal Surface Transportation
 5 Efficiency Act of 1997—

6 “(A) the boundaries of the metropolitan plan-
 7 ning area shall be established by agreement between
 8 the appropriate units of general purpose local gov-
 9 ernment (including the central city) and the chief
 10 executive officer of the State; and

11 “(B) the area shall include at least the urban-
 12 ized area and the contiguous area expected to be-
 13 come urbanized within the 20-year forecast period,
 14 and may include the Metropolitan Statistical Area or
 15 Consolidated Metropolitan Statistical Area, as deter-
 16 mined by the Bureau of the Census, and any area
 17 identified as a nonattainment area for ozone or car-
 18 bon monoxide under the Clean Air Act (42 U.S.C.
 19 7401 et seq.).”;

20 (D) in subsection (e)—

21 (i) in paragraph (2)—

22 (I) by inserting “or compact”
 23 after “agreement” the first place that
 24 term appears”; and

1 (II) by striking “making the
 2 agreement effective” and inserting
 3 “making the agreements and com-
 4 pacts effective”; and

5 (ii) by adding at the end the
 6 following:

7 “(4) To the maximum extent practicable, each metro-
 8 politan planning organization shall coordinate with gov-
 9 ernmental agencies and nonprofit organizations operating
 10 within an existing metropolitan planning area that receive
 11 assistance from governmental sources (other than the De-
 12 partment of Transportation) to provide nonemergency
 13 transportation services. Such governmental agencies and
 14 nonprofit organizations shall participate and coordinate
 15 with recipients of assistance under this chapter in the de-
 16 sign and delivery of transportation services. The purpose
 17 of such coordination is to maximize the efficient use of
 18 resources and to integrate all such services to ensure ac-
 19 cessibility and mobility.”; and

20 (E) in subsection (f)—

21 (i) in paragraph (1)—

22 (I) in subparagraph (A), by strik-
 23 ing “United States and regional func-
 24 tions” and inserting “national, re-

1 gional, and metropolitan transpor-
 2 tation functions”;

3 (II) in subparagraph (B), by
 4 striking clause (iii) and inserting the
 5 following:

6 “(iii) recommends any additional financing
 7 strategies for needed projects and programs;”;
 8 and

9 (III) by striking subparagraph
 10 (C) and inserting the following:

11 “(C) identify transportation strategies
 12 necessary—

13 “(i) to ensure preservation, including re-
 14 quirements for management, operation, mod-
 15 ernization, and rehabilitation, of the existing
 16 and future transportation system; and

17 “(ii) to use existing transportation facili-
 18 ties most efficiently to relieve congestion, to ef-
 19 ficiently serve the mobility needs of people and
 20 goods, and to enhance access within the metro-
 21 politan planning area; and”;

22 (ii) in paragraph (2), by striking “as
 23 they are related to a 20-year forecast pe-
 24 riod” and inserting “and any State or local
 25 goals developed within the cooperative met-

1 ropolitan planning process as they relate to
 2 a 20-year forecast period and to other fore-
 3 cast periods as determined by the partici-
 4 pants in the planning process. In develop-
 5 ing long-range plans, the metropolitan
 6 planning organization shall take into ac-
 7 count the impact of all transportation
 8 projects and development plans that will
 9 affect the transportation system in the
 10 metropolitan area, without regard to
 11 whether such projects are financed with
 12 Federal funds”;

13 (iii) in paragraph (4), by inserting
 14 “freight shippers,” after “employees,”; and

15 (iv) in paragraph (5)(A), by inserting
 16 “published or otherwise” before “made
 17 readily available”.

18 (b) METROPOLITAN TRANSPORTATION IMPROVE-
 19 MENT PROGRAM.—Section 5304 of title 49, United States
 20 Code, is amended—

21 (1) in subsection (a), in the second sentence, by
 22 striking “the organization” and inserting “the met-
 23 ropolitan planning organization, in cooperation with
 24 the chief executive officer of the State and any af-
 25 fected mass transportation operator,”;

1 (2) in subsection (b)(2), by striking subpara-
2 graph (C) and inserting the following:

3 “(C) identifies innovative financing tech-
4 niques to finance projects, programs, and strat-
5 egies.”; and

6 (3) in subsection (c)—

7 (A) in paragraph (1), by inserting “and
8 the designated recipient under this chapter”
9 after “metropolitan planning organization”; and

10 (B) by adding at the end the following:

11 “(3) Notwithstanding any other provision of law, ac-
12 tion by the Secretary shall not be required to advance a
13 project included in the approved transportation improve-
14 ment program in place of another project of higher prior-
15 ity in the program, except where the project is relevant
16 to conformity with the Clean Air Act (42 U.S.C. 7401 et
17 seq.).

18 “(4) A transportation improvement program and the
19 annual selection of projects involving Government partici-
20 pation shall be published or otherwise made readily avail-
21 able for public review, identifying federally funded
22 projects, and the estimated costs and locations of those
23 projects.

24 “(5) Regionally significant projects proposed for
25 funding under chapter 2 of title 23 shall be identified indi-

1 vidually in the transportation improvement program. All
 2 other projects funded under chapter 2 of title 23 shall be
 3 grouped in 1 line item or identified individually in the
 4 transportation improvement program.”.

5 (c) TRANSPORTATION MANAGEMENT AREAS.—Sec-
 6 tion 5305 of title 49, United States Code, is amended—

7 (1) in subsection (a), by striking paragraph (2)
 8 and inserting the following:

9 “(2) any other area, if requested by the chief
 10 executive officer and the metropolitan planning orga-
 11 nization designated for the area.”;

12 (2) in subsection (b), by inserting “affected”
 13 before “mass transportation operators”;

14 (3) in subsection (c), by striking “The Sec-
 15 retary” and all that follows through the final period;

16 (4) in subsection (d)(1)(A)—

17 (A) by inserting “and any affected mass
 18 transportation operator” after “the State”; and

19 (B) by striking “or under the Bridge and
 20 Interstate Maintenance programs”;

21 (5) in subsection (d)(1)(B), by striking “or
 22 under the Bridge and Interstate Maintenance pro-
 23 grams”; and

24 (6) in subsection (e), by striking paragraph (2)
 25 and inserting the following:

1 “(2)(A) If a metropolitan planning process is not cer-
 2 tified or is certified conditionally, the Secretary may with-
 3 hold not more than 20 percent of the apportioned funds
 4 attributable to the transportation management area under
 5 this chapter and title 23, or may establish such other con-
 6 ditions as the Secretary determines to be appropriate.

