

105TH CONGRESS
1ST SESSION

S. 468

To continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 1997

Mr. CHAFEE (for himself and Mr. MOYNIHAN) introduced the following bill;
which was read twice and referred to the Committee on Finance

APRIL 8, 1997

Ordered referred jointly to the Committees on Finance and Environment and
Public Works

A BILL

To continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, 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; SECRETARY DEFINED; TABLE OF**
 2 **CONTENTS.**

3 (a) SHORT TITLE.—This Act may be cited as the
 4 “National Economic Crossroads Transportation Efficiency
 5 Act of 1997”.

6 (b) SECRETARY DEFINED.—As used in this Act, the
 7 term “Secretary” means the Secretary of Transportation.

8 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; Secretary defined; table of contents.

TITLE I—SURFACE TRANSPORTATION

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Sec. 1002. Definitions.

Sec. 1003. National Highway System.

Sec. 1004. Apportionments.

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Sec. 1008. Proceeds from sale or lease of real property.

Sec. 1009. Interstate Maintenance Program.

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Sec. 1012. Emergency relief.

Sec. 1013. Toll roads, bridges, tunnels and ferries.

Sec. 1014. Surface Transportation Program.

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Sec. 1020. Congestion mitigation and Air Quality Improvement Program.

Sec. 1021. Interstate reimbursement.

Sec. 1022. State Infrastructure Bank Program.

Sec. 1023. National Scenic Byways Program.

Sec. 1024. Infrastructure Safety Program.

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Sec. 1026. Federal Lands Highways Program.

Sec. 1027. Bicycle transportation and pedestrian walkways.

Sec. 1028. Recreational Trails Program.

Sec. 1029. International Highway Transportation Outreach Program.

Sec. 1030. Trade corridor and border crossing planning; Border Gateway Pilot
Program.

Sec. 1031. Appalachian Development Highway System.

Sec. 1032. Value Pricing Pilot Program.

Sec. 1033. Highway use tax evasion projects.

Sec. 1034. Public notice of railbanking.

TITLE II—HIGHWAY SAFETY

- Sec. 2001. Short title.
- Sec. 2002. Highway safety programs.
- Sec. 2003. National driver register.
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TITLE III—FEDERAL MASS TRANSPORTATION AMENDMENTS OF 1997

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- Sec. 3003. Definitions.
- Sec. 3004. Metropolitan planning.
- Sec. 3005. Metropolitan Transportation Improvement Program.
- Sec. 3006. Transportation management areas.
- Sec. 3007. Statewide planning.
- Sec. 3008. Urbanized area formula grants.
- Sec. 3009. Loans.
- Sec. 3010. Major capital investments.
- Sec. 3011. Formula grants for special needs of elderly individuals and individuals with disabilities.
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- Sec. 3013. National research programs.
- Sec. 3014. Transit Cooperative Research Program.
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- Sec. 3016. National Transit Institute.
- Sec. 3017. University research institutes.
- Sec. 3018. Transportation centers.
- Sec. 3019. Bus testing facility.
- Sec. 3020. Advance construction authority.
- Sec. 3021. Access to jobs and training.
- Sec. 3022. Crime prevention and security.
- Sec. 3023. General provisions on assistance.
- Sec. 3024. Acquisition of real property owned by the Government.
- Sec. 3025. Contract requirements.
- Sec. 3026. Special procurements.
- Sec. 3027. Oversight.
- Sec. 3028. Government's share of costs.
- Sec. 3029. Investigation of safety hazards.
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1 **TITLE I—SURFACE TRANSPORTATION**

2 **SEC. 1001. SHORT TITLE; AUTHORIZATION OF APPROPRIA-**
 3 **TIONS.**

4 (a) **SHORT TITLE.**—This title may be cited as the
 5 “Surface Transportation Act of 1997”.

6 (b) **AUTHORIZATIONS FROM THE HIGHWAY TRUST**
 7 **FUND.**—For the purposes of carrying out the provisions
 8 of title 23, United States Code, the following sums are
 9 authorized to be appropriated out of the Highway Trust
 10 Fund (other than the Mass Transit Account):

11 (1) **NATIONAL HIGHWAY SYSTEM.**—For the Na-
 12 tional Highway System \$4,466,000,000 for fiscal
 13 year 1998, \$4,391,000,000 for fiscal year 1999,
 14 \$4,378,000,000 for fiscal year 2000, and
 15 \$4,405,000,000 for each of fiscal years 2001, 2002,
 16 and 2003.

17 (2) **INTERSTATE MAINTENANCE PROGRAM.**—
 18 For the Interstate maintenance program
 19 \$4,480,000,000 for fiscal year 1998,
 20 \$4,405,000,000 for fiscal year 1999,
 21 \$4,392,000,000 for fiscal year 2000, and
 22 \$4,419,000,000 for each of fiscal years 2001, 2002,
 23 and 2003.

24 (3) **SURFACE TRANSPORTATION PROGRAM.**—
 25 For the surface transportation program

1 \$5,874,000,000 for fiscal year 1998,
 2 \$5,785,000,000 for fiscal year 1999,
 3 \$5,723,000,000 for fiscal year 2000,
 4 \$5,728,000,000 for fiscal year 2001,
 5 \$5,684,000,000 for fiscal year 2002, and
 6 \$6,192,000,000 for fiscal year 2003.

7 (4) CONGESTION MITIGATION AND AIR QUALITY
 8 IMPROVEMENT PROGRAM.—For the congestion miti-
 9 gation and air quality improvement program
 10 \$1,300,000,000 for each of fiscal years 1998, 1999,
 11 2000, 2001, 2002, and 2003.

12 (5) BRIDGE PROGRAM.—For the bridge pro-
 13 gram \$2,694,000,000 for fiscal year 1998,
 14 \$2,653,000,000 for fiscal year 1999,
 15 \$2,646,000,000 for fiscal year 2000, and
 16 \$2,661,000,000 for each of fiscal years 2001, 2002,
 17 and 2003; provided that \$17,000,000 of such sums
 18 shall be available for each of fiscal years 1998,
 19 1999, 2000, 2001, 2002, and 2003 to fund the al-
 20 teration of bridges under the Truman-Hobbs Bridge
 21 Act; provided further that the Secretary shall trans-
 22 fer such sums, equivalent amounts of obligation au-
 23 thority, and the responsibility for the administration
 24 of such sums to the United States Coast Guard.

25 (6) FEDERAL LANDS HIGHWAYS PROGRAM.—

1 (A) INDIAN RESERVATION ROADS.—For
2 Indian reservation roads \$200,000,000 for each
3 of fiscal years 1998, 1999, 2000, 2001, 2002,
4 and 2003.

5 (B) PARK ROADS AND PARKWAYS.—For
6 park roads and parkways \$161,000,000 for
7 each of fiscal years 1998, 1999, 2000, 2001,
8 2002, and 2003.

9 (C) PUBLIC LANDS HIGHWAYS.—For pub-
10 lic lands highways \$50,000,000 for each of fis-
11 cal years 1998, 1999, 2000, 2001, 2002, and
12 2003.

13 (D) FOREST HIGHWAYS.—For forest high-
14 ways \$114,000,000, for each of fiscal years
15 1998, 1999, 2000, 2001, 2002, and 2003.

16 (7) INFRASTRUCTURE SAFETY.—For the rail-
17 way-highway crossing program \$165,000,000 for
18 each of fiscal years 1998, 1999, 2000, 2001, 2002,
19 and 2003; for the hazard elimination program
20 \$335,000,000 for fiscal year 1998, \$360,000,000 for
21 fiscal year 1999, \$385,000,000 for fiscal year 2000,
22 \$385,000,000 for fiscal year 2001, \$385,000,000 for
23 fiscal year 2002, and \$410,000,000 for fiscal year
24 2003.

1 (8) INTEGRATED SAFETY FUND.—For the inte-
 2 grated safety fund \$50,000,000 for each of fiscal
 3 years 1998, 1999, 2000, 2001, 2002, and 2003.

4 (9) RECREATIONAL TRAILS PROGRAM.—For the
 5 recreational trails program \$7,000,000 for each of
 6 fiscal years 1998, 1999, 2000, 2001, 2002, and
 7 2003.

8 (10) UNIVERSITY TRANSPORTATION CEN-
 9 TERS.—For university transportation centers
 10 \$12,000,000 for each of fiscal years 1998, 1999,
 11 2000, 2001, 2002, and 2003.

12 **SEC. 1002. DEFINITIONS.**

13 The undesignated paragraph of section 101(a) of title
 14 23, United States Code, relating to operational improve-
 15 ment, is revised to read as follows: “The term ‘operational
 16 improvement’ means the installation, operation, or mainte-
 17 nance, in accordance with the requirements of subsection
 18 6054(h) of the National Economic Crossroads Transpor-
 19 tation Efficiency Act of 1997, of public infrastructure to
 20 support intelligent transportation systems. The term also
 21 includes the installation or operation of traffic manage-
 22 ment activities; communication systems; roadway weather
 23 information and prediction systems; and other such im-
 24 provements as the Secretary may designate that enhance
 25 roadway safety and mobility during adverse weather.”.

1 **SEC. 1003. NATIONAL HIGHWAY SYSTEM.**

2 (a) PROJECT ELIGIBILITY.—Section 103 of title 23,
3 United States Code, is amended—

4 (1) in paragraph (i)(3)—

5 (A) by striking “System and” and insert-
6 ing “System,”; and

7 (B) by inserting after “title 49” the follow-
8 ing: “, and capital improvements to National
9 Railroad Passenger Corporation or publicly
10 owned intercity passenger rail lines”;

11 (2) in subparagraph (i)(3)(A) by striking “high-
12 way or transit” and inserting “highway, transit, or
13 rail”;

14 (3) in paragraph (i)(13)—

15 (A) by inserting after “participation in”
16 each place it appears “natural habitat and”;

17 (B) by inserting after “enhance and cre-
18 ate” the following: “natural habitats and”; and

19 (C) by inserting before “wetlands conserva-
20 tion” the following “natural habitat and”; and

21 (4) by adding at the end of subsection (i) the
22 following new paragraphs:

23 “(14) Publicly owned intracity or intercity pas-
24 senger rail or bus terminals, including terminals of
25 the National Railroad Passenger Corporation, and
26 publicly owned intermodal surface freight transfer

1 facilities, other than seaports and airports, where
2 such terminals and facilities are located at or adja-
3 cent to National Highway System routes or connec-
4 tions to the National Highway System selected in
5 accordance with subsection (b) of this section.

6 “(15) Infrastructure-based Intelligent Trans-
7 portation Systems capital improvements.

8 “(16) In the Virgin Islands, Guam, American
9 Samoa, and the Commonwealth of the Northern
10 Mariana Islands, any project eligible for funding
11 under section 133 of this title, any airport, and any
12 seaport.”; and

13 (5) by adding at the end the following new sub-
14 section:

15 “(j) For the purposes of this section, the term ‘inter-
16 modal surface freight transfer facilities’ shall include any
17 access road, parking or staging area, ramp, loading or un-
18 loading area, rail yard, track, interest in land, publicly
19 owned rail access line to a seaport, and publicly owned
20 access road to a seaport, if they are used to effect the
21 transfer of freight.”.

22 (b) PROPOSED NHS.—Section 103(b) of such title
23 is amended—

24 (1) in subparagraph (2)(B) by striking the last
25 four sentences;

1 (2) in subparagraph (2)(C) by striking “and
2 shall be designated by the Secretary in consultation
3 with appropriate Federal agencies and the States
4 and be subject to approval by Congress in accord-
5 ance with paragraph (3)”;

6 (3) in subparagraph (2)(D) by striking the last
7 sentence;

8 (4) by striking “(3) APPROVAL OF DESIGNA-
9 TIONS.—”;

10 (5) by striking subparagraphs (3) (A), (B), and
11 (D) and paragraph (4);

12 (6) by redesignating subparagraph (3)(C) and
13 paragraphs (5), (6), (7), and (8) as paragraphs (3),
14 (4), (5), (6), and (7), respectively;

15 (7) in subparagraph (5)(A), as so redesignated,
16 by striking “paragraph (7)” and inserting “para-
17 graph (6)”;

18 (8) in subparagraph (6)(B), as so redesignated,
19 by striking “Paragraph (6)(B)” and inserting “Sub-
20 paragraph (5)(B)”;

21 (9) in subparagraph (6)(D), as so redesign-
22 nated—

23 (A) by striking “subparagraph (C)(i)” and
24 inserting “clause (C)(i)”; and

1 (B) by striking “paragraph (6)” and in-
2 serting “paragraph (5)”;

3 (10) in paragraph (7), as so redesignated, by
4 striking “paragraph (5)” and inserting “paragraph
5 (4)”;

6 (11) by adding at the end the following new
7 paragraph:

8 “(8) APPROVAL OF INTERMODAL CONNEC-
9 TORS.—The modifications to the National Highway
10 System that consist of connectors to major ports,
11 airports, international border crossings, public trans-
12 portation and transit facilities, interstate bus termi-
13 nals, and rail and other intermodal transportation
14 facilities, as submitted by the Secretary on the map
15 entitled ‘Pulling Together: The National Highway
16 System and its Connections to Major Intermodal
17 Terminals,’ and dated May 24, 1996, are hereby
18 designated within the United States, including the
19 District of Columbia and the Commonwealth of
20 Puerto Rico.”.

21 **SEC. 1004. APPORTIONMENTS.**

22 (a) Section 104(a) of title 23, United States Code,
23 is amended by striking “and the Interstate System” and
24 inserting “interstate maintenance, bridge, infrastructure

1 safety program, Interstate reimbursement, minimum allo-
 2 cation, and the Federal Lands Highways Program”.

3 (b) Section 104 of such title is amended by revising
 4 subsection (b) and paragraphs (b) (1), (2), and (3) to read
 5 as follows:

6 “(b) On October 1 of each fiscal year, the Secretary,
 7 after making the deduction authorized by subsection (a)
 8 of this section and the set-asides authorized by subsection
 9 (f) of this section and section 307 of this title, shall appor-
 10 tion the remainder of the sums authorized to be appro-
 11 priated for expenditure on the National Highway System,
 12 the congestion mitigation and air quality improvement
 13 program, the surface transportation program, and the
 14 Interstate System for that fiscal year, among the several
 15 States in the following manner:

16 “(1) NATIONAL HIGHWAY SYSTEM.—

17 “(A) For the National Highway System, 1
 18 percent to the Virgin Islands, Guam, American
 19 Samoa, and the Commonwealth of the Northern
 20 Mariana Islands, and the remaining 99 percent
 21 to the States in the following manner: 75 per-
 22 cent in the ratio that each State’s annual con-
 23 tributions to the Highway Trust Fund (other
 24 than the Mass Transit Account) bear to the
 25 total of such annual contributions by all States;

1 15 percent in the ratio that each State’s annual
 2 commercial vehicle contributions to the High-
 3 way Trust Fund (other than the Mass Transit
 4 Account) bear to the total of such annual com-
 5 mercial vehicle contributions by all States; and
 6 10 percent in the ratio that each State’s public
 7 road mileage bears to the total public road mile-
 8 age of all States.

9 “(B) Notwithstanding any other provision
 10 of this paragraph, each State shall receive a
 11 minimum of one-half of 1 percent of the funds
 12 apportioned under this paragraph.

13 “(2) CONGESTION MITIGATION AND AIR QUAL-
 14 ITY IMPROVEMENT PROGRAM.—For the congestion
 15 mitigation and air quality improvement program: in
 16 the ratio which the weighted nonattainment and
 17 maintenance area populations of each State bear to
 18 the total weighted nonattainment and maintenance
 19 area population of all States.

20 “(A) Such weighted population shall be
 21 calculated by multiplying the population of each
 22 area within any State that was a nonattainment
 23 or maintenance area as described in subsection
 24 149(b) of this title for ozone, carbon monoxide,
 25 or particulate matter by a factor of—

1 “(i) 1.0 if, at the time of the appor-
2 tionment, the area has been redesignated
3 as an attainment (maintenance) area
4 under section 107(d) of the Clean Air Act;

5 “(ii) 1.1 if, at the time of appor-
6 tionment, the area is classified as a marginal
7 ozone nonattainment area under subpart 2
8 of part D of title I of the Clean Air Act;

9 “(iii) 1.2 if, at the time of appor-
10 tionment, the area is classified as a moderate
11 ozone nonattainment area under such sub-
12 part;

13 “(iv) 1.3 if, at the time of appor-
14 tionment, the area is classified as a serious
15 ozone nonattainment area under such sub-
16 part;

17 “(v) 1.4 if, at the time of appor-
18 tionment, the area is classified as a severe
19 ozone nonattainment area under such sub-
20 part;

21 “(vi) 1.5 if, at the time of appor-
22 tionment, the area is classified as an extreme
23 ozone nonattainment area under such sub-
24 part; or

1 “(vii) 1.2. if, at the time of apportion-
2 ment, the area is not a nonattainment or
3 maintenance area as described in sub-
4 section 149(b) of this title for ozone, but
5 is a nonattainment area for carbon mon-
6 oxide or particulate matter.

7 “(B) If the area was also classified under
8 subpart 3 or 4 of part D of title I of such Act
9 as a nonattainment area described in subsection
10 149(b) of this title for carbon monoxide or par-
11 ticulate matter or both, the weighted nonattain-
12 ment area population of the area, as determined
13 under clauses (2)(A) (i) through (vi) of this
14 subsection, shall be further multiplied by a fac-
15 tor of 1.2. For an area that is a nonattainment
16 area for both carbon monoxide and for particu-
17 late matter and the area’s weighted population
18 was determined under clause (2)(A)(vii) of this
19 subsection, the area’s weighted population shall
20 be further multiplied by a factor of 1.2. For
21 such areas, the population to which this factor
22 is applied shall be the larger of the carbon mon-
23 oxide and the particulate matter nonattainment
24 area populations.

1 “(C) Notwithstanding any other provision
2 of this paragraph, each State shall receive a
3 minimum of one-half of 1 percent of the funds
4 apportioned under this paragraph. The Sec-
5 retary shall use annual estimates prepared by
6 the Secretary of Commerce when determining
7 population figures.

8 “(D) The additional population in geo-
9 graphic areas newly designated as nonattain-
10 ment areas as a result of the promulgation of
11 new national ambient air quality standards and
12 meeting the conditions of paragraph 149(f)(2)
13 shall be multiplied by a factor of 1.0.

14 “(E) HOLD HARMLESS FROM NEW NAAQS.
15 —Notwithstanding paragraph 149(b)(2) of this
16 title, no State that has submitted a State imple-
17 mentation plan for any nonattainment area
18 newly designated as a result of revisions to the
19 national ambient air quality standards shall re-
20 ceive a lower CMAQ apportionment. The Sec-
21 retary shall apportion to each State sufficient
22 sums to ensure that each State receives an
23 amount not less than the apportionment each
24 State would have received under this paragraph
25 had such standards not been revised. Such

1 sums as may be necessary to carry out this sub-
2 paragraph, as determined by the Secretary,
3 shall be set aside from amounts authorized for
4 surface transportation program apportionments
5 under paragraph (b)(3) of this section before
6 such apportionments are made, and shall be
7 distributed at the time apportionments are
8 made under this paragraph.

9 “(3) SURFACE TRANSPORTATION PROGRAM.—

10 “(A) For the surface transportation pro-
11 gram, 70 percent in the ratio that each State’s
12 annual contributions to the Highway Trust
13 Fund (other than the Mass Transit Account)
14 bear to the total of such annual contributions
15 by all States; and 30 percent in the ratio that
16 each State’s total population bears to the total
17 population of all States, using the latest avail-
18 able annual updates to the Federal decennial
19 census, as prepared by the Secretary of Com-
20 merce.

21 “(B) Notwithstanding any other provision
22 of this paragraph, each State shall receive a
23 minimum of one-half of 1 percent of the funds
24 apportioned under this paragraph.”.

1 (c) RECREATIONAL TRAILS PROGRAM.—Section
2 104(h) of such title is revised to read as follows:

3 “(h) RECREATIONAL TRAILS PROGRAM.—

4 “(1) ADMINISTRATIVE COSTS.—Whenever an
5 apportionment is made of the sums authorized to be
6 appropriated to carry out the Recreational Trails
7 Program under section 206 of this title, the Sec-
8 retary shall deduct an amount, not to exceed 3 per-
9 cent of the sums authorized, to cover the cost to the
10 Secretary for administration of and research under
11 the Recreational Trails Program and for administra-
12 tion of the Federal Recreational Trails Advisory
13 Committee. The Secretary may enter into contracts
14 with for-profit organizations or contracts, partner-
15 ships, or cooperative agreements with other govern-
16 ment agencies, institutions of higher learning, or
17 nonprofit organizations to perform these tasks.

18 “(2) APPORTIONMENT TO THE STATES.—After
19 making the deduction authorized by paragraph (1)
20 of this subsection, the Secretary shall apportion the
21 remainder of the sums authorized to be appropriated
22 for expenditure on the Recreational Trails Program
23 for each fiscal year, among the States in the follow-
24 ing manner:

1 “(A) Fifty percent of that amount shall be
2 apportioned equally among eligible States.

3 “(B) Fifty percent of that amount shall be
4 apportioned among eligible States in amounts
5 proportionate to the degree of non-highway rec-
6 reational fuel use in each of those States during
7 the preceding year.”.

8 (d) WOODROW WILSON MEMORIAL BRIDGE.—Sec-
9 tion 104(i) of such title is amended—

10 (1) by revising paragraph (1) to read as follows:

11 “(1) AUTHORIZATIONS.—There are authorized
12 to be appropriated from the Highway Trust Fund
13 (other than the Mass Transit Account) for the reha-
14 bilitation of the Woodrow Wilson Memorial Bridge
15 and for environmental studies and documentation,
16 planning, preliminary engineering and design, final
17 engineering, and construction of a new crossing of
18 the Potomac River as selected in accordance with
19 the Woodrow Wilson Memorial Bridge Authority Act
20 of 1995 \$40,000,000 for fiscal year 1998,
21 \$180,000,000 for fiscal year 1999, and
22 \$180,000,000 for fiscal year 2000. Such funds shall
23 remain available until expended.”; and

24 (2) by adding at the end the following new
25 paragraphs:

1 “(3) No contracts shall be let for the actual
 2 construction of a new bridge prior to the transfer of
 3 ownership of the Woodrow Wilson Memorial Bridge
 4 to the Woodrow Wilson Memorial Bridge Authority
 5 established in accordance with the Woodrow Wilson
 6 Memorial Bridge Authority Act of 1995.

7 “(4) Construction of such bridge shall be ad-
 8 ministered in accordance with the Federal Acquisi-
 9 tion Regulations System, title 48, Code of Federal
 10 Regulations.”.

11 (e) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—
 12 Section 104 of such title is further amended by adding
 13 at the end the following new subsection:

14 “(k) TRANSFER OF HIGHWAY AND TRANSIT
 15 FUNDS.—

16 “(1) Funds made available under chapter 53 of
 17 title 49, United States Code, for highway projects
 18 shall be transferred to and administered by the Sec-
 19 retary in accordance with the requirements of this
 20 title, except that the non-Federal share provisions of
 21 chapter 53 shall apply to the transferred funds.

22 “(2) Funds made available under this title for
 23 transit projects shall be transferred to and adminis-
 24 tered by the Secretary in accordance with the re-
 25 quirements of chapter 53 of title 49, United States

1 Code, except that the non-Federal share provisions
2 of this title shall apply to the transferred funds.

3 “(3) Funds made available under chapter 53 of
4 title 49, United States Code, or this title for Na-
5 tional Railroad Passenger Corporation projects shall
6 be transferred to and administered by the Secretary
7 in accordance with the requirements of subtitle V,
8 part C, of title 49, United States Code, except that
9 the respective non-Federal share provisions of chap-
10 ter 53 of title 49, United States Code, or this title
11 shall apply to the transferred funds.

12 “(4) Funds made available under chapter 53 of
13 title 49, United States Code, or this title for other
14 eligible rail projects shall be transferred to and ad-
15 ministered by the Secretary in accordance with such
16 requirements as the Secretary may determine, except
17 that the respective non-Federal share provisions of
18 chapter 53 of title 49, United States Code, or this
19 title shall apply to the transferred funds, and except
20 that 49 U.S.C. 5333 shall apply to any funds trans-
21 ferred under this paragraph that are used for the
22 operation or construction of mass transit facilities.

23 “(5) Obligation authority provided for these
24 projects shall be transferred in the same manner
25 and amount as such funds are transferred.”.

1 (f) AUDITS OF HIGHWAY TRUST FUND.—From
 2 available administrative funds deducted under subsection
 3 104(a) of such title, the Secretary may reimburse the Of-
 4 fice of Inspector General of the Department of Transpor-
 5 tation for conducting annual financial statement audits in
 6 accordance with the provisions of the Chief Financial Offi-
 7 cers Act of 1990.

8 (g) EQUITY ADJUSTMENTS.—Section 157 of such
 9 title is revised to read as follows:

10 **“§ 157. Equity adjustments**

11 “(a) ADJUSTMENTS.—

12 “(1) MINIMUM ALLOCATION.—In each of fiscal
 13 years 1998, 1999, 2000, 2001, 2002, and 2003, on
 14 October 1, or as soon as possible thereafter, the Sec-
 15 retary shall allocate among the States amounts suffi-
 16 cient to ensure that a State’s percentage of the total
 17 apportionments in each such fiscal year for Inter-
 18 state maintenance, National Highway System, sur-
 19 face transportation program, bridge program, con-
 20 gestion mitigation and air quality improvement pro-
 21 gram, metropolitan planning, and infrastructure
 22 safety program shall not be less than 90 percent of
 23 the percentage of estimated tax receipts attributable
 24 to highway users in the State paid into the Highway

1 Trust Fund (other than the Mass Transit Account),
2 in the last fiscal year for which data are available.

3 “(2) 90 PERCENT OF APPORTIONMENTS.—

4 “(A) FISCAL YEAR 1998.—On October 1,
5 1997, or as soon as possible thereafter, the Sec-
6 retary shall allocate among the States amounts
7 sufficient to ensure that a State’s percentage of
8 the total apportionments in each such fiscal
9 year for interstate maintenance, interstate re-
10 imbursement, National Highway System, sur-
11 face transportation program, bridge program,
12 congestion mitigation and air quality improve-
13 ment program, metropolitan planning, infra-
14 structure safety program, and minimum alloca-
15 tion shall not be less than 90 percent of the
16 amount of the State’s apportionments for such
17 categories, and the amounts received under 90
18 percent of payments, donor State bonus, hold
19 harmless, subsection 1015(c) of the Intermodal
20 Surface Transportation Efficiency Act of 1991,
21 and section 202 of the National Highway Sys-
22 tem Designation Act of 1995, in the previous
23 fiscal year.

24 “(B) THEREAFTER.—In each of fiscal
25 years 1999, 2000, 2001, 2002, and 2003, on

1 October 1, or as soon as possible thereafter, the
2 Secretary shall allocate among the States
3 amounts sufficient to ensure that a State's per-
4 centage of the total apportionments in each
5 such fiscal year for interstate maintenance,
6 interstate reimbursement, National Highway
7 System, surface transportation program, bridge
8 program, congestion mitigation and air quality
9 improvement program, metropolitan planning,
10 infrastructure safety program, and minimum al-
11 location shall be not less than 90 percent of the
12 amount of the State's apportionments for such
13 categories and amounts received under the 90
14 percent of apportionments adjustment of this
15 paragraph in the previous fiscal year.

16 “(C) ALASKA.—Notwithstanding subpara-
17 graph (B), for each of fiscal years 1999, 2000,
18 2001, 2002, and 2003, on October 1, or as
19 soon as possible thereafter, the Secretary shall
20 allocate to the State of Alaska an amount suffi-
21 cient to ensure that Alaska's percentage of the
22 total apportionments in such fiscal year for
23 interstate maintenance, interstate reimburse-
24 ment, National Highway System, surface trans-
25 portation program, bridge program, congestion

1 mitigation and air quality improvement pro-
2 gram, metropolitan planning, infrastructure
3 safety program, and minimum allocation shall
4 not be less than 100 percent of the amount of
5 Alaska's apportionments for such categories
6 and amounts received under the 90 percent of
7 apportionments adjustment of this paragraph in
8 the previous fiscal year.

9 “(b) TREATMENT OF ALLOCATIONS.—

10 “(1) Amounts allocated pursuant to subsection
11 (a) of this section shall be available for obligation
12 when allocated, shall be subject to the provisions of
13 this title, and may be obligated for any project eligi-
14 ble for funding under this title. One-half of the
15 amounts allocated pursuant to subsection (a) of this
16 section shall be subject to section 133(d)(2) of this
17 title. Obligation limitations for Federal-aid highways
18 and highway safety infrastructure programs under
19 this title or established by any subsequent Act shall
20 not apply to obligations made under this section, ex-
21 cept where the provision of law establishing such
22 limitation specifically amends or limits the applica-
23 bility of this sentence.

24 “(2) Notwithstanding subsection (a) of this sec-
25 tion, the total amounts allocated pursuant to such

1 subsection shall not exceed the amounts authorized
2 in subsection (d) of this section. If the total amounts
3 to be allocated pursuant to subsection (a) of this
4 section in any fiscal year would exceed of the
5 amounts authorized for such fiscal year under sub-
6 section (d) of this section, the allocation to each
7 State under subsection (a) of this section shall be re-
8 duced proportionately.

9 “(c) TREATMENT OF WITHHELD APPORTION-
10 MENTS.—For purposes of subsection (a) of this section,
11 any funds which, but for subsection 158(b) of this title
12 or any other provision of law under which Federal-aid
13 highway funds are withheld from apportionment, would be
14 apportioned to a State in a fiscal year under a section
15 referred to in subsection (a) shall be treated as being ap-
16 portioned in such year.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—In
18 order to carry out this section, there are authorized to be
19 appropriated out of the Highway Trust Fund (other than
20 the Mass Transit Account) \$790,000,000 for fiscal year
21 1998, \$674,000,000 for fiscal year 1999, \$583,000,000
22 for fiscal year 2000, \$528,000,000 for fiscal year 2001,
23 \$508,000,000 for fiscal year 2002, and \$508,000,000 for
24 fiscal year 2003.”.

1 (h) CONFORMING AMENDMENT.—The analysis of
 2 chapter 1 of such title is amended by striking—

“157. Minimum allocation.”

3 and inserting—

“157. Equity adjustments.”.

4 **SEC. 1005. STATE PERCENTAGE GUARANTEE.**

5 (a) GENERAL RULE.—The amount of funds which,
 6 but for this subsection, would be apportioned to a State
 7 for each of fiscal years 1998 through 2003 under section
 8 104(b)(3) of title 23, United States Code, shall be in-
 9 creased or decreased by an amount which, when added to
 10 or subtracted from the aggregate amount of funds appor-
 11 tioned to a State for such fiscal year under sections
 12 104(b), 144, 157, 160, and 164 of such title will result
 13 in the percentage of amounts so apportioned to all States
 14 being at least equal to the percentage listed for such State
 15 in subsection (b) of this section.

16 (b) STATE PERCENTAGES.—For purposes of sub-
 17 section (a) of this section, the percentage of amounts ap-
 18 portioned which are referred to in subsection (a) for each
 19 State, Puerto Rico, and the District of Columbia shall be
 20 determined in accordance with the following table:

States:	Percentages
Alabama	1.67
Alaska	1.17
Arizona	1.4
Arkansas	1.14
California	8.87
Colorado	1.1
Connecticut	1.87

Delaware	0.4
District of Columbia	0.49
Florida	4.03
Georgia	2.86
Hawaii	0.69
Idaho	0.63
Illinois	3.38
Indiana	2.16
Iowa	1.11
Kansas	1.09
Kentucky	1.47
Louisiana	1.39
Maine	0.48
Maryland	1.63
Massachusetts	2.81
Michigan	2.72
Minnesota	1.36
Mississippi	1.08
Missouri	2.1
Montana	0.87
Nebraska	0.76
Nevada	0.57
New Hampshire	0.46
New Jersey	2.69
New Mexico	0.97
New York	5.19
North Carolina	2.5
North Dakota	0.57
Ohio	3.47
Oklahoma	1.35
Oregon	1.13
Pennsylvania	4.11
Rhode Island	0.53
South Carolina	1.24
South Dakota	0.64
Tennessee	1.97
Texas	6.21
Utah	0.71
Vermont	0.42
Virginia	2.16
Washington	1.8
West Virginia	0.88
Wisconsin	1.87
Wyoming	0.62
Puerto Rico	0.46

1 SEC. 1006. PROJECT APPROVAL AND OVERSIGHT.

2 (a) Section 106 of title 23, United States Code, is
3 amended—

1 (1) by revising the section title to read as fol-
2 lows:

3 **“§ 106. Project approval and oversight”;**

4 (2) by redesignating subsections (e) and (f) as
5 (g) and (h), respectively; and

6 (3) by striking subsections (a), (b), (c), and (d)
7 and inserting the following:

8 “(a) IN GENERAL.—Except as otherwise provided in
9 this section, the State highway department shall submit
10 to the Secretary for approval such plans, specifications,
11 and estimates for each proposed project as the Secretary
12 may require. The Secretary shall act upon such plans,
13 specifications, and estimates as soon as practicable after
14 they have been submitted, and shall enter into a formal
15 project agreement with the State highway department for-
16 malizing the conditions of the project approval. The execu-
17 tion of such project agreement shall be deemed a contrac-
18 tual obligation of the Federal Government for the payment
19 of its proportional contribution thereto. In taking such ac-
20 tion, the Secretary shall be guided by the provisions of
21 section 109 of this title.

22 “(b) PROJECT AGREEMENT.—The project agreement
23 shall make provision for State funds required for the
24 State’s pro rata share of the cost of construction of the
25 project and for the maintenance of the project after com-

1 pletion of construction. The Secretary may rely upon rep-
 2 resentations made by the State highway department with
 3 respect to the arrangements or agreements made by the
 4 State highway department and appropriate local officials
 5 where a part of the project is to be constructed at the
 6 expense of, or in cooperation with, local subdivisions of
 7 the State.

8 “(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

9 “(1) NHS PROJECTS.—Except as otherwise
 10 provided in subsection (d) of this section, the Sec-
 11 retary may discharge to the State any of the Sec-
 12 retary’s responsibilities for the design, plans, speci-
 13 fications, estimates, contract awards, and inspection
 14 of projects under this title on the National Highway
 15 System. The Secretary and the State shall reach
 16 agreement as to the extent the State may assume
 17 the Secretary’s responsibilities under this subsection.
 18 The Secretary may not assume any greater respon-
 19 sibility than the Secretary is permitted under this
 20 title as of September 30, 1997, except upon agree-
 21 ment by the Secretary and the State.

22 “(2) NON-NHS PROJECTS.—For all projects
 23 under this title that are off the National Highway
 24 System, the State shall assume the Secretary’s re-
 25 sponsibility for the design, plans, specifications, esti-

1 mates, contract awards, and inspection of projects
2 under this title.

3 “(d) SECRETARY’S RESPONSIBILITIES.—Nothing in
4 this section, section 133, and section 149 of this title shall
5 affect or discharge any responsibility or obligation of the
6 Secretary under any Federal law, other than this title,
7 provided that any responsibility or obligation of the Sec-
8 retary under sections 113 and 114 of this title, and section
9 5333 of title 49, United States Code, shall not be affected
10 and may not be discharged under this section, section 133,
11 or section 149 of this title.

12 “(e) In such cases as the Secretary deems advisable,
13 plans, specifications, and estimates for proposed projects
14 on any Federal-aid highway shall be accompanied by a
15 value engineering or other cost reduction analysis.

16 “(f) FINANCIAL PLAN.—The Secretary shall require
17 a financial plan for any project with an estimated total
18 cost of \$1,000,000,000 or more.”.

19 (b) SAFETY STANDARDS.—Section 109 of such title
20 is amended by adding at the end the following new sub-
21 section:

22 “(r) Safety considerations for projects under this title
23 may be met by phase construction.”.

24 (c) DAVIS-BACON ACT.—Section 113(a) of such title
25 is revised to read as follows:

1 “(a) The Secretary shall ensure that laborers and me-
2 chanics employed by contractors and subcontractors in
3 construction work authorized under this title be paid
4 wages not less than those prevailing on similar construc-
5 tion in the locality, as determined by the Secretary of
6 Labor under the Act of March 3, 1931 (known as the
7 Davis-Bacon Act) (40 U.S.C. 275a–276a–5). For a labor
8 standard under this subsection, the Secretary of Labor
9 has the same duties and powers stated in Reorganization
10 Plan No. 14 of 1950 (effective May 24, 1950, 64 Stat.
11 1267) and section 2 of the Act of June 13, 1934 (40
12 U.S.C. 276c). This subsection shall not apply to construc-
13 tion work undertaken on highways classified as local roads
14 or rural minor collectors. This subsection shall also not
15 apply to transportation enhancement activities or rec-
16 reational trails activities, provided that such activities are
17 not within the right-of-way of or related to a Federal-aid
18 highway.”.