7 “(B) Any apportionments withheld under subpara-
 8 graph (A) shall be restored to the metropolitan area at
 9 such time as the metropolitan planning organization is
 10 certified by the Secretary.”.

11 (d) STATEWIDE PLANNING.—

12 (1) IN GENERAL.—Chapter 53 of title 49, Unit-
 13 ed States Code, is amended by inserting after sec-
 14 tion 5305 the following:

15 **“§ 5305a. Statewide planning**

16 “(a) DEVELOPMENT REQUIREMENTS.—

17 “(1) IN GENERAL.—To carry out sections 5303
 18 through 5305 of this chapter and section 134 of title
 19 23, each State shall develop transportation plans
 20 and programs for all areas of the State, which shall
 21 provide for the development and integrated manage-
 22 ment and operation of transportation systems (in-
 23 cluding pedestrian walkways and bicycle transpor-
 24 tation facilities) that will function as an intermodal
 25 State transportation system and an integral part of

1 the intermodal transportation system of the United
2 States.

3 “(2) SPECIFIC REQUIREMENTS.—The develop-
4 ment of the plans and programs under paragraph
5 (1) shall—

6 “(A) provide for consideration of all modes
7 of transportation; and

8 “(B) be continuing, cooperative, and com-
9 prehensive to the degree appropriate, based on
10 the complexity of the transportation problems
11 to be addressed.

12 “(b) SCOPE OF PLANNING PROCESS.—

13 “(1) IN GENERAL.—Each State shall carry out
14 a transportation planning process under this section,
15 which shall provide for consideration of—

16 “(A) supporting the economic vitality of
17 the metropolitan area, especially by enabling
18 global competitiveness, productivity, and
19 efficiency;

20 “(B) increasing the safety and security of
21 the transportation system for motorized and
22 nonmotorized users;

23 “(C) increasing the accessibility and mobil-
24 ity options available to people and for freight;

1 “(D) protecting and enhancing the envi-
 2 ronment, promoting energy conservation and
 3 improved quality of life, and coordinating land-
 4 use and transportation plans and programs;

5 “(E) enhancing the integration and
 6 connectivity of the transportation system,
 7 across and between modes, for people and
 8 freight;

9 “(F) promoting efficient system manage-
 10 ment and operation; and

11 “(G) emphasizing the preservation of the
 12 existing transportation system.

13 “(2) GOALS.—In cooperation with the metro-
 14 politan planning organization and mass transpor-
 15 tation operators, and with opportunity for public re-
 16 view and comment, the State shall establish goals
 17 that relate to the factors described in paragraph (1),
 18 and propose projects, programs, and strategies to
 19 achieve those goals.

20 “(c) COORDINATION WITH METROPOLITAN PLAN-
 21 NING; STATE IMPLEMENTATION PLAN.—

22 “(1) IN GENERAL.—In carrying out the plan-
 23 ning under this section, a State shall—

24 “(A) coordinate the planning with the
 25 transportation planning activities carried out

1 under sections 5303 through 5305 of this chap-
2 ter and section 134 of title 23, for metropolitan
3 areas of the State;

4 “(B) carry out the responsibilities of the
5 State for the development of the transportation
6 portion of the State air quality implementation
7 plan, to the extent required by the Clean Air
8 Act (42 U.S.C. 7401 et seq.); and

9 “(C) to the maximum extent practicable,
10 coordinate with all other governmental agencies
11 and nonprofit organizations operating within
12 the State planning area that receive assistance
13 from governmental sources (other than the De-
14 partment of Transportation) to provide non-
15 emergency transportation services.

16 “(2) PARTICIPATION.—The governmental agen-
17 cies and nonprofit organizations described in para-
18 graph (1)(C) shall participate and coordinate with
19 recipients of assistance under this chapter in the de-
20 sign and delivery of transportation services.

21 “(3) PURPOSE OF COORDINATION.—The pur-
22 pose of coordination under this subsection is to
23 maximize the efficient use of resources and to inte-
24 grate all such services to ensure accessibility and
25 mobility.

1 “(d) ADDITIONAL REQUIREMENTS.—In carrying out
 2 planning under this section, each State shall, at a mini-
 3 mum, consider—

4 “(1) with respect to nonmetropolitan areas, the
 5 concerns of local elected officials representing units
 6 of general purpose local government;

7 “(2) the concerns of Indian tribal governments
 8 and Federal land management agencies that have
 9 jurisdiction over land within the boundaries of the
 10 State; and

11 “(3) coordination of transportation plans, pro-
 12 grams, and planning activities with related planning
 13 activities being carried out outside of metropolitan
 14 planning areas.

15 “(e) LONG-RANGE TRANSPORTATION PLAN.—

16 “(1) IN GENERAL.—Each State shall develop a
 17 long-range transportation plan, with a minimum 20-
 18 year forecast period, for all areas of the State, that
 19 provides for the development and implementation of
 20 the intermodal transportation system of the State.

21 “(2) COOPERATION.—With respect to each met-
 22ropolitan area in the State, the long-range transpor-
 23tation plan referred to in paragraph (1) shall be de-
 24veloped in cooperation with the metropolitan plan-
 25ning organization designated for the metropolitan

1 area under section 5303 and section 134 of title 23.

2 With respect to each nonmetropolitan area, the long-
3 range transportation plan shall be developed in con-
4 sultation with local elected officials representing
5 units of general purpose local government. With re-
6 spect to each area of the State under the jurisdiction
7 of an Indian tribal government, the long-range
8 transportation plan shall be developed in consulta-
9 tion with the tribal government and the Secretary of
10 the Interior.

11 “(3) OPPORTUNITY FOR COMMENT.—In devel-
12 oping the long-range transportation plan under this
13 subsection, the State shall provide citizens, affected
14 public agencies, representatives of transportation au-
15 thority employees, other affected employee represent-
16 atives, freight shippers, private providers of trans-
17 portation, and other interested parties with a rea-
18 sonable opportunity to comment on the proposed
19 plan.

20 “(4) TRANSPORTATION STRATEGIES.—The
21 long-range transportation plan developed under this
22 subsection shall identify transportation strategies
23 necessary to efficiently serve the mobility needs of
24 individuals.

1 “(f) STATE TRANSPORTATION IMPROVEMENT
2 PROGRAM.—

3 “(1) IN GENERAL.—The State shall develop a
4 transportation improvement program for all areas of
5 the State.