19 (d) Such title is further amended by striking sections
20 105, 110 and 117.

21 (e) CONFORMING AMENDMENT.—The analysis for
22 chapter 1 of title 23 is amended—

23 (1) by revising the item relating to section 106
24 to read as follows:

“106. Project approval and oversight.”;

25 and

1 (2) by striking the items relating to sections
2 110 and 117.

3 **SEC. 1007. REAL PROPERTY ACQUISITION AND CORRIDOR**
4 **PRESERVATION.**

5 (a) ADVANCE ACQUISITION OF REAL PROPERTY.—
6 Section 108 of title 23, United States Code, is amended—

7 (1) by revising the section heading to read as
8 follows:

9 **“§ 108. Advance acquisition of real property”;**

10 (2) by revising subsection (a) to read as follows:

11 “(a) For the purpose of facilitating the timely and
12 economical acquisition of real property for any transpor-
13 tation improvement eligible for funding under this title,
14 the Secretary, upon the request of a State, is authorized
15 to make available, for the acquisition of real property,
16 those funds apportioned to that State which may be ex-
17 pended on such transportation improvement, under such
18 rules and regulations as the Secretary may prescribe. The
19 agreement between the Secretary and the State for the
20 reimbursement of the cost of such real property shall pro-
21 vide for the actual construction of a transportation im-
22 provement within a period not exceeding 20 years follow-
23 ing the fiscal year in which such request is made unless
24 a longer period is determined to be reasonable by the Sec-
25 retary.”; and

1 (3) by revising subsection (c) to read as follows:

2 “(c) Funds apportioned and advanced to States by
3 the Secretary from the right-of-way revolving fund pursu-
4 ant to this section prior to the effective date of this section
5 remain available to such States for use on the projects
6 for which such funds were advanced for a period of 10
7 years from the date such funds were advanced. Imme-
8 diately upon the termination of the 10-year period of time,
9 or when actual construction is commenced, or upon ap-
10 proval by the Secretary of the plans, specifications, and
11 estimates for such project for the actual construction of
12 a project on rights-of-way with respect to which funds had
13 been advanced from the right-of-way revolving fund,
14 whichever shall occur first, the Highway Trust Fund shall
15 be credited with an amount equal to the Federal share
16 of the funds advanced, as provided in section 120 of this
17 title, out of any Federal-aid highway funds apportioned
18 to the State in which such project is located and available
19 for obligation for projects of the type funded, and the
20 State shall reimburse the Secretary in an amount equal
21 to the non-Federal share of the funds advanced for deposit
22 in, and credit to, the Highway Trust Fund.”.

23 (b) CREDIT FOR ACQUIRED LANDS.—Section 323(b)
24 of such title is amended—

1 (1) by revising the subsection heading to read
2 as follows:

3 “(b) CREDIT FOR ACQUIRED LANDS.—”;

4 (2) by revising paragraphs (1) and (2) to read
5 as follows:

6 “(1) GENERAL RULE.—Notwithstanding any
7 other provision of this title, the State matching
8 share for a project with respect to which Federal as-
9 sistance is provided out of the Highway Trust Fund
10 (other than the Mass Transit Account) may be cred-
11 ited by the fair market value of any land that is ob-
12 tained by the State without violation of Federal law
13 or requirements and is incorporated into the project.

14 “(2) ESTABLISHMENT OF FAIR MARKET
15 VALUE.—The fair market value of the land incor-
16 porated into a project shall be established as deter-
17 mined by the Secretary. Fair market value shall not
18 include increases and decreases in the value of do-
19 nated property caused by the project. For purposes
20 of this subsection, the fair market value of donated
21 land shall be established as of the date the donation
22 becomes effective or when equitable title to the land
23 vests in the State, whichever is earlier.”;

24 (3) by striking paragraph (3);

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) CONFORMING AMENDMENT.—The analysis for
6 chapter 1 of title 23, United States Code, is amended by
7 striking—

“108. Advance acquisition of rights-of-way.”

8 and inserting—

“108. Advance acquisition of real property.”.

9 **SEC. 1008. PROCEEDS FROM THE SALE OR LEASE OF REAL**
10 **PROPERTY.**

11 (a) IN GENERAL.—Section 156 of title 23, United
12 States Code, is revised to read as follows:

13 **“§ 156. Proceeds from the sale or lease of real prop-**
14 **erty**

15 “(a) Subject to section 142(f) of this title, States
16 shall charge, at a minimum, fair market value for the sale,
17 use, lease, or lease renewals (other than for utility use and
18 occupancy or for transportation projects eligible for assist-
19 ance under this title) of real property acquired with Fed-
20 eral assistance made available from the Highway Trust
21 Fund (other than the Mass Transit Account).

22 “(b) Exceptions to charging for use or disposition of
23 real property may be granted by the Secretary for social,
24 environmental, or economic mitigation purposes.

1 “(c) The Federal share of net income from the reve-
 2 nues obtained by the State for sales, uses, or leases (in-
 3 cluding lease renewals) under this section shall be used
 4 by the State for projects eligible under this title.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
 6 chapter 1 of title 23, United States Code, is amended by
 7 striking—

“156. Income from airspace rights-of-way.”

8 and inserting—

“156. Proceeds from the sale or lease of real property.”.

9 **SEC. 1009. INTERSTATE MAINTENANCE PROGRAM.**

10 (a) ELIMINATION OF GUIDELINES AND ANNUAL
 11 CERTIFICATION REQUIREMENTS; PREVENTIVE MAINTENANCE
 12 ELIGIBILITY.—

13 (1) Section 109 of title 23, United States Code,
 14 is amended—

15 (A) by striking subsection (m); and

16 (B) by redesignating subsections (n), (o),
 17 (p), (q), and (r) as (m), (n), (o), (p), and (q),
 18 respectively.

19 (2) Section 119 of such title is amended—

20 (A) by striking subsections (b) and (e);
 21 and

22 (B) by redesignating subsections (c), (d),
 23 (f), and (g) as (b), (c), (d), and (e), respec-
 24 tively.

1 (b) ELIGIBLE ACTIVITIES.—Section 119(b) of such
2 title, as so redesignated, is amended—

3 (1) by inserting “highways,” after “reconstruc-
4 tion of”; and

5 (2) by inserting “and ITS capital improvements
6 that are infrastructure based to the extent that they
7 improve the performance of the Interstate System,”
8 after “where necessary,”.

9 (c) TRANSFERABILITY OF INTERSTATE MAINTENANCE FUNDS.—Section 119(d) of such title, as so redesignated, is revised to read as follows:

12 “(d) TRANSFERABILITY OF INTERSTATE MAINTENANCE FUNDS.—If a State certifies to the Secretary that
13 any part of the sums apportioned to the State under sec-
14 tion 104(b)(5)(B) of this title are in excess of the needs
15 of the State for its Interstate System pavement and
16 bridges and that the State is adequately maintaining its
17 Interstate System pavement and bridges in accordance
18 with condition criteria developed by the Secretary, and the
19 Secretary accepts such certification, the State may trans-
20 fer such excess part to its apportionment under sections
21 104(b)(1) and 104(b)(3) of this title.”.

23 (d) TECHNICAL AMENDMENT.—Section 119(a) of
24 such title is amended by striking “; except that the Sec-
25 retary may only approve a project pursuant to this sub-

1 section on a toll road if such road is subject to a Secretar-
2 ial agreement provided for in subsection (e)’’.

3 **SEC. 1010. MAINTENANCE.**

4 (a) DUTY TO MAINTAIN.—Section 116(a) of title 23,
5 United States Code, is amended by striking “system.” and
6 inserting “highway, or, for a highway bridge on a public
7 road that is classified as a local or rural minor collector,
8 such obligation shall cease when such road is no longer
9 a public road.”.

10 (b) ANNUAL CERTIFICATION.—Section 116(c) of
11 such title is amended—

12 (1) by striking “If at any time” and inserting
13 “Each State shall annually certify to the Secretary
14 that it is maintaining each project constructed with
15 Federal-aid highway funds in accordance with the
16 purposes for which each project was designed and
17 constructed. If a State does not so certify or if, at
18 any time,”; and

19 (2) by inserting after “until such” the follow-
20 ing: “certification has been submitted and accepted
21 or such”.

22 (c) TECHNICAL AMENDMENTS.—Section 116 of such
23 title is amended—

24 (1) in subsection (b)—

1 (A) by striking “the Federal-aid secondary
 2 system, or within a municipality,” and inserting
 3 “a Federal-aid highway, or within a jurisdic-
 4 tion,”; and

5 (B) by striking “county or municipality”
 6 and inserting “jurisdiction”; and

7 (2) in subsection (c)—

8 (A) by striking “he” and inserting “the
 9 Secretary”; and

10 (B) by striking “further projects” and in-
 11 serting “further expenditure of Federal-aid
 12 highway program funds”.

13 **SEC. 1011. INTERSTATE 4R DISCRETIONARY PROGRAM.**

14 Section 118 of title 23, United States Code, is
 15 amended—

16 (1) in the heading for subsection (c) by striking
 17 “SET ASIDE FOR INTERSTATE DISCRETIONARY
 18 PROJECTS.—” and inserting “SET ASIDE FOR
 19 INTERSTATE 4R PROJECTS.—”;

20 (2) by striking paragraphs (c)(1) and (c)(2);
 21 and

22 (3) by inserting after the heading of subsection
 23 (c) the following:

24 “(1) IN GENERAL.—Before any apportionment
 25 is made under section 104(b)(1) of this title, the

1 Secretary shall set aside \$45,000,000 for each of fis-
2 cal years 1998, 1999, 2000, 2001, 2002, and 2003
3 for obligation by the Secretary for projects for resur-
4 facing, restoring, rehabilitating, and reconstructing
5 any route or portion thereof on the Interstate Sys-
6 tem (other than any highway designated as a part
7 of the Interstate System under section 139 and any
8 toll road on the Interstate System not subject to an
9 agreement under section 119(e) of this title, as in
10 effect on the day before the date of enactment of the
11 Intermodal Surface Transportation Efficiency Act of
12 1991, or an agreement under section 129(a) of this
13 title). Such funds shall be made available by the
14 Secretary to any State applying for such funds, if
15 the Secretary determines that—

16 “(A) the State has obligated or dem-
17 onstrates that it will obligate in the fiscal year
18 all of its apportionments under section
19 104(b)(1) of this title other than an amount
20 which, by itself, is insufficient to pay the Fed-
21 eral share of the cost of a project for resur-
22 facing, restoring, rehabilitating, and recon-
23 structing the Interstate System which has been
24 submitted by the State to the Secretary for ap-
25 proval; and

1 “(B) the applicant is willing and able to—

2 “(i) obligate the funds within one year
3 of the date the funds are made available;

4 “(ii) apply the funds to a ready-to-
5 commence project; and

6 “(iii) in the case of construction work,
7 begin work within 90 days of obligation.

8 “(2) PRIORITY CONSIDERATION FOR CER-
9 TAIN I-4R PROJECTS.—In selecting projects to fund
10 under paragraph (1) of this subsection, the Sec-
11 retary shall give priority consideration to any project
12 the cost of which exceeds \$10,000,000 on any high
13 volume route in an urban area or a high truck-vol-
14 ume route in a rural area.

15 “(3) PERIOD OF AVAILABILITY OF DISCRE-
16 TIONARY FUNDS.—Sums made available pursuant to
17 this subsection shall remain available until ex-
18 pended.”.

19 **SEC. 1012. EMERGENCY RELIEF.**

20 (a) FEDERAL SHARE.—Section 120(e) of title 23,
21 United States Code, is amended—

22 (1) by striking “highway system” and inserting
23 “highway”;

24 (2) by striking “the Federal share payable on
25 a project on such system as provided in subsections

1 (a) and (b) of this section” and inserting “75 per-
 2 cent of the costs thereof”; and

3 (3) by striking “180 days” and inserting “30
 4 days”.

5 (b) ELIGIBILITY AND FUNDING.—Section 125 of
 6 such title is amended—

7 (1) by striking subsection (a);

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

10 (3) by inserting after the section heading the
 11 following new subsections:

12 “(a) GENERAL ELIGIBILITY.—An emergency fund is
 13 authorized for expenditure by the Secretary, subject to the
 14 provisions of this section and section 120 of this title, for
 15 the repair or reconstruction of highways, roads, and trails
 16 which the Secretary finds have suffered serious damage,
 17 in any part of the United States, including Indian reserva-
 18 tions, as a result of—

19 “(1) natural disaster over a wide area, such as
 20 by floods, hurricanes, tidal waves, earthquakes, se-
 21 vere storms, or landslides; or

22 “(2) catastrophic failure from any external
 23 cause.

24 “(b) RESTRICTION ON ELIGIBILITY.—In no event
 25 shall funds be used pursuant to this section for the repair

1 or reconstruction of bridges that have been permanently
2 closed to all vehicular traffic by the State or responsible
3 local official because of imminent danger of collapse due
4 to structural deficiencies or physical deterioration.

5 “(c) FUNDING.—Subject to the following limitations,
6 there is hereby authorized to be appropriated from the
7 Highway Trust Fund such sums as may be necessary to
8 establish the fund authorized by this section and to replenish it on an annual basis—

10 “(1) not more than \$100,000,000 is authorized
11 to be obligated in any one fiscal year commencing
12 after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year
13 the total of all obligations under this section is less
14 than the amount authorized to be obligated in such
15 fiscal year, the unobligated balance of such amount
16 shall remain available until expended and shall be in
17 addition to amounts otherwise available to carry out
18 this section each year; and

20 “(2) pending such appropriation or replenishment,
21 the Secretary may obligate from any funds
22 heretofore or hereafter appropriated for obligation in
23 accordance with this title, including existing Federal-
24 aid appropriations, such sums as may be necessary
25 for the immediate prosecution of the work herein au-

1 thorized, provided that such funds are reimbursed
 2 from the appropriations authorized in paragraph (1)
 3 of this subsection when such appropriations are
 4 made.”;

5 (4) in subsection (d), as so redesignated, by
 6 striking “subsection (c)” both times it appears and
 7 inserting “subsection (e)”; and

8 (5) in subsection (e), as so redesignated, by
 9 striking “on any of the Federal-Aid highway sys-
 10 tems” and inserting “Federal-aid highways”.

11 **SEC. 1013. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

12 (a) TOLLS ON THE INTERSTATE SYSTEM.—Section
 13 129(a)(1) of title 23, United States Code, is amended—

14 (1) in subparagraph (A) by striking “(other
 15 than a highway, bridge, or tunnel on the Interstate
 16 System)”; and

17 (2) in subparagraph (D) by striking “(other
 18 than a highway on the Interstate System)”.

19 (b) ELIMINATION OF PILOT PROGRAM.—Section 129
 20 of such title is amended by striking subsection (d).

21 **SEC. 1014. SURFACE TRANSPORTATION PROGRAM.**

22 (a) ESTABLISHED PROGRAM.—Section 133(a) of title
 23 23, United States Code, is amended by striking “ESTAB-
 24 LISHMENT.—The Secretary shall establish” and inserting
 25 “IN GENERAL.—The Secretary shall carry out”.

1 (b) ELIGIBLE PROJECTS.—Section 133(b) of such
2 title is amended—

3 (1) in paragraph (2) by striking “and publicly
4 owned intracity or intercity bus terminals and facili-
5 ties” and inserting “, including vehicles and facili-
6 ties, publicly or privately owned, that are used to
7 provide intercity passenger service by bus or rail”;

8 (2) in paragraph (3) by adding after “section
9 217” the following: “, and the modification of exist-
10 ing public sidewalks to comply with the requirements
11 of the Americans with Disabilities Act”;

12 (3) in paragraph (4)—

13 (A) by inserting “, publicly owned rail,”
14 after “Highway”;

15 (B) by inserting “infrastructure” after
16 “safety”; and

17 (C) by inserting before the period “and
18 any other non-infrastructure highway safety im-
19 provements”;

20 (4) in paragraph (8), by inserting after “activi-
21 ties” the following: “, as defined in subsection
22 101(a), provided that such activities have a direct
23 link to surface transportation”;

24 (5) in paragraph (11)—

1 (A) by inserting after “participation in”
 2 each place it appears “natural habitat and”;

3 (B) by inserting after “enhance and cre-
 4 ate” the following: “natural habitats and”; and

5 (C) by inserting before “wetlands conserva-
 6 tion” the following “natural habitat and”; and

7 (6) by adding at the end thereof the following:

8 “(12) Publicly owned intercity passenger rail
 9 infrastructure and publicly owned intercity freight
 10 rail infrastructure, including that owned by the Na-
 11 tional Railroad Passenger Corporation.

12 “(13) Publicly owned passenger rail vehicles, in-
 13 cluding those owned by the National Railroad Pas-
 14 senger Corporation.

15 “(14) Infrastructure-based Intelligent Trans-
 16 portation Systems capital improvements.”.

17 (c) ELIMINATION OF SAFETY SET-ASIDE.—Section
 18 133 of such title is amended—

19 (1) in the heading of subsection (d) by striking
 20 “ALLOCATIONS OF APPORTIONED FUNDS” and in-
 21 serting “USE OF FUNDS”;

22 (2) in subsection (d)—

23 (A) by striking paragraph (1); and

1 (B) by redesignating paragraphs (2), (3),
 2 (4), and (5), as (1), (2), (3), and (4), respec-
 3 tively;

4 (3) in paragraph (d)(2), as so redesignated, by
 5 striking “80” and inserting “90”;

6 (4) in subparagraph (d)(2)(B), as so redesign-
 7 ated, by striking “tobe obligated under subpara-
 8 graph” and inserting “to be obligated under clause”;

9 (5) in subparagraph (d)(2)(E), as so redesign-
 10 ated, by striking “subparagraph” each place it ap-
 11 pears and inserting “clause”; and

12 (6) in subparagraph (d)(4)(A), as so redesign-
 13 ated, by striking “paragraph (2)” and inserting
 14 “paragraph (1)”.

15 (d) PROGRAM APPROVAL.—Section 133(e)(2) of such
 16 title is amended to read as follows:

17 “(2) PROGRAM APPROVAL.—Each State shall
 18 submit a project agreement for each fiscal year, cer-
 19 tifying that the State will meet all the requirements
 20 of this section and notifying the Secretary of the
 21 amount of obligations needed to administer the sur-
 22 face transportation program. Each State shall re-
 23 quest adjustments to the amount of obligations as
 24 needed. The Secretary’s approval of the project
 25 agreement shall be deemed a contractual obligation

1 of the United States for the payment of surface
2 transportation program funds provided under this
3 title.”.

4 (e) PAYMENTS.—Section 133(e)(3) of such title is
5 amended—

6 (1) by striking the second sentence in subpara-
7 graph (A); and

8 (2) by striking “subsection (d)(2)” and insert-
9 ing “paragraph (d)(1)” in clause (B)(i).

10 (f) OBLIGATION AUTHORITY.—Section 133(f) of such
11 title is amended to read as follows:

12 “(f) OBLIGATION AUTHORITY.—(1) A State that is
13 required to obligate in an urbanized area with an urban-
14 ized area population of over 200,000 under subsection (d)
15 of this section funds apportioned to it under section
16 104(b)(3) of this title shall make available during the 3-
17 fiscal year period of 1998 through 2000 and the 3-fiscal
18 year period of 2001 through 2003 an amount of obligation
19 authority distributed to the State for Federal-aid high-
20 ways and highway safety construction for use in such area
21 determined by multiplying—

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

1 “(B) the ratio of the aggregate amount of obli-
 2 gation authority distributed to the State for Federal-
 3 aid highways and highway safety construction dur-
 4 ing each such period to the total sums apportioned
 5 to the State for Federal-aid highways and highway
 6 safety construction (excluding sums not subject to
 7 an obligation limitation) during each such period.

8 “(2) Each State, affected metropolitan planning or-
 9 ganization, and the Secretary shall jointly ensure compli-
 10 ance with paragraph (1) of this subsection.

11 “(3) Each State, in cooperation with each affected
 12 metropolitan planning organization, shall ensure fair and
 13 equitable treatment of central cities over 200,000 popu-
 14 lation in implementing the requirements of paragraph (1)
 15 of this subsection.”.

16 **SEC. 1015. METROPOLITAN PLANNING.**

17 Section 134 of title 23, United States Code, is revised
 18 to read as follows:

19 **“§ 134. Metropolitan planning**

20 “(a) GENERAL REQUIREMENTS.—It is in the na-
 21 tional interest to encourage and promote the safe and effi-
 22 cient management, operation and development of surface
 23 transportation systems that will serve the mobility needs
 24 of people and freight within and through urbanized areas,
 25 while minimizing transportation-related fuel consumption

1 and air pollution, in a fair and equitable manner. To ac-
2 complish this objective, metropolitan planning organiza-
3 tions, in cooperation with the State and public transit op-
4 erators, shall develop transportation plans and programs
5 for urbanized areas of the State. Such plans and programs
6 shall provide for the development and integrated manage-
7 ment and operation (excluding maintenance) of transpor-
8 tation systems and facilities (including pedestrian walk-
9 ways and bicycle transportation facilities) which will func-
10 tion as an intermodal transportation system for the metro-
11 politan area and as an integral part of an intermodal
12 transportation system for the State and the Nation. The
13 process for developing such plans and programs shall pro-
14 vide for consideration of all modes of transportation and
15 shall be continuing, cooperative, and comprehensive to the
16 degree appropriate, based on the complexity of the trans-
17 portation problems.

18 “(b) METROPOLITAN PLANNING ORGANIZATIONS.—

19 “(1) DESIGNATION.—To carry out the trans-
20 portation planning process required by this section,
21 a metropolitan planning organization shall be des-
22 ignated for each urbanized area of more than 50,000
23 population by agreement between the Governor and
24 units of general purpose local government which to-
25 gether represent at least 51 percent of the affected

1 population (including the central city or cities as de-
2 fined by the Bureau of the Census) or by procedures
3 established under applicable State law.

4 “(2) REDESIGNATION.—A metropolitan plan-
5 ning organization may be redesignated by agreement
6 between the Governor and units of general purpose
7 local government which together represent at least
8 51 percent of the affected population (including the
9 central city or cities as defined by the Bureau of the
10 Census) or by procedures established under applica-
11 ble State law.

12 “(3) DESIGNATION OF MORE THAN ONE MPO.—
13 More than one metropolitan planning organization
14 may be designated within an existing metropolitan
15 planning area only if the Secretary concurs with a
16 request from the Governor and existing MPO that
17 the size and complexity of the existing metropolitan
18 planning area make designation of more than one
19 metropolitan planning organization for such area ap-
20 propriate.

21 “(4) MPO STRUCTURE.—The policy boards of
22 metropolitan planning organizations, serving areas
23 designated as a transportation management area,
24 when designated or redesignated, shall include local
25 officials, officials of public agencies which administer

1 or operate major modes of transportation in the
 2 metropolitan area (including all transportation agen-
 3 cies included in the metropolitan planning organiza-
 4 tion as of June 1, 1991), and appropriate State offi-
 5 cials.

6 “(5) LIMITATION ON STATUTORY CONSTRUC-
 7 TION.—Nothing in this subsection shall be construed
 8 to interfere with the authority, under any State law
 9 in effect on December 18, 1991, of a public agency
 10 with multimodal transportation responsibilities to—

11 “(A) develop plans and programs for adop-
 12 tion by a metropolitan planning organization;
 13 and

14 “(B) develop long-range capital plans, co-
 15 ordinate transit services and projects, and carry
 16 out other activities pursuant to State law.

17 “(c) METROPOLITAN PLANNING AREA BOUND-
 18 ARIES.—For the purposes of this section, the boundaries
 19 of a metropolitan planning area shall be determined by
 20 agreement between the metropolitan planning organiza-
 21 tion and the Governor. Each metropolitan planning area
 22 shall cover at least the existing urbanized area and the
 23 contiguous area expected to become urbanized within the
 24 20-year forecast period and may encompass the entire
 25 metropolitan statistical area or consolidated metropolitan

1 statistical area, as defined by the Bureau of the Census.
2 For an area designated as a nonattainment area for ozone,
3 carbon monoxide, or particulate matter under the Clean
4 Air Act, the boundaries of the metropolitan planning area
5 in existence as of the last day of fiscal year 1996 shall
6 be retained, except that such boundaries may be adjusted
7 by agreement of the affected metropolitan planning orga-
8 nizations and Governors. For an urbanized area des-
9 ignated after September 30, 1996, the planning area
10 boundaries shall cover at least the urbanized area and the
11 contiguous area expected to become urbanized within the
12 20-year forecast period and may encompass the entire
13 metropolitan statistical area or consolidated metropolitan
14 statistical area, as defined by the Bureau of the Census.
15 The boundaries shall be established by agreement between
16 the appropriate units of general purpose local government
17 (including the central city) and the Governor and address
18 appropriately any nonattainment area identified under the
19 Clean Air Act for ozone, carbon monoxide, or particulate
20 matter.

21 “(d) COORDINATION IN MULTISTATE AREAS.—

22 “(1) IN GENERAL.—The Secretary shall encour-
23 age Governors with responsibility for a portion of a
24 multistate metropolitan area and the appropriate
25 metropolitan planning organizations to provide co-

1 ordinated transportation planning for the entire met-
2 ropolitan area.

3 “(2) INTERSTATE COMPACTS.—The consent of
4 Congress is hereby given to any two or more States
5 to enter into agreements or compacts, not in conflict
6 with any law of the United States, for cooperative
7 efforts and mutual assistance in support of activities
8 authorized under this section as such activities per-
9 tain to interstate areas and localities within such
10 States and to establish such agencies, joint or other-
11 wise, as such States may deem desirable for making
12 such agreements and compacts effective.

13 “(e) COORDINATION OF MPO’S.—If more than one
14 metropolitan planning organization has authority within
15 an existing metropolitan planning area or an area which
16 is designated as a nonattainment area for ozone, carbon
17 monoxide or particulate matter under the Clean Air Act,
18 each metropolitan planning organization shall coordinate
19 with the other metropolitan planning organizations des-
20 ignated for such area and the State in the development
21 of plans and programs required by this section.

22 “(f) SCOPE OF THE PLANNING PROCESS.—

23 “(1) The metropolitan transportation planning
24 process shall consider as appropriate goals and ob-
25 jectives that—

1 “(A) support the economic vitality of the
2 metropolitan area, especially by enabling global
3 competitiveness, productivity, and efficiency;

4 “(B) increase the safety and security of
5 the transportation system;

6 “(C) increase the accessibility and mobility
7 options available to people and for freight;

8 “(D) protect and enhance the environment,
9 energy conservation, and quality of life;

10 “(E) enhance the integration and
11 connectivity of the transportation system,
12 across and between modes, for people and
13 freight;

14 “(F) promote efficient system management
15 and operation; and

16 “(G) emphasize the preservation of the ex-
17 isting transportation system.

18 “(2) The metropolitan planning organization
19 shall cooperatively determine with the State and
20 transit operator(s) how these considerations are
21 translated into metropolitan goals and objectives and
22 how they are factored into decision making.

23 “(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

24 “(1) IN GENERAL.—Each metropolitan plan-
25 ning organization shall prepare and update periodi-

1 cally, according to a schedule that the Secretary de-
2 termines to be appropriate, a transportation plan for
3 its metropolitan area in accordance with the require-
4 ments of this subsection.

5 “(2) TRANSPORTATION PLAN.—A transpor-
6 tation plan under this section shall at a minimum:

7 “(A) Identify transportation facilities (in-
8 cluding but not necessarily limited to major
9 roadways, transit, multimodal and intermodal
10 facilities) that should function as a future inte-
11 grated transportation system, giving emphasis
12 to those facilities that serve important national
13 and regional transportation functions. In for-
14 mulating transportation plans, the metropolitan
15 planning process shall address the consider-
16 ations in subsection (f) of this section, any
17 State or local goals developed within the cooper-
18 ative metropolitan planning process, and other
19 issues addressed in this section as they relate to
20 a 20-year forecast period and to other forecast
21 periods as determined by the participants in the
22 planning process.

23 “(B) Identify transportation strategies
24 necessary to—

1 “(i) ensure preservation, including re-
2 quirements for management, operation (ex-
3 cluding maintenance), modernization, and
4 rehabilitation, of the existing and future
5 transportation system; and

6 “(ii) make the most efficient use of
7 existing transportation facilities to relieve
8 congestion, to efficiently serve the mobility
9 needs of people and goods and to enhance
10 access within the metropolitan planning
11 area, especially for those without access to
12 private motor vehicles.

13 “(C) Include a financial plan that dem-
14 onstrates how the adopted transportation plan
15 can be implemented, indicates resources from
16 public and private sources that are reasonably
17 expected to be made available to carry out the
18 plan, and recommends any additional financing
19 strategies for needed projects and programs.
20 For the purpose of developing the transpor-
21 tation plan, the MPO, public transit agency,
22 and State, shall cooperatively develop estimates
23 of funds that will be available to support plan
24 implementation.

1 “(3) COORDINATION WITH RELATED PLANNING
2 ACTIVITIES.—

3 “(A) In metropolitan areas that are in
4 nonattainment for ozone, carbon monoxide, or
5 particulate matter under the Clean Air Act (41
6 U.S.C. 7401 et seq.), the metropolitan planning
7 organization and the State air quality agency
8 (and local air quality agencies as appropriate)
9 shall coordinate the process of developing the
10 transportation plan and the State air quality
11 implementation plan, including development of
12 the transportation control measures for the
13 State implementation plan.

14 “(B) The metropolitan planning process
15 shall develop transportation plans with due con-
16 sideration of and in coordination with other re-
17 lated planning activities within the metropolitan
18 planning area.

19 “(4) PARTICIPATION BY INTERESTED PAR-
20 TIES.—Before adopting a transportation plan, each
21 metropolitan planning organization shall provide citi-
22 zens, affected public agencies, representatives of
23 transportation agency employees, freight shippers,
24 private providers of transportation, and other inter-
25 ested parties with a reasonable opportunity to com-

1 ment on the transportation plan, in a manner that
2 the Secretary deems appropriate.

3 “(5) PUBLICATION OF TRANSPORTATION
4 PLAN.—Each transportation plan prepared by a
5 metropolitan planning organization shall be—

6 “(A) published or otherwise made readily
7 available for public review; and

8 “(B) submitted for information purposes
9 to the Governor at such times and in such man-
10 ner as the Secretary shall establish.

11 “(h) METROPOLITAN TRANSPORTATION IMPROVE-
12 MENT PROGRAM.—

13 “(1) DEVELOPMENT.—The metropolitan plan-
14 ning organization designated for a metropolitan
15 area, in cooperation with the State and any affected
16 public transit operator, shall develop a transpor-
17 tation improvement program for the area for which
18 such organization is designated. In developing the
19 program, the metropolitan planning organization, in
20 cooperation with the State and affected public tran-
21 sit operator, shall provide citizens, affected public
22 agencies, representatives of transportation agency
23 employees, other affected employee representatives,
24 freight shippers, private providers of transportation,
25 and other interested parties with a reasonable oppor-

1 tunity to comment on the proposed program. The
2 program shall be updated at least once every 2 years
3 and shall be approved by the metropolitan planning
4 organization and the Governor.

5 “(2) CONTENT.—The transportation improve-
6 ment program shall include the following:

7 “(A) A listing of proposed federally sup-
8 ported surface transportation projects and
9 strategies to be carried out within each 3-year
10 period after the initial adoption of the transpor-
11 tation improvement program.

12 “(B) A financial plan that demonstrates
13 how the transportation improvement program
14 can be implemented, indicates resources from
15 public and private sources that are reasonably
16 expected to be made available to carry out the
17 program, and identifies innovative financing
18 techniques to finance projects, programs, and
19 strategies. For the purpose of developing the
20 transportation improvement program, the MPO,
21 public transit agency, and State shall coopera-
22 tively develop estimates of funds that will be
23 available to support program implementation.

24 “(3) INCLUDED PROJECTS.—A transportation
25 improvement program developed under this sub-

1 section for a metropolitan area shall include the
2 projects and strategies within the area that are pro-
3 posed for funding under chapter 1 of this title and
4 chapter 53 of title 49, United States Code. Region-
5 ally significant projects proposed for funding under
6 chapter 2 of this title shall be identified individually,
7 and chapter-2 funded projects not deemed to be re-
8 gionally significant shall be either grouped in one
9 line item or identified individually. All projects shall
10 be consistent with the transportation plan developed
11 under subsection (g) of this section for the area. The
12 program shall include a project, or an identified
13 phase of a project, only if full funding can reason-
14 ably be anticipated to be available for the project
15 within the time period contemplated for completion
16 of the project.

17 “(4) NOTICE AND COMMENT.—Before approv-
18 ing a transportation improvement program, a metro-
19 politan planning organization shall, in cooperation
20 with the State and any public transit operator, pro-
21 vide citizens, affected public agencies, representa-
22 tives of transportation agency employees, private
23 providers of transportation, and other interested
24 parties with reasonable notice of and an opportunity
25 to comment on the proposed program.

1 “(5) SELECTION OF PROJECTS.—Except as oth-
2 erwise provided in paragraph (i)(4) of this section
3 and in addition to the cooperative transportation im-
4 provement program development called for in para-
5 graph (h)(1) of this section, selection of federally
6 funded projects for implementation in metropolitan
7 areas shall be carried out by the State and des-
8 ignated transit funding recipients from the approved
9 transportation improvement program in cooperation
10 with the metropolitan planning organization.

11 “(i) TRANSPORTATION MANAGEMENT AREAS.—

12 “(1) DESIGNATION.—The Secretary shall des-
13 ignate as transportation management areas all ur-
14 banized areas over 200,000 population. The Sec-
15 retary shall designate any additional area as a trans-
16 portation management area upon the request of the
17 Governor and the metropolitan planning organiza-
18 tion designated for such area.

19 “(2) TRANSPORTATION PLANS AND PRO-
20 GRAMS.—Within a transportation management area,
21 transportation plans and programs shall be based on
22 a continuing and comprehensive transportation plan-
23 ning process carried out by the metropolitan plan-
24 ning organization in cooperation with the State and
25 public transit operator.

1 “(3) CONGESTION MANAGEMENT SYSTEM.—

2 Within a transportation management area, the
3 transportation planning process under this section
4 shall include a congestion management system that
5 provides for effective management of new and exist-
6 ing transportation facilities eligible for funding
7 under this title and chapter 53 of title 49, United
8 States Code, through the use of travel demand re-
9 duction and operational management strategies.

10 “(4) SELECTION OF PROJECTS.—In addition to
11 the cooperative transportation improvement program
12 development called for in paragraph (h)(1) of this
13 section, all federally funded projects carried out
14 within the boundaries of a transportation manage-
15 ment area pursuant to this title (excluding projects
16 undertaken on the National Highway System and
17 pursuant to the bridge and interstate maintenance
18 programs) or pursuant to chapter 53 of title 49,
19 United States Code, shall be selected for implemen-
20 tation from the approved transportation improve-
21 ment program by the metropolitan planning organi-
22 zation designated for such area in consultation with
23 the State and public transit operator. Projects un-
24 dertaken within the boundaries of a transportation
25 management area on the National Highway System

1 or pursuant to the bridge and Interstate mainte-
2 nance programs shall be selected for implementation
3 from the approved transportation improvement pro-
4 gram by the State in cooperation with the metropoli-
5 tan planning organization designated for such area.

6 “(5) CERTIFICATION.—The Secretary shall as-
7 sure that the metropolitan planning process in each
8 transportation management area is being carried out
9 under applicable provisions of Federal law, and shall
10 so certify at least once every 3 years. The Secretary
11 may make such certification only if (1) the transpor-
12 tation planning process complies with the require-
13 ments of this section and other applicable require-
14 ments of Federal law, and (2) there is a transpor-
15 tation improvement program for the area that has
16 been approved by the metropolitan planning organi-
17 zation and the Governor. If a metropolitan planning
18 process is not certified, the Secretary may withhold
19 all or part of the apportioned funds attributable to
20 the transportation management area under title 23
21 and chapter 53 of title 49, United States Code. The
22 withheld apportionments shall be restored to the
23 metropolitan area at such time as the metropolitan
24 planning organization is certified by the Secretary.
25 The Secretary shall not withhold certification under

1 this section based upon the policies and criteria es-
2 tablished by a metropolitan planning organization or
3 transit grant recipient for determining the feasibility
4 of private enterprise participation in accordance with
5 section 5306(a) of title 49.