6 “(2) COOPERATION.—With respect to each met-
7 ropolitan area in the State, the transportation im-
8 provement program under this subsection shall be
9 developed in cooperation with the metropolitan plan-
10 ning organization designated for the metropolitan
11 area under section 5303 and section 134 of title 23.
12 With respect to each nonmetropolitan area, the pro-
13 gram shall be developed in consultation with local
14 elected officials representing units of general pur-
15 pose local government. With respect to each area of
16 the State under the jurisdiction of an Indian tribal
17 government, the program shall be developed in con-
18 sultation with the tribal government and the Sec-
19 retary of the Interior.

20 “(3) OPPORTUNITY FOR COMMENT.—In devel-
21 oping the transportation improvement program
22 under this subsection, the State shall provide citi-
23 zens, affected public agencies, representatives of
24 transportation authority employees, other affected
25 employee representatives, freight shippers, private

1 providers of transportation, and other interested
2 parties with a reasonable opportunity to comment on
3 the proposed program.

4 “(4) REQUIRED INFORMATION.—A transpor-
5 tation improvement program developed for a State
6 under this subsection shall include federally sup-
7 ported surface transportation expenditures within
8 the boundaries of the State. Regionally significant
9 projects proposed for funding under chapter 2 of
10 title 23 shall be identified individually. All other
11 projects funded under chapter 2 of title 23 shall be
12 grouped in 1 line item or identified individually in
13 the transportation improvement program.

14 “(5) SPECIFIC REQUIREMENTS.—Each project
15 shall—

16 “(A) be consistent with the long-range
17 transportation plan developed under this section
18 for the State;

19 “(B) be identical to the project described
20 in an approved metropolitan transportation im-
21 provement program; and

22 “(C) be in conformance with the applicable
23 State air quality implementation plan developed
24 under the Clean Air Act (42 U.S.C. 7401 et
25 seq.), if the project is carried out in an area

1 designated as nonattainment for ozone or car-
2 bon monoxide under that Act.

3 “(6) PROJECTS.—The transportation improve-
4 ment program developed under this subsection shall
5 include a project, or an identified phase of a project,
6 only if full funding can reasonably be anticipated to
7 be available for the project within the time period
8 contemplated for completion of the project.

9 “(7) PRIORITIES.—The transportation improve-
10 ment program developed under this subsection shall
11 reflect the priorities for programming and expendi-
12 tures of funds, including transportation enhance-
13 ments, required by this chapter.

14 “(8) SMALL AREAS.—Projects carried out in
15 areas with populations of less than 50,000—

16 “(A) excluding projects carried out on the
17 National Highway System, shall be selected
18 from the approved statewide transportation im-
19 provement program by the State in cooperation
20 with the affected local officials; and

21 “(B) on the National Highway System,
22 shall be selected from the approved statewide
23 transportation improvement program by the
24 State, in consultation with the affected local of-
25 ficials.

1 “(9) REVIEW.—A transportation improvement
 2 program developed under this subsection shall be re-
 3 viewed and, on a finding that the planning process
 4 through which the program was developed is consist-
 5 ent with this section and section 5303, approved not
 6 less frequently than biennially by the Secretary. Not-
 7 withstanding any other provision of law, action by
 8 the Secretary shall not be required to advance a
 9 project included in the approved statewide transpor-
 10 tation improvement program in place of another
 11 project of higher priority in the program, except
 12 where the project is relevant to conformity with the
 13 Clean Air Act (42 U.S.C. 7401 et seq.).

14 “(g) AVAILABLE FUNDS.—Amounts set aside under
 15 section 5313(b) of this chapter and section 505 of title
 16 23 shall be available to carry out this section.”.

17 (2) CONFORMING AMENDMENT.—The analysis
 18 for chapter 53 of title 49, United States Code, is
 19 amended by inserting after the item relating to sec-
 20 tion 5305 the following:

“5305a. Statewide planning.”.

21 **SEC. 5. METROPOLITAN PLANNING ORGANIZATIONS.**

22 Section 5303(c)(2) of title 49, United States Code,
 23 is amended by striking “and appropriate State officials”
 24 and inserting “appropriate State officials, and a rep-
 25 resentative of the users of public transit”.

1 **SEC. 6. FARE BOX REVENUES.**

2 (a) BLOCK GRANTS.—Section 5307(e) of title 49,
3 United States Code, is amended—

4 (1) in the first sentence, by striking “A grant
5 of” and inserting the following:

6 “(1) IN GENERAL.—A grant of”;

7 (2) in the fourth sentence, by striking “or reve-
8 nues from” and all that follows through “1985)”;

9 (3) in the last sentence, by inserting “proceeds
10 from a local issuance of debt,” after “cash fund or
11 reserve,”; and

12 (4) by adding at the end the following:

13 “(2) MAINTENANCE OF EFFORT.—The credit
14 given for the use of proceeds from a local issuance
15 of debt in meeting the non-federal share under para-
16 graph (1) shall not reduce or replace State monies
17 required to match Federal funds for any program
18 pursuant to this chapter. In receiving a credit for
19 non-federal capital expenditures under this section, a
20 State shall enter into such agreements as the Sec-
21 retary may require to ensure that the State will
22 maintain its non-federal transportation capital ex-
23 penditures at or above the average level of such ex-
24 penditures for the preceding 3 fiscal years.”.

25 (b) DISCRETIONARY GRANTS AND LOANS.—Section
26 5309(h) of title 49, United States Code, is amended in

1 the fourth sentence, by inserting “proceeds from a local
2 issuance of debt,” after “cash fund or reserve.”.

3 **SEC. 7. CLEAN FUELS FORMULA GRANT PROGRAM.**

4 (a) IN GENERAL.—Section 5308 of title 49, United
5 States Code, is amended to read as follows:

6 **“§ 5308. Clean fuels formula grant program**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘designated recipient’ has the
9 same meaning as in section 5307(a);

10 “(2) the term ‘eligible project’—

11 “(A) means a project for the—

12 “(i) purchase or lease of clean fuel ve-
13 hicles or hybrid transit vehicles, including
14 clean fuel vehicles that employ a light-
15 weight composite primary structure;

16 “(ii) construction or leasing of clean
17 fuel vehicle fueling or electrical recharging
18 facilities and related equipment;

19 “(iii) improvement of existing transit
20 facilities to accommodate clean fuel vehi-
21 cles; or

22 “(iv) incremental costs of biodiesel
23 fuel; and

24 “(B) in the discretion of the Secretary,
25 may include projects relating to clean fuel, bio-

1 diesel, hybrid electric, or zero emissions tech-
2 nology vehicles that exhibit equivalent or supe-
3 rior emissions reductions to existing clean fuel
4 or hybrid electric technologies; and

5 “(3) the term ‘Secretary’ means the Secretary
6 of Transportation.

7 “(b) AUTHORITY.—The Secretary shall make grants
8 in accordance with this section to designated recipients to
9 finance eligible projects.

10 “(c) APPLICATION.—Not later than January 1 of
11 each year, any designated recipient seeking to apply for
12 a grant under this section for an eligible project shall sub-
13 mit an application to the Secretary, in such form and in
14 accordance with such requirements as the Secretary shall
15 establish by regulation.

16 “(d) APPORTIONMENT OF FUNDS.—

17 “(1) FORMULA.—Not later than February 1 of
18 each year, the Secretary shall apportion amounts
19 made available under this section to designated re-
20 cipients submitting applications under subsection (c)
21 in accordance with the following:

22 “(A) Two-thirds of the amount made avail-
23 able under this section shall be apportioned to
24 designated recipients with eligible projects in

1 urban areas with a population of not less than
2 1,000,000 as follows:

3 “(i) 50 percent shall be apportioned,
4 such that each such designated recipient
5 receives a grant in an amount equal to the
6 ratio between—

7 “(I) the number of vehicles in the
8 bus fleet of the eligible project of the
9 designated recipient, weighted by se-
10 verity of nonattainment for the area
11 in which the eligible project is located,
12 as provided in paragraph (2); and

13 “(II) the total number of vehicles
14 in the bus fleets of all eligible projects
15 in areas with a population of not less
16 than 1,000,000 funded under this sec-
17 tion, weighted by severity of non-
18 attainment for all areas in which
19 those eligible projects are located, as
20 provided in paragraph (2).

21 “(ii) 50 percent of the amount made
22 available under this section shall be appor-
23 tioned, such that each such designated re-
24 cipient receives a grant in an amount equal
25 to the ratio between—

1 “(I) the number of bus passenger
2 miles (as that term is defined in sec-
3 tion 5336(c)) of the eligible project of
4 the designated recipient, weighted by
5 severity of nonattainment of the area
6 in which the eligible project is located,
7 as provided in paragraph (2); and

8 “(II) the total number of bus
9 passenger miles of all eligible projects
10 in areas with a population of not less
11 than 1,000,000 funded under this sec-
12 tion, weighted by severity of non-
13 attainment of all areas in which those
14 eligible projects are located, as pro-
15 vided in paragraph (2).

16 “(B) One-third of the amount made avail-
17 able under this section shall be apportioned to
18 designated recipients with eligible projects in
19 urban areas with a population of less than
20 1,000,000 as follows:

21 “(i) 50 percent shall be apportioned,
22 such that each such designated recipient
23 receives a grant in an amount equal to the
24 ratio between—

1 “(I) the number of vehicles in the
2 bus fleet of the eligible project of the
3 designated recipient, weighted by se-
4 verity of nonattainment for the area
5 in which the eligible project is located,
6 as provided in paragraph (2); and

7 “(II) the total number of vehicles
8 in the bus fleets of all eligible projects
9 in areas with a population of less than
10 1,000,000 funded under this section,
11 weighted by severity of nonattainment
12 for all areas in which those eligible
13 projects are located, as provided in
14 paragraph (2).

15 “(ii) 50 percent of the amount made
16 available under this section shall be appor-
17 tioned, such that each such designated re-
18 cipient receives a grant in an amount equal
19 to the ratio between—

20 “(I) the number of bus passenger
21 miles (as that term is defined in sec-
22 tion 5336(c)) of the eligible project of
23 the designated recipient, weighted by
24 severity of nonattainment of the area

1 in which the eligible project is located,
 2 as provided in paragraph (2); and

3 “(II) the total number of bus
 4 passenger miles of all eligible projects
 5 in areas with a population of less than
 6 1,000,000 funded under this section,
 7 weighted by severity of nonattainment
 8 of all areas in which those eligible
 9 projects are located, as provided in
 10 paragraph (2).

11 “(2) WEIGHTING OF SEVERITY OF NONATTAIN-
 12 MENT.—

13 “(A) IN GENERAL.—For purposes of para-
 14 graph (1), subject to subparagraph (B) of this
 15 paragraph, the number of clean fuel vehicles in
 16 the fleet, or the number of passenger miles,
 17 shall be multiplied by a factor of—

18 “(i) 1.0 if, at the time of the appor-
 19 tionment, the area is a maintenance area
 20 (as that term is defined in section 101 of
 21 title 23) for ozone or carbon monoxide;

22 “(ii) 1.1 if, at the time of the appor-
 23 tionment, the area is classified as—

24 “(I) a marginal ozone nonattain-
 25 ment area under subpart 2 of part D

1 of title I of the Clean Air Act (42
2 U.S.C. 7511 et seq.); or

3 “(II) a marginal carbon mon-
4 oxide nonattainment area under sub-
5 part 3 of part D of title I of that Act
6 (42 U.S.C. 7512 et seq.);

7 “(iii) 1.2 if, at the time of the appor-
8 tionment, the area is classified as—

9 “(I) a moderate ozone nonattain-
10 ment area under subpart 2 of part D
11 of title I of the Clean Air Act (42
12 U.S.C. 7511 et seq.); or

13 “(II) a moderate carbon mon-
14 oxide nonattainment area under sub-
15 part 3 of part D of title I of that Act
16 (42 U.S.C. 7512 et seq.);

17 “(iv) 1.3 if, at the time of the appor-
18 tionment, the area is classified as—

19 “(I) a serious ozone nonattain-
20 ment area under subpart 2 of part D
21 of title I of the Clean Air Act (42
22 U.S.C. 7511 et seq.); or

23 “(II) a serious carbon monoxide
24 nonattainment area under subpart 3

1 of part D of title I of that Act (42
2 U.S.C. 7512 et seq.);

3 “(v) 1.4 if, at the time of the appor-
4 tionment, the area is classified as—

5 “(I) a severe ozone nonattain-
6 ment area under subpart 2 of part D
7 of title I of the Clean Air Act (42
8 U.S.C. 7511 et seq.); or

9 “(II) a severe carbon monoxide
10 nonattainment area under subpart 3
11 of part D of title I of that Act (42
12 U.S.C. 7512 et seq.); or

13 “(vi) 1.5 if, at the time of the appor-
14 tionment, the area is classified as—

15 “(I) an extreme ozone nonattain-
16 ment area under subpart 2 of part D
17 of title I of the Clean Air Act (42
18 U.S.C. 7511 et seq.); or

19 “(II) an extreme carbon mon-
20 oxide nonattainment area under sub-
21 part 3 of part D of title I of that Act
22 (42 U.S.C. 7512 et seq.).