6 “(j) ABBREVIATED PLANS AND PROGRAMS FOR CER-
7 TAIN AREAS.—For a metropolitan area not designated as
8 a transportation management area under this section, the
9 Secretary may provide for the development of an abbrevi-
10 vated metropolitan transportation plan and program that
11 the Secretary determines to be appropriate to achieve the
12 purposes of this section, taking into account the complex-
13 ity of transportation problems in such area. In no event
14 shall the Secretary permit abbreviated plans or programs
15 for a metropolitan area which is in nonattainment for
16 ozone, carbon monoxide or particulate matter under the
17 Clean Air Act.

18 “(k) ADDITIONAL REQUIREMENTS FOR CERTAIN
19 NONATTAINMENT AREAS.—Notwithstanding any other
20 provisions of this title or chapter 53 of title 49, United
21 States Code, for a transportation management area classi-
22 fied as nonattainment for ozone, carbon monoxide or par-
23 ticulate matter pursuant to the Clean Air Act, Federal
24 funds may not be programmed in such area for any high-
25 way project that will result in a significant increase in car-

1 rying capacity for single-occupant vehicles unless the
 2 project results from an approved congestion management
 3 system which is part of the planning process. The provi-
 4 sions of this subsection apply to the nonattainment area
 5 within the planning area boundary defined in subsection
 6 (c) of this section.

7 “(l) LIMITATION ON STATUTORY CONSTRUCTION.—
 8 Nothing in this section shall be construed to confer on
 9 a metropolitan planning organization the authority to im-
 10 pose legal requirements on any transportation facility,
 11 provider, or project not eligible under this title of chapter
 12 53 of title 49, United States Code.

13 “(m) FUNDING.—Funds set aside pursuant to sec-
 14 tion 104(f) of this title and section 5303 of title 49 shall
 15 be available to carry out the requirements of this section.
 16 Any funds that are not used for the purpose of carrying
 17 out this section may be made available by the metropolitan
 18 planning organization to the State for the purpose of fund-
 19 ing activities under section 135 of this title.”

20 **SEC. 1016. STATEWIDE PLANNING.**

21 Section 135 of title 23, United States Code, is revised
 22 to read as follows:

23 **“§ 135. Statewide planning**

24 “(a) GENERAL REQUIREMENTS.—It is in the na-
 25 tional interest to encourage and promote the safe and effi-

1 cient management, operation and development of surface
 2 transportation systems that will serve the mobility needs
 3 of people and freight throughout the State in a fair and
 4 equitable manner. Subject to section 134 of this title and
 5 sections 5303 through 5305 of title 49, the State shall
 6 develop transportation plans and programs for all areas
 7 of the State. Such plans and programs shall provide for
 8 the development and integrated management and oper-
 9 ation (excluding maintenance) of transportation systems
 10 (including pedestrian walkways and bicycle transportation
 11 facilities) that will function as an intermodal State trans-
 12 portation system and an integral part of the Nation's
 13 intermodal transportation system. The process for devel-
 14 oping such plans and programs shall provide for consider-
 15 ation of all modes of transportation and shall be continu-
 16 ing, cooperative, and comprehensive to the degree appro-
 17 priate, based on the complexity of the transportation prob-
 18 lems.

19 “(b) SCOPE OF THE PLANNING PROCESS.—

20 “(1) Each State shall undertake a transpor-
 21 tation planning process that shall consider as appro-
 22 prium transportation goals and objectives that—

23 “(A) support the economic vitality of the
 24 Nation, its States and metropolitan areas, espe-

1 cially by enabling global competitiveness, pro-
2 ductivity and efficiency;

3 “(B) increase the safety and security of
4 the transportation system;

5 “(C) increase the accessibility and mobility
6 options available to people and for freight, espe-
7 cially to people without access to private motor
8 vehicles;

9 “(D) protect and enhance the environment,
10 energy conservation, and quality of life;

11 “(E) enhance the integration and
12 connectivity of the transportation system,
13 across and between modes throughout the State
14 for people and freight;

15 “(F) promote efficient system management
16 and operation; and

17 “(G) emphasize the preservation of the ex-
18 isting transportation system.

19 “(2) The State shall cooperatively determine
20 with its planning partners how these considerations
21 are translated into State goals and objectives and
22 how they are factored into decision-making.

23 “(3) In addition, each State in carrying out
24 planning under this section shall consider the follow-
25 ing:

1 “(A) The coordination of transportation
2 plans, programs and planning activities devel-
3 oped and performed for metropolitan areas of
4 the State under section 134 of this title and
5 sections 5303 through 5305 of title 49, with the
6 State transportation plans, programs and plan-
7 ning activities developed and performed under
8 this section and the reconciliation of such plans
9 and programs as necessary to ensure
10 connectivity within transportation systems and
11 to ensure that the requirements of the Clean
12 Air Act are met.

13 “(B) In non-metropolitan areas the con-
14 cerns of local elected officials having jurisdic-
15 tion over transportation.

16 “(C) The concerns of Indian tribal govern-
17 ments and Federal Lands Agencies having ju-
18 risdiction over lands within the boundaries of
19 the State.

20 “(D) Coordination of transportation plans,
21 programs and planning activities with related
22 planning activities being undertaken outside of
23 metropolitan planning areas.

24 “(c) TRANSPORTATION PLAN.—The State shall de-
25 velop a transportation plan, with a minimum 20-year fore-

1 cast period, for all areas of the State that provides for
2 the development and implementation of the State's inter-
3 modal transportation system. With respect to metropolitan
4 areas of the State, the plan shall be developed in coopera-
5 tion with metropolitan planning organizations designated
6 for metropolitan areas in the State under section 134 of
7 this title and sections 5303 through 5305 of title 49. In
8 non-metropolitan areas, the statewide plan shall be devel-
9 oped in consultation with local elected officials with juris-
10 diction over transportation. With respect to areas of the
11 State under the jurisdiction of an Indian tribal govern-
12 ment, the plan shall be developed in cooperation with such
13 government and the Secretary of the Interior. In develop-
14 ing the plan, the State shall provide citizens, affected pub-
15 lic agencies, representatives of transportation agency em-
16 ployees, other affected employee representatives, freight
17 shippers, private providers of transportation, and other in-
18 terested parties with a reasonable opportunity to comment
19 on the proposed plan and shall identify transportation
20 strategies necessary to efficiently serve the mobility needs
21 of people, especially those without access to private motor
22 vehicles.

23 “(d) STATE TRANSPORTATION IMPROVEMENT PRO-
24 GRAM.—

1 “(1) DEVELOPMENT.—The State shall develop
2 a transportation improvement program for all areas
3 of the State. With respect to a metropolitan area of
4 the State, the program shall be developed in co-
5 operation with the metropolitan planning organiza-
6 tions designated for the metropolitan area under sec-
7 tion 134 of this title and sections 5303 through
8 5305 of title 49. In a non-metropolitan area, the
9 program shall be developed in consultation with local
10 elected officials with jurisdiction over transportation.
11 In developing the program, the Governor shall pro-
12 vide citizens, affected public agencies, representa-
13 tives of transportation agency employees, other af-
14 fected employee representatives, freight shippers,
15 private providers of transportation, and other inter-
16 ested parties with a reasonable opportunity to com-
17 ment on the proposed program.

18 “(2) INCLUDED PROJECTS.—A transportation
19 improvement program for a State developed under
20 this subsection shall include federally supported sur-
21 face transportation expenditures within the bound-
22 aries of the State. Regionally significant projects
23 proposed for funding under chapter 2 of this title
24 shall be identified individually, and chapter 2-funded
25 projects not deemed to be regionally significant shall

1 be either grouped in one line item or identified indi-
2 vidually. All projects shall be consistent with the
3 transportation plan developed under this section for
4 the State, identical with an approved metropolitan
5 transportation improvement program, and in an area
6 designated as nonattainment for ozone, carbon mon-
7 oxide, or particulate matter under the Clean Air Act
8 conform with the applicable State implementation
9 plan developed pursuant to the Clean Air Act. The
10 program shall include a project, or an identified
11 phase of a project, only if full funding can reason-
12 ably be anticipated to be available for such project
13 within the time period contemplated for completion
14 of the project. The program shall also reflect the pri-
15 orities for programming and expenditures of funds,
16 including transportation enhancements, required by
17 this title.

18 “(3) PROJECT SELECTION FOR AREAS LESS
19 THAN 50,000 POPULATION.—Projects undertaken in
20 areas of less than 50,000 population shall be se-
21 lected for advancement from the approved State
22 transportation improvement program by the State in
23 consultation with the affected local officials.

24 “(4) BIENNIAL REVIEW AND APPROVAL.—A
25 transportation improvement program developed

1 under this subsection shall be reviewed and, upon a
 2 finding that the planning process through which the
 3 program was developed is consistent with this sec-
 4 tion and section 134 of this title, approved no less
 5 frequently than biennially by the Secretary.

6 “(e) FUNDING.—Funds set aside pursuant to section
 7 329(a) of title 23, United States Code, and section
 8 5313(b) of title 49, United States Code, shall be available
 9 to carry out the requirements of this section.”.

10 **SEC. 1017. RESEARCH, TRAINING, AND EMPLOYMENT OP-**
 11 **PORTUNITIES.**

12 (a) TRAINING.—

13 (1) Section 140(a) of title 23, United States
 14 Code, is amended by inserting after the third sen-
 15 tence the following: “In implementing such pro-
 16 grams, a State should reserve training positions for
 17 persons who receive welfare assistance from such
 18 State.”.

19 (2) Section 140(b) of such title is amended—

20 (A) in the first sentence—

21 (i) by inserting “and technology”
 22 after “construction”; and

23 (ii) by inserting after “programs” the
 24 following: “, and to develop and fund Sum-
 25 mer Transportation Institutes”; and

1 (B) in the last sentence by striking “may
2 be available” and inserting “should be utilized”.

3 (b) EMPLOYMENT.—

4 (1) Section 140(d) of such title is amended in
5 the second sentence by striking “may” and inserting
6 “should”.

7 (2) Section 140 of such title is further amended
8 by adding at the end the following new subsections:
9 “(e) WELFARE RECIPIENT EMPLOYMENT.—

10 “(1) Nothing in this title shall preclude the
11 preferential employment, in accordance with para-
12 graph (2) of this subsection, of persons who receive
13 welfare assistance and persons who reside in
14 Empowerment Zones and Enterprise Communities
15 designated in accordance with 26 U.S.C. 1391.

16 “(2) A State should implement a preference for
17 employment of persons who receive welfare assist-
18 ance from such State and persons who reside in
19 Empowerment Zones and Enterprise Communities
20 in such State on any project carried out under this
21 title. The Secretary shall cooperate with States to
22 implement this subsection.

23 “(f) WELFARE ASSISTANCE DEFINED.—As used in
24 this section, the term ‘welfare assistance’ means assistance
25 provided in accordance with title I of the Personal Respon-

1 sibility and Work Opportunity Act of 1996 (42 U.S.C. 601
2 et seq.).

3 “(g) VIRGIN ISLANDS RESIDENT EMPLOYMENT.—

4 “(1) Nothing in this title shall preclude the
5 preferential employment, in accordance with para-
6 graph (2) of this subsection, of local workers on any
7 project carried out under this title in the Virgin Is-
8 lands.

9 “(2) The territory of the Virgin Islands should
10 implement a preference for employment of local
11 workers on any project carried out under this title
12 in the Virgin Islands. The Secretary shall cooperate
13 with the Virgin Islands to implement this sub-
14 section.”.

15 (c) TECHNICAL CORRECTIONS.—Section 140 of such
16 title is further amended—

17 (1) in the second sentence of subsection (a) by
18 striking “He” and inserting “The Secretary”;

19 (2) in the third sentence of subsection (a)—

20 (A) by striking “of the Federal-aid sys-
21 tems” and inserting “Federal-aid highway”;
22 and

23 (B) by striking “he” and inserting “the
24 Secretary”;

1 (3) in the fourth sentence of subsection (a) by
2 striking “him” and inserting “the Secretary”;

3 (4) in subsection (b) by striking “he” and in-
4 serting “the Secretary”;

5 (5) in subsection (c) by striking “he” and in-
6 serting “the Secretary”; and

7 (6) in the heading of subsection (d) by striking
8 “and contracting”.

9 (d) MINORITY INSTITUTIONS OF HIGHER EDU-
10 CATION.—Section 307 of such title is amended by adding
11 at the end the following new subsection:

12 “(i) MINORITY INSTITUTIONS OF HIGHER EDU-
13 CATION.—To increase their participation in grants and co-
14 operative agreements awarded under this section, the Sec-
15 retary shall establish an assistance program to increase
16 participation by historically black colleges and universities,
17 Hispanic-serving institutions, American Indian community
18 colleges, and other minority institutions of higher edu-
19 cation, as defined under 20 U.S.C. 1059c(b)(1), 1061(2)
20 and 1135d–5(3) or as may be designated by the United
21 States Department of Education pursuant to other Fed-
22 eral laws. Notwithstanding any other provision of this
23 title, this program may utilize limited competition to in-
24 crease the award of grants and cooperative agreements
25 under this Section to such institutions, so long as other-

1 wise consistent with law. The Secretary may issue regula-
 2 tions to implement this program.”.

3 **SEC. 1018. DISADVANTAGED BUSINESS ENTERPRISES.**

4 (a) GENERAL RULE.—Except to the extent that the
 5 Secretary determines otherwise, not less than 10 percent
 6 of the amounts authorized to be appropriated for any pro-
 7 gram under titles I, III, V, and VI of this Act shall be
 8 expended with small business concerns owned and con-
 9 trolled by socially and economically disadvantaged individ-
 10 uals.

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

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

23 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
 24 TAGED INDIVIDUALS.—The term “socially and eco-
 25 nomically disadvantaged individuals” has the mean-

1 ing such term has under section 8(d) of the Small
2 Business Act (15 U.S.C. 637(d)) and relevant sub-
3 contracting regulations promulgated pursuant there-
4 to; except that women shall be presumed to be so-
5 cially and economically disadvantaged individuals for
6 purposes of this section.

7 (c) ANNUAL LISTING OF DISADVANTAGED BUSINESS
8 ENTERPRISES.—Each State shall annually survey and
9 compile a list of the small business concerns referred to
10 in paragraph (1) and the location of such concerns in the
11 State and notify the Secretary, in writing, of the percent-
12 age of such concerns which are controlled by women, by
13 socially and economically disadvantaged individuals (other
14 than women), and by individuals who are women and are
15 otherwise socially and economically disadvantaged individ-
16 uals.

17 (d) UNIFORM CERTIFICATION.—The Secretary shall
18 establish minimum uniform criteria for State governments
19 to use in certifying whether a concern qualifies for pur-
20 poses of this section. Such minimum uniform criteria shall
21 include but not be limited to on-site visits, personal inter-
22 views, licenses, analysis of stock ownership, listing of
23 equipment, analysis of bonding capacity, listing of work
24 completed, resume of principal owners, financial capacity,
25 and type of work preferred.

1 **SEC. 1019. HIGHWAY BRIDGE REPLACEMENT AND REHA-**
2 **BILITATION PROGRAM.**

3 (a) Section 144 of title 23, United States Code, is
4 revised to read as follows:

5 **“§ 144. Highway bridge replacement and rehabilita-**
6 **tion program**

7 “(a) PURPOSE.—The purposes of the Highway
8 Bridge Replacement and Rehabilitation Program author-
9 ized under this section are to enable States to replace or
10 rehabilitate highway bridges on public roads that cross wa-
11 terways, other topographical barriers, other highways, and
12 railroads, where such highway bridges are significantly im-
13 portant and are unsafe because of structural deficiencies
14 or functional obsolescence; and to fund certain preventive
15 measures listed in subsection (c) of this section, which are
16 designed to prolong the lives of such highway bridges.

17 “(b) BRIDGE INVENTORY.—

18 “(1) The Secretary shall—

19 “(A) annually inventory all highway
20 bridges on public roads that cross waterways,
21 other topographical barriers, other highways,
22 and railroads;

23 “(B) classify each such bridge according to
24 serviceability, safety, and essentiality for public
25 use;

1 “(C) assign each such bridge a priority for
2 replacement or rehabilitation based on the clas-
3 sification in subparagraph (B); and

4 “(D) determine the cost of rehabilitating
5 each such bridge or replacing each such bridge
6 with a comparable facility.

7 “(2) The Secretary shall consult with the Sec-
8 retary of the Interior in preparing the inventory of
9 highway bridges on Indian reservation roads and
10 park roads under paragraph (1) of this subsection.

11 “(3) The Secretary shall consult with the States
12 in preparing the inventory of highway bridges on
13 public roads under paragraph (1) of this subsection.

14 “(4) The Secretary may, at the request of a
15 State, inventory highway bridges on public roads for
16 historical significance.

17 “(c) ELIGIBLE HIGHWAY BRIDGE PROJECTS.—

18 “(1) REPLACEMENT AND REHABILITATION.—
19 Each State seeking to obligate funds under this sec-
20 tion for a project to replace a highway bridge with
21 a comparable facility designed according to current
22 engineering standards or rehabilitate a highway
23 bridge that the priority system established under
24 subsection (b) of this section shows to be eligible
25 shall apply to the Secretary. The Secretary may ap-

1 prove Federal participation in such project under
2 this section, and shall determine the eligibility of
3 such project based upon the unsafe highway bridges
4 in the State.

5 “(2) PREVENTIVE MEASURES.—

6 “(A) Each State seeking to obligate funds
7 under this section to seismically retrofit, paint,
8 apply calcium magnesium acetate to, or install
9 scour countermeasures on a highway bridge on
10 a public road that crosses waterways, other top-
11 ographical barriers, other highways, or railroads
12 shall apply to the Secretary.

13 “(B) The Secretary may approve Federal
14 participation in any project described in sub-
15 paragraph (A) of this paragraph without regard
16 to whether the highway bridge is eligible for re-
17 placement or rehabilitation under this section.

18 “(d) APPORTIONMENTS.—

19 “(1) Funds authorized to carry out this section
20 shall be apportioned among the several States on the
21 first day of the fiscal year for which they are author-
22 ized, or as soon as possible thereafter, in accordance
23 with this subsection.

24 “(2) Each deficient bridge shall be placed into
25 one of the following categories:

1 “(A) Federal-aid highway bridges eligible
2 for replacement;

3 “(B) Federal-aid highway bridges eligible
4 for rehabilitation;

5 “(C) bridges eligible for replacement that
6 are on public roads functionally classified as
7 local roads or rural minor collectors; or

8 “(D) bridges eligible for rehabilitation that
9 are on public roads functionally classified as
10 local roads or rural minor collectors.

11 “(3) The square footage of deficient bridges in
12 each category shall be multiplied by the respective
13 unit price on a State-by-State basis, as determined
14 by the Secretary; and the total cost in each State di-
15 vided by the total cost of the deficient bridges in all
16 States shall determine the apportionment factors.
17 For purposes of the preceding sentence, the total
18 cost of deficient bridges in a State shall be reduced
19 in fiscal year 2003 by the total amount of funds ap-
20 portioned to that State under this section that the
21 State—

22 “(A) transferred to an apportionment
23 under paragraphs 104(b)(1) or (b)(3) of this
24 title, in accordance with subsection 104(g) of

1 this title, in fiscal years 1998 through 2002;
2 and

3 “(B) did not restore to its apportionment
4 under this section by the end of fiscal year
5 2002.

6 “(4) A State may receive not more than 10 per-
7 cent or less than 0.25 percent of the total apportion-
8 ment under this section in a fiscal year.

9 “(5) The Secretary shall make the determina-
10 tions required under this subsection based upon the
11 latest available data, which shall be updated annu-
12 ally.

13 “(6) Not less than 15 percent and not more
14 than 35 percent of the amount apportioned to each
15 State in each fiscal year shall be expended for
16 projects to replace, rehabilitate, seismic retrofit,
17 paint, apply calcium magnesium acetate to, or install
18 scour countermeasures on highway bridges located
19 on public roads that are functionally classified as
20 local roads or rural minor collectors. The Secretary,
21 after consultation with local and State officials in a
22 State, may, with respect to such State, reduce the
23 requirement for expenditure for highway bridges on
24 public roads that are functionally classified as local
25 roads or rural minor collectors when the Secretary

1 determines that such State has inadequate needs to
2 justify such expenditure.

3 “(7) Funds apportioned under this section shall
4 remain available for obligation for a period of 3
5 years after the last day of the fiscal year for which
6 the funds are authorized, except that the Secretary
7 shall reapportion any funds not obligated by a State
8 at the expiration of such period to the other States
9 in accordance with this section. The use of funds au-
10 thorized under this section to carry out a project for
11 the seismic retrofitting or painting of, the applica-
12 tion of calcium magnesium acetate to, or the instal-
13 lation of scour countermeasures on a bridge shall
14 not affect the apportionment of funds under this
15 section.

16 “(e) BRIDGE PERMIT EXEMPTION.—Notwithstand-
17 ing any other provision of law, the General Bridge Act
18 of 1946 (33 U.S.C. 525–533) shall apply to bridges au-
19 thorized to be replaced, in whole or in part, under this
20 section, except that subsection 502(b) of the General
21 Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of
22 the Act of March 3, 1899 (33 U.S.C. 401) shall not apply
23 to any bridge constructed, reconstructed, rehabilitated, or
24 replaced with assistance under this title, if such bridge is
25 over waters that are—

1 “(1) not used and not susceptible to use in
 2 their natural condition or by reasonable improve-
 3 ment as a means to transport interstate or foreign
 4 commerce; and

5 “(2) not tidal; or

6 “(3) tidal but used only by recreational boating,
 7 fishing, and other small vessels less than 21 feet in
 8 length.

9 “(f) DISTRIBUTION OF APPORTIONED FUNDS.—
 10 Sums apportioned to a State under this section shall be
 11 made available for obligation throughout such State on a
 12 fair and equitable basis.

13 “(g) PERIODIC SECRETARIAL REVIEW.—The Sec-
 14 retary shall periodically review the procedure used in ap-
 15 proving or disapproving applications submitted under this
 16 section to determine what changes, if any, should be made
 17 to expedite such procedure. Any such changes shall be im-
 18 plemented by the Secretary as soon as possible.

19 “(h) HISTORIC BRIDGE PROGRAM.—

20 “(1) COORDINATION.—The Secretary shall, in
 21 cooperation with the States, implement the programs
 22 described in this section in a manner that encour-
 23 ages the inventory, retention, rehabilitation, adaptive
 24 reuse, and future study of historic bridges.

1 “(2) STATE INVENTORY.—The Secretary shall
2 require each State to complete an inventory of all
3 bridges on public roads to determine their historical
4 significance.

5 “(3) ELIGIBILITY.—Reimbursable project costs
6 under this title for historical bridge projects shall
7 be—

8 “(A) reasonable costs associated with ac-
9 tions to preserve, or reduce the impact of a
10 project under this chapter on, the historic integ-
11 rity of a historic bridge, if the load capacity and
12 safety features of the bridge are adequate to
13 serve the intended use for the life of the bridge;
14 except that in the case of a bridge that is no
15 longer used for motorized vehicular traffic, the
16 costs eligible as reimbursable project costs pur-
17 suant to this subsection shall not exceed the es-
18 timated cost of demolition of such bridge; and

19 “(B) costs incurred by a State to preserve
20 a historic bridge, including funds made avail-
21 able to a State, locality, or responsible private
22 entity to enable it to accept the bridge under
23 this subsection, up to an amount not to exceed
24 the cost of demolition. Any bridge preserved
25 pursuant to this subparagraph shall thereafter

1 not be eligible for any other funds authorized
2 under this title.

3 “(4) PRESERVATION.—Any State that proposes
4 to demolish a historic bridge for a replacement
5 project to be funded under this section shall first
6 make the bridge available for donation to a State, lo-
7 cality, or responsible private entity that enters into
8 an agreement to—

9 “(A) maintain the bridge and the features
10 that give it its historical significance; and

11 “(B) assume all future legal and financial
12 responsibility for the bridge, which may include
13 an agreement to hold the State highway agency
14 harmless in any liability action.

15 “(5) HISTORIC BRIDGE DEFINED.—As used in
16 this subsection, the term ‘historic bridge’ means any
17 bridge that is listed on, or eligible for listing on, the
18 National Register of Historic Places.

19 “(i) APPLICABILITY OF STATE STANDARDS TO NON-
20 NHS PROJECTS.—Projects other than projects on the Na-
21 tional Highway System shall be designed, constructed, op-
22 erated, and maintained in accordance with State laws, reg-
23 ulations, directives, and State safety, design, and con-
24 struction standards.

1 “(j) REHABILITATE DEFINED.—As used in this sec-
 2 tion, the term ‘rehabilitate’ in any of its forms means
 3 major work necessary to restore the structural integrity
 4 of a bridge as well as work necessary to correct a major
 5 safety defect.

6 “(k) DISCRETIONARY BRIDGE PROGRAM.—

7 “(1) ALLOCATIONS.—Of the amounts author-
 8 ized for each of fiscal years 1998, 1999, 2000, 2001,
 9 2002, and 2003 to carry out this section, all but
 10 \$55,000,000 shall be apportioned as provided in
 11 subsection (d) of this section. \$55,000,000 per each
 12 such fiscal year shall be allocated at the discretion
 13 of the Secretary for any project eligible under para-
 14 graph (2) of this subsection and shall be available
 15 for obligation each year on the date of each such ap-
 16 portionment in the same manner and to the same
 17 extent as the sums apportioned on such date.

18 “(2) ELIGIBLE DISCRETIONARY PROJECTS.—
 19 Amounts made available under paragraph (1) of this
 20 subsection for obligation at the discretion of the Sec-
 21 retary may be obligated only—

22 “(A) for a project for a highway bridge the
 23 replacement or rehabilitation cost of which is
 24 more than \$10,000,000; and

1 “(B) for a project for a highway bridge the
 2 replacement or rehabilitation cost of which is
 3 less than \$10,000,000, if such cost is at least
 4 twice the amount apportioned to the State in
 5 which such bridge is located in accordance with
 6 subsection (d) of this section for the fiscal year
 7 in which application is made for a grant for
 8 such bridge.”.

9 (b) TRANSFERABILITY OF BRIDGE APPORTION-
 10 MENTS.—Section 104(g) of such title is amended by in-
 11 serting before the period at the end of the third sentence
 12 the following: “only if there are no National Highway Sys-
 13 tem bridges in such State that require load posting based
 14 on National Bridge Inventory Item 70”.

15 **SEC. 1020. CONGESTION MITIGATION AND AIR QUALITY IM-**
 16 **PROVEMENT PROGRAM.**

17 (a) ESTABLISHED PROGRAM.—Section 149(a) of title
 18 23, United States Code, is amended by striking “ESTAB-
 19 LISHMENT.—The Secretary shall establish” and inserting
 20 “IN GENERAL.—The Secretary shall carry out”.

21 (b) ELIGIBLE PROJECTS.—Section 149(b) of such
 22 title is revised to read as follows:

23 “(b) ELIGIBLE PROJECTS.—Except as provided in
 24 subsection (c), a State may obligate funds apportioned to
 25 it under section 104(b)(2) for the congestion mitigation

1 and air quality improvement program only for a transpor-
2 tation project or program if the project or program is for
3 an area designated as a nonattainment area for ozone,
4 carbon monoxide, or particulate matter under section
5 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and clas-
6 sified pursuant to sections 181(a), 186(a), or 188(a) or
7 (b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), or
8 7513(a) or (b)) except as otherwise provided in paragraph
9 (f)(2) of this section; and—

10 “(1)(A) if the Secretary, after consultation with
11 the Administrator of the Environmental Protection
12 Agency, determines, on the basis of information pub-
13 lished by the Environmental Protection Agency pur-
14 suant to section 108(f)(1)(A) of the Clean Air Act,
15 that the project or program is—

16 “(i) likely to contribute to the attainment
17 of a national ambient air quality standard in a
18 nonattainment area designated and classified in
19 accordance with the provisions of the Clean Air
20 Act cited in this subsection; or

21 “(ii) likely to reduce emissions for the
22 maintenance of a national ambient air quality
23 standard in a nonattainment area designated
24 and classified in accordance with the provisions
25 of the Clean Air Act cited in this subsection

1 that was later redesignated by the Adminis-
2 trator of the Environmental Protection Agency
3 as an attainment area under section 107(d) of
4 the Clean Air Act (42 U.S.C. 7407(d)) (a
5 ‘maintenance’ area); or

6 “(B) in any case in which such information is
7 not available, if the Secretary, after such consulta-
8 tion, determines that the project or program is part
9 of a program, method, or strategy described in sec-
10 tion 108(f)(1)(A).

11 “(2) if the project or program is included in a
12 State implementation or maintenance plan that has
13 been approved pursuant to the Clean Air Act and
14 the project will have air quality benefits; or

15 “(3) if the Secretary, after consultation with
16 the Administrator of the Environmental Protection
17 Agency, determines that the project is likely to con-
18 tribute to the attainment of a national ambient air
19 quality standard or maintenance of such standard,
20 whether through reductions in vehicle miles traveled
21 or fuel consumption, through traffic management
22 and control improvements, or through other factors.

23 “(4) In selecting eligible projects for advance-
24 ment, both the short-term effectiveness and the long-
25 term sustainability of air quality benefits should be

1 considered, and priority must be given to implement-
 2 ing those projects and programs that are included in
 3 an approved State implementation or maintenance
 4 plan as a transportation control measure and that
 5 will have air quality benefits.”.

6 (c) SINGLE OCCUPANT VEHICLES.—Section 149 of
 7 such title is amended—

8 (1) by redesignating subsections (c) and (d) as
 9 (d) and (e), respectively; and

10 (2) by inserting the following new subsection:

11 “(c) SINGLE OCCUPANT VEHICLES.—No funds may
 12 be provided under this section for a project that will result
 13 in the construction of new capacity available to single oc-
 14 cupant vehicles unless the project consists of a high occu-
 15 pancy vehicle facility available to single occupant vehicles
 16 only at other than peak travel times.”.

17 (d) STATES WITHOUT A NONATTAINMENT AREA.—
 18 Section 149(d), as so redesignated, of such title is amend-
 19 ed to read as follows:

20 “(d) STATES WITHOUT A NONATTAINMENT AREA.—
 21 If a State does not have, and never has had, within its
 22 borders a nonattainment area designated and classified in
 23 accordance with the provisions of the Clean Air Act cited
 24 in subsection (b) of this section or otherwise included in
 25 subsection (f) of this section, the State may use funds ap-

1 portioned to it under section 104(b)(2) of this title for
2 any project eligible for assistance under the surface trans-
3 portation program. If a State does not have within its bor-
4 ders a nonattainment area designated and classified in ac-
5 cordance with the provisions of the Clean Air Act cited
6 in subsection (b) of this section, but has had one or more
7 areas that were such nonattainment areas but have been
8 redesignated as attainment within its borders, the State
9 must demonstrate to the Secretary that it has sufficient
10 funding to implement any transportation project or pro-
11 gram included in a maintenance plan that has been ap-
12 proved pursuant to the Clean Air Act to maintain the na-
13 tional ambient air quality standards before the State may
14 use funds apportioned to it under section 104(b)(2) of this
15 title for any project eligible for assistance under the sur-
16 face transportation program.”.

17 (e) NONATTAINMENT BOUNDARIES.—Section 149 of
18 such title is amended by adding the following new sub-
19 section:

20 “(f) NONATTAINMENT BOUNDARIES.—For purposes
21 of this section, the boundaries of nonattainment and main-
22 tenance areas—

23 “(1) shall continue to be those determined by
24 the Administrator of the Environmental Protection
25 Agency in accordance with sections 181(a), 186(a),

1 or 188(a) or (b) of the Clean Air Act (42 U.S.C.
2 7511(a), 7512(a), or 7513(a) or (b)); and

3 “(2) if new national ambient air quality stand-
4 ards are promulgated, the boundaries of a non-
5 attainment area shall be those determined by the
6 Administrator of the Environmental Protection
7 Agency. Projects shall be eligible in any additional
8 geographic area newly designated as nonattainment
9 provided that a State implementation plan has been
10 submitted for such area to the Environmental Pro-
11 tection Agency.”.

12 (f) FEDERAL SHARE.—Section 120(c) of such title
13 is amended by striking “The” and inserting “Except for
14 projects funded from the sums apportioned under section
15 104(b)(2) of this title, the”.

16 **SEC. 1021. INTERSTATE REIMBURSEMENT.**

17 (a) GENERAL AUTHORITY.—Section 160(a) of title
18 23, United States Code, is amended by striking “1996 and
19 1997” and inserting “1998, 1999, 2000, 2001, 2002, and
20 2003”.

21 (b) DETERMINATION OF REIMBURSEMENT
22 AMOUNT.—Section 160(b) of such title is amended by
23 striking “1996 and 1997” and inserting “1998, 1999,
24 2000, 2001, 2002, and 2003”.

1 (c) LIMITATION OF APPLICABILITY.—Section 160(e)
 2 of such title is amended by striking paragraph (3).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 4 160(f) of such title is amended—

5 (1) by striking “\$2,000,000,000” and inserting
 6 “\$1,000,000,000”; and

7 (2) by striking “1996 and 1997” and inserting
 8 “1998, 1999, 2000, 2001, 2002, and 2003”.

9 **SEC. 1022. STATE INFRASTRUCTURE BANK PROGRAM.**

10 (a) IN GENERAL.—Chapter 1 of title 23, United
 11 States Code, is amended by adding at the end the follow-
 12 ing new section:

13 **“§ 162. State infrastructure bank program**

14 **“(a) IN GENERAL.—**

15 **“(1) COOPERATIVE AGREEMENTS.—**Subject to
 16 the provisions of this section, the Secretary may
 17 enter into cooperative agreements with States for
 18 the establishment of State infrastructure banks and
 19 multistate infrastructure banks for making loans
 20 and providing other assistance to public and private
 21 entities carrying out or proposing to carry out
 22 projects eligible for assistance under this section.

23 **“(2) INTERSTATE COMPACTS.—**Congress grants
 24 consent to 2 or more of the States, entering into a
 25 cooperative agreement under paragraph (1) of this

1 subsection with the Secretary for the establishment
2 of a multistate infrastructure bank, to enter into an
3 interstate compact establishing such bank in accord-
4 ance with this section.

5 “(b) FUNDING.—

6 “(1) SEPARATE ACCOUNTS.—An infrastructure
7 bank established under this section shall maintain a
8 separate highway account for Federal funds contrib-
9 uted to the bank under paragraph (2) of this sub-
10 section and a separate transit account for Federal
11 funds contributed to the bank under paragraph (3)
12 of this subsection. No Federal funds contributed or
13 credited to an account of an infrastructure bank es-
14 tablished under this section may be commingled with
15 Federal funds contributed or credited to any other
16 account of such bank.

17 “(2) HIGHWAY ACCOUNT.—Notwithstanding
18 any other provision of law, the Secretary may allow,
19 subject to paragraph (g)(1) of this section, a State
20 entering into a cooperative agreement under this
21 section to contribute not to exceed—

22 “(A) 10 percent of the funds apportioned
23 to the State under each of sections 104(b)(1),
24 104(b)(3), 104(b)(5)(B), 144, and 160 of this
25 title; and

1 “(B) 10 percent of the funds allocated to
2 the State under section 157 of this title;
3 into the highway account of the infrastructure bank
4 established by the State. Federal funds contributed
5 to such account under this paragraph shall con-
6 stitute for purposes of this section a capitalization
7 grant for the highway account of the infrastructure
8 bank.

9 “(3) TRANSIT ACCOUNT.—Notwithstanding any
10 other provision of law, the Secretary may allow, sub-
11 ject to paragraph (g)(1) of this section, a State en-
12 tering into a cooperative agreement under this sec-
13 tion, and any other Federal transit grant recipient,
14 to contribute not to exceed 10 percent of the funds
15 made available to the State or other Federal transit
16 grant recipient for capital projects under sections
17 5307, 5309, and 5311 of title 49, United States
18 Code, into the transit account of the infrastructure
19 bank established by the State. Federal funds con-
20 tributed to such account under this paragraph shall
21 constitute for purposes of this section a capitaliza-
22 tion grant for the transit account of the infrastruc-
23 ture bank.

24 “(4) SPECIAL RULE FOR URBANIZED AREAS OF
25 OVER 200,000.—Funds that are apportioned or allo-

1 cated to a State under sections 104(b)(3) or 160 of
2 this title and attributed to urbanized areas of a
3 State with an urbanized population of over 200,000
4 under section 133(d)(2) of this title may be used to
5 provide assistance with respect to a project only if
6 the metropolitan planning organization designated
7 for such area concurs, in writing, with the provision
8 of such assistance.