23 “(B) ADDITIONAL ADJUSTMENT FOR CAR-
24 BON MONOXIDE AREAS.—If, in addition to
25 being classified as a nonattainment or mainte-

nance 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.—

“(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

“(i) for an eligible project in an area—

“(I) with a population of less than 1,000,000, \$15,000,000; and

“(II) with a population of not less than 1,000,000, \$25,000,000; or

“(ii) 80 percent of the total cost of the eligible project.

“(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a des-

1 ignated recipient under this subsection that ex-
 2 ceed the amount described in subparagraph (A)
 3 shall be reapportioned among other designated
 4 recipients in accordance with paragraph (1).

5 “(e) AUTHORIZATION.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
 7 in each fiscal year, \$200,000,000 shall be made
 8 available or appropriated under subsections (a) and
 9 (b) of section 5338 to carry out this section.

10 “(2) ADDITIONAL REQUIREMENT.—Notwith-
 11 standing any other provision of this section, not less
 12 than 5 percent of the amount apportioned under this
 13 section in each fiscal year shall be apportioned to
 14 fund any eligible projects, for which an application
 15 is received from a designated recipient in accordance
 16 with subsection (a), for—

17 “(A) the purchase or construction of hy-
 18 brid electric or battery-powered buses; or

19 “(B) facilities specifically designed to serv-
 20 ice those buses.

21 “(f) AVAILABILITY OF FUNDS.—Any amount made
 22 available or appropriated under this section—

23 “(1) shall remain available for 1 year after the
 24 fiscal year for which the amount is made available
 25 or appropriated; and

1 “(2) that remains unobligated at the end of the
 2 period described in paragraph (1), shall be added to
 3 the amount made available in the following fiscal
 4 year.”.

5 (b) DEFINITION OF CLEAN FUEL VEHICLE.—Section
 6 5302(a) of title 49, United States Code, is amended—

7 (1) in each of paragraphs (2) through (12), by
 8 striking the period at the end and inserting a semi-
 9 colon;

10 (2) in paragraph (13), by striking the period at
 11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(14) ‘clean fuel vehicle’ means a vehicle pow-
 14 ered by compressed natural gas, liquefied natural
 15 gas, biodiesel fuels, batteries, alcohol-based fuels, or
 16 hybrid electric, fuel cell, or other zero emissions
 17 technology.”.

18 (c) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 53 of title 49, United States Code, is amended by
 20 striking the item relating to section 5308 and inserting
 21 the following:

“5308. Clean fuels formula grant program.”.

22 **SEC. 8. CAPITAL INVESTMENT GRANTS AND LOANS.**

23 (a) IN GENERAL.—Section 5309 of title 49, United
 24 States Code, is amended in the section heading, by strik-

1 ing “**Discretionary**” and inserting “**Capital invest-**
 2 **ment**”.

3 (b) ALLOCATING AMOUNTS.—Section 5309(m)(1) of
 4 title 49, United States Code, is amended by striking “Of
 5 the amounts available for grants and loans under this sec-
 6 tion for each of the fiscal years ending September 30,
 7 1993–1997” and inserting “After apportioning amounts
 8 for the purposes of section 5308, of the amounts available
 9 for grants and loans under this section for each of fiscal
 10 years 1993 through 2003”.

11 (c) CONFORMING AMENDMENT.—The analysis for
 12 chapter 53 of title 49, United States Code, is amended
 13 in the item relating to section 5309, by striking “Discre-
 14 tionary” and inserting “Capital investment”.

15 **SEC. 9. TRANSIT SUPPORTIVE LAND USE.**

16 Section 5309(e)(3)(B) of title 49, United States
 17 Code, is amended by inserting “, and recognize reductions
 18 in local infrastructure costs achieved through compact
 19 land use development” before the semicolon.

20 **SEC. 10. NEW STARTS.**

21 Section 5309(m) of title 49, United States Code, is
 22 amended by adding at the end the following:

23 “(5) Not more than 8 percent of the amount made
 24 available under paragraph (1)(B) in any fiscal year shall

1 be available for activities other than final design and
 2 construction.”.

3 **SEC. 11. JOINT PARTNERSHIP FOR DEPLOYMENT OF**
 4 **INNOVATION.**

5 Section 5312 of title 49, United States Code, is
 6 amended by adding at the end the following:

7 “(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOY-
 8 MENT OF INNOVATION.—

9 “(1) DEFINITION OF CONSORTIUM.—In this
 10 subsection, the term ‘consortium’—

11 “(A) means—

12 “(i) 1 or more public or private orga-
 13 nizations located in the United States, that
 14 provides mass transportation service to the
 15 public; and

16 “(ii) 1 or more businesses, including
 17 small- and medium-sized businesses, incor-
 18 porated in a State, offering goods or serv-
 19 ices or willing to offer goods and services
 20 to mass transportation operators; and

21 “(B) may include, as additional members,
 22 public or private research organizations located
 23 in the United States, or State or local govern-
 24 mental authorities.

1 “(2) GENERAL AUTHORITY.—The Secretary
2 may, under terms and conditions that the Secretary
3 prescribes, enter into grants, contracts, cooperative
4 agreements, and other agreements with consortia se-
5 lected in accordance with paragraph (4), to promote
6 the early deployment of innovation in mass transpor-
7 tation technology, services, management, or oper-
8 ational practices. This paragraph shall be carried
9 out in consultation with the transit industry by com-
10 petitively selected public/private partnerships that
11 will share costs, risks, and rewards of early deploy-
12 ment of innovation with broad applicability.

13 “(3) CONSORTIUM CONTRIBUTION.—A consor-
14 tium assisted under this subsection shall provide not
15 less than 50 percent of the costs of any joint part-
16 nership project. Any business, organization, person,
17 or governmental body may contribute funds to a
18 joint partnership project.

19 “(4) NOTICE REQUIREMENT.—The Secretary
20 shall periodically give public notice of the technical
21 areas for which joint partnerships are solicited, re-
22 quired qualifications of consortia desiring to partici-
23 pate, the method of selection and evaluation criteria
24 to be used in selecting participating consortia and

1 projects, and the process by which innovation
 2 projects described in paragraph (1) will be awarded.