9 “(c) FORMS OF ASSISTANCE FROM INFRASTRUC-
10 TURE BANKS.—An infrastructure bank established under
11 this section may make loans or provide other assistance
12 to a public or private entity in an amount equal to all
13 or part of the cost of carrying out a project eligible for
14 assistance under this section. The amount of any loan or
15 other assistance provided for such project may be subordi-
16 nated to any other debt financing for the project. Initial
17 assistance provided with respect to a project from Federal
18 funds contributed to an infrastructure bank under this
19 section may not be made in the form of a grant.

20 “(d) QUALIFYING PROJECTS.—Federal funds in the
21 highway account of an infrastructure bank established
22 under this section may be used only to provide assistance
23 with respect to projects eligible for assistance under title
24 23, United States Code. Federal funds in the transit ac-

1 count of such bank may be used only to provide assistance
2 with respect to capital transit projects.

3 “(e) INFRASTRUCTURE BANK REQUIREMENTS.—In
4 order to establish an infrastructure bank under this sec-
5 tion, each State establishing the bank shall—

6 “(1) contribute, at a minimum, in each account
7 of the bank from non-Federal sources an amount
8 equal to 25 percent of the amount of each capitaliza-
9 tion grant made to the State and contributed to the
10 bank; except that if the contribution is into the high-
11 way account of the bank and the State has a lower
12 non-Federal share under section 120(b) of this title,
13 such percentage shall be adjusted by the Secretary
14 to correspond with such lower non-Federal share;

15 “(2) ensure that the bank maintains on a con-
16 tinuing basis an investment grade rating on its debt
17 issuances or has a sufficient level of bond or debt fi-
18 nancing instrument insurance to maintain the viabil-
19 ity of the bank;

20 “(3) ensure that investment income generated
21 by funds contributed to an account of the bank will
22 be—

23 “(A) credited to the account;

1 “(B) available for use in providing loans
2 and other assistance to projects eligible for as-
3 sistance from the account; and

4 “(C) invested in United States Treasury
5 securities, bank deposits, or such other financ-
6 ing instruments as the Secretary may approve
7 to earn interest to enhance the leveraging of
8 projects assisted by the bank;

9 “(4) ensure that any loan from the bank will
10 bear interest at or below market rates, as deter-
11 mined by the State, to make the project that is the
12 subject of the loan feasible;

13 “(5) ensure that repayment of the loan from
14 the bank will commence not later than 5 years after
15 the project has been completed or, in the case of a
16 highway project, the facilities has opened to traffic,
17 whichever is later;

18 “(6) ensure that the term for repaying any
19 loans will not exceed 30 years after the date of the
20 first payment on the loan under paragraph (5); and

21 “(7) require the bank to make an annual report
22 to the Secretary and to make such other reports as
23 the Secretary may require by guidelines.

24 “(f) LIMITATION ON REPAYMENTS.—Notwithstand-
25 ing any other provision of law, the repayment of a loan

1 or other assistance provided from an infrastructure bank
2 under this section may not be credited towards the non-
3 Federal share of the cost of any project.

4 “(g) SECRETARIAL REQUIREMENTS.—In administer-
5 ing this section, the Secretary shall—

6 “(1) ensure that Federal disbursements shall be
7 at an annual rate of not more than 20 percent of
8 the amount requested by the State;

9 “(2) ensure that all requirements of this title or
10 title 49, United States Code, and other applicable
11 Federal requirements shall apply to projects receiv-
12 ing assistance from the infrastructure bank, and all
13 such projects shall be deemed to be receiving Fed-
14 eral financial assistance, but the Secretary may
15 waive any requirement of this title or title 49, Unit-
16 ed States Code, (other than 23 U.S.C. 113 and 114,
17 and 49 U.S.C. 5333) that is not consistent with the
18 objectives of this section;

19 “(3) specify procedures and guidelines for es-
20 tablishing, operating, and providing assistance from
21 the bank; and

22 “(4) revise cooperative agreements entered into
23 with the States under section 350 of the National
24 Highway System Designation Act of 1995 (Public

1 Law 104–59) to comply with the requirements of
2 this section.

3 “(h) APPLICABILITY OF FEDERAL LAWS.—The same
4 provisions of Federal law shall apply to all projects receiv-
5 ing assistance from the bank that would have applied if
6 the project were receiving assistance under this title or
7 title 49, United States Code, or that would have applied
8 to a similar project eligible for assistance under such ti-
9 tles, except for those requirements waived by the Secretary
10 pursuant to paragraph (g)(2) of this section.

11 “(i) UNITED STATES NOT OBLIGATED.—The con-
12 tribution of Federal funds to an infrastructure bank estab-
13 lished under this section shall not be construed as a com-
14 mitment, guarantee, or obligation on the part of the Unit-
15 ed States to any third party, nor shall any third party
16 have any right against the United States for payment sole-
17 ly by virtue of the contribution. Any security or debt fi-
18 nancing instrument issued by the infrastructure bank
19 shall expressly state that the security or instrument does
20 not constitute a commitment, guarantee, or obligation of
21 the United States.

22 “(j) MANAGEMENT OF FEDERAL FUNDS.—Sections
23 3335 and 6503 of title 31, United States Code, shall not
24 apply to funds contributed under this section.

1 “(k) PROGRAM ADMINISTRATION.—A State may ex-
 2 pend not to exceed 2 percent of the Federal funds contrib-
 3 uted to an infrastructure bank established by the State
 4 under this section to pay the reasonable costs of admin-
 5 istering the bank.

6 “(l) DEFINITIONS.—In this section, the following
 7 definitions apply:

8 “(1) CAPITAL PROJECT.—The term ‘capital
 9 project’ has the meaning such term has under sec-
 10 tion 5302 of title 49, United States Code.

11 “(2) OTHER ASSISTANCE.—The term ‘other as-
 12 sistance’ includes any use of funds in an infrastruc-
 13 ture bank—

14 “(A) to provide credit enhancements;

15 “(B) to serve as a capital reserve for bond
 16 or debt instrument financing;

17 “(C) to subsidize interest rates;

18 “(D) to ensure the issuance of letters of
 19 credit and credit instruments;

20 “(E) to finance purchase and lease agree-
 21 ments with respect to transit projects;

22 “(F) to provide bond or debt financing in-
 23 strument security; and

24 “(G) to provide other forms of debt financ-
 25 ing and methods of leveraging funds that are

1 approved by the Secretary and that relate to
2 the project with respect to which such assist-
3 ance is being provided.

4 “(3) STATE.—The term ‘State’ has the mean-
5 ing such term has under section 401 of this title.”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) STATE INFRASTRUCTURE BANKS.—For the
8 purpose of carrying out the provisions of section 162
9 of title 23, United States Code, the following sums
10 are authorized to be appropriated out of the High-
11 way Trust fund (other than the Mass Transit Ac-
12 count): \$150,000,000 for each of fiscal years 1998,
13 1999, 2000, 2001, 2002, and 2003, to remain avail-
14 able until expended.

15 (2) The Secretary may distribute the funds au-
16 thorized to be appropriated by this subsection in a
17 manner determined by the Secretary to any State
18 with an approved infrastructure bank established in
19 accordance with section 162 of title 23, United
20 States Code, that requests such funds.

21 (3) Any State receiving funds authorized to be
22 appropriated by this subsection may deposit any por-
23 tion of such funds into either the highway account
24 or the transit account of the State’s infrastructure
25 bank.

1 (4) These funds shall be available for obligation
 2 in the same manner as funds apportioned under sec-
 3 tion 104 of this title.

4 (c) CONFORMING AMENDMENT.—The analysis for
 5 chapter 1 of such title is amended by adding at the end
 6 the following new item:

“162. State infrastructure bank program.”.

7 **SEC. 1023. NATIONAL SCENIC BYWAYS PROGRAM.**

8 (a) IN GENERAL.—Chapter 1, of title 23, United
 9 States Code, is amended by adding at the end the follow-
 10 ing new section:

11 **“§ 163. National Scenic Byways Program**

12 “(a) DESIGNATION OF ROADS.—The Secretary shall
 13 carry out a National Scenic Byways Program that recog-
 14 nizes roads having outstanding scenic, historic, cultural,
 15 natural, recreational, and archeological qualities by des-
 16 ignating them as National Scenic Byways or All-American
 17 Roads. The Secretary shall designate roads to be recog-
 18 nized under the National Scenic Byways Program in ac-
 19 cordance with criteria developed by the Secretary. To be
 20 considered for such designation, a road must be nominated
 21 by a State or Federal land management agency and must
 22 first be designated as a State scenic byway or, for roads
 23 on Federal lands, as a Federal land management agency
 24 byway.

1 “(b) GRANTS AND TECHNICAL ASSISTANCE.—(1)

2 The Secretary shall make grants and provide technical as-
3 sistance to States to—

4 “(A) implement projects on highways des-
5 ignated as National Scenic Byways or All-American
6 Roads, or as State scenic byways; and

7 “(B) plan, design, and develop a State scenic
8 byways program.

9 “(2) In making grants, the Secretary shall give prior-
10 ity to—

11 “(A) eligible projects that are associated with
12 highways that have been designated as National Sce-
13 nic Byways or All-American Roads;

14 “(B) eligible projects along State-designated
15 scenic byways that are undertaken to make them eli-
16 gible for designation as National Scenic Byways or
17 All-American Roads; and

18 “(C) eligible projects associated with the devel-
19 opment of State scenic byways programs.

20 “(c) ELIGIBLE PROJECTS.—The following are
21 projects that are eligible for Federal assistance under this
22 section:

23 “(1) activities related to planning, design, or
24 development of State scenic byway programs;

1 “(2) development of corridor management
2 plans;

3 “(3) safety improvements to a State scenic
4 byway, to the extent such improvements are nec-
5 essary to accommodate increased traffic and changes
6 in the types of vehicles using the highway, due to
7 such designation;

8 “(4) construction along a scenic byway of facili-
9 ties for pedestrians and bicyclists, rest areas, turn-
10 outs, highway shoulder improvements, passing lanes,
11 overlooks, and interpretive facilities;

12 “(5) improvements to a scenic byway that will
13 enhance access to an area for the purpose of recre-
14 ation, including water-related recreation;

15 “(6) protection of historical, archeological, and
16 cultural resources in areas adjacent to scenic by-
17 ways;

18 “(7) development and provision of tourist infor-
19 mation to the public, including interpretive informa-
20 tion about scenic byways; and

21 “(8) development and implementation of scenic
22 byways marketing programs.

23 “(d) FEDERAL SHARE.—The Federal share payable
24 on account of any project carried out under this section
25 shall be determined in accordance with section 120(b) of

1 this title, except that, for any scenic byways project along
 2 a public road that provides access to or within Federal
 3 or Indian lands, a Federal land management agency may
 4 use funds authorized for its use as the non-Federal share.

5 “(e) FUNDING.—There shall be available to the Sec-
 6 retary for carrying out this section, out of the Highway
 7 Trust Fund (other than the Mass Transit Account),
 8 \$15,000,000 for each of fiscal years 1998, 1999, 2000,
 9 2001, 2002, and 2003.

10 “(f) LIMITATION.—The Secretary shall not make a
 11 grant under this section for any project that would not
 12 protect the scenic, historic, recreational, cultural, natural,
 13 and archeological integrity of a highway and adjacent
 14 areas.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
 16 chapter 1 of such title is amended by adding at the end
 17 the following new item:

“163. National Scenic Byways Program.”.

18 **SEC. 1024. INFRASTRUCTURE SAFETY PROGRAM.**

19 (a) IN GENERAL.—Chapter 1 of title 23, United
 20 States Code, is amended—

21 (1) by striking sections 130 and 152;

22 (2) by adding at the end the following new sec-
 23 tions:

24 **“§ 164. Infrastructure Safety Program**

25 “(a) RAILWAY-HIGHWAY CROSSINGS.—

1 “(1) ELIGIBLE USES OF FUNDS APPORTIONED
2 UNDER SECTION 104 OF THIS TITLE.—Except as
3 provided in subsection 120(c) of this title and para-
4 graph (a)(8) of this section and for crossing closure
5 projects, 90 percent of the cost of construction of
6 projects for the elimination of hazards of railway-
7 highway crossings, including the separation or pro-
8 tection of grades at crossings, the reconstruction of
9 existing railroad grade crossing structures, and the
10 relocation of highways to eliminate grade crossings,
11 may be paid from sums apportioned in accordance
12 with section 104 of this title. In any case when the
13 elimination of the hazards of a railway-highway
14 crossing can be effected by the relocation of a por-
15 tion of a railway at a cost estimated by the Sec-
16 retary to be less than the cost of such elimination
17 by one of the methods mentioned in the first sen-
18 tence of this paragraph, then the entire cost of such
19 relocation project, except as provided in subsection
20 120(c) of this title and paragraph (a)(8) of this sec-
21 tion, may be paid from the sums apportioned in ac-
22 cordance with section 104 of this title.

23 “(2) ELIGIBLE USES OF RAILWAY-HIGHWAY
24 CROSSINGS FUNDS.—A State may obligate funds ap-

1 portioned to it under paragraph (a)(6) of this sec-
2 tion only for the following projects:

3 “(A) The elimination of hazards of rail-
4 way-highway crossings, including the separation
5 or protection of grades at crossings, the recon-
6 struction of existing railroad grade crossing
7 structures, and the relocation of highways to
8 eliminate grade crossings.

9 “(B) Trespassing countermeasures.

10 “(C) Railway-highway crossing education.

11 “(D) Enforcement of traffic laws relating
12 to railway-highway crossing safety.

13 “(E) Privately owned railway-highway
14 crossings if the project is publicly sponsored
15 and the Secretary determines that the project
16 would serve a public benefit.

17 “(3) SECRETARIAL CLASSIFICATION OF
18 PROJECTS.—The Secretary may classify various
19 types of projects involved in the elimination of haz-
20 ards of railway-highway crossings, and may set for
21 each such classification a percentage of the costs of
22 construction which shall be deemed to represent the
23 net benefit to the railroad or railroads for the pur-
24 pose of determining the railroad’s share of the cost
25 of construction. The percentage so determined shall

1 in no case exceed 10 per centum. The Secretary
2 shall determine the appropriate classification of each
3 project.

4 “(4) RAILROAD LIABILITY FOR PROJECT
5 COSTS.—Any railroad involved in a project for the
6 elimination of hazards of railway-highway crossings
7 paid for in whole or in part from sums made avail-
8 able for expenditure under this title, or prior Acts,
9 shall be liable to the United States for the net bene-
10 fit to the railroad determined under the classifica-
11 tion of such project made pursuant to paragraph
12 (a)(3) of this section. Such liability to the United
13 States may be discharged by direct payment to the
14 State highway department of the State in which the
15 project is located, in which case such payment shall
16 be credited to the cost of the project. Such payment
17 may consist in whole or in part of materials and
18 labor furnished by the railroad in connection with
19 the construction of such project. If any such railroad
20 fails to discharge such liability within a six-month
21 period after completion of the project, it shall be lia-
22 ble to the United States for its share of the cost,
23 and the Secretary shall request the Attorney General
24 to institute proceedings against such railroad for the
25 recovery of the amount for which it is liable under

1 this paragraph. The Attorney General is authorized
2 to bring such proceedings on behalf of the United
3 States, in the appropriate district court of the Unit-
4 ed States, and the United States shall be entitled in
5 such proceedings to recover such sums as it is con-
6 sidered and adjudged by the court that such railroad
7 is liable for in the premises. Any amounts recovered
8 under this paragraph shall be credited to the High-
9 way Trust Fund, other than the Mass Transit Ac-
10 count.

11 “(5) STATE SURVEY AND SCHEDULE OF
12 PROJECTS.—Each State shall conduct and system-
13 atically maintain a survey of all highways to identify
14 those railroad crossings which may require separa-
15 tion, relocation, or protective devices, and establish
16 and implement a schedule of projects for this pur-
17 pose. At a minimum, such schedule shall provide
18 signs for all railway-highway crossings. In a manner
19 established by the Secretary, each State shall report
20 completed railway-highway crossing projects funded
21 under this subsection or section 165 of this title to
22 the Department for inclusion in the Department of
23 Transportation/Association of American Railroads
24 National Grade Crossing Inventory.

1 “(6) APPORTIONMENT.—Twenty-five percent of
2 the funds authorized to be appropriated to carry out
3 this section shall be apportioned to the States in the
4 ratio that each State’s most recent 3-year total of
5 crashes at public railway-highway grade crossings
6 bears to such 3-year public railway-highway grade
7 crossing crash total in all States, 25 percent of such
8 funds shall be apportioned to the States in the ratio
9 that each State’s most recent 3-year total of fatali-
10 ties involving rail equipment at public railway-high-
11 way grade crossings bears to such 3-year public rail-
12 way-highway grade crossing fatality total in all
13 States, 25 percent of such funds shall be appor-
14 tioned to the States in the ratio that each State’s
15 number of public railway-highway grade crossings
16 bears to the number of public railway-highway grade
17 crossings in all States, and 25 percent of such funds
18 shall be apportioned to the States in the ratio that
19 each State’s number of public railway-highway grade
20 crossings with passive warning devices bears to the
21 number of public railway-highway grade crossings
22 with passive warning devices in all States.

23 “(7) FUNDS FOR PROTECTIVE DEVICES.—At
24 least one-half of the funds authorized for and ex-
25 pended under this subsection shall be available for

1 the installation, public education, and enforcement
2 of protective devices at railway-highway crossings.

3 “(8) TREATMENT OF RAILWAY-HIGHWAY
4 CROSSING FUNDS.—

5 “(A) FEDERAL SHARE.—The Federal
6 share payable on account of any project fi-
7 nanced with funds authorized to be appro-
8 priated to carry out this subsection shall be 90
9 percent of the cost thereof, except as provided
10 in subsection 120(c) of this title and for cross-
11 ing closure projects, which may be funded at
12 100 percent.

13 “(B) NON-FEDERAL MATCH.—Funds au-
14 thorized to be appropriated to carry out this
15 section may be used to provide a local govern-
16 ment with funds to be used on a matching basis
17 when State funds are available that may only
18 be spent when the local government produces
19 matching funds for the improvement of railway-
20 highway crossings.

21 “(9) TRANSFER TO HAZARD ELIMINATION AP-
22 PORTIONMENT.—A State may transfer from its ap-
23 portionment under this subsection to its apportion-
24 ment under subsection (b) of this section an amount
25 equal to the percentage by which the number of

1 crashes in the State has been reduced in the most
 2 recent calendar year below the average annual num-
 3 ber of crashes in such State in calendar years 1994,
 4 1995, and 1996.

5 “(10) INCENTIVE PAYMENTS FOR AT-GRADE
 6 CROSSING CLOSURES.—

7 “(A) IN GENERAL.—Notwithstanding any
 8 other provision of this subsection and subject to
 9 subparagraphs (B) and (C) of this paragraph,
 10 a State may, from sums made available to the
 11 State under this subsection, make incentive
 12 payments to local governments in the State
 13 upon the permanent closure by such govern-
 14 ments of public at-grade railway-highway cross-
 15 ings under the jurisdiction of such governments.

16 “(B) INCENTIVE PAYMENTS BY RAIL-
 17 ROADS.—A State may not make an incentive
 18 payment under subparagraph (A) of this para-
 19 graph to a local government with respect to the
 20 closure of a crossing unless the railroad owning
 21 the tracks on which the crossing is located
 22 makes an incentive payment to the government
 23 with respect to the closure.

24 “(C) AMOUNT OF STATE PAYMENT.—The
 25 amount of the incentive payment payable to a

1 local government by a State under subpara-
 2 graph (A) of this paragraph with respect to a
 3 crossing may not exceed the lesser of—

4 “(i) the amount of the incentive pay-
 5 ment paid to the government with respect
 6 to the crossing by the railroad concerned
 7 under subparagraph (B) of this paragraph;
 8 or

9 “(ii) \$7,500.

10 “(D) USE OF STATE PAYMENTS.—A local
 11 government receiving an incentive payment
 12 from a State under subparagraph (A) of this
 13 paragraph shall use the amount of the incentive
 14 payment for transportation safety improve-
 15 ments.

16 “(b) HAZARD ELIMINATION.—

17 “(1) ELIGIBLE USES OF HAZARD ELIMINATION
 18 FUNDS.—The Secretary may approve as a project
 19 under this subsection any highway safety improve-
 20 ment project.

21 “(2) STATE SURVEY AND SCHEDULE OF
 22 PROJECTS.—Each State shall conduct and system-
 23 atically maintain an engineering survey of all public
 24 roads to identify hazardous locations, sections, and
 25 elements, including roadside obstacles and unmarked

1 or poorly marked roads, which may constitute a dan-
2 ger to motorists and pedestrians; assign priorities
3 for the correction of such locations, sections, and
4 elements; and establish and implement a schedule of
5 projects for their improvement.

6 “(3) STATE EVALUATION PROCESS.—Each
7 State shall establish an evaluation process, which
8 shall be approved by the Secretary, to analyze and
9 assess results achieved by highway safety improve-
10 ment projects carried out in accordance with the
11 procedures and criteria established by this sub-
12 section. Such evaluation process shall develop cost-
13 benefit data for various types of corrections and
14 treatments which shall be used in setting priorities
15 for highway safety improvement projects.

16 “(4) APPORTIONMENT.—Funds authorized to
17 be appropriated to carry out this subsection shall be
18 apportioned to the States in the following manner:
19 75 percent in the ratio which the population of each
20 State bears to the total population of all States, as
21 shown by the latest available Federal census, and 25
22 percent in the ratio which public road mileage in
23 each State bears to the total public road mileage in
24 all States. For the purposes of this paragraph, a
25 ‘public road’ means any road under the jurisdiction

1 of and maintained by a public authority and open to
 2 public travel. Public road mileage as used in the
 3 paragraph shall be determined as of the end of the
 4 calendar year preceding the year in which the funds
 5 are apportioned and shall be certified to by the Gov-
 6 ernor of the State and subject to approval by the
 7 Secretary. The annual apportionment to each State
 8 shall not be less than one-half of one percent of the
 9 total apportionment.

10 “(5) TREATMENT OF HAZARD ELIMINATION
 11 FUNDS.—

12 “(A) FEDERAL SHARE.—The Federal
 13 share payable on account of any project funded
 14 under this subsection shall be 90 percent of the
 15 cost thereof.

16 “(B) USE ON NON-INTERSTATE PUBLIC
 17 ROADS.—The funds authorized to carry out this
 18 subsection shall be available for expenditure on
 19 any public road other than a highway on the
 20 Interstate System.

21 “(6) TRANSFER TO NON-INFRASTRUCTURE
 22 USES.—A State may transfer not to exceed 100 per-
 23 cent of the State’s apportionment under this sub-
 24 section to the apportionment of the State under sec-
 25 tion 402 of this title or the allocation of the State

1 under 49 U.S.C. 31104 if the Secretary determines
2 that the State meets the eligibility criteria for receiv-
3 ing an integrated safety fund grant under section
4 165 of this title.

5 “(7) STATE DEFINED.—For purposes of this
6 subsection, the term ‘State’ shall have the meaning
7 given it in section 401 of this title.

8 **“§ 165. Integrated Safety Fund**

9 “(a) GRANT AUTHORITY.—Subject to the provisions
10 of this section, the Secretary may make a grant to any
11 State that the Secretary determines has an integrated
12 State highway safety planning process and has established
13 integrated goals and benchmarks for safety improvements,
14 except that no State may receive a grant under this sub-
15 section in more than 3 fiscal years.

16 “(b) ELIGIBLE USES OF GRANT.—Any such grant
17 may be used by the recipient State to implement any high-
18 way or motor carrier safety program or project eligible for
19 funding under sections 164 or 402 of this title, or chapter
20 311 of title 49. Each State receiving a grant allocation
21 under this section shall transfer such allocation to any ap-
22 portionment or allocation of such State under sections 164
23 or 402 of this title or 49 U.S.C. 31104.

24 “(c) AMOUNT OF GRANT.—The amount of a grant
25 made under this section for any fiscal year to any State

1 that is eligible for such a grant shall be an amount equal
2 to the percentage that each eligible State's apportionment
3 under section 402 of this title for such fiscal year bears
4 to the total apportionment under section 402 to all States
5 for such fiscal year, but in no case shall the amount of
6 a grant made under this section exceed 50 percent of the
7 amount apportioned to such State for fiscal year 1997
8 under section 402 of this title.

9 “(d) MAINTENANCE OF EFFORT.—No grant may be
10 made to a State under this section in any fiscal year unless
11 such State enters into such agreements with the Secretary
12 as the Secretary may require to ensure that such State
13 will maintain its aggregate expenditures from all other
14 sources for highway safety programs under sections 164
15 and 402 of this title, and chapter 311 of title 49, at or
16 above the average level of such expenditures in such
17 State's 2 fiscal years preceding the date of the enactment
18 of this section.”; and

19 (3) in subsection 104(g) by striking the first
20 two sentences.

21 (b) CONFORMING AMENDMENTS.—The analysis for
22 chapter 1 of such title is amended—

23 (1) by striking the items relating to sections
24 130 and 152; and

1 (2) by adding at the end the following new
2 items:

“164. Infrastructure Safety Program.
“165. Integrated Safety Fund.”.

3 **SEC. 1025. FISCAL AND ADMINISTRATIVE AMENDMENTS.**

4 (a) **ADVANCED CONSTRUCTION.**—Section 115 of title
5 23, United States Code, is amended—

6 (1) in subsection (b) by striking the subsection
7 heading;

8 (2) in paragraph (b)(1) by striking the para-
9 graph designation “(1)”;

10 (3) by striking paragraphs (b) (2) and (3) and
11 subsection (c); and

12 (4) by redesignating subsection (d) as sub-
13 section (c).

14 (b) **AVAILABILITY OF FUNDS.**—Section 118 of such
15 title is amended by revising subsection (e) to read as fol-
16 lows:

17 “(e) **EFFECT OF RELEASE OF FUNDS.**—Any Fed-
18 eral-aid highway funds released by the final payment on
19 a project, or by the modification of the project agreement,
20 shall be credited to the same program funding category
21 previously apportioned to the State and shall be imme-
22 diately available for expenditure.”.

23 (c) **FEDERAL SHARE PAYABLE.**—Section 120 of such
24 title is amended—

1 (1) in subsection (a) by striking “shall be” and
2 inserting “shall not exceed”;

3 (2) in subsection (b) by striking “shall be” and
4 inserting “shall not exceed”; and

5 (3) by adding at the end the following new sub-
6 section:

7 “(j) CREDIT FOR NON-FEDERAL SHARE.—

8 “(1) ELIGIBILITY.—A State may use as a cred-
9 it toward the non-Federal matching share require-
10 ment for any program under this title, other than
11 the emergency relief program authorized in section
12 125, toll revenues that are generated and used by
13 public, quasi-public and private agencies to build,
14 improve, or maintain highways, bridges, or tunnels
15 that serve the public purpose of interstate com-
16 merce. Such public, quasi-public or private agencies
17 shall have built, improved, or maintained such facili-
18 ties without Federal funds.

19 “(2) MAINTENANCE OF EFFORT.—The credit
20 for any non-Federal share shall not reduce nor re-
21 place State monies required to match Federal funds
22 for any program pursuant to this title. In receiving
23 a credit for non-Federal capital expenditures under
24 this section, a State shall enter into such agreements
25 as the Secretary may require to ensure that such

1 State will maintain its non-Federal transportation
2 capital expenditures at or above the level of such ex-
3 penditures for the preceding three fiscal years.

4 “(3) TREATMENT.—Use of such credit for a
5 non-Federal share shall not expose such agencies
6 from which the credit is received to additional liabil-
7 ity, additional regulation or additional administrative
8 oversight. When credit is applied from chartered
9 multi-State agencies, such credit shall be applied
10 equally to all charter States. The public, quasi-pub-
11 lic, and private agencies from which the credit for
12 which the non-Federal share is calculated shall not
13 be subject to any additional Federal design stand-
14 ards, laws or regulations as a result of providing
15 non-Federal match other than those to which such
16 agency is already subject.”.

17 (d) PAYMENTS TO STATES FOR CONSTRUCTION.—
18 Section 121 of such title is amended—

19 (1) in subsection (a)—

20 (A) by striking the second sentence; and

21 (B) by revising the last sentence to read as
22 follows: “Such payments may also be made for
23 the value of the materials (1) which have been
24 stockpiled in the vicinity of such construction in
25 conformity to plans and specifications for the

1 projects, and (2) which are not in the vicinity
2 of such construction if the Secretary determines
3 that because of required fabrication at an off-
4 site location the material cannot be stockpiled
5 in such vicinity.”;

6 (2) by revising subsection (b) to read as follows:

7 “(b) No payment shall be made under this chapter
8 except for a project covered by a project agreement. After
9 completion of the project in accordance with the project
10 agreement, a State shall be entitled to payment out of the
11 appropriate sums apportioned or allocated to it of the un-
12 paid balance of the Federal share payable on account of
13 such project.”; and

14 (3) by striking subsections (c) and (d) and re-
15 designating subsection (e) as subsection (c).

16 (e) ADVANCES TO STATES.—Section 124 of such title
17 is amended—

18 (1) by striking subsection designation “(a)” but
19 retaining the text of the subsection in its entirety;
20 and

21 (2) by striking subsection (b).

22 (f) DIVERSION.—Section 126 of such title is repealed.

23 (g) STATE HIGHWAY DEPARTMENT.—Section 302 of
24 such title is amended—

1 (1) in subsection (a) by adding at the end the
2 following: “Compliance with this provision shall have
3 no effect on the eligibility of costs.”;

4 (2) by striking subsection designation “(a)” but
5 retaining the text of the subsection in its entirety;
6 and

7 (3) by striking subsection (b).

8 (h) BRIDGE COMMISSIONS.—Public Law 87–441, re-
9 lating to bridge commissions created by Congress and
10 Federal approval of membership of such commissions, is
11 repealed.

12 **SEC. 1026. FEDERAL LANDS HIGHWAYS PROGRAM.**

13 (a) DEFINITIONS.—Section 101(a) of title 23, United
14 States Code, is amended—

15 (1) by striking the two undesignated para-
16 graphs relating to public lands highways and public
17 lands highway; and

18 (2) by inserting at the end thereof the following
19 new undesignated paragraph: “The term ‘public
20 lands highways’ means any highway through unap-
21 propriated or unreserved public lands, nontaxable
22 Indian lands, or other Federal reservations under
23 the jurisdiction of and maintained by a public au-
24 thority and open to public travel.”.

1 (b) FEDERAL SHARE PAYABLE.—Section 120 of such
2 title is amended by adding at the end the following new
3 subsections:

4 “(k) Notwithstanding any other provision of law, the
5 funds appropriated to any Federal land managing agency
6 may be used as the non-Federal share payable on account
7 of any Federal-aid highway project the Federal share of
8 which is funded under sections 104 or 144 of this title,
9 or under the Federal scenic byways program.

10 “(l) Notwithstanding any other provision of law, the
11 funds appropriated for carrying out the Federal Lands
12 Highways Program under section 204 of this title may be
13 used as the non-Federal share payable on account of any
14 project funded under section 104 or 144 of this title or
15 under the Federal scenic byways program, that provides
16 access to or within Federal or Indian lands.”.

17 (c) ALLOCATIONS.—Section 202 of such title is
18 amended—

19 (1) by revising subsection (b) to read as follows:

20 “(b) On October 1 of each fiscal year, the Secretary
21 shall allocate of the sums authorized to be appropriated
22 for such fiscal year for public lands highways, after mak-
23 ing the transfer provided for in subsection 204(i) of this
24 title, for transportation projects in those States having un-
25 appropriated or unreserved public lands, nontaxable In-

1 dian lands, or other Federal reservations, on the basis of
2 need in such States, respectively, as determined by the
3 Secretary upon application of a Federal land managing
4 agency, Indian tribal government, or State. The Secretary
5 shall give preference to those projects which are signifi-
6 cantly impacted by Federal land, recreation, and resource
7 management activities which are proposed in a State that
8 contains at least 3 percent of the total public lands in the
9 Nation.”;

10 (2) by adding at the end the following new sub-
11 section:

12 “(e) On October 1 of each fiscal year, the Secretary
13 shall allocate the sums authorized to be appropriated for
14 such fiscal year for forest highways, after making the
15 transfer provided for in subsection 204(g) of this title, ac-
16 cording to the relative needs of the various elements of
17 the national forest system, as jointly identified by the Sec-
18 retary, and the Secretary of Agriculture based on the need
19 for access as determined through renewable resource and
20 land use planning and the impact of such planning on ex-
21 isting transportation facilities.”.

22 (d) AVAILABILITY OF FUNDS.—Section 203 of such
23 title is amended—

24 (1) in the first sentence by inserting “forest
25 highways,” after “parkways,”;

1 (2) in the fourth sentence by inserting “forest
2 highways,” after “parkways,”; and

3 (3) by adding at the end of the section the fol-
4 lowing: “Notwithstanding any other provision of law,
5 the Secretary’s authorization of engineering and re-
6 lated work for a Federal Lands Highways Program
7 project or the Secretary’s approval of plans, speci-
8 fications, and estimates for construction of a Fed-
9 eral Lands Highways Program project shall be
10 deemed to constitute a contractual obligation of the
11 Federal Government for the payment of its contribu-
12 tion to such project.”.

13 (e) PLANNING AND AGENCY COORDINATION.—Sec-
14 tion 204 is amended—

15 (1) by revising subsection (a) to read as follows:

16 “(a) Recognizing the need for all Federal roads that
17 are public roads to be treated under uniform policies simi-
18 lar to those that apply to Federal-aid highways, there is
19 established a coordinated Federal Lands Highways Pro-
20 gram which shall consist of forest highways, public lands
21 highways, park roads and parkways, and Indian reserva-
22 tion roads and bridges as defined in section 101 of this
23 title. The Secretary, in cooperation with the Secretary of
24 the appropriate Federal land managing agency, shall de-
25 velop transportation planning procedures which are con-

1 sistent with the metropolitan and Statewide planning
2 processes called for in sections 134 and 135 of this title.
3 The transportation improvement program developed as a
4 part of the transportation planning process under this sec-
5 tion shall be approved by the Secretary. All regionally sig-
6 nificant Federal Lands Highway Program projects shall
7 be developed in cooperation with States and metropolitan
8 planning organizations and be included in appropriate
9 Federal Lands Highways Program, State, and metropoli-
10 tan plans and transportation improvement programs. The
11 approved Federal Lands Highways Program transpor-
12 tation improvement program shall be included in appro-
13 priate State and metropolitan planning organization plans
14 and programs without further action thereon. The Sec-
15 retary and the Secretary of the appropriate Federal land
16 managing agency shall also develop appropriate safety,
17 bridge, and pavement management systems for roads
18 funded under the Federal Lands Highways Program.”;

19 (2) by striking the first three sentences of sub-
20 section (b) and inserting the following: “Funds
21 available for forest highways, public lands highways,
22 park roads and parkways, and Indian reservation
23 roads shall be used by the Secretary and the Sec-
24 retary of the appropriate Federal land managing
25 agency to pay for the cost of transportation plan-

1 ning, research, engineering, and construction there-
2 of. In connection therewith, the Secretary and the
3 Secretary of the appropriate Federal land managing
4 agency, as appropriate, may enter into construction
5 contracts and such other contracts with a State or
6 civil subdivision thereof or Indian tribe as deemed
7 advisable.”;

8 (3) by striking “Secretary of the Interior” in
9 the first sentence of subsection (e) and inserting
10 “Secretary of the appropriate Federal land manag-
11 ing agency”;

12 (4) by revising subsection (i) to read as follows:

13 “(i) TRANSFERS TO SECRETARIES OF FEDERAL
14 LAND MANAGING AGENCIES.—The Secretary shall trans-
15 fer to the appropriate Federal land managing agency from
16 the appropriation for public lands highways amounts as
17 may be needed to cover necessary administrative costs of
18 such agency in connection with public lands highways. The
19 Secretary shall transfer to the appropriate Federal land
20 managing agency from the appropriation for public lands
21 highways such amounts as may be needed to cover the
22 cost of such agency to conduct necessary transportation
23 planning serving Federal lands, where funding for such
24 planning is otherwise not provided in this section.”;

1 (5) by revising the second sentence of sub-
2 section (j) to read as follows: “The Indian Tribal
3 Government, in cooperation with the Secretary of
4 the Interior, and as may be appropriate, with a
5 State, local government, or metropolitan planning
6 organization, shall carry out a transportation plan-
7 ning process in accordance with subsection 204(a) of
8 title 23, United States Code.”; and

9 (6) by adding at the end the following new sub-
10 section:

11 “(k) INDIAN RESERVATION ROAD BRIDGES.—

12 “(1) Of the amounts authorized for Indian Res-
13 ervation Roads each fiscal year, the Secretary, in co-
14 operation with the Secretary of the Interior, shall re-
15 serve a minimum of \$5,000,000 for projects to re-
16 place, rehabilitate, seismic retrofit, paint, apply cal-
17 cium magnesium acetate, or install scour counter-
18 measures for deficient Indian reservation road
19 bridges. To be eligible to receive funding under this
20 subsection, a bridge or multiple-pipe culvert must—

21 “(A) have an opening of 6.1 meters (20
22 feet) or more;

23 “(B) be on an Indian reservation road;

1 “(C) be unsafe because of structural defi-
 2 ciencies, physical deterioration, or functional
 3 obsolescence; and

4 “(D) be recorded in the national bridge in-
 5 ventory administered by the Secretary.

6 “(2) The Secretary shall approve a nationwide
 7 priority program for improving deficient Indian res-
 8 ervation road bridges. Funds for Indian reservation
 9 road bridge projects shall only be made available
 10 upon approval of plans, specifications, and estimates
 11 by the Secretary.”.

12 **SEC. 1027. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 13 **WALKWAYS.**

14 Section 217 of title 23, United States Code, is
 15 amended—

16 (1) in subsection (b)—

17 (A) by adding “pedestrian walkways and”
 18 after “construction of”; and

19 (B) by striking “(other than the Interstate
 20 System)”;

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

23 (3) by revising subsection (g) to read as follows:

24 “(g) **PLANNING AND DESIGN.**—Bicyclists and pedes-
 25 trians shall be given due consideration in the comprehen-

1 sive transportation plans developed by each metropolitan
 2 planning organization and State in accordance with sec-
 3 tions 134 and 135 of this title, respectively. Bicycle trans-
 4 portation facilities and pedestrian walkways shall be con-
 5 sidered, where appropriate, in conjunction with all new
 6 construction and reconstruction of transportation facili-
 7 ties, except where bicycle and pedestrian use are not per-
 8 mitted. Transportation plans and projects shall provide
 9 due consideration for safety and contiguous routes.”;

10 (4) in subsection (h), by striking “No motorized
 11 vehicles shall” and inserting “Motorized vehicles
 12 may not”; and

13 (5) in paragraph (h)(3)—

14 (A) by striking “when State and local reg-
 15 ulations permit,”; and

16 (B) by inserting after “wheelchairs” the
 17 following: “, as defined in paragraph (i)(3)”;

18 (6) by striking subsection (i) and redesignating
 19 subsection (j) as subsection (i); and

20 (7) by revising subsection (i), as so redesign-
 21 ated, to read as follows:

22 “(i) DEFINITIONS.—

23 “(1) BICYCLE TRANSPORTATION FACILITY.—As
 24 used in this section, the term ‘bicycle transportation
 25 facility’ means new or improved lanes, paths, or

1 shoulders for use by bicyclists, traffic control de-
 2 vices, shelters, and parking facilities for bicycles.

3 “(2) PEDESTRIAN.—As used in this section, the
 4 term ‘pedestrian’ means any person traveling by foot
 5 and any mobility impaired person using a wheel-
 6 chair.

7 “(3) WHEELCHAIR.—As used in this section,
 8 the term ‘wheelchair’ means a mobility aid, usable
 9 indoors, and designed for and used by individuals
 10 with mobility impairments, whether operated manu-
 11 ally or powered.”.

12 **SEC. 1028. RECREATIONAL TRAILS PROGRAM.**

13 (a) RECREATIONAL TRAILS PROGRAM.—Chapter 2 of
 14 title 23, United States Code, is amended by inserting the
 15 following new section after section 205:

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

17 “(a) IN GENERAL.—The Secretary, in consultation
 18 with the Secretary of the Interior and the Secretary of
 19 Agriculture, shall administer a program for the purposes
 20 of providing and maintaining recreational trails in accord-
 21 ance with this section.

22 “(b) STATE RESPONSIBILITIES.—

23 “(1) The Governor of the State shall designate
 24 the State agency or agencies which will be respon-

1 sible for administering apportionments received
2 under this section; and

3 “(2) The State shall establish within the State
4 a State trail advisory committee that equitably rep-
5 resents both motorized and nonmotorized trail users.

6 “(c) USE OF APPORTIONED FUNDS.—(1) Funds
7 made available under this section are to be obligated for
8 trails and trail-related projects which have been planned
9 and developed under the existing laws, policies, and ad-
10 ministrative procedures of each State, and which are iden-
11 tified in, or which further a specific goal of, a trail plan
12 or trail plan element included or referenced in a metropoli-
13 tan transportation plan required under 23 U.S.C. 134,
14 and/or a statewide transportation plan required under 23
15 U.S.C. 135, consistent with the Statewide Comprehensive
16 Outdoor Recreation Plan required by the Land and Water
17 Conservation Fund Act of 1965 (16 U.S.C. 460l–4–460l–
18 11). Permissible uses of these funds include—

19 “(A) construction of new trails;

20 “(B) maintenance and restoration of existing
21 trails;

22 “(C) development and rehabilitation of trailside
23 and trailhead facilities and trail linkages;

24 “(D) purchase and lease of trail construction
25 and maintenance equipment;

1 “(E) acquisition of easements and fee simple
2 title to property for trails or trail corridors;

3 “(F) costs to the State incurred in administer-
4 ing this program, but in an amount not exceeding 7
5 percent of the apportionment received by the State;
6 and

7 “(G) operation of educational programs to pro-
8 mote safety and environmental protection as these
9 objectives relate to the use of trails.

10 “(2) DIVERSIFIED TRAIL USE.—Not less than 50
11 percent of the apportionments received annually by a
12 State shall be used to facilitate use of trails for diverse
13 recreational purposes, including by renovating recreational
14 trail corridors, trailsides, or trailhead facilities to allow for
15 both motorized and nonmotorized recreational trail use.

16 “(d) ENVIRONMENTAL BENEFIT OR MITIGATION.—
17 To the extent practicable and consistent with other re-
18 quirements of this section, a State shall give priority to
19 project proposals that provide for the redesign, reconstruc-
20 tion, nonroutine maintenance, or relocation of existing
21 trails in order to benefit the natural environment or in
22 order to mitigate and minimize the impact to the natural
23 environment.

24 “(e) FEDERAL SHARE PAYABLE.—Except as pro-
25 vided in paragraphs (1), (2), (3), and (4) of this sub-

1 section, the Federal share payable on account of a project
2 under this section shall not exceed 50 percent.

3 “(1) FEDERAL AGENCY PROJECT SPONSOR.—

4 Notwithstanding any other provision of law, a Fed-
5 eral agency sponsoring a project under this section
6 may contribute additional Federal funds toward a
7 project’s cost, provided that the share attributable to
8 the Secretary of Transportation does not exceed 50
9 percent and the share attributable to the Secretary
10 and the Federal agency jointly does not exceed 80
11 percent.

12 “(2) ALLOWABLE MATCH FROM FEDERAL
13 GRANT PROGRAMS.—The following Federal grant
14 programs may be used to contribute additional Fed-
15 eral funds toward a project’s cost and may be ac-
16 counted for as contributing to the non-Federal
17 share:

18 “(A) State and Local Fiscal Assistance Act
19 of 1972 (Public Law 92–512);

20 “(B) HUD Community Development Block
21 Grants (Public Law 93–383);

22 “(C) Public Works Employment Act of
23 1976 (Public Law 94–369);

1 “(D) Delaware and Lehigh Navigation
2 Canal National Heritage Corridor Act of 1988
3 (Public Law 100–692);

4 “(E) Job Training Partnership Act of
5 1982 (Public Law 97–300);

6 “(F) National and Community Service
7 Trust Act of 1993 (Public Law 103–82); and

8 “(G) Personal Responsibility and Work
9 Opportunity Reconciliation Act of 1996 (Public
10 Law 104–93).

11 “(3) PROGRAMMATIC NON-FEDERAL SHARE.—A
12 State may allow adjustments of the non-Federal
13 share of individual projects provided that the total
14 Federal share payable for all projects within the
15 State under this program for a Federal fiscal year’s
16 apportionment does not exceed 50 percent. A project
17 funded under paragraphs (1) or (2) of this sub-
18 section may not be included in the calculation of the
19 programmatic non-Federal share.

20 “(4) STATE ADMINISTRATIVE COSTS.—The
21 Federal share payable on account of the administra-
22 tive costs of a State under subparagraph (e)(1)(A)
23 shall be determined in accordance with subsection
24 120(b) of this title.

1 “(f) USES NOT PERMITTED.—A State may not obli-
2 gate funds apportioned under this section for—

3 “(1) condemnation of any kind of interest in
4 property;

5 “(2) construction of any recreational trail on
6 National Forest System lands for motorized uses un-
7 less such lands—

8 “(A) have been apportioned for uses other
9 than wilderness by an approved Forest land and
10 resource management plan or have been re-
11 leased to uses other than wilderness by an Act
12 of Congress; and

13 “(B) such construction is otherwise con-
14 sistent with the management direction in such
15 approved land and resource management plan;
16 or

17 “(3) construction of any recreational trail on
18 Bureau of Land Management lands for motorized
19 uses unless such lands—

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

1 “(B) such construction is otherwise con-
2 sistent with the management direction in such
3 approved management plans;

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

9 “(5) developing or otherwise encouraging rec-
10 reational opportunity on a railroad right-of-way for
11 the purpose of traversing on or between railroad
12 tracks, except for providing a railroad crossing in co-
13 ordination with the railroad owner, operator, and
14 State agency with jurisdiction over railroad cross-
15 ings.

16 “(g) PROJECT ADMINISTRATION.—

17 “(1) CREDIT FOR DONATIONS OF FUNDS, MA-
18 TERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Noth-
19 ing in this title or any other law shall prevent a
20 project sponsor from offering to donate funds, mate-
21 rials, services, or new right-of-way for the purposes
22 of a project eligible for assistance under this section.
23 Any funds, or the fair market value of any mate-
24 rials, services, or new right-of-way may be donated
25 by any project sponsor and shall be credited to the

1 non-Federal share in accordance with subsection (d)
2 of this section. Any funds or the fair market value
3 of any materials or services may be provided by a
4 Federal project sponsor and shall be credited as part
5 of that Federal agency's share in accordance with
6 paragraph (d)(1).

7 “(2) RECREATIONAL PURPOSE.—A project
8 funded under this section is intended to enhance rec-
9 reational opportunity and is not subject to the provi-
10 sions of 49 U.S.C. 303 or 23 U.S.C. 138.

11 “(3) CONTINUING RECREATIONAL USE.—At the
12 option of each State, funds made available under
13 this section may be treated as Land and Water Con-
14 servation Fund apportionments for the purposes of
15 section (6)(f)(3) of the Land and Water Conserva-
16 tion Fund Act.

17 “(4) COOPERATION BY PRIVATE PERSONS.—

18 “(A) WRITTEN ASSURANCES.—As a condi-
19 tion to making available apportionments for
20 work on recreational trails that would affect
21 privately owned land, a State shall obtain writ-
22 ten assurances that the owner of the property
23 will cooperate with the State and participate as
24 necessary in the activities to be conducted.

1 “(B) PUBLIC ACCESS.—Any use of a
 2 State’s allocations on private lands must be ac-
 3 companyed by an easement or other legally
 4 binding agreement that ensures public access to
 5 the recreational trail improvements funded by
 6 those apportionments.

7 “(h) DEFINITIONS.—(1) For the purposes of this sec-
 8 tion—

9 “(A) RECREATIONAL TRAIL.—The term ‘rec-
 10 reational trail’ means a thoroughfare or track across
 11 land or snow, used for recreational purposes such as:
 12 pedestrian activities, including wheelchair use; skat-
 13 ing or skateboarding; equestrian activities, including
 14 carriage driving; nonmotorized snow trail activities,
 15 including skiing; bicycling or use of other human-
 16 powered vehicles; aquatic or water activity; and mo-
 17 torized vehicular activities, including all-terrain vehi-
 18 cle riding, motorcycling, use of off-road light trucks,
 19 or use of other off-road motorized vehicles; and

20 “(B) MOTORIZED RECREATION.—The term
 21 ‘motorized recreation’ means off-road recreation
 22 using any motor-powered vehicle, except for motor-
 23 ized wheelchairs.

24 “(2) For purposes of subsection 104(h) of title 23,
 25 United States Code, the term ‘eligible State’ means a

1 State, as defined in section 101 of such title, that meets
 2 the requirements stated in subsection (b) of this section.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) The Intermodal Surface Transportation Ef-
 5 ficiency Act of 1991 is amended by striking part B
 6 of title I.

7 (2) The analysis for chapter 2 of title 23,
 8 United States Code, is amended by revising item
 9 206 to read as follows:

“206. Recreational Trails Program.”.

10 **SEC. 1029. INTERNATIONAL HIGHWAY TRANSPORTATION**
 11 **OUTREACH PROGRAM.**

12 (a) ACTIVITIES.—Section 325(a) of title 23, United
 13 States Code, is amended—

14 (1) by inserting after “expertise” the following:

15 “, goods, and services”;

16 (2) by adding at the end the following new
 17 paragraph:

18 “(6) gathering and disseminating information
 19 on foreign transportation markets and industries.”;

20 (3) by striking “and” at the end of paragraph

21 (4); and

22 (4) by striking the period at the end of para-
 23 graph (5) and inserting “; and”.

24 (b) FUNDS.—Section 325(c) of such title is revised
 25 to read as follows:

1 “(c) Funds available to carry out the provisions of
 2 this section shall include funds deposited by any cooperat-
 3 ing organization or person in a special account for this
 4 program with the Secretary of the Treasury. The funds
 5 deposited in the special account and other funds available
 6 to carry out this section shall be available to cover the
 7 cost of any activity eligible under this section, including
 8 the cost of promotional materials, travel, reception and
 9 representation expenses, and salaries and benefits. Reim-
 10 bursements for salaries and benefits of Federal Highway
 11 Administration employees providing services under this
 12 section shall be credited to the special account.”.

13 (c) ELIGIBILITY.—Section 325 of such title is amend-
 14 ed by adding at the end the following new subsection:

15 “(d) ELIGIBLE USE OF STATE PLANNING AND RE-
 16 SEARCH FUNDS.—A State, in coordination with the Sec-
 17 retary, may obligate funds made available to carry out sec-
 18 tion 329 of this title for any activity authorized under sub-
 19 section (a) of this section.”.

20 **SEC. 1030. TRADE CORRIDOR AND BORDER CROSSING**
 21 **PLANNING; BORDER GATEWAY PILOT PRO-**
 22 **GRAM.**

23 (a) BORDER CROSSING PLANNING INCENTIVE
 24 GRANTS.—

1 (1) GRANTS.—In order to encourage joint
2 transportation planning activities, the Secretary
3 shall make incentive grants to States that share a
4 common border with Canada or Mexico and metro-
5 politan planning organizations either adjacent or
6 proximate to borders with Canada or Mexico. Such
7 grants shall be used to enhance consideration of peo-
8 ple and vehicle movement into and through inter-
9 national gateways as a supplement to statewide and
10 metropolitan transportation planning funding made
11 available through other provisions of this Act.

12 (2) CONDITION OF GRANTS.—As a condition of
13 receiving a grant under paragraph (1) of this sub-
14 section, the State or metropolitan planning organiza-
15 tion shall assure the Secretary that it commits to be
16 engaged in joint planning with its counterpart agen-
17 cy in Canada or Mexico.

18 (b) TRADE CORRIDOR PLANNING INCENTIVE
19 GRANTS.—

20 (1) GRANTS.—In order to encourage coopera-
21 tive multistate corridor planning and analysis, the
22 Secretary shall make grants to States for the pur-
23 pose of performing, within the framework of their
24 statewide transportation planning process, planning
25 for the safe and efficient movement of goods along

1 and within international or interstate trade corridors
2 of national importance. Such corridors shall be coop-
3 eratively identified by the States along the corridor.
4 Priority should be given to corridors of which the
5 private sector is particularly supportive.

6 (2) CORRIDOR PLANS.—As a condition of re-
7 ceiving a grant under paragraph (3) of this sub-
8 section, the State shall assure the Secretary that, in
9 cooperation with the other States along the corridor,
10 a plan for corridor improvements will be submitted
11 to the Secretary not later than 24 months after re-
12 ceipt of such grant. Corridor planning performed
13 under subsection (c) of this section shall be coordi-
14 nated with transportation planning being done by
15 the States and metropolitan planning organizations
16 along the corridor and, where appropriate, with
17 transportation planning being done in Mexico and
18 Canada.

19 (3) MULTISTATE AGREEMENTS FOR TRADE
20 CORRIDOR PLANNING.—The consent of Congress is
21 hereby given to any two or more States to enter into
22 multistate agreements not in conflict with any law of
23 the United States, for cooperative efforts and mu-
24 tual assistance in support of interstate trade cor-
25 ridor planning activities and to establish such agen-

1 cies, joint or otherwise, as such States may deem de-
2 sirable for making such agreements effective.

3 (c) BORDER GATEWAY PILOT PROGRAM.—

4 (1) COORDINATED AND COMPREHENSIVE BOR-
5 DER PROGRAM.—Subject to the conditions of this
6 subsection, the Secretary may make grants to any
7 State or other implementing agency bordering Can-
8 ada or Mexico to improve the safe movement of peo-
9 ple and goods at or across such border. Such grants
10 shall be used to develop project plans, and imple-
11 ment coordinated and comprehensive programs of
12 projects, to improve border efficiency and safety.
13 Such plans and programs may include improvements
14 to existing transport and supporting infrastructure;
15 selective new infrastructure construction; improve-
16 ments in operational strategies, including, but not
17 limited to, electronic data interchange and use of
18 telecommunications to expedite vehicle and cargo
19 movement; modifications to regulatory procedures to
20 expedite vehicle and cargo flow; and other institu-
21 tional improvements, such as coordination of bina-
22 tional planning, programming, and border operation,
23 with special emphasis on coordination with other
24 Federal agencies responsible for inspection of vehi-
25 cles, cargo, and persons crossing international bor-

1 ders, and their counterpart agencies in Canada and
2 Mexico. Grants shall apply only to groupings of bor-
3 der crossings defined by proximity and similarity of
4 trade, referred to as gateways in this section.

5 (2) NUMBER AND AMOUNT OF GRANTS.—The
6 Secretary may make up to eight grants to States
7 and other implementing agencies under this section,
8 including a minimum of two grants for projects on
9 the United States/Mexico border and two grants on
10 the United States/Canada border. No single grant
11 authorized under this section shall exceed
12 \$40,000,000.

13 (3) GRANT ELIGIBILITY.—Each State or other
14 implementing agency seeking a grant under this sub-
15 section shall submit a proposal that includes strate-
16 gies to involve both the public and private sectors in
17 the proposed project. Grants shall be made on the
18 basis of—

19 (A) expected reduction in commercial and
20 other travel time through a major international
21 gateway as a result of the project;

22 (B) leveraging of Federal funds provided
23 under this section, including use of innovative
24 financing, combination with funding provided
25 under other sections of this Act, and/or com-

1 bination with other sources of Federal, State/
2 local, or private funding;

3 (C) improvements in vehicle and highway
4 safety and cargo security in and through the
5 gateway;

6 (D) degree of binational involvement in the
7 project, and demonstrated coordination with
8 other Federal agencies responsible for inspec-
9 tion of vehicles, cargo, and persons crossing
10 international borders, and their counterpart
11 agencies in Canada and Mexico;

12 (E) the extent to which the innovative and
13 problem solving techniques of the proposed
14 project would be applicable to other inter-
15 national border crossings;

16 (F) demonstrated local commitment to im-
17 plement and sustain continuing comprehensive
18 border planning processes and improvement
19 programs;

20 (G) improved use of existing, underutilized
21 border crossing facilities and approaches; and

22 (H) other factors as determined by the
23 Secretary to promote border transport efficiency
24 and safety.

1 (d) FUNDING.—There are authorized to be appro-
2 priated out of the Highway Trust Fund (other than the
3 Mass Transit Account) \$45,000,000 for each of fiscal
4 years 1998 through 2003 to carry out this section. Such
5 sums shall remain available until expended. Of such
6 sums—

7 (1) \$1,400,000 shall be made available for each
8 of fiscal years 1998 through 2003 under subsection
9 (a) for border crossing planning incentive grants,
10 but no State or metropolitan planning organization
11 shall receive more than \$100,000 in any fiscal year;
12 and

13 (2) \$3,000,000 to be made available in each of
14 fiscal years 1998, 1999, 2000, 2001, 2002, and
15 2003 under subsection (b) for trade corridor plan-
16 ning incentive grants.

17 (e) FEDERAL SHARE.—

18 (1) BORDER GATEWAY PILOT PROGRAM.—The
19 funds authorized under subsection (d) of this section
20 for any border gateway pilot program project may be
21 used to match other Federal-aid highway funds oth-
22 erwise eligible for such project, but the funds au-
23 thorized under subsection (d) for any project shall
24 not exceed 50 percent of the cost of such project.

1 (2) BORDER CROSSING AND TRADE CORRIDOR
 2 PLANNING INCENTIVE GRANTS.—The Federal share
 3 payable on account of any border crossing planning
 4 or trade corridor planning incentive project under
 5 this section shall be determined in accordance with
 6 section 120 of title 23, United States Code.

7 **SEC. 1031. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
 8 **TEM.**

9 (a) AVAILABILITY, RELEASE, AND REALLOCATION OF
 10 FUNDS.—Section 201(a) of title 40, U.S.C. App., is
 11 amended in the second sentence by inserting after “and
 12 roads” the following: “, provided that allocations to a
 13 State shall remain available for expenditure in such State
 14 for the fiscal year in which they are allocated and for 3
 15 succeeding fiscal years. Funds not expended by a State
 16 during these 4 fiscal years shall be released to the Appa-
 17 lachian Regional Commission for reallocation.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 19 201 of such title is further amended—

20 (1) by redesignating subsection (g) as para-
 21 graph (g)(1); and

22 (2) by inserting at the end of paragraph (g)(1),
 23 as so redesignated, the following new paragraphs:

24 “(2) APPALACHIAN DEVELOPMENT HIGHWAY
 25 SYSTEM.—For the continued construction of the Ap-

1 palachian development highway system approved as
 2 of September 30, 1996, in accordance with this sec-
 3 tion, there are authorized to be appropriated out of
 4 the Highway Trust Fund (other than the Mass
 5 Transit Account) \$200,000,000 for fiscal year 1998,
 6 \$290,000,000 for fiscal year 1999, \$350,000,000 for
 7 fiscal year 2000, \$400,000,000 for fiscal year 2001,
 8 \$450,000,000 for fiscal year 2002, and
 9 \$500,000,000 for fiscal year 2003, and the Sec-
 10 retary shall provide equivalent amounts of obligation
 11 authority for such funds.

12 “(3) CONTRACT AUTHORITY.—Funds author-
 13 ized by this section shall be available for obligation
 14 in the same manner as if such funds were appor-
 15 tioned under chapter 1 of title 23, United States
 16 Code, except that the Federal share shall be deter-
 17 mined in accordance with this section and such
 18 funds shall remain available until expended.”.

19 (c) FEDERAL SHARE FOR PRE-FINANCED
 20 PROJECTS.—Section 201(h)(1) of such title is amended
 21 by striking “70” and inserting “80”.

22 (d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—
 23 Section 201 of such title is amended by adding at the end
 24 the following new subsection:

1 “(i) DEDUCTION FOR ADMINISTRATIVE EX-
 2 PENSES.—On October 1 of each fiscal year, or as soon
 3 as is practicable thereafter, there shall be deducted, for
 4 the expenses of the Appalachian Regional Commission in
 5 administering the funds authorized under this section for
 6 such year, not to exceed 3.75 percent of the funds made
 7 available for such year under subsection (g) of this sec-
 8 tion.”.

9 **SEC. 1032. VALUE PRICING PILOT PROGRAM.**

10 (a) VALUE PRICING PILOT PROGRAM.—Section
 11 1012(b) of the Intermodal Surface Transportation Effi-
 12 ciency Act of 1991 (23 U.S.C. 149 note, 105 Stat. 1938)
 13 is amended—

14 (1) in the subsection heading by striking “CON-
 15 GESTION” and inserting “VALUE”; and

16 (2) in paragraph (1) by striking “congestion”
 17 each place it appears and inserting “value”.

18 (b) INCREASED NUMBER OF PROJECTS.—Section
 19 1012(b)(1) of such Act is amended by striking “5” and
 20 inserting “15”.

21 (c) INCREASED FEDERAL SHARE.—Section
 22 1012(b)(2) of such Act is amended by striking “be 80”
 23 and inserting “not exceed 100”.

24 (d) ELIGIBILITY OF PRE-IMPLEMENTATION COSTS.—
 25 Section 1012(b)(2) of such Act is further amended—

1 (1) by adding after “Secretary shall fund” the
2 following: “all pre-implementation costs, including
3 public education and project design, and”; and

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

6 (e) CONFORMING AMENDMENTS.—Section 1012(b)
7 of such Act is further amended—

8 (1) in paragraph (1) by striking “projects”
9 each place it appears and inserting “programs”; and

10 (2) in paragraph (5)—

11 (A) by striking “projects” and inserting
12 “programs”; and

13 (B) by striking “traffic, volume” and in-
14 serting “traffic volume”.

15 (f) ELIGIBLE USES OF TOLL REVENUES.—Section
16 1012(b)(3) of such Act is amended by striking “must be
17 applied to projects eligible under such title” and inserting
18 “may be applied to any project serving a surface transpor-
19 tation purpose”.

20 (g) TOLLING.—Section 1012(b)(4) of such Act is
21 amended by striking “a pilot program under this section,
22 but not on any more than 3 of such programs” and insert-
23 ing “any value pricing pilot program under this section”.

1 (h) EFFECT ON LOW INCOME DRIVERS.—(1) Section
 2 1012(b)(5) of such Act is amended by inserting after “air
 3 quality,” the following: “low income drivers”; and

4 (2) Section 1012(b) of such Act is further amended
 5 by adding at the end the following new paragraph:

6 “(7) Any value pricing pilot program funded
 7 under this subsection shall fully consider the poten-
 8 tial effects of value pricing projects on drivers of all
 9 income levels and shall develop mitigation measures
 10 to deal with potential adverse effects on low income
 11 drivers.”.

12 (i) FUNDING.—Section 1012(b)(6) of such Act is re-
 13 vised to read as follows:

14 “(6) There are authorized to be appropriated
 15 out of the Highway Trust Fund (other than the
 16 Mass Transit Account) \$14,000,000 for each of fis-
 17 cal years 1998, 1999, 2000, 2001, 2002, and 2003
 18 to carry out the requirements of this subsection.
 19 Funds allocated by the Secretary under this para-
 20 graph remain available for obligation by the State
 21 for a period of three years after the last day of the
 22 fiscal year for which such funds are authorized. Any
 23 amounts so allocated under this paragraph that re-
 24 main unobligated at the end of such period and any
 25 amounts authorized under this paragraph that re-

1 main unallocated by the end of such period shall be
2 transferred to a State's apportionment under section
3 104(b)(3) of such title and shall be treated in the
4 same manner as other funds apportioned under such
5 section.”.

6 (j) HOV PASSENGER REQUIREMENTS.—Section
7 1012(b) of such Act is further amended by adding at the
8 end the following new paragraph:

9 “(8) Notwithstanding section 102 of title 23,
10 United States Code, any State may permit vehicles
11 with fewer than 2 occupants to operate in high occu-
12 pancy vehicle lanes if such vehicles are part of a
13 value pricing program funded under this sub-
14 section.”.

15 (k) CONTRACT AUTHORITY.—Section 1012(b) of
16 such Act is further amended by adding at the end the fol-
17 lowing new paragraph:

18 “(9) Funds authorized by this subsection shall
19 be available for obligation in the same manner as if
20 such funds were apportioned under chapter 1 of title
21 23, United States Code, except that the Federal
22 share of the cost of any project under this sub-
23 section and the availability of funds authorized by
24 this subsection shall be determined in accordance
25 with this subsection.”.

1 **SEC. 1033. HIGHWAY USE TAX EVASION PROJECTS.**

2 Section 1040 of the Intermodal Surface Transpor-
3 tation Efficiency Act of 1991 (23 U.S.C. 101 note; 105
4 Stat. 1992) is amended—

5 (1) in subsection (a) by striking “subsection
6 (e)” and inserting “subsection (d)”;

7 (2) by striking subsections (d), (e), and (f);

8 (3) by redesignating subsection (g) as sub-
9 section (e); and

10 (4) by inserting a new subsection (d) to read as
11 follows:

12 “(d) FUNDING.—There shall be available to the Sec-
13 retary for carrying out this section, out of the Highway
14 Trust Fund (other than the Mass Transit Account),
15 \$5,000,000 for each of fiscal years 1998, 1999, 2000,
16 2001, 2002, and 2003. Such funds shall be available for
17 obligation in the same manner and to the same extent as
18 if such funds were apportioned under chapter 1 of title
19 23, United States Code, except that the Federal share for
20 projects carried out under this section shall be 100 per-
21 cent, and such funds shall remain available for obligation
22 for a period of one year after the last day of the fiscal
23 year for which the funds are authorized.”.

24 **SEC. 1034. PUBLIC NOTICE OF RAILBANKING.**

25 For any project to convert a railroad right-of-way
26 preserved in accordance with subsection 1247(d) of title

1 16, United States Code, into a trail, a State shall provide
 2 public notice at the time of application for an interim trail
 3 use certificate in the same manner as required for a notice
 4 of rail abandonment.

5 **TITLE II—HIGHWAY SAFETY**

6 **SEC. 2001. SHORT TITLE.**

7 This title may be cited as the “Highway Safety Act
 8 of 1997”.

9 **SEC. 2002. HIGHWAY SAFETY PROGRAMS.**

10 (a) UNIFORM GUIDELINES.—Section 402(a) of title
 11 23, United States Code, is amended—

12 (1) by striking the fifth sentence; and

13 (2) by striking “section 4007” and inserting
 14 “section 4004”.

15 (b) ADMINISTRATIVE REQUIREMENTS.—Section
 16 402(b) of such title is amended—

17 (1) in paragraph (1) by striking the period at
 18 the end of each of subparagraphs (A) and (B) and
 19 inserting a semicolon;

20 (2) in paragraph (1)(C) by inserting “, includ-
 21 ing Indian tribes,” after “subdivisions of such
 22 State”;

23 (3) in paragraph (1)(C) by striking the period
 24 at the end and inserting “; and”;

25 (4) by striking paragraph (1)(E); and

1 (5) by striking paragraphs (3) and (4) and re-
 2 designating paragraph (5) as paragraph (3).

3 (c) APPORTIONMENT OF FUNDS.—Section 402(c) of
 4 such title is amended—

5 (1) in the 6th sentence by inserting “the appor-
 6 tionment to the Secretary of the Interior shall not
 7 be less than three-fourths of 1 percent of the total
 8 apportionment and” after “except that”; and

9 (2) by striking the 7th and 8th sentences.

10 (d) APPLICATION IN INDIAN COUNTRY.—Section
 11 402(i) of such title is amended to read as follows:

12 “(i) APPLICATION IN INDIAN COUNTRY.—

13 “(1) IN GENERAL.—For the purpose of applica-
 14 tion of this section in Indian country, the terms
 15 ‘State’ and ‘Governor of a State’ include the Sec-
 16 retary of the Interior and the term ‘political subdivi-
 17 sion of a State’ includes an Indian tribe. Notwith-
 18 standing the provisions of subparagraph (b)(1)(C) of
 19 this section, 95 percent of the funds apportioned to
 20 the Secretary of the Interior under this section shall
 21 be expended by Indian tribes to carry out highway
 22 safety programs within their jurisdictions. The pro-
 23 visions of subparagraph (b)(1)(D) of this section
 24 shall be applicable to Indian tribes, except to those
 25 tribes with respect to which the Secretary deter-

1 mines that application of such provisions would not
2 be practicable.

3 “(2) INDIAN COUNTRY DEFINED.—For the pur-
4 poses of this subsection, the term ‘Indian country’
5 means—

6 “(A) all land within the limits of any In-
7 dian reservation under the jurisdiction of the
8 United States, notwithstanding the issuance of
9 any patent, and including rights-of-way running
10 through the reservation;

11 “(B) all dependent Indian communities
12 within the borders of the United States whether
13 within the original or subsequently acquired ter-
14 ritory thereof and whether within or without
15 the limits of a State; and

16 “(C) all Indian allotments, the Indian ti-
17 tles to which have not been extinguished, in-
18 cluding rights-of-way running through such al-
19 lotments.”.

20 (e) RULEMAKING PROCESS.—Section 402(j) of such
21 title is amended to read as follows:

22 “(j) RULEMAKING PROCESS.—The Secretary may
23 from time to time conduct a rulemaking process to identify
24 highway safety programs that are highly effective in re-
25 ducing motor vehicle crashes, injuries and deaths. Any

1 such rulemaking shall take into account the major role of
2 the States in implementing such programs. When a rule
3 promulgated in accordance with this section takes effect,
4 States shall consider these highly effective programs when
5 developing their highway safety programs.”.

6 (f) SAFETY INCENTIVE GRANTS.—Section 402(k) of
7 such title is amended to read as follows:

8 “(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AU-
9 THORITY.—The Secretary shall make a grant to a State
10 that takes specific actions to advance highway safety
11 under subsection (l), (m), (n), or (o) of this section. A
12 State may qualify for more than one grant and shall re-
13 ceive a separate grant for each subsection for which it
14 qualifies. Such grants may only be used by recipient
15 States to implement and enforce, as appropriate, the pro-
16 grams for which the grants are awarded.

17 “(2) MAINTENANCE OF EFFORT.—No grant may be
18 made to a State under subsection (l), (m), (n), or (o) of
19 this section in any fiscal year unless such State enters into
20 such agreements with the Secretary as the Secretary may
21 require to ensure that such State will maintain its aggre-
22 gate expenditures from all other sources for the specific
23 actions for which a grant is provided at or above the aver-
24 age level of such expenditures in its 2 fiscal years preced-
25 ing the date of the enactment of this subsection.

1 “(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL
 2 SHARE FOR GRANTS.—Each grant under subsection (l),
 3 (m), (n), or (o) of this section shall be available for not
 4 more than 6 fiscal years beginning in the fiscal year after
 5 September 30, 1997, in which the State becomes eligible
 6 for the grant. The Federal share payable for any grant
 7 under subsection (l), (m), (n), or (o) shall not exceed—

8 “(A) in the first and second fiscal years in
 9 which the State receives the grant, 75 percent of the
 10 cost of implementing and enforcing, as appropriate,
 11 in such fiscal year a program adopted by the State;

12 “(B) in the third and fourth fiscal years in
 13 which the State receives the grant, 50 percent of the
 14 cost of implementing and enforcing, as appropriate,
 15 in such fiscal year such program; and

16 “(C) in the fifth and sixth fiscal years in which
 17 the State receives the grant, 25 percent of the cost
 18 of implementing and enforcing, as appropriate, in
 19 such fiscal year such program.

20 “(l) ALCOHOL-IMPAIRED DRIVING COUNTER-
 21 MEASURES: BASIC GRANT ELIGIBILITY.—The Secretary
 22 shall make grants to those States that adopt and imple-
 23 ment effective programs to reduce traffic safety problems
 24 resulting from persons driving under the influence of alco-
 25 hol. A State shall become eligible for one or more of three

1 basic grants under this subsection by adopting or dem-
2 onstrating the following to the satisfaction of the Sec-
3 retary:

4 “(1) BASIC GRANT A.—At least 4 of the follow-
5 ing:

6 “(A) ADMINISTRATIVE LICENSE REVOCA-
7 TION.—An administrative driver’s license sus-
8 pension or revocation system for persons who
9 operate motor vehicles while under the influence
10 of alcohol which requires that—

11 “(i) in the case of a person who, in
12 any 5-year period beginning after the date
13 of enactment of this subsection, is deter-
14 mined on the basis of a chemical test to
15 have been operating a motor vehicle under
16 the influence of alcohol or is determined to
17 have refused to submit to such a test as
18 proposed by a law enforcement officer, the
19 State agency responsible for administering
20 drivers’ licenses, upon receiving the report
21 of the law enforcement officer—

22 “(I) shall suspend the driver’s li-
23 cense of such person for a period of
24 not less than 90 days if such person

1 is a first offender in such 5-year pe-
2 riod; and

3 “(II) shall suspend the driver’s li-
4 cense of such person for a period of
5 not less than 1 year, or revoke such li-
6 cense, if such person is a repeat of-
7 fender in such 5-year period; and

8 “(ii) the suspension and revocation re-
9 ferred to under clause (A)(i) of this sub-
10 paragraph shall take effect not later than
11 30 days after the day on which the person
12 refused to submit to a chemical test or re-
13 ceived notice of having been determined to
14 be driving under the influence of alcohol,
15 in accordance with the State’s procedures.