3 “(5) USE OF REVENUES.—The Secretary shall,
 4 to the maximum extent practicable, accept a portion
 5 of the revenues resulting from sales of an innovation
 6 project funded under this section, to be credited to
 7 the Mass Transit Account of the Highway Trust
 8 Fund and used for joint partnership projects in ac-
 9 cordance with this subsection.”.

10 **SEC. 12. WORKPLACE SAFETY.**

11 Section 5315(a) of title 49, United States Code, is
 12 amended—

13 (1) in paragraph (13), by striking “and” at the
 14 end;

15 (2) in paragraph (14), by striking the period at
 16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(15) workplace safety.”.

19 **SEC. 13. UNIVERSITY TRANSPORTATION CENTERS.**

20 (a) IN GENERAL.—Subchapter IV of chapter 52 of
 21 title 49, United States Code (as added by section 2003(a)
 22 of this Act), is repealed effective 1 day after the date of
 23 enactment of this Act.

24 (b) REPEAL.—

1 (1) IN GENERAL.—Section 2003(b) of this Act,
2 and the amendments made by that section, are re-
3 pealed effective 1 day after the date of enactment of
4 this Act.

5 (2) APPLICABILITY.—Effective 1 day after the
6 date of enactment of this Act, sections 5316 and
7 5317 of title 49, United States Code, and the items
8 relating to sections 5316 and 5317 in the analysis
9 for chapter 53 of title 49, United States Code, shall
10 be applied and administered as if section 2003(b) of
11 this Act had not been enacted.

12 **SEC. 14. JOB ACCESS GRANTS.**

13 (a) FINDINGS.—Congress finds that—

14 (1) two-thirds of all new jobs are in the sub-
15 urbs, whereas three-quarters of welfare recipients
16 live in rural areas or central cities;

17 (2) even in metropolitan areas with excellent
18 public transit systems, less than half of the jobs are
19 accessible by transit;

20 (3) in 1991, the median price of a new car was
21 equivalent to 25 weeks of salary for the average
22 worker, and considerably more for the low-income
23 worker;

1 (4) not fewer than 9,000,000 households and
 2 10,000,000 Americans of driving age, most of whom
 3 are low-income workers, do not own cars;

4 (5) 94 percent of welfare recipients do not own
 5 cars;

6 (6) nearly 40 percent of workers with annual
 7 incomes below \$10,000 do not commute by car;

8 (7) many of the 2,000,000 Americans who will
 9 have their Temporary Assistance to Needy Families
 10 grants (under the State program funded under part
 11 A of title IV of the Social Security Act (42 U.S.C.
 12 601 et seq.)) terminated by the year 2002 will be
 13 unable to get to jobs they could otherwise hold; and

14 (8) increasing the transit options for low-in-
 15 come workers, especially those who are receiving or
 16 who have recently received welfare benefits, will in-
 17 crease the likelihood of those workers getting and
 18 keeping jobs.

19 (b) GRANT AUTHORITY.—

20 (1) IN GENERAL.—Chapter 53 of title 49, Unit-
 21 ed States Code, is amended by inserting after sec-
 22 tion 5320 the following:

23 **“§ 5320a. Access to jobs**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The
2 term ‘eligible low-income individual’ means an indi-
3 vidual whose family income is at or below 150 per-
4 cent of the poverty line (as that term is defined in
5 section 673(2) of the Community Services Block
6 Grant Act (42 U.S.C. 9902(2)), including any revi-
7 sion required by that section) for a family of the size
8 involved.

9 “(2) ELIGIBLE PROJECT.—The term ‘eligible
10 project’ means a project relating to the development
11 of transportation services designed to transport wel-
12 fare recipients and eligible low-income individuals to
13 and from jobs and activities related to their employ-
14 ment, including—

15 “(A) capital projects and to finance operat-
16 ing costs of equipment, facilities, and associated
17 capital maintenance items related to providing
18 access to jobs under this section;

19 “(B) promoting the use of transit by work-
20 ers with nontraditional work schedules;

21 “(C) promoting the use by appropriate
22 agencies of transit vouchers for welfare recipi-
23 ents and eligible low-income individuals under
24 specific terms and conditions developed by the
25 Secretary; and

1 “(D) promoting the use of employer-pro-
 2 vided transportation including the transit pass
 3 benefit program under subsections (a) and (f)
 4 of section 132 of title 26.

5 “(3) EXISTING TRANSPORTATION SERVICE PRO-
 6 VIDERS.—The term ‘existing transportation service
 7 providers’ means mass transportation operators and
 8 governmental agencies and nonprofit organizations
 9 that receive assistance from Federal, State, or local
 10 sources for nonemergency transportation services.

11 “(4) SECRETARY.—The term ‘Secretary’ means
 12 the Secretary of Transportation.

13 “(5) QUALIFIED ENTITY.—The term ‘qualified
 14 entity’ means—

15 “(A) with respect to any proposed eligible
 16 project in an urbanized area with a population
 17 of not less than 200,000, the entity or entities
 18 selected by the appropriate metropolitan plan-
 19 ning organization, in coordination with affected
 20 transit grant recipients (as provided in sub-
 21 section (g)(2)), from among local governmental
 22 authorities and nonprofit organizations; and

23 “(B) with respect to any proposed eligible
 24 project in an urbanized area with a population
 25 of less than 200,000, or an area other than an

1 urbanized area, the entity or entities selected by
 2 the chief executive officer of the State in which
 3 the area is located, in coordination with affected
 4 transit grant recipients (as provided in sub-
 5 section (g)(2)), from among local governmental
 6 authorities and nonprofit organizations.

7 “(6) WELFARE RECIPIENT.—The term ‘welfare
 8 recipient’ means an individual who receives or re-
 9 ceived aid or assistance under a State program fund-
 10 ed under part A of title IV of the Social Security
 11 Act (whether in effect before or after the effective
 12 date of the amendments made by title I of the Per-
 13 sonal Responsibility and Work Opportunity Rec-
 14 onciliation Act of 1996 (Public Law 104–193; 110
 15 Stat. 2110)) at any time during the 3-year period
 16 before the date on which the applicant applies for a
 17 grant under this section.

18 “(b) GENERAL AUTHORITY.—

19 “(1) IN GENERAL.—The Secretary may make
 20 grants under this section to assist qualified entities
 21 in financing eligible projects.

22 “(2) COORDINATION.—The Secretary shall co-
 23 ordinate activities under this section with related ac-
 24 tivities under programs of other Federal depart-
 25 ments and agencies.