16 “(B) UNDERAGE DRINKING PROGRAM.—
17 An effective system, as determined by the Sec-
18 retary, for preventing operators of motor vehi-
19 cles under age 21 from obtaining alcoholic bev-
20 erages. Such system may include the issuance
21 of drivers’ licenses to individuals under age 21
22 that are easily distinguishable in appearance
23 from drivers’ licenses issued to individuals age
24 21 years of age or older.

1 “(C) STOPPING MOTOR VEHICLES.—Ei-
2 ther—

3 “(i) A statewide program for stopping
4 motor vehicles on a nondiscriminatory,
5 lawful basis for the purpose of determining
6 whether the operators of such motor vehi-
7 cles are driving while under the influence
8 of alcohol, or

9 “(ii) a statewide Special Traffic En-
10 forcement Program for impaired driving
11 that emphasizes publicity for the program.

12 “(D) REPEAT OFFENDERS.—Effective
13 sanctions for repeat offenders convicted of driv-
14 ing under the influence of alcohol. Such sanc-
15 tions, as determined by the Secretary, may in-
16 clude electronic monitoring; alcohol interlocks;
17 intensive supervision of probation; vehicle im-
18 poundment, confiscation, or forfeiture; and
19 dedicated detention facilities.

20 “(E) GRADUATED LICENSING SYSTEM.—A
21 three-stage graduated licensing system for
22 young drivers that includes nighttime driving
23 restrictions during the first two stages, requires
24 all vehicle occupants to be properly restrained,
25 and makes it unlawful for a person under age

1 21 to operate a motor vehicle with a blood alco-
2 hol concentration of .02 percent or greater.

3 “(2) BASIC GRANT B.—Both of the following:

4 “(A) ADMINISTRATIVE LICENSE REVOCA-
5 TION.—An administrative driver’s license sus-
6 pension or revocation system for persons who
7 operate motor vehicles while under the influence
8 of alcohol which requires that—

9 “(i) in the case of a person who, in
10 any 5-year period beginning after the date
11 of enactment of this subsection, is deter-
12 mined on the basis of a chemical test to
13 have been operating a motor vehicle under
14 the influence of alcohol or is determined to
15 have refused to submit to such a test as
16 requested by a law enforcement officer, the
17 State agency responsible for administering
18 drivers’ licenses, upon receiving the report
19 of the law enforcement officer—

20 “(I) shall suspend the driver’s li-
21 cense of such person for a period of
22 not less than 90 days if such person
23 is a first offender in such 5-year pe-
24 riod; and

1 “(II) shall suspend the driver’s li-
2 cense of such person for a period of
3 not less than 1 year, or revoke such li-
4 cense, if such person is a repeat of-
5 fender in such 5-year period; and

6 “(ii) the suspension and revocation re-
7 ferred to under clause (A)(i) of this sub-
8 paragraph shall take effect not later than
9 30 days after the day on which the person
10 refused to submit to a chemical test or re-
11 ceives notice of having been determined to
12 be driving under the influence of alcohol,
13 in accordance with the State’s procedures;
14 and

15 “(B) .08 BAC PER SE LAW.—A law that
16 provides that any person with a blood alcohol
17 concentration of 0.08 percent or greater while
18 operating a motor vehicle shall be deemed to be
19 driving while intoxicated.

20 “(3) BASIC GRANT C.—Both of the following:

21 “(A) FATAL IMPAIRED DRIVER PERCENT-
22 AGE REDUCTION.—The percentage of fatally in-
23 jured drivers with 0.10 percent or greater blood
24 alcohol concentration in the State has decreased
25 in each of the 3 most recent calendar years for

1 which statistics for determining such percent-
2 ages are available; and

3 “(B) FATAL IMPAIRED DRIVER PERCENT-
4 AGE COMPARISON.—The percentage of fatally
5 injured drivers with 0.10 percent or greater
6 blood alcohol concentration in the State has
7 been lower than the average percentage for all
8 States in each of such calendar years.

9 “(4) BASIC GRANT AMOUNT.—The amount of
10 each basic grant under this subsection for any fiscal
11 year shall be up to 15 percent of the amount appor-
12 tioned to the State for fiscal year 1997 under sec-
13 tion 402 of this title.

14 “(5) ALCOHOL-IMPAIRED DRIVING COUNTER-
15 MEASURES: SUPPLEMENTAL GRANTS.—During the
16 period in which a State is eligible for a basic grant
17 under this subsection, the State shall be eligible to
18 receive a supplemental grant in no more than two
19 fiscal years of up to 5 percent of the amount appor-
20 tioned to the State in fiscal year 1997 under section
21 402 of this title. The State may receive a separate
22 supplemental grant for meeting each of the following
23 criteria:

24 “(A) OPEN CONTAINER LAWS.—The State
25 makes unlawful the possession of any open alco-

1 holic beverage container, or the consumption of
2 any alcoholic beverage, in the passenger area of
3 any motor vehicle located on a public highway
4 or the right-of-way of a public highway, ex-
5 cept—

6 “(i) as allowed in the passenger area,
7 by a person (other than the driver), of any
8 motor vehicle designed to transport more
9 than 10 passengers (including the driver)
10 while being used to provide charter trans-
11 portation of passengers; or

12 “(ii) as otherwise specifically allowed
13 by such State, with the approval of the
14 Secretary, but in no event may the driver
15 of such motor vehicle be allowed to possess
16 or consume an alcoholic beverage in the
17 passenger area.

18 “(B) MANDATORY BLOOD ALCOHOL CON-
19 CENTRATION TESTING PROGRAMS.—The State
20 provides for mandatory blood alcohol concentra-
21 tion testing whenever a law enforcement officer
22 has probable cause under State law to believe
23 that a driver of a motor vehicle involved in a
24 crash resulting in the loss of human life or, as
25 determined by the Secretary, serious bodily in-

1 jury, has committed an alcohol-related traffic
2 offense.

3 “(C) VIDEO EQUIPMENT FOR DETECTION
4 OF DRUNK DRIVERS.—The State provides for a
5 program to acquire video equipment to be used
6 in detecting persons who operate motor vehicles
7 while under the influence of alcohol and in
8 prosecuting those persons, and to train person-
9 nel in the use of that equipment.

10 “(D) BLOOD ALCOHOL CONCENTRATION
11 FOR PERSONS UNDER AGE 21.—The State en-
12 acts and enforces a law providing that any per-
13 son under age 21 with a blood alcohol con-
14 centration of 0.02 percent or greater when driv-
15 ing a motor vehicle shall be deemed to be driv-
16 ing while intoxicated or driving under the influ-
17 ence of alcohol, and further provides for a mini-
18 mum suspension of the person’s driver’s license
19 for not less than 30 days.

20 “(E) SELF-SUSTAINING DRUNK DRIVING
21 PREVENTION PROGRAM.—The State provides
22 for a self-sustaining drunk driving prevention
23 program under which a significant portion of
24 the fines or surcharges collected from individ-
25 uals apprehended and fined for operating a

1 motor vehicle while under the influence of alco-
2 hol are returned to those communities which
3 have comprehensive programs for the preven-
4 tion of such operations of motor vehicles.

5 “(F) REDUCING DRIVING WITH A SUS-
6 PENDED LICENSE.—The State enacts and en-
7 forces a law to reduce driving with a suspended
8 license. Such law, as determined by the Sec-
9 retary, may require a “zebra” stripe that is
10 clearly visible on the license plate of any motor
11 vehicle owned and operated by a driver with a
12 suspended license.

13 “(G) EFFECTIVE DWI TRACKING SYS-
14 TEM.—The State demonstrates an effective
15 driving while intoxicated (DWI) tracking sys-
16 tem. Such a system, as determined by the Sec-
17 retary, may include data covering arrests, case
18 prosecutions, court dispositions and sanctions,
19 and provide for the linkage of such data and
20 traffic records systems to appropriate jurisdic-
21 tions and offices within the State.

22 “(H) ASSESSMENT OF PERSONS CON-
23 VICTED OF ABUSE OF CONTROLLED SUB-
24 STANCES; ASSIGNMENT OF TREATMENT FOR
25 ALL DWI/DUI OFFENDERS.—The State provides

1 for assessment of individuals convicted of driv-
2 ing while intoxicated or driving under the influ-
3 ence of alcohol or controlled substances, and for
4 the assignment of appropriate treatment.

5 “(I) USE OF PASSIVE ALCOHOL SEN-
6 SORS.—The State provides for a program to ac-
7 quire passive alcohol sensors to be used by po-
8 lice officers in detecting persons who operate
9 motor vehicles while under the influence of alco-
10 hol, and to train police officers in the use of
11 that equipment.

12 “(J) EFFECTIVE PENALTIES FOR PROVI-
13 SION OR SALE OF ALCOHOL TO PERSONS
14 UNDER 21.—The State enacts and enforces a
15 law that provides for effective penalties or other
16 consequences for the sale or provision of alco-
17 holic beverages to any individual under 21 years
18 of age.

19 “(6) DEFINITIONS.—For the purposes of this
20 subsection, the following definitions apply:

21 “(A) ‘Alcoholic beverage’ has the meaning
22 such term has under section 158(c) of this title.

23 “(B) ‘Controlled substances’ has the mean-
24 ing such term has under section 102(6) of the
25 Controlled Substances Act (21 U.S.C. 802(6)).

1 “(C) ‘Motor vehicle’ means a vehicle driven
 2 or drawn by mechanical power and manufac-
 3 tured primarily for use on public streets, roads,
 4 and highways, but does not include a vehicle op-
 5 erated only on a rail line.

6 “(D) ‘Open alcoholic beverage container’
 7 means any bottle, can, or other receptacle—

8 “(i) which contains any amount of an
 9 alcoholic beverage; and

10 “(ii)(I) which is open or has a broken
 11 seal, or

12 “(II) the contents of which are par-
 13 tially removed.

14 “(m) OCCUPANT PROTECTION: BASIC GRANT ELIGI-
 15 BILITY.—The Secretary shall make basic grants to those
 16 States that adopt and implement effective programs to re-
 17 duce highway deaths and injuries resulting from persons
 18 riding unrestrained or improperly restrained in motor ve-
 19 hicles. A State may establish its eligibility for one or both
 20 of the grants by adopting or demonstrating the following
 21 to the satisfaction of the Secretary:

22 “(1) BASIC GRANT A.—At least 4 of the follow-
 23 ing:

24 “(A) SAFETY BELT USE LAW FOR ALL
 25 FRONT SEAT PASSENGERS.—The State has in

1 effect a safety belt use law that makes unlawful
2 throughout the State the operation of a pas-
3 senger motor vehicle whenever a person in the
4 front seat of the vehicle (other than a child who
5 is secured in a child restraint system) does not
6 have a safety belt properly secured about the
7 person's body.

8 “(B) PRIMARY SAFETY BELT USE LAW OR
9 PENALTY POINTS.—The State provides for pri-
10 mary enforcement of its safety belt use law or
11 provides for the imposition of penalty points
12 against a person's driver's license for a violation
13 of its safety belt use law.

14 “(C) CHILD PASSENGER PROTECTION
15 LAW.—The State has in effect a law that re-
16 quires any child up to 4 years of age who is
17 riding in a passenger motor vehicle to be prop-
18 erly secured in a child safety seat.

19 “(D) MINIMUM FINES.—The State re-
20 quires a minimum fine of at least \$25 for viola-
21 tions of its safety belt use law and a minimum
22 fine of at least \$25 for violations of its child
23 passenger protection law.

24 “(E) SPECIAL TRAFFIC ENFORCEMENT
25 PROGRAM.—The State demonstrates implemen-

1 tation of a statewide Special Traffic Enforce-
2 ment Program for occupant protection that em-
3 phasizes publicity for the program.

4 “(2) BASIC GRANT B.—Both of the following:

5 “(A) STATE SAFETY BELT USE RATE.—

6 The State demonstrates a statewide safety belt
7 use rate in both front outboard seating posi-
8 tions in all passenger motor vehicles of 80 per-
9 cent or higher in each of the first three years
10 a grant under this paragraph is received, and of
11 85 percent or higher in each of the fourth, fifth,
12 and sixth years a grant under this paragraph is
13 received.

14 “(B) SURVEY METHOD.—The State follows

15 safety belt use survey methods which conform
16 to guidelines issued by the Secretary ensuring
17 that such measurements are accurate and rep-
18 resentative.

19 “(3) BASIC GRANT AMOUNT.—The amount of

20 each basic grant for which a State qualifies under
21 this subsection for any fiscal year shall equal up to
22 20 percent of the amount apportioned to the State
23 for fiscal year 1997 under section 402 of this title.

24 “(4) OCCUPANT PROTECTION PROGRAM: SUP-

25 PLEMENTAL GRANTS.—During the period in which a

1 State is eligible for a basic grant under this sub-
2 section, the State shall be eligible to receive a sup-
3 plemental grant in a fiscal year of up to 5 percent
4 of the amount apportioned to the State in fiscal year
5 1997 under section 402 of this title. The State may
6 receive a separate supplemental grant for meeting
7 each of the following criteria:

8 “(A) PENALTY POINTS AGAINST A DRIV-
9 ER’S LICENSE FOR VIOLATIONS OF CHILD PAS-
10 Senger PROTECTION REQUIREMENTS.—The
11 State has in effect a law that requires the impo-
12 sition of penalty points against a driver’s li-
13 cense for violations of child passenger protec-
14 tion requirements.

15 “(B) ELIMINATION OF NON-MEDICAL EX-
16 EMPTIONS TO SAFETY BELT AND CHILD PAS-
17 Senger PROTECTION LAWS.—The State has in
18 effect safety belt and child passenger protection
19 laws that contain no nonmedical exemptions.

20 “(C) CHILD OCCUPANT PROTECTION EDU-
21 CATION PROGRAM.—The State demonstrates
22 implementation of a statewide comprehensive
23 child occupant protection education program
24 that includes education about proper seating
25 positions for children in air bag equipped motor

1 vehicles and instruction on how to reduce the
2 improper use of child restraints systems.

3 “(D) OPEN BED LAWS.—The State has in
4 effect a law that prohibits persons from riding
5 in the open bed of a pickup truck.

6 “(E) SAFETY BELT USE IN REAR SEATS.—
7 The State has in effect a law that requires safe-
8 ty belt use by all rear-seat passengers in all
9 passenger motor vehicles with a rear seat.

10 “(5) DEFINITIONS.—As used in this sub-
11 section—

12 “(A) ‘Child safety seat’ means any device
13 except safety belts, designed for use in a motor
14 vehicle to restrain, seat, or position children
15 who weigh 50 pounds or less.

16 “(B) ‘Motor vehicle’ means a vehicle driven
17 or drawn by mechanical power and manufac-
18 tured primarily for use on public streets, roads,
19 and highways, but does not include a vehicle op-
20 erated only on a rail line.

21 “(C) ‘Multipurpose passenger vehicle’
22 means a motor vehicle with motive power (ex-
23 cept a trailer), designed to carry not more than
24 10 individuals, that is constructed either on a

1 truck chassis or with special features for occa-
2 sional off-road operation.

3 “(D) ‘Passenger car’ means a motor vehi-
4 cle with motive power (except a multipurpose
5 passenger vehicle, motorcycle, or trailer) de-
6 signed to carry not more than 10 individuals.

7 “(E) ‘Passenger motor vehicle’ means a
8 passenger car or a multipurpose passenger
9 motor vehicle.

10 “(F) ‘Safety belt’ means—

11 “(i) with respect to open-body pas-
12 senger vehicles, including convertibles, an
13 occupant restraint system consisting of a
14 lap belt or a lap belt and a detachable
15 shoulder belt; and

16 “(ii) with respect to other passenger
17 vehicles, an occupant restraint system con-
18 sisting of integrated lap and shoulder belts.

19 “(n) STATE HIGHWAY SAFETY DATA IMPROVE-
20 MENTS.—The Secretary shall make a grant to a State that
21 takes effective actions to improve the timeliness, accuracy,
22 completeness, uniformity, and accessibility of the State’s
23 data needed to identify priorities within State and local
24 highway and traffic safety programs, to evaluate the effec-
25 tiveness of such efforts, and to link these State data sys-

1 tems, including traffic records, together and with other
2 data systems within the State, such as systems that con-
3 tain medical and economic data:

4 “(1) FIRST-YEAR GRANT ELIGIBILITY.—A State
5 is eligible for a first-year grant under this subsection
6 in a fiscal year if such State either:

7 “(A) Demonstrates, to the satisfaction of
8 the Secretary, that it has—

9 “(i) established a Highway Safety
10 Data and Traffic Records Coordinating
11 Committee with a multi-disciplinary mem-
12 bership including the administrators, col-
13 lectors, and users of such data (including
14 the public health, injury control, and motor
15 carrier communities) of highway safety and
16 traffic records databases;

17 “(ii) completed within the preceding 5
18 years a highway safety data and traffic
19 records assessment or audit of its highway
20 safety data and traffic records system; and

21 “(iii) initiated the development of a
22 multi-year highway safety data and traffic
23 records strategic plan to be approved by
24 the Highway Safety Data and Traffic
25 Records Coordinating Committee that

1 identifies and prioritizes its highway safety
2 data and traffic records needs and goals,
3 and that identifies performance-based
4 measures by which progress toward those
5 goals will be determined; or

6 “(B) Provides, to the satisfaction of the
7 Secretary—

8 “(i) certification that it has met the
9 provisions outlined in clauses (A)(i) and
10 (A)(ii) of subparagraph (A) of this para-
11 graph;

12 “(ii) a multi-year plan that identifies
13 and prioritizes the State’s highway safety
14 data and traffic records needs and goals,
15 that specifies how its incentive funds for
16 the fiscal year will be used to address those
17 needs and the goals of the plan, and that
18 identifies performance-based measures by
19 which progress toward those goals will be
20 determined; and

21 “(iii) certification that the Highway
22 Safety Data and Traffic Records Coordi-
23 nating Committee continues to operate and
24 supports the multi-year plan described in
25 clause (B)(ii) of this subparagraph.

1 “(2) FIRST-YEAR GRANT AMOUNT.—The
 2 amount of a first-year grant made for State highway
 3 safety data and traffic records improvements for any
 4 fiscal year to any State eligible for such a grant
 5 under subparagraph (1)(A) of paragraph (A) of this
 6 subsection shall equal \$125,000, subject to the avail-
 7 ability of appropriations, and for any State eligible
 8 for such a grant under subparagraph (1)(B) of this
 9 subsection shall equal a proportional amount of the
 10 amount apportioned to the State for fiscal year 1997
 11 under section 402 of this title, except that no State
 12 shall receive less than \$225,000, subject to the avail-
 13 ability of appropriations.

14 “(3) STATE HIGHWAY SAFETY DATA AND TRAF-
 15 FIC RECORDS IMPROVEMENTS: SUCCEEDING-YEAR
 16 GRANTS.—A State shall be eligible for a grant in
 17 any fiscal year succeeding the first fiscal year in
 18 which the State receives a State highway safety data
 19 and traffic records grant if the State, to the satis-
 20 faction of the Secretary:

21 “(A) Submits or updates a multi-year plan
 22 that identifies and prioritizes the State’s high-
 23 way safety data and traffic records needs and
 24 goals, that specifies how its incentive funds for
 25 the fiscal year will be used to address those

1 needs and the goals of the plan, and that iden-
2 tifies performance-based measures by which
3 progress toward those goals will be determined;

4 “(B) Certifies that its Highway Safety
5 Data and Traffic Records Coordinating Com-
6 mittee continues to support the multi-year plan;
7 and

8 “(C) Reports annually on its progress in
9 implementing the multi-year plan.

10 “(4) SUCCEEDING-YEAR GRANT AMOUNTS.—

11 The amount of a succeeding-year grant made for
12 State highway safety data and traffic records im-
13 provements for any fiscal year to any State that is
14 eligible for such a grant shall equal a proportional
15 amount of the amount apportioned to the State for
16 fiscal year 1997 under section 402 of this title, ex-
17 cept that no State shall receive less than \$225,000,
18 subject to the availability of appropriations.

19 “(o) DRUGGED DRIVING COUNTERMEASURES.—The
20 Secretary shall make grants to those States that adopt
21 and implement effective programs to reduce drug use and
22 drugged driving:

23 “(1) GRANT ELIGIBILITY.—A State is eligible
24 for a grant under this subsection in a fiscal year by

1 meeting, to the satisfaction of the Secretary, 5 or
2 more of the following criteria:

3 “(A) ZERO TOLERANCE FOR DRUGS.—The
4 State has in effect a law that requires that any
5 person with a measurable amount of a con-
6 trolled substance, a combination of controlled
7 substances, or a combination of alcohol and
8 controlled substances when driving a motor ve-
9 hicle shall be deemed to be driving under the
10 influence of or impaired by a controlled sub-
11 stance.

12 “(B) DRUG IMPAIRED DRIVING.—The
13 State has in effect a law that makes it unlawful
14 for any person to drive or be in actual physical
15 control of a motor vehicle while under the influ-
16 ence of or impaired by a drug or substance
17 (licit or illicit).

18 “(C) MANDATORY TESTING FOR DRUGS OR
19 SUBSTANCES.—The State has in effect a law
20 that provides for mandatory chemical testing
21 whenever a law enforcement officer has prob-
22 able cause under State law to believe that a
23 driver of a motor vehicle involved in a crash re-
24 sulting in the loss of human life or, as deter-
25 mined by the Secretary, serious bodily injury,

1 has committed a drug or substance-related traf-
2 fic offense.

3 “(D) ADMINISTRATIVE LICENSE REVOCA-
4 TION.—The State has in effect an administra-
5 tive driver’s license suspension or revocation
6 system for persons who operate motor vehicles
7 while under the influence of a drug or sub-
8 stance which requires that—

9 “(i) in the case of a person who, in
10 any 5-year period beginning after the date
11 of enactment of this subsection, is deter-
12 mined on the basis of one or more chemical
13 tests to have been operating a motor vehi-
14 cle under the influence of a drug or sub-
15 stance or is determined to have refused to
16 submit to such a test as requested by the
17 law enforcement officer, the State agency
18 responsible for administering drivers’ li-
19 censes, upon receipt the report of the law
20 enforcement officer—

21 “(I) shall suspend the driver’s li-
22 cense of such person for a period of
23 not less than 90 days if such person
24 is a first offender in such 5-year pe-
25 riod; and

1 “(II) shall suspend the driver’s li-
2 cense of such person for a period of
3 not less than 1 year, or revoke such li-
4 cense, if such person is a repeat of-
5 fender in such 5-year period; and

6 “(ii) the suspension and revocation re-
7 ferred to under (D)(i) shall take effect not
8 later than 30 days after the day on which
9 the person was determined to have been
10 driving under the influence of drugs or re-
11 fused to take a chemical test in accordance
12 with the State’s procedures.

13 “(E) LICENSE REVOCATION OR SUSPEN-
14 SION OF PERSONS CONVICTED OF DRUG OF-
15 FENSES.—The State has in effect a law that re-
16 quires in all circumstances, or requires in the
17 absence of compelling circumstances warranting
18 an exception—

19 “(i) the revocation, or suspension for
20 at least 6 months, of the driver’s license of
21 any person who is convicted, after the en-
22 actment of such law, of—

23 “(I) any violation of the Con-
24 trolled Substances Act, or

25 “(II) any drug offense; and

1 “(ii) a delay in the issuance or rein-
2 statement of a driver’s license to such a
3 person for at least 6 months after the per-
4 son applies for the issuance or reinstate-
5 ment of a driver’s license if the person
6 does not have a driver’s license, or the
7 driver’s license of the person is suspended,
8 at the time the person is so convicted.

9 “(F) GRADUATED LICENSING.—The State
10 has adopted an effective three-stage graduated
11 licensing system for young drivers, as deter-
12 mined by the Secretary, that includes drug use
13 and drugged driving provisions.

14 “(G) ACTIVE ENFORCEMENT AND PUBLIC-
15 ITY.—The State provides for active enforcement
16 and publicity, as determined by the Secretary,
17 of drugged driving laws.

18 “(H) DRUG INTERVENTION.—The State
19 has in effect a system that provides for an as-
20 sessment of persons determined to have been
21 operating a motor vehicle under the influence of
22 or impaired by a drug or controlled substance,
23 as determined by the Secretary, and referral to
24 drug education, counseling, and treatment, as
25 appropriate.

1 “(I) DRUG EDUCATION.—The State has
2 adopted an effective educational program, as
3 determined by the Secretary, under which drug
4 information is provided to persons who apply
5 for and who renew their driver’s licenses, and
6 drug-related questions are included on drivers’
7 license examinations.

8 “(2) GRANT AMOUNT.—The amount of a grant
9 made for drugged driving countermeasures for any
10 fiscal year to any eligible State shall not be more
11 than 20 percent of the amount apportioned to the
12 State for fiscal year 1997 under section 402 of this
13 title.

14 “(3) DEFINITIONS.—For the purposes of this
15 subsection—

16 “(A) ‘Alcoholic beverage’ has the meaning
17 such term has under section 158(c) of this title.

18 “(B) ‘Controlled substances’ has the mean-
19 ing such term has under section 102(6) of the
20 Controlled Substances Act (21 U.S.C. 802(6)).

21 “(C) ‘Motor vehicle’ means a vehicle driven
22 or drawn by mechanical power and manufac-
23 tured primarily for use on public streets, roads,
24 and highways, but does not include a vehicle op-
25 erated only on a rail line.”.

1 (g) CONFORMING AMENDMENT.—Section 410 of
2 chapter 4 of this title is repealed, and the analysis for
3 chapter 4 of this title is amended by striking the item re-
4 lating to Section 410.

5 **SEC. 2003. NATIONAL DRIVER REGISTER.**

6 (a) TRANSFER OF SELECTED FUNCTIONS TO NON-
7 FEDERAL MANAGEMENT.—Section 30302 of title 49,
8 United States Code, is amended by adding at the end
9 thereof the following:

10 “(e) TRANSFER OF SELECTED FUNCTIONS TO NON-
11 FEDERAL MANAGEMENT.—(1) The Secretary may enter
12 into an agreement with an organization that represents
13 the interests of the States to manage, administer, and op-
14 erate the National Driver Register’s computer timeshare
15 and user assistance functions. If the Secretary decides to
16 enter into such an agreement, the Secretary shall ensure
17 that the management of these functions is compatible with
18 this chapter and the regulations issued to implement this
19 chapter.

20 “(2) Any transfer of the National Driver Register’s
21 computer timeshare and user assistance functions to an
22 organization that represents the interests of the States
23 shall begin only after a determination is made by the Sec-
24 retary that all States are participating in the National
25 Driver Register’s ‘Problem Driver Pointer System’ (the

1 system used by the Register to effect the exchange of
2 motor vehicle driving records), and that the system is
3 functioning properly.

4 “(3) The agreement entered into under this sub-
5 section shall include a provision for a transition period suf-
6 ficient to allow the States to make the budgetary and leg-
7 islative changes they may need to pay fees charged by the
8 organization representing their interests for their use of
9 the National Driver Register’s computer timeshare and
10 user assistance functions. During this transition period,
11 the Secretary (through the National Highway Traffic
12 Safety Administration) shall continue to fund these trans-
13 ferred functions.

14 “(4) The total of the fees charged by the organization
15 representing the interests of the States in any fiscal year
16 for the use of the National Driver Register’s computer
17 timeshare and user assistance functions shall not exceed
18 the total cost to the organization for performing these
19 functions in such fiscal year.

20 “(5) Nothing in this subsection shall be construed to
21 diminish, limit, or otherwise affect the authority of the
22 Secretary to carry out this chapter.”.

23 (b) ACCESS TO REGISTER INFORMATION.—

1 (1) CONFORMING AMENDMENTS.—Section
2 30305(b) of title 49, United States Code, is amend-
3 ed—

4 (A) in paragraph (2), by inserting before
5 the period at the end “, unless the information
6 is about a revocation or suspension still in ef-
7 fect on the date of the request”;

8 (B) In paragraph (8), as redesignated by
9 section 207(b) of the Coast Guard Authoriza-
10 tion Act of 1996 (Public Law 104–324, 110
11 Stat. 3908), by striking “paragraph (2)” and
12 substituting “subsection (a) of this section”;
13 and

14 (C) by redesignating paragraph (8), as re-
15 designated by section 502(b)(1) of the Federal
16 Aviation Reauthorization Act of 1996 (Public
17 Law 104–264, 110 Stat. 3262), as paragraph
18 (9).

19 (2) FEDERAL AGENCY ACCESS PROVISION.—
20 Section 30305(b) of title 49, United States Code, is
21 further amended by—

22 (A) redesignating paragraph (6) as para-
23 graph (10) and inserting it after paragraph (9);

24 (B) inserting the following new paragraph
25 (6):

1 “(6) The head of a Federal department or
2 agency that issues motor vehicle operator’s licenses
3 may request the chief driver licensing official of a
4 State to obtain information under subsection (a) of
5 this section about an individual applicant for a
6 motor vehicle operator’s license from such depart-
7 ment or agency. The department or agency may re-
8 ceive the information, provided it transmits to the
9 Secretary a report regarding any individual who is
10 denied a motor vehicle operator’s license by that de-
11 partment or agency for cause; whose motor vehicle
12 operator’s license is revoked, suspended or canceled
13 by that department or agency for cause; or about
14 whom the department or agency has been notified
15 of a conviction of any of the motor vehicle-related
16 offenses or comparable offenses listed in subsection
17 30304(a)(3) and over whom the department or agen-
18 cy has licensing authority. The report shall contain
19 the information specified in subsection 30304(b).”;
20 and

21 (C) inserting the following at the end of
22 the subsection:

23 “(11) The head of a Federal department or
24 agency authorized to receive information regarding
25 an individual from the Register under this section

1 may request and receive such information from the
2 Secretary.”.

3 **SEC. 2004. AUTHORIZATIONS OF APPROPRIATIONS.**

4 (a) HIGHWAY SAFETY PROGRAMS.—The following
5 sums are authorized to be appropriated out of the High-
6 way Trust Fund (other than the Mass Transit Account):

7 (1) CONSOLIDATED STATE HIGHWAY SAFETY
8 PROGRAMS.—

9 (A) For carrying out the State and Com-
10 munity Highway Safety Program under section
11 402 of title 23, United States Code, by the Na-
12 tional Highway Traffic Safety Administration,
13 except for the incentive programs under sub-
14 sections (l), (m), (n), and (o) of that section,
15 \$166,700,000 for each of fiscal years 1998,
16 1999, 2000, 2001, and 2002, and
17 \$171,034,000 for fiscal year 2003.

18 (B) To carry out the alcohol-impaired driv-
19 ing countermeasures incentive grant provisions
20 of subsection (l) of section 402 of title 23, Unit-
21 ed States Code, by the National Highway Traf-
22 fic Safety Administration, \$44,000,000 for fis-
23 cal year 1998, \$39,000,000 for each of fiscal
24 years 1999, 2000, and 2001, \$49,000,000 for
25 fiscal year 2002, and \$50,170,000 for fiscal

1 year 2003. Amounts made available to carry
2 out subsection (l) are authorized to remain
3 available until expended, provided that, in each
4 fiscal year the Secretary may reallocate any
5 amounts remaining available under subsection
6 (l) to subsections (m), (n), and (o) of section
7 402 of title 23, United States Code, as nec-
8 essary to ensure, to the maximum extent pos-
9 sible, that States may receive the maximum in-
10 centive funding for which they are eligible
11 under these programs.

12 (C) To carry out the occupant protection
13 program incentive grant provisions of sub-
14 section (m) of section 402 of title 23, United
15 States Code, by the National Highway Traffic
16 Safety Administration, \$20,000,000 for each of
17 fiscal years 1998, 1999, 2000, and 2001,
18 \$22,000,000 for fiscal year 2002, and
19 \$22,312,000 for fiscal year 2003. Amounts
20 made available to carry out subsection (m) are
21 authorized to remain available until expended,
22 provided that, in each fiscal year the Secretary
23 may reallocate any amounts remaining available
24 under subsection (m) to subsections (l), (n),
25 and (o) of section 402 of title 23, United States

1 Code, as necessary to ensure, to the maximum
2 extent possible, that States may receive the
3 maximum incentive funding for which they are
4 eligible under these programs.

5 (D) To carry out the State highway safety
6 data improvements incentive grant provisions of
7 subsection (n) of title 23, United States Code,
8 by the National Highway Traffic Safety Admin-
9 istration, \$12,000,000 for each of fiscal years
10 1998, 1999, 2000, and 2001. Amounts made
11 available to carry out subsection (n) are author-
12 ized to remain available until expended.

13 (E) To carry out the drugged driving coun-
14 termeasures incentive grant provisions of sub-
15 section (o) of title 23, United States Code, by
16 the National Highway Traffic Safety Adminis-
17 tration, \$5,000,000 for each of fiscal years
18 1999, 2000, 2001, and 2002, and \$5,130,000
19 for fiscal year 2003. Amounts made available to
20 carry out subsection (o) are authorized to re-
21 main available until expended, provided that, in
22 each fiscal year the Secretary may reallocate
23 any amounts remaining available under sub-
24 section (o) to subsections (l), (m), and (n) of
25 section 402 of title 23, United States Code, as

1 necessary to ensure, to the maximum extent
2 possible, that States may receive the maximum
3 incentive funding for which they are eligible
4 under these programs.

5 (2) NHTSA OPERATIONS AND RESEARCH.—

6 For carrying out the functions of the Secretary, by
7 the National Highway Traffic Safety Administra-
8 tion, for traffic and highway safety under (A) Sec-
9 tion 403 of Title 23, United States Code (Highway
10 Safety Research and Development), (B) Chapter
11 301 of Title 49, United States Code (Motor Vehicle
12 Safety), and (C) Part C of Subtitle VI of Title 49,
13 United States Code (Information, Standards, and
14 Requirements), there are authorized to be appro-
15 priated \$147,500,000, for each of fiscal years 1998,
16 1999, 2000, 2001, and 2002, and \$151,335,000 for
17 fiscal year 2003.

18 (3) NATIONAL DRIVER REGISTER.—For carry-

19 ing out chapter 303 (National Driver Register) of
20 title 49, United States Code, by the National High-
21 way Traffic Safety Administration, there are author-
22 ized to be appropriated under section 30308(a) of
23 such chapter \$2,300,000 for each of fiscal years
24 1998, 1999, 2000, 2001, and 2002, and \$2,360,000
25 for fiscal year 2003.

1 **TITLE III—FEDERAL MASS**
2 **TRANSPORTATION AMENDMENTS OF 1997**

3 **SEC. 3001. SHORT TITLE.**

4 This title may be cited as the “Federal Mass Trans-
5 portation Amendments of 1997”.

6 **SEC. 3002. AMENDMENTS TO THE FEDERAL TRANSIT LAWS.**

7 Except as otherwise expressly provided, whenever in
8 this title an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-
10 sion, the reference shall be considered to be made to a
11 section or other provision of chapter 53 of title 49, United
12 States Code.