1 “(c) APPLICATIONS.—Each qualified entity seeking
2 to receive a grant under this section for an eligible project
3 shall submit to the Secretary an application in such form
4 and in accordance with such requirements as the Secretary
5 shall establish by regulation.

6 “(d) PROHIBITION.—Grants awarded under this sec-
7 tion may not be used for planning or coordination activi-
8 ties.

9 “(e) FACTORS FOR CONSIDERATION.—In awarding
10 grants under this section to applicants under subsection
11 (c), the Secretary shall consider—

12 “(1) the percentage of the population in the
13 area to be served by the applicant that are welfare
14 recipients;

15 “(2) the need for additional services in the area
16 to be served by the applicant to transport welfare re-
17 cipients and eligible low-income individuals to and
18 from specified jobs, training, and other employment
19 support services, and the extent to which the pro-
20 posed services will address those needs;

21 “(3) the extent to which the applicant dem-
22 onstrates coordination with, and the financial com-
23 mitment of, existing transportation service providers;

24 “(4) the extent to which the applicant dem-
25 onstrates maximum utilization of existing transpor-

1 tation service providers and expands transit net-
2 works or hours of service, or both;

3 “(5) the extent to which the applicant dem-
4 onstrates an innovative approach that is responsive
5 to identified service needs;

6 “(6) the extent to which the applicant—

7 “(A) presents a regional transportation
8 plan for addressing the transportation needs of
9 welfare recipients and eligible low-income indi-
10 viduals; and

11 “(B) identifies long-term financing strate-
12 gies to support the services under this section;
13 and

14 “(7) the extent to which the applicant dem-
15 onstrates that the community to be served has been
16 consulted in the planning process.

17 “(f) FEDERAL SHARE OF COSTS.—

18 “(1) MAXIMUM AMOUNT.—The amount of a
19 grant under this section may not exceed 50 percent
20 of the total project cost.

21 “(2) NONGOVERNMENTAL SHARE.—The portion
22 of the total cost of an eligible project that is not
23 funded under this section—

1 “(A) shall be provided in cash from
2 sources other than revenues from providing
3 mass transportation; and

4 “(B) may be derived from amounts made
5 available to a department or agency of the Fed-
6 eral Government (other than the Department of
7 Transportation) that are eligible to be expended
8 for transportation.

9 “(g) PLANNING REQUIREMENTS.—

10 “(1) IN GENERAL.—The requirements of sec-
11 tions 5303 through 5306 apply to any grant made
12 under this section.

13 “(2) COORDINATION.—Each application for a
14 grant under this section shall reflect coordination
15 with and the approval of affected transit grant re-
16 cipients, and the eligible projects financed must be
17 part of a coordinated public transit-human services
18 transportation planning process.

19 “(h) GRANT REQUIREMENTS.—A grant under this
20 section shall be subject to—

21 “(1) all of the terms and conditions to which a
22 grant made under section 5307 is subject; and

23 “(2) such other terms and conditions as deter-
24 mined by the Secretary.

25 “(i) PROGRAM EVALUATION.—

1 “(1) COMPTROLLER GENERAL.—Beginning 6
2 months after the date of enactment of this Act, and
3 every 6 months thereafter, the Comptroller General
4 of the United States shall—

5 “(A) conduct a study to evaluate the grant
6 program authorized under this section; and

7 “(B) submit to the Committee on Trans-
8 portation and Infrastructure of the House of
9 Representatives and the Committee on Bank-
10 ing, Housing, and Urban Affairs of the Senate
11 a report describing the results of each study
12 under subparagraph (A).

13 “(2) DEPARTMENT OF TRANSPORTATION.—Not
14 later than 2 years after the date of enactment of
15 this Act, the Secretary shall—

16 “(A) conduct a study to evaluate the ac-
17 cess to jobs grant program authorized under
18 this section; and

19 “(B) submit to the Committee on Trans-
20 portation and Infrastructure of the House of
21 Representatives and the Committee on Bank-
22 ing, Housing, and Urban Affairs of the Senate
23 a report describing the results of the study
24 under subparagraph (A).

25 “(j) FUNDING; ALLOCATION.—

1 “(1) IN GENERAL.—There is authorized to be
 2 appropriated to carry out this section \$100,000,000
 3 for each of fiscal years 1998 through 2003. Such
 4 amounts shall remain available until expended.

5 “(2) ALLOCATION.—The amount made avail-
 6 able to carry out this section in each fiscal year shall
 7 be allocated as follows:

8 “(A) 60 percent shall be allocated for eligi-
 9 ble projects in urbanized areas with populations
 10 of not less than 200,000.

11 “(B) 20 percent shall be allocated for eligi-
 12 ble projects in urbanized areas with populations
 13 of less than 200,000.

14 “(C) 20 percent shall be allocated for eligi-
 15 ble projects in areas other than urbanized
 16 areas.”.

17 (2) CONFORMING AMENDMENT.—The analysis
 18 for chapter 53 of title 49, United States Code, is
 19 amended by inserting after the item relating to sec-
 20 tion 5320 the following:

“5320a. Access to jobs.”.

21 **SEC. 15. GRANT REQUIREMENTS.**

22 Section 5323 of title 49, United States Code, is
 23 amended by adding at the end the following:

24 “(m) GRANT REQUIREMENTS.—The grant require-
 25 ments under sections 5307 and 5309 apply to any project

1 under this chapter that receives any assistance from an
 2 infrastructure bank or through other financing under sub-
 3 title C of title I of the Intermodal Surface Transportation
 4 Efficiency Act of 1997.”.

5 **SEC. 16. HHS AND PUBLIC TRANSIT SERVICE.**

6 Section 5323 of title 49, United States Code, is
 7 amended by adding at the end the following:

8 “(n) PARTICIPATION OF GOVERNMENTAL AGENCIES
 9 IN DESIGN AND DELIVERY OF TRANSPORTATION SERV-
 10 ICES.—To the extent feasible, governmental agencies and
 11 nonprofit organizations that receive assistance from Gov-
 12 ernment sources (other than the Department of Transpor-
 13 tation) for nonemergency transportation services—

14 “(1) shall participate and coordinate with re-
 15 cipients of assistance under this chapter in the de-
 16 sign and delivery of transportation services; and

17 “(2) shall be included in the planning for those
 18 services.”.

19 **SEC. 17. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.**

20 Section 5334(g) of title 49, United States Code, is
 21 amended by adding at the end the following:

22 “(4) Notwithstanding any other provision of law, if
 23 a recipient of assistance under this chapter determines
 24 that an asset (including real property) acquired with such
 25 assistance is no longer needed for the purpose for which

1 it was acquired, the recipient may sell that asset with no
 2 further obligation to the Government, if the proceeds of
 3 the sale are used for the provision of mass transportation
 4 services in accordance with this chapter.”.