13 **SEC. 3003. DEFINITIONS.**

14 (a) CAPITAL PROJECT.—Section 5302(a) is amended
15 by striking paragraph (1) and inserting—

16 “(1) ‘capital project’ means a project for—

17 “(A) acquiring, constructing, supervising,
18 or inspecting equipment or a facility for use in
19 mass transportation, expenses incidental to the
20 acquisition or construction (including designing,
21 engineering, location surveying, mapping, ac-
22 quiring rights of way, associated pre-revenue
23 startup costs, and environmental mitigation),
24 payments for rail trackage rights, Intelligent
25 Transportation Systems as defined in section

1 6052 of the National Economic Crossroads
2 Transportation Efficiency Act, relocation assist-
3 ance, acquiring replacement housing sites, and
4 acquiring, constructing, relocating, and rehabili-
5 tating replacement housing;

6 “(B) rehabilitating a bus;

7 “(C) remanufacturing a bus;

8 “(D) overhauling rail rolling stock;

9 “(E) preventive maintenance;

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

12 “(G) new fixed guideway systems and ex-
13 tensions to existing fixed guideway systems, in-
14 cluding the acquisition of real property, the ini-
15 tial acquisition of rolling stock for the systems,
16 alternatives analysis related to the development
17 of the systems, and the acquisition of rights of
18 way, and relocation, for fixed guideway corridor
19 development for projects in the advanced stages
20 of alternatives analysis or preliminary engineer-
21 ing;

22 “(H) property and improvements (except
23 public highways other than fixed guideway fa-
24 cilities) needed for an efficient and coordinated
25 mass transportation system;

1 “(I) the capital costs of coordinating mass
2 transportation with other transportation;

3 “(J) the introduction of new technology,
4 through innovative and improved products, into
5 mass transportation;

6 “(K) a mass transportation improvement
7 that enhances economic development that may
8 incorporate private investment, including com-
9 mercial and residential development, pedestrian
10 access to a mass transportation facility, and the
11 renovation and improvement of historic trans-
12 portation facilities, where the project—

13 “(i) enhances the effectiveness of a
14 mass transportation project and is related
15 physically or functionally to that mass
16 transportation project; or

17 “(ii) establishes new or enhanced co-
18 ordination between mass transportation
19 and other transportation; and

20 “(iii) provides a fair share of revenue
21 for mass transportation, which shall be
22 used for mass transportation;

23 “(L) mass transportation projects planned,
24 designed, and carried out to meet the special

1 needs of elderly individuals and individuals with
2 disabilities;

3 “(M) the development of corridors to sup-
4 port fixed guideway systems, including protect-
5 ing rights of way through acquisition, construc-
6 tion of dedicated bus and high occupancy vehi-
7 cle lanes and park and ride lots, and other non-
8 vehicular capital improvements that the Sec-
9 retary of Transportation may decide would re-
10 sult in increased mass transportation usage in
11 the corridor;

12 “(N) vehicles and facilities, publicly or pri-
13 vately owned, that are used to provide intercity
14 passenger service by bus or rail;

15 “(O) access for bicycles to mass transpor-
16 tation facilities, to provide shelters and parking
17 facilities for bicycles in or around mass trans-
18 portation facilities, or to install equipment for
19 transporting bicycles on mass transportation ve-
20 hicles;

21 “(P) the repayment of the principal and
22 interest of bonds used for capital projects, pro-
23 vided the bonds were not used to provide the
24 non-Government share under section
25 5328(a)(2) of this title;

1 “(Q) crime prevention and security, wheth-
2 er or not a local governmental authority other
3 than the grant applicant has law enforcement
4 responsibilities; or

5 “(R) acquiring non-fixed route paratransit
6 transportation service to comply with the Amer-
7 icans with Disabilities Act of 1990 (42 U.S.C.
8 12101 et seq.).”

9 (b) PUBLIC TRANSPORTATION.—Section 5302(a) is
10 further amended—

11 (1) by striking paragraph (12);

12 (2) by redesignating paragraphs (10) and (11)
13 as paragraphs (11) and (12), respectively;

14 (3) by redesignating paragraph (13) as para-
15 graph (14); and

16 (4) by inserting the following paragraph after
17 paragraph (9):

18 “(10) ‘public transportation’ means ‘mass
19 transportation.’.”

20 (c) TRANSIT.—Section 5302(a) is further amended
21 by inserting after redesignated paragraph (12) the follow-
22 ing:

23 “(13) ‘transit’ means ‘mass transportation.’.”

1 (d) A CONFORMING AMENDMENT.—Section 5302(b)
 2 is amended by striking “5307(d)(1)(D)” and inserting
 3 “5307(c)(1)(A)”.

4 **SEC. 3004. METROPOLITAN PLANNING.**

5 (a) DEVELOPMENT REQUIREMENTS.—Section
 6 5303(a) is amended—

7 (1) in the first sentence, by inserting “in a fair
 8 and equitable manner” after the word “title”; and

9 (2) in the second sentence, by striking “devel-
 10 oping” and all that follows and inserting “the devel-
 11 opment and integrated management and operation
 12 (excluding maintenance) of transportation systems
 13 and facilities (including pedestrian walkways and bi-
 14 cycle transportation facilities) that will function as
 15 an intermodal transportation system for the metro-
 16 politan area and as an integral part of an inter-
 17 modal transportation system for the State and the
 18 United States.”.

19 (b) PLAN AND PROGRAM FACTORS.—Section 5303 is
 20 amended by striking subsection (b) and inserting the fol-
 21 lowing:

22 “(b) PLAN AND PROGRAM FACTORS.—(1) In develop-
 23 ing plans and programs under this section and sections
 24 5304–5306 of this title, each metropolitan planning orga-
 25 nization at least shall—

1 “(A) support the economic vitality of the metro-
2 politan area, especially by enabling global competi-
3 tiveness, productivity, and efficiency;

4 “(B) increase the safety and security of the
5 transportation system;

6 “(C) increase the accessibility and mobility op-
7 tions available to people and freight;

8 “(D) protect and enhance the environment, en-
9 ergy conservation, and quality of life;

10 “(E) enhance the integration and connectivity
11 of the transportation system, across and between
12 modes for people and freight;

13 “(F) promote efficient management and oper-
14 ation; and

15 “(G) emphasize the preservation of the existing
16 transportation system.

17 “(2) The metropolitan planning organization shall co-
18 operatively determine with the State and mass transpor-
19 tation operator how these goals are translated into metro-
20 politan goals and objectives, and how they are factored
21 into decisionmaking.”.

22 (c) DESIGNATING METROPOLITAN PLANNING ORGA-
23 NIZATIONS.—Section 5303(c) is amended—

24 (1) by striking “75” each place it appears and
25 inserting “51” in each instance;

1 (2) by striking paragraph (2) and inserting the
2 following:

3 “(2) The policy board of a metropolitan plan-
4 ning organization, serving an area designated as a
5 transportation management area, when designated
6 or redesignated, shall include local elected officials,
7 officials of authorities that administer or operate
8 major modes of transportation in the metropolitan
9 area (including all transportation authorities in-
10 cluded in the organization on June 1, 1991), and
11 appropriate State officials.”;

12 (3) in paragraph (3), by striking “only” and all
13 that follows and inserting “only if the Secretary con-
14 curs with a request from the chief executive officer
15 and existing metropolitan planning organization that
16 the size and complexity of the urbanized area make
17 designation of more than one organization appro-
18 priate.”; and

19 (4) in paragraph (5), by striking subparagraphs
20 (B) and (C) and by redesignating subparagraph
21 (5)(A) as paragraph (5).

22 (d) METROPOLITAN PLANNING AREA BOUND-
23 ARIES.—Subsection 5303(d) is amended to read as fol-
24 lows:

1 “(d) METROPOLITAN AREA BOUNDARIES.—To carry
2 out this section, the metropolitan planning organization
3 and the chief executive officer shall decide by agreement
4 on the boundaries of a metropolitan area. The area shall
5 cover at least the existing urbanized area and the contig-
6 uous area expected to become urbanized within the 20-
7 year forecast period and may include the Metropolitan
8 Statistical Area or Consolidated Metropolitan Statistical
9 Area, as defined by the Secretary of Commerce. An area
10 designated as a nonattainment area for ozone, carbon
11 monoxide, or particulate matter under the Clean Air Act
12 (42 U.S.C. 7401 et seq.) shall include at least the bound-
13 aries of the nonattainment area in existence as of Septem-
14 ber 30, 1996, except as the chief executive officer and met-
15 ropolitan planning organization otherwise agree. For ur-
16 banized areas designated after September 30, 1996, the
17 planning area boundaries shall cover at least the urbanized
18 area and the contiguous area expected to become urban-
19 ized within the 20-year forecast period and may encom-
20 pass the entire Metropolitan Statistical Area or Consoli-
21 dated Metropolitan Statistical Area, as defined by the De-
22 partment of Commerce. The boundaries shall be estab-
23 lished by agreement between the officials from the appro-
24 priate local governmental authorities (including the
25 central city) and the chief executive officer and will ad-

1 dress appropriately any nonattainment area identified
2 under the Clean Air Act (42 U.S.C. 7401 et seq.) for
3 ozone, carbon monoxide, or particulate matter.”.

4 (e) COORDINATION.—Paragraph 5303(e)(3) is
5 amended to read as follows:

6 “(3) If more than one metropolitan planning
7 organization has authority in a metropolitan area or
8 an area designated a nonattainment area for ozone,
9 carbon monoxide, or particulate matter under the
10 Clean Air Act (42 U.S.C. 7401 et seq.), each organi-
11 zation shall coordinate with the other organizations
12 designated for the area and the State to coordinate
13 plans and projects required by this section and sec-
14 tions 5304–5306 of this title.”.

15 (f) DEVELOPMENT OF TRANSPORTATION PLANS.—
16 Section 5303 is amended by striking subsection (f) and
17 inserting the following:

18 “(f) DEVELOPMENT OF TRANSPORTATION PLAN.—
19 (1) Each metropolitan planning organization shall prepare
20 and update periodically, according to a schedule the Sec-
21 retary of Transportation decides is appropriate, a trans-
22 portation plan for its metropolitan area under the require-
23 ments of this section. The plan shall at least—

24 “(A) identify transportation facilities (including
25 major roadways, mass transportation, and

1 multimodal and intermodal facilities) that should
2 function as a future integrated transportation sys-
3 tem, emphasizing transportation facilities that serve
4 important United States and regional transportation
5 functions;

6 “(B) address the considerations in subsection
7 (b) of this section, any State or local goals developed
8 in the cooperative metropolitan planning process,
9 and other issues addressed in this section as they re-
10 late to a 20-year forecast period and to other fore-
11 cast periods as determined by the participants in the
12 planning process.

13 “(C) include a financial plan that—

14 “(i) demonstrates how the adopted trans-
15 portation plan can be carried out;

16 “(ii) indicates resources from public and
17 private sources reasonably expected to be made
18 available to carry out the plan; and

19 “(iii) recommends any additional financing
20 strategies for needed projects and programs;
21 and

22 “(D) identify transportation strategies nec-
23 essary to—

24 “(i) ensure the preservation of the existing
25 metropolitan transportation system, including

1 requirements for management, operation (ex-
2 cluding maintenance) modernization, and reha-
3 bilitation of existing and future transportation
4 systems;

5 “(ii) use existing transportation facilities
6 most efficiently to relieve congestion and maxi-
7 mize the mobility of individuals and goods; and

8 “(iii) enhance access within the metropoli-
9 tan planning area, especially for those individ-
10 uals without access to private motor vehicles.

11 “(2) When formulating a transportation plan, the
12 metropolitan planning organization, mass transportation
13 operator, and State shall cooperatively develop estimates
14 of funds that will be available to carry out the plan.

15 “(3) In a metropolitan area that is in a nonattain-
16 ment area for ozone, carbon monoxide, or particulate mat-
17 ter under the Clean Air Act (42 U.S.C. 7401 et seq.), the
18 metropolitan planning organization and the State air qual-
19 ity agency (and local air quality agencies as appropriate)
20 shall coordinate the process of developing the transpor-
21 tation plan with the State air quality implementation plan,
22 including the development of the transportation control
23 measures for the State Implementation Plan required by
24 the Act.

1 “(4) Before approving a transportation plan, each
2 metropolitan planning organization shall provide citizens,
3 affected public agencies, representatives of mass transpor-
4 tation authority employees, freight shippers, private pro-
5 viders of transportation, and other interested parties with
6 a reasonable opportunity to comment on the plan in a way
7 the Secretary of Transportation considers appropriate.

8 “(5) A transportation plan shall be—

9 “(A) made readily available for public review;
10 and

11 “(B) submitted for information purposes to the
12 chief executive officer of the State at the time and
13 in the way the Secretary of Transportation estab-
14 lishes.”.

15 (g) The catchline for subsection 5303(h) is amended
16 by striking “BALANCED AND COMPREHENSIVE PLAN-
17 NING” and inserting “METROPOLITAN PLANNING
18 GRANTS”.

19 (h) Subsection 5303(h) is amended—

20 (1) by striking paragraph (1) and inserting the
21 following:

22 “(1) Funds available under section 5338(c) of
23 this title shall be available for metropolitan planning
24 activities under this section. To the extent prac-
25 ticable, the Secretary of Transportation shall ensure

1 that amounts made available are used to support
 2 balanced and comprehensive transportation planning
 3 that considers the relationships among land use and
 4 all transportation modes, without regard to the pro-
 5 grammatic source of the planning amounts.”;

6 (2) in paragraph (2)(A), by striking “section
 7 5338(g)(1)” and inserting “section 5338 (c)”;

8 (3) in paragraph (3)(A), by striking “section
 9 5338(g)(1)” and inserting “section 5338(c)”;

10 (4) in paragraph (4), by striking “section
 11 5338(g)” and inserting “section 5338(c)”.

12 **SEC. 3005. METROPOLITAN TRANSPORTATION IMPROVE-**
 13 **MENT PROGRAM.**

14 (a) The heading for section 5304 is amended by in-
 15 serting “Metropolitan” before “Transportation”.

16 (b) DEVELOPMENT AND UPDATE.—Section 5304(a)
 17 is amended to read as follows:

18 “(a) DEVELOPMENT AND UPDATE.—In cooperation
 19 with the State and affected mass transportation operators,
 20 a metropolitan planning organization designated for a
 21 metropolitan area shall develop a transportation improve-
 22 ment program for the area. In developing the program,
 23 the organization in cooperation with the State and af-
 24 fected mass transportation operators, shall provide citi-
 25 zens, affected public agencies, representatives of transpor-

1 tation authority employees, other affected employee rep-
 2 resentatives, freight shippers, private providers of trans-
 3 portation, and other interested parties with a reasonable
 4 opportunity to comment on the proposed program. The
 5 program shall be updated at least once every 2 years and
 6 shall be approved by the organization and the chief execu-
 7 tive officer of the State.”

8 (c) CONTENTS.—Section 5304 is amended by striking
 9 subsection (b) and inserting the following:

10 “(b) CONTENTS.—A transportation improvement
 11 program for a metropolitan area shall include the follow-
 12 ing:

13 “(1) A listing of proposed surface transpor-
 14 tation projects and strategies supported by the Gov-
 15 ernment and to be carried out within each 3-year pe-
 16 riod after the initial adoption of the transportation
 17 improvement program.

18 “(2) A financial plan that demonstrates how
 19 the transportation improvement program can be im-
 20 plemented, indicates resources from public and pri-
 21 vate sources that are reasonably expected to be
 22 made available to carry out the program, and identi-
 23 fies innovative financing techniques to finance
 24 projects, programs, and strategies. For the purpose
 25 of developing the transportation improvement pro-

1 gram, the metropolitan planning organization, mass
 2 transportation operator, and the State shall coopera-
 3 tively develop estimates of financing that will be
 4 available to support program implementation.”.

5 (d) PROJECT SELECTION.—Subsection 5304(c) is
 6 amended to read as follows:

7 “(c) PROJECT SELECTION.—(1) Except as provided
 8 in section 5305(d)(1) of this title and in addition to the
 9 cooperative transportation improvement program under
 10 subsection (a) of this section, the State and the mass
 11 transportation grant recipient designated from the trans-
 12 portation improvement program, in cooperation with the
 13 metropolitan planning organization, shall select projects in
 14 a metropolitan area that involve United States Govern-
 15 ment participation.

16 “(2) A transportation improvement program for a
 17 metropolitan area shall include—

18 “(A) the projects and strategies within the area
 19 that are proposed for financing under this chapter
 20 and chapter 1 of title 23 and that are consistent
 21 with the transportation plan developed under section
 22 5303(f) of this title; and

23 “(B) a project or an identified phase of a
 24 project only if full financing reasonably can be an-

1 anticipated to be available for the project in the period
2 estimated for completion.”.

3 (e) NOTICE AND COMMENT.—Subsection 5304(d) is
4 amended to read as follows:

5 “(d) NOTICE AND COMMENT.—Before approving a
6 transportation improvement program, a metropolitan
7 planning organization shall, in cooperation with the State
8 and mass transportation operators, provide citizens, af-
9 fected public agencies, representatives of transportation
10 agency employees, private providers of transportation, and
11 other interested parties with reasonable notice and an op-
12 portunity to comment on the proposed program.”.

13 (f) REGULATORY PROCEEDINGS.—Section 5304 is
14 amended by striking subsection (e).

15 (g) CONFORMING AMENDMENT.—The analysis for
16 chapter 53 is amended by striking the item relating to
17 section 5304 and inserting the following:

“5304. Metropolitan transportation improvement program.”.

18 **SEC. 3006. TRANSPORTATION MANAGEMENT AREAS.**

19 (a) Section 5305(a)(2) is amended to read as follows:

20 “(2) any other area when requested by the chief
21 executive officer and the metropolitan organization
22 designated for the area.”.

23 (b) Section 5305(c) is amended to read as follows:

24 “(c) CONGESTION MANAGEMENT SYSTEM—The
25 transportation planning process under sections 5303 and

1 5304 of this title in a transportation management area
 2 shall include a congestion management system providing
 3 for effective management of new and existing transpor-
 4 tation facilities eligible for financing under this chapter
 5 and title 23 through the use of travel demand reduction
 6 and operational management strategies.”.

7 (c) PROJECT SELECTION.—Section 5305(d) is
 8 amended to read as follows:

9 “(d) PROJECT SELECTION.—

10 “(1)(A) IN GENERAL.—In consultation with the
 11 State and mass transportation operator, and in ad-
 12 dition to the cooperative transportation improvement
 13 program development under section 5304(a) of this
 14 title, the metropolitan planning organization des-
 15 ignated for a transportation management area shall
 16 select from the approved transportation improve-
 17 ment program the projects to be carried out in the
 18 area with United States Government participation
 19 under this chapter or title 23, except projects of the
 20 National Highway System or under the Bridge and
 21 Interstate Maintenance programs.

22 “(B) NATIONAL HIGHWAY SYSTEM, BRIDGE, OR
 23 INTERSTATE MAINTENANCE PROGRAMS.—The State,
 24 in cooperation with the metropolitan planning orga-
 25 nization designated for a transportation manage-

1 ment area, shall select the projects from the ap-
2 proved transportation improvement program to be
3 carried out in the area of the National Highway Sys-
4 tem or under the Bridge and Interstate Maintenance
5 programs.”.

6 (d) Section 5305(e) is amended—

7 (1) in the first sentence of paragraph (1), by
8 striking “each” and all that follows through “re-
9 sponsibilities” and inserting “the metropolitan plan-
10 ning process in each transportation management
11 area is being carried out”;

12 (2) in the second sentence of paragraph (1), by
13 striking “organization is complying” and inserting
14 “transportation planning process complies”;

15 (3) by striking paragraph (2) and inserting the
16 following:

17 “(2) If a metropolitan planning process is not
18 certified, the Secretary may withhold all or part of
19 the apportioned funds attributable to the transpor-
20 tation management area under this chapter and title
21 23. The withheld apportionments shall be restored
22 when the Secretary certifies the organization.”; and

23 (4) in paragraph (3), by striking “section
24 5306(a)” and inserting “section 5323(k)”.

25 (e) Section 5305(f) is amended to read as follows:

1 “(f) ADDITIONAL REQUIREMENTS FOR CERTAIN
 2 NONATTAINMENT REQUIREMENTS FOR CERTAIN NON-
 3 ATTAINMENT AREAS.—Government amounts may be
 4 made available for a mass transportation project resulting
 5 in a significant increase in carrying capacity for single oc-
 6 cupant vehicles in a transportation management area clas-
 7 sified as a nonattainment area for ozone, carbon mon-
 8 oxide, or particulate matter under the Clean Air Act (42
 9 U.S.C. 7401 et seq.) only if the project results from an
 10 approved congestion management system, which is part of
 11 the planning process. The provisions of this subsection
 12 apply to the nonattainment area within the planning area
 13 boundaries as defined in section 5303(d) of this title.”.

14 (f) Section 5305(g) is amended to read as follows:

15 “(g) AREAS NOT DESIGNATED TRANSPORTATION
 16 MANAGEMENT AREAS.—(1) The Secretary may provide
 17 for the development of abbreviated metropolitan transpor-
 18 tation plans and programs the Secretary decides are ap-
 19 propriate to carry out this section and sections 5303 and
 20 5304 of this title for metropolitan areas not designated
 21 transportation management areas under this section.

22 “(2) The Secretary may not provide an abbreviated
 23 plan or program for a metropolitan area in a nonattain-
 24 ment area for ozone, carbon monoxide, or particulate mat-
 25 ter under the Clean Air Act (42 U.S.C. 7401 et seq.).”.

1 (g) Section 5305 is amended by inserting after sub-
2 section (g) the following:

3 “(h) TRANSFER OF FUNDS.—Funds made available
4 under this chapter for a highway project shall be trans-
5 ferred to and administered by the Secretary in accordance
6 with the requirements of title 23. Funds made available
7 under title 23 for a mass transportation project shall be
8 transferred to and administered by the Secretary in ac-
9 cordance with the requirements of this chapter. The provi-
10 sions of title 23 regarding the non-Government share shall
11 apply to title 23 funds used for mass transportation
12 projects. The provisions of this chapter regarding the non-
13 Government share shall apply to funds made available
14 under this chapter that are used for highway projects.

15 “(i) LIMITATION ON STATUTORY AUTHORITY.—
16 Nothing in this section shall be construed to confer on
17 a metropolitan planning organization the authority to im-
18 pose legal requirements on any transportation facility,
19 provider, or project not eligible under this chapter or title
20 23.”.

21 **SEC. 3007. STATEWIDE PLANNING.**

22 (a) Title 49 is amended by striking section 5306 and
23 by inserting after section 5305 the following new section:

1 **“§ 5306. Statewide planning**

2 “(a) GENERAL REQUIREMENTS.—To carry out sec-
3 tion 5301(a) of this title in a fair and equitable manner,
4 a State shall develop, subject to sections 5303–5305 of
5 this title and section 134 of title 23, transportation plans
6 and programs for all areas of the State. Such plans and
7 programs shall provide for the development and integrated
8 management and operation (excluding maintenance) of
9 transportation systems (including pedestrian walkways
10 and bicycle transportation facilities) that will function as
11 an intermodal State transportation system and an integral
12 part of the United States intermodal transportation sys-
13 tem. The development process shall provide for consider-
14 ation of all modes of transportation and shall be continu-
15 ing, cooperative, and comprehensive to the degree appro-
16 priate, based on the complexity of the transportation prob-
17 lems.

18 “(b) SCOPE OF THE PLANNING PROCESS.—(1) Each
19 State shall undertake a transportation planning process
20 that shall at least consider transportation investment
21 strategies that—

22 “(A) support the economic vitality of the
23 United States, its States and metropolitan areas, es-
24 pecially by enabling global competitiveness, produc-
25 tivity, and efficiency;

1 “(B) increase the safety and security of the
2 transportation system;

3 “(C) increase the accessibility and mobility op-
4 tions available to people and freight;

5 “(D) protect and enhance the environment, en-
6 ergy conservation, and quality of life;

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

10 “(F) promote efficient management and oper-
11 ation; and

12 “(G) emphasize the preservation of the existing
13 transportation system.

14 “(2) The State shall cooperatively determine with its
15 planning partners how the considerations specified in
16 paragraph (1) of this subsection are translated into State
17 goals and objectives, and how they are factored into deci-
18 sion making.

19 “(3) In addition, each State in carrying out planning
20 under this section shall consider the following:

21 “(A) The coordination of transportation plans,
22 programs, and planning activities developed and per-
23 formed for metropolitan areas of the State under
24 sections 5303–5305 of this title and section 134 of
25 title 23 with the State transportation plans, pro-

1 grams, and planning activities developed and per-
2 formed under this section and the reconciliation of
3 such plans and programs as necessary to ensure
4 connectivity within transportation systems and to
5 ensure that the requirements of the Clean Air Act
6 (42 U.S.C. 7401 et seq.) are met.

7 “(B) In non-metropolitan areas the concerns
8 elected officials from local governmental authorities
9 having jurisdiction over transportation.

10 “(C) The concerns of Indian tribal governments
11 and Federal Land Agencies having jurisdiction over
12 lands within the boundaries of the State.

13 “(c) TRANSPORTATION PLAN.—The State shall de-
14 velop a transportation plan, with a minimum 20-year fore-
15 cast period, for all areas of the State that provides for
16 the development and implementation of the State’s inter-
17 modal transportation system. With respect to metropolitan
18 areas of the State, the plan shall be developed in coopera-
19 tion with metropolitan planning organizations designated
20 for metropolitan areas in the State under sections 5303–
21 5305 of this title and section 134 of title 23. In non-met-
22 ropolitan areas, the statewide plan shall be developed in
23 consultation with elected officials from local governmental
24 authorities with jurisdiction over transportation. With re-
25 spect to areas of the State under the jurisdiction of an

1 Indian tribal government, the plan shall be developed in
2 cooperation with such government and the Secretary of
3 the Interior. In developing the plan, the State shall provide
4 citizens, affected public agencies, representatives of trans-
5 portation agency employees, other affected employee rep-
6 resentatives, freight shippers, private providers of trans-
7 portation, and other interested parties with a reasonable
8 opportunity to comment on the proposed plan and shall
9 identify transportation strategies necessary to efficiently
10 serve the mobility needs of people, especially those without
11 access to private motor vehicles.

12 “(d) STATE TRANSPORTATION IMPROVEMENT PRO-
13 GRAM.—

14 “(1) DEVELOPMENT.—The State shall develop
15 a transportation improvement program for all areas
16 of the State. With respect to a metropolitan area of
17 the State, the program shall be developed in co-
18 operation with the metropolitan planning organiza-
19 tion designated for the metropolitan area under sec-
20 tions 5303–5305 of this title and section 134 of title
21 23. In a non-metropolitan area, the program shall be
22 developed in consultation with elected officials from
23 local governmental authorities with jurisdiction over
24 transportation. In developing the program, the chief
25 executive officer shall provide citizens, affected pub-

1 lic agencies, representatives of transportation agency
2 employees, other affected employee representatives,
3 freight shippers, private providers of transportation,
4 and other interested parties with a reasonable oppor-
5 tunity to comment on the proposed program.

6 “(2) INCLUDED PROJECTS.—A transportation
7 improvement program for a State developed under
8 this subsection shall include surface transportation
9 programs supported by the Government within the
10 boundaries of the State. All projects shall be consist-
11 ent with the transportation plan developed under
12 this section for the State, identical with an approved
13 metropolitan transportation improvement program,
14 and in an area designated as nonattainment for
15 ozone, carbon monoxide, or particulate matter under
16 the Clean Air Act (42 U.S.C. 7401 et seq.) conform
17 with the applicable State implementation plan devel-
18 oped pursuant to the Clean Air Act. The program
19 shall include a project, or an identified phase of a
20 project, only if full financing can reasonably be an-
21 ticipated to be available for such project within the
22 time period contemplated for completion of the
23 project. The program shall also reflect the priorities
24 for programming and expenditures of funds, includ-

1 ing transportation enhancements, required by this
2 chapter.

3 “(3) PROJECT SELECTION FOR AREAS LESS
4 THAN 50,000 POPULATION.—Projects undertaken in
5 areas of less than 50,000 population shall be se-
6 lected for advancement from the approved State
7 Transportation Improvement Program by the State
8 in cooperation with the officials from the affected
9 local governmental authorities.

10 “(4) BIENNIAL REVIEW AND APPROVAL.—A
11 transportation improvement program developed
12 under this subsection shall be reviewed and, upon a
13 finding that the planning process through which the
14 program was developed is consistent with this sec-
15 tion and section 5303 of this title, approved no less
16 frequently than biennially by the Secretary.

17 “(e) STATEWIDE PLANNING GRANTS.—The Sec-
18 retary shall apportion funds made available under section
19 5338(d) of this title for statewide planning activities under
20 this subsection, so that each State receives an amount
21 equal to the population in urbanized areas in the State,
22 divided by the population in urbanized areas in all States,
23 as shown by the latest available decennial census. How-
24 ever, a State must receive at least 0.5 percent of the
25 amount apportioned under this subsection.

1 “(f) OTHER ELIGIBLE ACTIVITIES.—A State, as the
 2 State considers appropriate, may authorize part of the
 3 amount made available under subsection (e) of this section
 4 to be used to supplement amounts available under sections
 5 5303(h)(2)(A) and 5313(a) of this title.

6 “(g) PERIOD OF AVAILABILITY.—An amount appor-
 7 tioned under subsection (e) of this section remains avail-
 8 able for 3 years after the fiscal year in which the amount
 9 is apportioned. An amount unobligated at the end of the
 10 3-year period shall be reapportioned among the States for
 11 the next fiscal year.

12 “(h) EXCLUSION OF CERTAIN UNITED STATES TER-
 13 RITORIES.—This section does not apply to the Northern
 14 Mariana Islands, Guam, American Samoa, or the Virgin
 15 Islands.”.

16 (b) CONFORMING AMENDMENT.—The analysis for
 17 chapter 53 is amended by striking the item related to sec-
 18 tion 5306 and inserting the following:

“5306. Statewide planning.”.

19 **SEC. 3008. URBANIZED AREA FORMULA GRANTS.**

20 (a) The section heading for section 5307 is amended
 21 by striking “Block” and inserting “Urbanized area for-
 22 mula”.

23 (b) Section 5307(a) is amended to read as follows:

24 “(a) DEFINITIONS.—In this section ‘designated re-
 25 cipient’ means—

1 “(1) a person designated, consistent with the
 2 planning process under sections 5303–5306 of this
 3 title, by the chief executive officer of a State, respon-
 4 sible local officials, and publicly owned operators of
 5 mass transportation to receive and apportion
 6 amounts under section 5336 of this title that are at-
 7 tributable to transportation management areas es-
 8 tablished under section 5305(a) of this title; or

9 “(2) a State or regional authority if the author-
 10 ity is responsible under the laws of a State for a
 11 capital project and for financing and directly provid-
 12 ing mass transportation.”.

13 (c) GENERAL AUTHORITY.—Section 5307 is amend-
 14 ed by striking subsection (b) and inserting the following:

15 “(b) GENERAL AUTHORITY.—(1) The Secretary of
 16 Transportation may make grants under this section for—

17 “(A) capital projects;

18 “(B) planning;

19 “(C) financing the operating costs of equipment
 20 and facilities used in mass transportation in urban-
 21 ized areas with a population of less than 200,000;

22 “(D) the transportation cooperative research
 23 program under section 5313(a) of this title;

24 “(E) university transportation centers under
 25 chapter 52 of this title;

1 “(F) training;

2 “(G) research; or

3 “(H) technology transfer.

4 “(2) In a transportation management area des-
5 ignated under section 5305(a) of this title, amounts that
6 cannot be used to pay operating expenses under this sec-
7 tion also are available for a highway project under title
8 23 but only if—

9 “(A) that use is approved by the metropolitan
10 planning organization under section 5303 of this
11 title after appropriate notice and an opportunity for
12 comment and appeal is provided to affected mass
13 transportation providers;

14 “(B) the Secretary decides the amounts are not
15 needed for investment required by the Americans
16 with Disabilities Act of 1990 (42 U.S.C. 12101 et
17 seq.); and

18 “(C) amounts used for the non-Government
19 share of the project are eligible to finance either a
20 highway or mass transportation project.”.

21 (d) Section 5307 is amended by striking subsections
22 (c), (e), (g), (h), (j), (k), and (n) and by redesignating
23 subsections (d), (f), (i), (l), and (m) as subsections (c)
24 through (g), respectively.

25 (e) Redesignated section 5307(c)(1) is amended—

1 (1) by striking “program of projects” and in-
2 serting “application describing projects selected from
3 those included in the State Transportation Improve-
4 ment Program”;

5 (2) by striking “subsection (c) of this section”
6 and inserting “section 5305(d) of this title”;

7 (3) by striking subparagraphs (A) through (C)
8 and (E) through (F) and by redesignating subpara-
9 graphs (D), (G), (H), (I), and (J) as subparagraphs
10 (A) through (E), respectively;

11 (4) in redesignated subparagraph (B), by strik-
12 ing “subsection (e) of this section” and inserting
13 “section 5328(a) of this title”; and

14 (5) in redesignated subparagraph (C), by strik-
15 ing “, 5303–5306, and 5310 (a)–(d)” and inserting
16 “and 5303–5306”.

17 (f) Redesignated section 5307(e) is amended—

18 (1) in paragraph (1)(A)(i), by striking “sub-
19 section (d) of this section” and inserting “subsection
20 (c) of this section and sections 5323(j) and 5325 of
21 this title”; and

22 (2) in paragraph (2), by striking “subsection
23 (d)” and inserting “subsection (c)”.

24 (g) Redesignated section 5307(f) is amended by strik-
25 ing the third sentence.

1 (h) Section 5307 is further amended by adding the
 2 following new paragraph after redesignated paragraph (g):

3 “(h) RELATIONSHIP TO OTHER LAWS.—Sections
 4 5302, 5318, 5323 (a)(1), (d), and (e), 5332, and 5333
 5 of this title apply to this section and to a grant made
 6 under this section. Except as provided in this section, no
 7 other provision of this chapter applies to this section or
 8 to a grant made under this section.”.

9 (i) CONFORMING AMENDMENT.—The analysis for
 10 chapter 53 is amended by striking the item related to sec-
 11 tion 5307 and inserting the following:

“5307. Urbanized area formula grants.”.

12 **SEC. 3009. MASS TRANSIT ACCOUNT BLOCK GRANTS.**

13 (a) Title 49 is amended by striking section 5308.

14 (b) CONFORMING AMENDMENT.—The analysis for
 15 chapter 53 is amended by striking the item related to sec-
 16 tion 5308.

17 **SEC. 3010. MAJOR CAPITAL INVESTMENTS.**

18 (a) The heading for section 5309 is amended by strik-
 19 ing “**Discretionary grants and loans**” and insert-
 20 ing “**Major capital investments**”.

21 (b) Section 5309 is amended by striking subsection
 22 (a) and inserting the following:

23 “(a) GENERAL AUTHORITY.—(1) The Secretary of
 24 Transportation may make grants under this section to as-
 25 sist State and local governmental authorities in financing

1 capital projects for new fixed guideway systems and exten-
2 sions to existing fixed guideway systems.

3 “(2) The Secretary of Transportation shall require
4 that a grant under this section shall be subject to all
5 terms, conditions, requirements, and provisions the Sec-
6 retary decides are necessary or appropriate for the pur-
7 poses of this section, including requirements for the dis-
8 position of net increases in value of real property resulting
9 from the project assisted under this section.

10 “(3) Funds made available under this section to a
11 recipient under section 5311 of this title shall be adminis-
12 tered in accordance with the requirements of section 5311
13 of this title.”

14 (c) Section 5309 is further amended—

15 (1) by striking subsections (b), (c), (h), (i), (j),
16 (k), (n), and (o);

17 (2) by redesignating subsections (d), (e), (f),
18 (g), and (l) as subsections (b) through (f), respec-
19 tively;

20 (3) by striking subsections (m)(1), (m)(2), and
21 (m)(4); and

22 (4) by redesignating subsection (m)(3) as sub-
23 section (g) and inserting the following new catchline:

24 “REPORT TO CONGRESS.—”.

25 (d) Redesignated section 5309(b) is amended—

1 (1) by striking “Program of Projects” each
2 place it appears and inserting “State Transportation
3 Improvement Program” in each instance;

4 (2) by striking “(e) of this section” and insert-
5 ing “(c) of this section”;

6 (3) by striking “or loan”; and

7 (4) by striking “and that an applicant—” and
8 all that follows and inserting a period.

9 (e) The catchline for redesignated section 5309(c) is
10 amended by striking “and loans” .

11 (f) Redesignated section 5309(c) is amended—

12 (1) in subparagraph (1)(A), by striking “con-
13 tract” and inserting “grant agreement” and by
14 striking “subsection (g)” and inserting “subsection
15 (e)”;

16 (2) in paragraph (2), by striking “or loan”;

17 (3) in paragraph (3), by striking subparagraphs
18 (A) and (B) and redesignating subparagraphs (C)
19 through (E) as subparagraphs (A) through (C), re-
20 spectively;

21 (4) in redesignated subparagraph (3)(A), by
22 striking “existing”;

23 (5) in paragraph (6)(B), by striking “decisions
24 under this subsection” and inserting “determina-

1 tions under subparagraphs (2) (B) and (C) of this
 2 subsection”; and

3 (6) in paragraph (6)(C), by striking “com-
 4 pletely” and inserting “substantially”.

5 (g) Redesignated section 5309(d) is amended—

6 (1) in paragraph (1), by striking “or loan under
 7 subsection (a)(5) of this section” and substituting
 8 “defined under section 5302(a)(1)(K) of this title”;
 9 and

10 (2) by striking subparagraphs (2) (A) and (B).

11 (h) Redesignated section 5309(e)(4) is amended by
 12 striking “section 5338(a)” and inserting “section
 13 5338(b)”.