5 **SEC. 18. OPERATING ASSISTANCE FOR SMALL TRANSIT**
 6 **AUTHORITIES IN LARGE URBANIZED AREAS.**

7 Section 5336(d) of title 49, United States Code, is
 8 amended by adding at the end the following:

9 “(3) In distributing operating assistance under this
 10 subsection to urbanized areas with a population of
 11 1,000,000 or more under the most recent census, the Sec-
 12 retary shall direct each such area to give priority consider-
 13 ation to the impact of reductions on operating assistance
 14 on smaller transit authorities operating within the area
 15 and to consider the needs and resources of such transit
 16 authorities.”.

17 **SEC. 19. APPORTIONMENT OF APPROPRIATIONS FOR FIXED**
 18 **GUIDEWAY MODERNIZATION.**

19 (a) DISTRIBUTION.—Section 5337(a) of title 49,
 20 United States Code, is amended to read as follows:

21 “(a) DISTRIBUTION.—The Secretary of Transpor-
 22 tation shall apportion amounts made available for fixed
 23 guideway modernization under section 5309 for each of
 24 fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 as
 25 follows:

1 “(1) The first \$497,700,000 shall be appor-
2 tioned in the following urbanized areas as follows:

3 “(A) Baltimore, \$8,372,000.

4 “(B) Boston, \$38,948,000.

5 “(C) Chicago/Northwestern Indiana,
6 \$78,169,000.

7 “(D) Cleveland, \$9,509,500.

8 “(E) New Orleans, \$1,730,588.

9 “(F) New York, \$176,034,461.

10 “(G) Northeastern New Jersey,
11 \$50,604,653.

12 “(H) Philadelphia/Southern New Jersey,
13 \$58,924,764.

14 “(I) Pittsburgh, \$13,662,463.

15 “(J) San Francisco, \$33,989,571.

16 “(K) Southwestern Connecticut,
17 \$27,755,000.

18 “(2) The next \$70,000,000 shall be apportioned
19 as follows:

20 “(A) 50 percent in the urbanized areas
21 listed in paragraph (1), as provided in section
22 5336(b)(2)(A).

23 “(B) 50 percent in other urbanized areas
24 eligible for assistance under section
25 5336(b)(2)(A) to which amounts were appor-

1 tioned under this section for fiscal year 1997,
2 as provided in section 5336(b)(2)(A) and sub-
3 section (e) of this section.

4 “(3) The next \$5,700,000 shall be apportioned
5 in the following urbanized areas as follows:

6 “(A) Pittsburgh, 61.76 percent.

7 “(B) Cleveland, 10.73 percent.

8 “(C) New Orleans, 5.79 percent.

9 “(D) 21.72 percent in urbanized areas to
10 which paragraph (2)(B) applies, as provided in
11 section 5336(b)(2)(A) and subsection (e) of this
12 section.

13 “(4) The next \$186,600,000 shall be appor-
14 tioned in each urbanized area to which paragraph
15 (1) applies and in each urbanized area to which
16 paragraph (2)(B) applies, as provided in section
17 5336(b)(2)(A) and subsection (e) of this section.

18 “(5) The next \$140,000,000 shall be appor-
19 tioned as follows:

20 “(A) 65 percent in the urbanized areas
21 listed in paragraph (1) as provided in section
22 5336(b)(2)(A) and subsection (e) of this
23 section.

24 “(B) 35 percent to other urbanized areas
25 eligible for assistance under section

1 5336(b)(2)(A), if the areas contain fixed guide-
2 way systems placed in revenue service not less
3 than 7 years before the fiscal year in which
4 amounts are made available, and in any urban-
5 ized area if, before the first day of that fiscal
6 year, the area satisfies the Secretary that the
7 area has modernization needs that cannot ade-
8 quately be met with amounts received under
9 section 5336(b)(2)(A), as provided in section
10 5336(b)(2)(A) and subsection (e) of this
11 section.

12 “(6) The next \$100,000,000 shall be appor-
13 tioned as follows:

14 “(A) 60 percent in the urbanized areas
15 listed in paragraph (1) as provided in section
16 5336(b)(2)(A) and subsection (e) of this
17 section.

18 “(B) 40 percent to urbanized areas to
19 which paragraph (5)(B) applies, as provided in
20 section 5336(b)(2)(A) and subsection (e) of this
21 section.

22 “(7) Remaining amounts shall be apportioned
23 as follows:

24 “(A) 50 percent in the urbanized areas
25 listed in paragraph (1) as provided in section

1 5336(b)(2)(A) and subsection (e) of this
2 section.

3 “(B) 50 percent to urbanized areas to
4 which paragraph (5)(B) applies, as provided in
5 section 5336(b)(2)(A) and subsection (e) of this
6 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
10 following:

11 “(e) ROUTE SEGMENTS TO BE INCLUDED IN APPOR-
12 TIONMENT FORMULAS.—

13 “(1) Amounts apportioned under paragraphs
14 (2)(B), (3), and (4) of subsection (a) shall have at-
15 tributable to each urbanized area only the number of
16 fixed guideway revenue miles of service and number
17 of fixed guideway route miles for segments of fixed
18 guideway systems used to determine apportionments
19 for fiscal year 1997.

20 “(2) Amounts apportioned under paragraphs
21 (5) through (7) of subsection (a) shall have attrib-
22 utable to each urbanized area only the number of
23 fixed guideway revenue miles of service and number
24 of fixed guideway route-miles for segments of fixed
25 guideway systems placed in revenue service not less

1 than 7 years before the fiscal year in which amounts
2 are made available.”.

3 **SEC. 20. 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
7 of title 49, United States Code accurately reflects the
8 transit needs of the urbanized areas and, if not, whether
9 any changes should be made either to the formula or
10 through some other mechanism to reflect the fact that
11 some urbanized areas with a population between 50,000
12 and 200,000 have transit systems that carry more pas-
13 sengers per mile or hour than the average of those transit
14 systems in urbanized areas with a population over
15 200,000.

16 (b) REPORT.—Not later than December 31, 1999,
17 the Secretary of Transportation shall transmit to the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives and the Committee on Banking,
20 Housing, and Urban Affairs of the Senate a report on the
21 results of the study conducted under this section, together
22 with any proposed changes to the method for apportioning
23 funds to urbanized areas with a population over 50,000.