14 (i) Redesignated section 5309(f) is amended by strik-
 15 ing “subsection (h) of this section” and inserting “section
 16 5328(a) of this title”.

17 (j) CONFORMING AMENDMENT.—The analysis for
 18 chapter 53 is amended by striking the item related to sec-
 19 tion 5309 and inserting the following:

“5309. Major capital investments.”.

20 **SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF EL-**
 21 **DERLY INDIVIDUALS AND INDIVIDUALS WITH**
 22 **DISABILITIES.**

23 (a) The heading for section 5310 is amended by strik-
 24 ing “Grants and loans” and substituting “Formula
 25 grants”.

1 (b) GENERAL AUTHORITY.—Section 5310 is amend-
2 ed by striking subsection (a) and inserting the following:

3 “(a) GENERAL AUTHORITY.—The Secretary of
4 Transportation may make grants under this section to the
5 chief executive officer of each State for allocation to—

6 “(1) private nonprofit corporations and associa-
7 tions to help them provide mass transportation serv-
8 ice for elderly individuals and individuals with dis-
9 abilities; or

10 “(2) governmental authorities—

11 “(A) approved by the State to coordinate
12 services for elderly individuals and individuals
13 with disabilities; or

14 “(B) that certify to the chief executive offi-
15 cer that no nonprofit corporation or association
16 readily is available in an area to provide service
17 under this subsection.”.

18 (c) APPORTIONING AND TRANSFERRING AMOUNTS.—
19 Section 5310(b) is amended by striking “remaining avail-
20 able for obligation at the beginning of the 90-day period
21 before the end of the period of availability of the appor-
22 tionment”.

23 (d) Section 5310 is amended by striking subsection
24 (e) and inserting the following:

1 “(e) GRANT REQUIREMENTS.—A grant under sub-
 2 section (a) of this section is subject to requirements the
 3 Secretary considers appropriate.”; and by striking sub-
 4 section (f) and redesignating subsections (g) through (j)
 5 as subsections (f) through (i).”.

6 (e) CONFORMING AMENDMENT.—The analysis for
 7 chapter 53 is amended by striking the item related to sec-
 8 tion 5310 and inserting the following:

“5310. Formula grants for special needs of elderly individuals and individuals
 with disabilities.”.

9 **SEC. 3012. FORMULA PROGRAM FOR OTHER THAN URBAN-**
 10 **IZED AREAS.**

11 (a) The heading for section 5311 is amended by strik-
 12 ing “Financial assistance” and substituting “Formula
 13 program”.

14 (b) The first sentence of section 5311(b)(1) is amend-
 15 ed by striking “The Secretary of Transportation may
 16 make” and substituting “Ninety-six percent of the funds
 17 provided in section 5336(b)(3) of this title are available
 18 to the Secretary of Transportation for”.

19 (c) The first sentence of section 5311(b)(2) is amend-
 20 ed by striking “The Secretary of Transportation shall”
 21 and substituting “Four percent of the funds provided in
 22 section 5336(b)(3) of this title are available to the Sec-
 23 retary of Transportation to”.

1 (d) The first sentence of section 5311(c) is amend-
2 ed—

3 (1) by striking “section 5338(a)” and inserting
4 “section 5336(b)(3)”; and

5 (2) by striking “as shown by the most recent”
6 and all that follows, and inserting “as shown by the
7 latest available Government census.”.

8 (e) The second sentence of section 5311(c) is amend-
9 ed by striking “2” and inserting “3”.

10 (f) Section 5311(e) is amended—

11 (1) by inserting “for the transportation cooper-
12 ative research program under section 5313(a) of this
13 title,” after “under this section” ; and

14 (2) by inserting “training under section
15 5307(b)(1)(E) of this title,” after “development”.

16 (g) The catchline for subsection 5311(f) is amended
17 by inserting “or rail” after “Bus”.

18 (h) Section 5311(f) is amended by striking paragraph
19 (2).

20 (i) Section 5311(f)(1) is amended—

21 (1) by striking the paragraph designation and
22 the first sentence;

23 (2) by striking subparagraphs (B) and (C);

24 (3) by redesignating subparagraphs (A), (D),
25 and (E) as paragraphs (1) through (3), respectively;

1 (4) in redesignated paragraph (1), by inserting
 2 “or rail” before “transportation”;

3 (5) in redesignated paragraph (2), by inserting
 4 “bus or rail” before “operating grants”; and

5 (6) in redesignated paragraph (3), by inserting
 6 “, rail, or air” after “bus” and before “carriers”.

7 (j) Section 5311 is amended—

8 (1) by striking subsection (g);

9 (2) by redesignating subsections (h) and (i) as
 10 subsections (g) and (h), respectively;

11 (3) by inserting a new subsection after redesign-
 12 ated subsection (h) as follows:

13 “(i) APPORTIONING AND TRANSFERRING
 14 AMOUNTS.—A State apportionment is available to the
 15 chief executive officer of the State for transfer, to supple-
 16 ment amounts apportioned to the State under section
 17 5310(b) or 5336(a)(1) of this title.”

18 (k) CONFORMING AMENDMENT.—The analysis for
 19 chapter 53 is amended by striking the item related to sec-
 20 tion 5311 and inserting the following:

“5311. Formula program for other than urbanized areas.”.

21 **SEC. 3013. NATIONAL RESEARCH PROGRAMS.**

22 (a) Title 49 is amended by striking section 5312 and
 23 by inserting after section 5311 the following new section:

1 **“§ 5312. National research programs**

2 “(a) PROGRAM.—(1) The amounts made available
3 under section 5338(e) of this title are available to the Sec-
4 retary of Transportation for grants and contracts for the
5 purposes of sections 5313–5315, 5318, and 5322 of this
6 title, as the Secretary considers appropriate.

7 “(2) Of the amounts made available under paragraph
8 (1) of this subsection, the Secretary shall make available
9 at least \$2,000,000 to provide mass transportation-related
10 technical assistance, demonstration programs, research,
11 public education, and other activities the Secretary consid-
12 ers appropriate, to help mass transportation providers
13 comply with the Americans with Disabilities Act of 1990
14 (42 U.S.C. 12101 et seq.). To the extent practicable, the
15 Secretary shall carry out this paragraph through a con-
16 tract with a national nonprofit organization serving indi-
17 viduals with disabilities that has a demonstrated capacity
18 to carry out the activities.

19 “(3) Not more than 25 percent of the amounts avail-
20 able under this subsection is available to the Secretary for
21 special demonstration initiatives, subject to terms the Sec-
22 retary considers consistent with this chapter, except that
23 section 5323(a)(1)(D) of this title applies to an oper-
24 ational grant financed in carrying out section 5314(a) of
25 this title. For a nonrenewable grant of not more than

1 \$100,000, the Secretary shall provide expedited proce-
2 dures on complying with the requirements of this chapter.

3 “(4)(A) The Secretary may undertake a program of
4 mass transportation technology development, demonstra-
5 tion, and deployment in coordination with affected enti-
6 ties.

7 “(B) The Secretary shall develop guidelines for cost
8 sharing in technology development projects financed under
9 this paragraph. The guidelines shall be flexible and reflect
10 the extent of technical risk, market risk, and anticipated
11 supplier benefits and payback periods.

12 “(5) The Secretary may use amounts appropriated
13 under this subsection to supplement amounts available
14 under section 5313(a) of this title, as the Secretary con-
15 sidered appropriate.

16 “(b) GOVERNMENT SHARE.—When there would be a
17 clear and direct financial benefit to an entity under a
18 grant or contract financed under subsection (a) of this sec-
19 tion, the Secretary shall establish a United States Govern-
20 ment share consistent with the benefit.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 53 is amended by striking the item related to sec-
23 tion 5312 and inserting the following:

“5312. National research programs.”.

1 **SEC. 3014. TRANSIT COOPERATIVE RESEARCH PROGRAM.**

2 (a) The heading for section 5313 is amended by strik-
3 ing “State planning and research programs” and inserting
4 “Transit cooperative research program”.

5 (b) Section 5313(a)(1) is amended—

6 (1) by striking “Fifty percent of the amounts
7 made available under section 5338(g)(3)” and in-
8 serting “Amounts made available under section
9 5312”; and

10 (2) by adding at the end of the second sentence
11 “, which includes one member from the Federal
12 Transit Administration”.

13 (c) Section 5313 is amended by striking subsections
14 (b) and (c).

15 (d) CONFORMING AMENDMENT.—The analysis for
16 chapter 53 is amended by striking the item related to sec-
17 tion 5313 and inserting the following:

“5313. Transit cooperative research program.”.

18 **SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
19 **AND TRAINING PROJECTS.**

20 (a) Title 49 is amended by striking section 5314 and
21 by inserting after section 5313 the following new section:

22 **“§ 5314. Research, development, demonstration, and**
23 **training projects**

24 “(a) RESEARCH, DEVELOPMENT, DEMONSTRATION,
25 AND TECHNICAL ASSISTANCE PROJECTS.—(1) The Sec-

1 retary of Transportation may undertake, or enter into
2 grants, contracts, cooperative agreements or other agree-
3 ments (including agreements with departments, agencies,
4 instrumentalities of the United States Government) for re-
5 search, development, testing, demonstration and technical
6 assistance projects related to mass transportation, includ-
7 ing introduction of new technology, deployment of innova-
8 tions, and the evaluation of such projects. Eligible projects
9 are those that the Secretary decides will help meet total
10 mass transportation needs by—

11 “(A) improving service,

12 “(B) enhancing safety or security,

13 “(C) increasing capacity,

14 “(D) reducing costs of services, equipment or
15 infrastructure,

16 “(E) improving intermodal connections,

17 “(F) reducing the need for transportation,

18 “(G) overcoming institutional barriers,

19 “(H) disseminating technical information,

20 “(I) promoting applications of innovative tech-
21 nology, or

22 “(J) advancing knowledge of mass transpor-
23 tation to promote social, economic or environmental
24 improvements, regulatory simplification, policy devel-
25 opment, or greater efficiency.

1 “(2) The Secretary may request and receive appro-
2 priate information from any source.

3 “(3) This subsection does not limit the authority of
4 the Secretary under another law.

5 “(b) RESEARCH, INVESTIGATIONS, AND TRAINING.—

6 (1) The Secretary of Transportation may make grants to
7 nonprofit institutions of higher learning—

8 “(A) to conduct competent research and inves-
9 tigations into the theoretical or practical problems of
10 urban transportation; and

11 “(B) to train individuals to conduct further re-
12 search or obtain employment in an organization that
13 plans, builds, operates, or manages a mass transpor-
14 tation system.

15 “(2) Research and investigations under this sub-
16 section include—

17 “(A) the design, implementation, operation, and
18 maintenance of mass transportation systems and,
19 roads and highways;

20 “(B) the interrelationship between various
21 modes of urban and interurban transportation;

22 “(C) the role of transportation planning in
23 overall community planning;

24 “(D) public preferences in transportation;

1 “(E) the economic allocation of transportation
2 resources; and

3 “(F) the legal, financial, engineering, environ-
4 mental and esthetic aspects of mass transportation.

5 “(3) When making a grant under this subsection, the
6 Secretary shall give preference to an institution that
7 brings together knowledge and expertise in the various so-
8 cial science and technical disciplines related to mass trans-
9 portation problems.

10 “(c) TRAINING FELLOWSHIPS AND INNOVATIVE
11 TECHNIQUES AND METHODS.—(1) The Secretary of
12 Transportation may make grants to States, local govern-
13 mental authorities, and operators of mass transportation
14 systems to provide fellowships to train personnel employed
15 in managerial, technical, and professional positions in the
16 mass transportation field.

17 “(2) The Secretary of Transportation may make
18 grants to State and local governmental authorities for
19 projects that will use innovative techniques and methods
20 in planning, engineering, designing, implementing, operat-
21 ing, and maintaining mass transportation.

22 “(3) A fellowship under this subsection may be for
23 not more than one year of training in an institution that
24 offers a program applicable to the mass transportation in-
25 dustry. The recipient of the grant shall select an individual

1 on the basis of demonstrated ability and for the contribu-
2 tion the individual reasonably can be expected to make to
3 an efficient mass transportation system. A grant for a fel-
4 lowship may not be more than the lesser of \$24,000 or
5 75 percent of—

6 “(A) tuition and other charges to the fellowship
7 recipient;

8 “(B) additional costs incurred by the training
9 institution and billed to the grant recipient; and

10 “(C) the regular salary of the fellowship recipi-
11 ent for the period of the fellowship to the extent the
12 salary is actually paid or reimbursed by the grant
13 recipient.

14 “(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOY-
15 MENT OF INNOVATION.—(1) In this subsection “consor-
16 tium” means one or more public or private organizations
17 located in the United States which provide mass transpor-
18 tation service to the public and one or more businesses,
19 including small and medium-sized businesses, incorporated
20 in a State, offering goods or services or willing to offer
21 goods and services to mass transportation operators. It
22 may include as additional members public or private re-
23 search organizations located in the United States, or State
24 or local governmental authorities.

1 “(2) The Secretary may, under terms and conditions
2 the Secretary prescribes, enter into grants, contracts, co-
3 operative agreements, and other agreements with consor-
4 tia selected in accordance with paragraph (4) of this sub-
5 section, to promote the early deployment of innovation in
6 mass transportation technology, services, management or
7 operational practices. The program will be carried out in
8 consultation with the transit industry by competitively se-
9 lected public/private partnerships which will share costs,
10 risks and rewards of early deployment of innovation with
11 broad applicability.

12 “(3) The consortium shall provide at least 50 percent
13 of the costs of any joint partnership project. Any business,
14 organization, person, or governmental body may contrib-
15 ute funds to a joint partnership project.

16 “(4) The Secretary shall periodically give public no-
17 tice of the technical areas for which joint partnerships are
18 solicited, required qualifications of consortia desiring to
19 participate, the method of selection and evaluation criteria
20 to be used in selecting participating consortia and
21 projects, and the process by which projects will be award-
22 ed.

23 “(5) The Secretary may accept a portion of the reve-
24 nues resulting from sales of an innovation supported
25 under this section, to be credited to the Mass Transit Ac-

1 count of the Highway Trust Fund and used for joint part-
2 nership projects.

3 “(e) INTERNATIONAL MASS TRANSPORTATION PRO-
4 GRAM.—(1) The Secretary is authorized to engage in ac-
5 tivities to inform the United States domestic mass trans-
6 portation community about technological innovations
7 available in the international marketplace, and activities
8 that may afford domestic businesses the opportunity to be-
9 come globally competitive in the export of mass transpor-
10 tation products and services. These activities may in-
11 clude—

12 “(A) development, monitoring, assessment, and
13 dissemination domestically of information about
14 world-wide mass transportation market opportuni-
15 ties;

16 “(B) cooperation with foreign public-sector enti-
17 ties in research, development, demonstration, train-
18 ing, and other forms of technology transfer and ex-
19 change of experts and information;

20 “(C) advocacy, in international mass transpor-
21 tation markets, of firms, products and services avail-
22 able from the United States;

23 “(D) informing the international market about
24 the technical quality of mass transportation products

1 and services through participation in seminars, expo-
2 sitions, and similar activities; and

3 “(E) offering those Federal Transit Adminis-
4 tration technical services which cannot be readily ob-
5 tained from the United States private sector to for-
6 eign public authorities planning or undertaking mass
7 transportation projects if the costs of these services
8 will be recovered under the terms of each project,
9 unless the Secretary determines that it is in the na-
10 tional interest not to recover such costs.

11 “(2) The Secretary may carry out the activities of
12 this section in cooperation with other United States Gov-
13 ernment agencies, State or local agencies, public and pri-
14 vate non-profit institutions, government laboratories, for-
15 eign governments or any other organization the Secretary
16 determines is appropriate.

17 “(3) The funds available to carry out this section
18 shall include funds deposited in a special account with the
19 Secretary of the Treasury for such purposes by any co-
20 operating organization or person. The funds shall be avail-
21 able for promotional materials, travel, reception and rep-
22 resentation expenses necessary to carry out the activities
23 authorized by this section. Reimbursements for services
24 provided under this section shall be credited to the appro-
25 priation concerned.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 53 is amended by striking the item related to sec-
 3 tion 5314 and inserting the following:

“5314. Research, development, demonstration, and training projects.”.

4 **SEC. 3016. NATIONAL TRANSIT INSTITUTE.**

5 (a) The heading of section 5315 is amended by strik-
 6 ing “mass transportation” and inserting “transit”.

7 (b) Section 5315(a) is amended by striking “national
 8 mass transportation institute” and inserting “national
 9 transit institute”.

10 (c) ESTABLISHMENT AND DUTIES.—Section 5315(a)
 11 is further amended—

12 (1) in paragraph (5), by inserting “and archi-
 13 tectural design” after “engineering”;

14 (2) in paragraph (7), by striking “carrying out”
 15 and inserting “delivering”;

16 (3) in paragraph (11), by inserting “, construc-
 17 tion management, insurance, and risk management”
 18 after “construction”;

19 (4) in paragraph (13), by striking “and”;

20 (5) in paragraph (14), by striking the period
 21 and inserting “; or”; and

22 (6) by adding after paragraph (14) the follow-
 23 ing:

24 “(15) innovative finance.”.

1 (d) CONFORMING AMENDMENT.—The analysis for
 2 chapter 53 is amended by striking the item related to sec-
 3 tion 5315 and inserting the following:

“5315. National transit institute.”.

4 **SEC. 3017. UNIVERSITY RESEARCH INSTITUTES.**

5 (a) Title 49 is amended by striking section 5316.

6 (b) CONFORMING AMENDMENT.—The analysis for
 7 chapter 53 is amended by striking the item related to sec-
 8 tion 5316.

9 **SEC. 3018. TRANSPORTATION CENTERS.**

10 (a) Title 49 is amended by striking section 5317.

11 (b) CONFORMING AMENDMENT.—The analysis for
 12 chapter 53 is amended by striking the item related to sec-
 13 tion 5317.

14 **SEC. 3019. BUS TESTING FACILITY.**

15 (a) Section 5318(b) is amended to read as follows:

16 “(b) OPERATION AND MAINTENANCE.—The Sec-
 17 retary shall make a contract with or issue a grant or coop-
 18 erative agreement to a qualified person or organization to
 19 operate and maintain the facility. The contract, grant, or
 20 cooperative agreement may provide for the testing of rail
 21 cars and other mass transportation vehicles at the facil-
 22 ity.”.

23 (b) The first sentence of section 5318(d) is amend-
 24 ed—

1 (1) by striking “section 5338(j)(5)” and insert-
 2 ing “section 5312”; and

3 (2) by inserting “, grant, or cooperative agree-
 4 ment” after “contract”.

5 **SEC. 3020. ADVANCE CONSTRUCTION AUTHORITY.**

6 (a) Title 49 is amended by striking section 5319 and
 7 by inserting after section 5318 the following new section:

8 **“§ 5319. Advance construction authority**

9 “(a) UNDERTAKING PROJECTS IN ADVANCE.—(1)
 10 The Secretary of Transportation may pay the Govern-
 11 ment’s share of the net project cost to a State or local
 12 governmental authority that carries out any part of a
 13 project under this chapter without the aid of amounts of
 14 the Government and according to all applicable procedures
 15 and requirements if—

16 “(A) the State or local governmental authority
 17 applies for the payment;

18 “(B) the Secretary approves the payment; and

19 “(C) before carrying out the part of the project,
 20 the Secretary approves the plans and specifications
 21 for the part in the same way as for other projects
 22 under this chapter.

23 “(2) The cost of carrying out part of a project in-
 24 cludes the amount of interest earned and payable on bonds
 25 issued by the State or local governmental authority to the

1 extent proceeds of the bonds are expended in carrying out
2 the part. However, the amount of interest under this para-
3 graph may not be more than the most favorable interest
4 terms reasonably available for the project at the time of
5 borrowing. The applicant shall certify, in a way satisfac-
6 tory to the Secretary of Transportation, that the applicant
7 has shown reasonable diligence in seeking the most favor-
8 able financial terms.

9 “(b) PREAWARD AUTHORITY TO INCUR PROJECT
10 COSTS.—(1) The Secretary may allow a recipient of fund-
11 ing under this chapter to incur costs on a capital project
12 or planning project without prejudice to future Govern-
13 ment participation in the cost of the project when the re-
14 cipient—

15 “(A) complies with the procedural and contrac-
16 tual requirements established by the Secretary;

17 “(B) complies with the requirements established
18 by law to carry out the project; and

19 “(C) does not prejudice the legal and adminis-
20 trative findings which the Secretary must make to
21 approve a project.

22 “(2) Local funds expended by the recipient under this
23 chapter after the date of apportionment of the funds from
24 which the Government is participating in a project may

1 be credited toward the recipient's local match or reim-
 2 bursement.”.

3 (b) CONFORMING AMENDMENT.—The analysis of
 4 chapter 53 is amended by striking the item related to sec-
 5 tion 5319 and inserting the following:

“5319. Advance construction authority.”.

6 **SEC. 3021. ACCESS TO JOBS AND TRAINING.**

7 (a) Title 49 is amended by striking section 5320 and
 8 inserting after section 5319 the following new section:

9 **“§ 5320. Access to jobs and training**

10 “(a) GENERAL AUTHORITY.—The Secretary of
 11 Transportation may make grants under this subsection to
 12 assist States, local governmental authorities, and private
 13 non-profit organizations in financing transportation serv-
 14 ices to transport economically disadvantaged persons to
 15 jobs and activities related to employment. The Secretary
 16 shall coordinate activities under this section with related
 17 activities under programs of other United States agencies.

18 “(b) GRANT CRITERIA.—In making grants under this
 19 subsection, the Secretary shall consider the following:

20 “(1) the severity of the welfare transportation
 21 problem as measured by the percentage of the popu-
 22 lation on welfare;

23 “(2) the need for additional services to trans-
 24 port economically disadvantaged persons to specified
 25 jobs, training and other employment support serv-

1 ices, and the extent to which proposed services will
2 address these needs;

3 “(3) the existence of or willingness to establish
4 a mechanism to coordinate transportation and
5 human resource services planning;

6 “(4) the applicant’s qualifications and perform-
7 ance under other welfare reform initiatives;

8 “(5) the extent to which the local share dem-
9 onstrates a financial partnership with a human re-
10 source agency; and

11 “(6) the applicant’s program proposal, which
12 must—

13 “(A) address a comprehensive assessment
14 of access to work transportation needs and pos-
15 sible new service strategies;

16 “(B) address the coordination of existing
17 service providers and possible new service strat-
18 egies;

19 “(C) address the promotion of employer-
20 provided transportation services; and

21 “(D) address long-term financing strate-
22 gies to support the program.

23 “(c) ELIGIBLE PROJECTS.—The Secretary may make
24 grants for—

1 “(1) integrating transportation and welfare
2 planning, including collaborative planning to assess
3 employment needs and strategies;

4 “(2) coordinating mass transportation providers
5 with human service transportation providers, and
6 with providers of employment support services;

7 “(3) the operating and capital costs of service
8 start-up;

9 “(4) promoting employer-provided transpor-
10 tation;

11 “(5) developing financing strategies; and

12 “(6) administrative costs.

13 “(d) TECHNICAL ASSISTANCE.—The Secretary may
14 make grants or enter into cooperative agreements or con-
15 tracts for the provision of technical assistance to recipients
16 under this section and to provide for the evaluation of
17 projects funded under this section.

18 “(e) GOVERNMENT’S SHARE OF COSTS.—Other than
19 projects funded under subsection (d) of this section, the
20 Government’s share of the costs for a project under this
21 section shall not exceed 50 percent of the net project cost.
22 The remainder shall be provided in cash from sources
23 other than revenues from providing mass transportation.
24 Notwithstanding any other provision of law, the funds ap-
25 propriated to any United States human services agency

1 may be used toward the nongovernment share payable on
 2 a project under this section.

3 “(f) PLANNING REQUIREMENTS.—The requirements
 4 of sections 5303–5306 of this title apply to grants made
 5 under this subsection. The projects financed must be part
 6 of a coordinated public transit/human services transpor-
 7 tation planning process.

8 “(g) GRANT REQUIREMENTS.—A grant under this
 9 subsection is subject to terms and conditions as deter-
 10 mined by the Secretary.

11 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
 12 available under this subsection remain available for 3
 13 years after the fiscal year in which the amount is made
 14 available. An amount not obligated at the end of the 3-
 15 year period, shall be added to the amount that may be
 16 apportioned under section 5336(a) of this title in the next
 17 fiscal year.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
 19 chapter 53 is amended by striking the item related to sec-
 20 tion 5320 and inserting the following:

“5320. Access to jobs and training.”.

21 **SEC. 3022. CRIME PREVENTION AND SECURITY.**

22 (a) Title 49 is amended by striking section 5321.

23 (b) CONFORMING AMENDMENT.—The analysis for
 24 chapter 53 of such title is amended by striking the item
 25 related to section 5321.

1 **SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.**

2 (a) INTERESTS IN PROPERTY.—Section 5323(a)(1) is
3 amended—

4 (1) in subparagraph (A), by striking “program
5 of projects” and inserting “Transportation Improve-
6 ment Program”; and

7 (2) in subparagraph (D), by inserting “under
8 5307 (except planning), 5309, 5311, 5313 (for oper-
9 ational activities only), 5314, and 5320 (except plan-
10 ning) of this title,” before “complies”.

11 (b) The catchline for section 5323(b) is amended by
12 striking “Notice and public hearing” and inserting “So-
13 cial, economic, and environmental interests”.

14 (c) SOCIAL, ECONOMIC, AND ENVIRONMENTAL IN-
15 TERESTS.—Section 5323(b) is amended by striking para-
16 graph (2) and inserting the following:

17 “(2)(A) The Secretary of Transportation may
18 approve an application for financial assistance under
19 this chapter only if the Secretary makes written
20 findings, after reviewing the application and the re-
21 sults of any hearings held before a State or local
22 governmental authority under paragraph (b)(1) of
23 this section, that—

24 “(i) an adequate opportunity to present
25 views was given to all parties with a significant
26 economic, social, or environmental interest;

1 “(ii) the preservation and enhancement of
2 the environment, and the interest of the com-
3 munity in which a project is located, were con-
4 sidered; and

5 “(iii) no adverse environmental effect is
6 likely to result from the project, or no feasible
7 and prudent alternative to the effect exists and
8 all reasonable steps have been taken to mini-
9 mize the effect.

10 “(B) A finding of the Secretary of Transpor-
11 tation under subparagraph (A) of this paragraph
12 shall be made a matter of public record.”.

13 (d) The catchline for section 5323(d) is amended by
14 striking “Buying and operating buses” and inserting
15 “Charter bus limitation”.

16 (e) The first sentence of section 5323(d) is amended
17 by striking “this chapter” and inserting “section 5307,
18 5309, or 5311 of this title”.

19 (f) Section 5323 is amended—

20 (1) by striking subsections (e), (i), (k), and (l);
21 and

22 (2) by redesignating subsections (f), (g), (h),
23 and (j) as subsections (e) through (h), respectively.

1 (g) Redesignated section 5323(e) is amended by
2 striking “this chapter” and inserting “section 5307, 5309,
3 or 5311 of this title”.

4 (h) The second sentence of redesignated section
5 5323(f) is amended—

6 (1) by striking “and (f)” and inserting “and
7 (e)”; and

8 (2) by striking “subsection (f)(1)(C)” and in-
9 serting “subsection (e)(1)(C)”.

10 (i) Redesignated section 5323(h) is amended by strik-
11 ing paragraph (7).

12 (j) Section 5323 is amended by adding after redesign-
13 nated paragraph (h) the following:

14 “(i) SUBMISSION OF CERTIFICATIONS.—(1) A certifi-
15 cation required under this chapter and any additional cer-
16 tification or assurance required by law or regulation to
17 be submitted to the Secretary may be consolidated into
18 a single document to be submitted annually as part of a
19 grant application under this chapter. The Secretary shall
20 publish annually a list of all certifications required under
21 this chapter with the publication required under section
22 5336(g)(2) of this title.

23 “(2) Section 1001 of title 18 applies to a certificate
24 or submission under this chapter. The Secretary may end
25 a grant under this chapter and seek reimbursement, di-

1 rectly or by offsetting amounts available under section
2 5336 of this title, when a false or fraudulent statement
3 or related act within the meaning of section 1001 is made
4 in connection with a certification or submission.

5 “(j) LEGAL, FINANCIAL, AND TECHNICAL CAPAC-
6 ITY.—A recipient of financial assistance under this chap-
7 ter must certify that it—

8 “(1) has or will have the legal, financial, and
9 technical capacity to carry out the project, satisfac-
10 tory continuing control over the use of equipment or
11 facilities, and the capability to maintain the equip-
12 ment or facilities; and

13 “(2) will maintain the equipment or facilities.

14 “(k) PRIVATE ENTERPRISE PARTICIPATION.—(1) A
15 plan or program required by sections 5303–5306 of this
16 title shall encourage to the maximum extent feasible the
17 participation of private enterprise. If equipment or a facil-
18 ity already being used in an urban area is to be acquired
19 under this chapter, the program shall provide that it be
20 improved so that it will better serve the transportation
21 needs of the area.

22 “(2) Sections 5303–5306 of this title do not author-
23 ize—

24 “(A) a metropolitan planning organization to
25 impose a legal requirement on a transportation facil-

1 ity, provider, or project not eligible under this chap-
 2 ter or title 23; and

3 “(B) intervention in the management of a
 4 transportation authority.”.

5 **SEC. 3024. ACQUISITION OF REAL PROPERTY OWNED BY**
 6 **THE GOVERNMENT.**

7 (a) Title 49 is amended by striking section 5324 and
 8 by inserting after section 5323 the following new section:

9 **“§ 5324. Acquisition of real property owned by the**
 10 **Government**

11 “(a) FILING.—If the Secretary determines that any
 12 part of the surplus lands or interests in lands owned by
 13 the United States, other than military installations, is rea-
 14 sonably necessary for a transit purpose or as a source of
 15 materials for the construction or maintenance of a transit
 16 facility adjacent to such lands or interests in lands, the
 17 Secretary shall file with the Secretary of the Department
 18 supervising the administration of such lands or interests
 19 in lands a map showing the portion of such lands or inter-
 20 ests in lands which it is desired to appropriate.

21 “(b) CERTIFICATION AND TRANSFER.—If within a
 22 period of six months after such filing, the Secretary of
 23 such Department shall not have certified to the Secretary
 24 that the proposed appropriation of such land or material
 25 is inappropriate, then such land and materials may be ap-

1 appropriated and transferred to the transit provider, or its
 2 nominee, for such purposes and subject to the conditions
 3 so specified.

4 “(c) DISPOSITION.—If at any time the need for any
 5 such lands or materials for such purposes shall no longer
 6 exist, notice of the fact shall be given by the transit pro-
 7 vider to the Secretary, who shall request disposition in-
 8 structions from the Secretary of the Department from
 9 which the lands or materials have been appropriated.”.

10 (b) CONFORMING AMENDMENTS.—The analysis for
 11 chapter 53 is amended by striking the item related to sec-
 12 tion 5324 and inserting the following:

“5324. Acquisition of real property owned by the Government.”.

13 **SEC. 3025. CONTRACT REQUIREMENTS.**

14 (a) Section 5325 is amended by striking subsections
 15 (a) through (d) and inserting the following:

16 “(a) COMPETITIVE PROCUREMENT METHODS.—Ex-
 17 cept when inconsistent with this chapter, a recipient of
 18 financial assistance under this chapter shall use competi-
 19 tive procurement methods.

20 “(b) COMPETITIVE NEGOTIATION.—(1) When the
 21 sealed bid procurement process is not suitable for a pro-
 22 curement, a recipient of financial assistance under this
 23 chapter shall use the competitive negotiation procurement
 24 process.

1 “(2) ARCHITECTURAL, ENGINEERING, AND DESIGN
 2 CONTRACTS.—A contract for program management, con-
 3 struction management, a feasibility study, and preliminary
 4 engineering, design, architectural, engineering, surveying,
 5 mapping, or related services for a project for which a
 6 grant or loan is made under this chapter shall be awarded
 7 in the same way as a contract for architectural and engi-
 8 neering services is negotiated under title IX of the Federal
 9 Property and Administrative Services Act of 1949 (40
 10 U.S.C. 541 et seq.) or an equivalent qualifications-based
 11 requirement of a State. This subsection does not apply to
 12 the extent a State has adopted or adopts by law a formal
 13 procedure for procuring those services.

14 “(c) NONCOMPETITIVE PROCUREMENTS.—A contract
 15 for which a grant is made under this chapter, if the con-
 16 tract is not made through competitive methods, shall pro-
 17 vide that records related to the contract shall be made
 18 available to the Secretary of Transportation and the
 19 Comptroller General, or an officer or employee of the Sec-
 20 retary or Comptroller General, when conducting an audit
 21 and inspection.”.

22 **SEC. 3026. SPECIAL PROCUREMENTS.**

23 (a) Section 5326 is amended by striking subsection
 24 (a) and inserting the following:

1 “(a) TURNKEY SYSTEM PROJECTS.—(1) In this sub-
2 section, “turnkey system project” means a project under
3 which a recipient makes a contract with a seller, firm, or
4 consortium of firms to acquire a mass transportation sys-
5 tem or an operable segment that meets specific perform-
6 ance criteria. The contract shall obligate the seller to de-
7 sign and build, with an option to finance and/or operate
8 for a period of time, the system or segment of the system,
9 or any combination of these.

10 “(2) To advance new technologies and lower the cost
11 of a capital project for a new mass transportation system
12 or an operable segment of a new mass transportation sys-
13 tem, the Secretary of Transportation shall allow solicita-
14 tion for a turnkey system project to be financed under this
15 chapter based on a two-phased procurement process, qual-
16 ification followed by competitive selection, and where par-
17 ticipation of small- and medium-sized businesses is en-
18 couraged in joint ventures or consortia established with
19 large firms.”.

20 (b) Section 5326 is amended by striking subsection
21 (c) and inserting the following:

22 “(c) ACQUIRING ROLLING STOCK.—A recipient of fi-
23 nancial assistance of the United States Government under
24 this chapter may make a contract to expend that assist-
25 ance to acquire rolling stock—

1 “(1) based on—

2 “(A) initial capital costs; or

3 “(B) performance, standardization, life
4 cycle costs, and other factors; or

5 “(2) with a party selected through a competi-
6 tive procurement process.

7 “(d) PROCURING SPARE PARTS.—A recipient of a
8 grant under this chapter that is procuring spare parts may
9 make a contract directly with the original manufacturer
10 or supplier of the item to be replaced, without receiving
11 prior approval of the Secretary, if the recipient first cer-
12 tifies in writing to the Secretary that—

13 “(1) the manufacturer or supplier is the only
14 source for the item; and

15 “(2) the price of the item is no more than the
16 price similar customers pay for the item.

17 “(e) EFFICIENT PROCUREMENT.—A recipient may
18 award a procurement contract under this chapter to other
19 than the lowest bidder when the award furthers an objec-
20 tive consistent with the purposes of this chapter, including
21 improved long-term operating efficiency and lower long-
22 term costs.”.

1 **SEC. 3027. OVERSIGHT.**

2 (a) The heading for section 5327 is amended by strik-
3 ing “Project management oversight” and inserting “Over-
4 sight”.

5 (b) Paragraphs 5327(c) (1) and (2) are amended to
6 read as follows:

7 “(c) LIMITATIONS ON USE OF AVAILABLE
8 AMOUNTS.—(1) The Secretary may use not more than .75
9 percent of amounts made available for a fiscal year to
10 carry out section 5307 or 5309 of this title, an interstate
11 transfer mass transportation project under section
12 103(e)(4) of title 23 as in effect on September 30, 1991,
13 or a project under the National Capital Transportation
14 Act of 1969 (Public Law 91–143, 83 Stat. 320) (the Act)
15 to make a contract to oversee the construction of a major
16 project under section 5307 or 5309 of this title, section
17 103(e)(4) of title 23, of the Act.

18 “(2) The Secretary may use amounts available under
19 paragraph (1) of this subsection to contract with any per-
20 son to provide for safety, procurement, management, and
21 financial compliance reviews, and audits of a recipient of
22 amounts under this chapter and to provide technical as-
23 sistance to correct deficiencies identified in compliance re-
24 views and audits made under this section. Subsections (a),
25 (b), and (e) of this section do not apply to contracts under
26 this paragraph.”.

1 (c) CONFORMING AMENDMENT.—The analysis for
 2 chapter 53 is amended by striking the item related to sec-
 3 tion 5327 and inserting the following:

“5327. Oversight.”.

4 **SEC. 3028. GOVERNMENT’S SHARE OF COSTS.**

5 (a) Title 49 is amended by striking section 5328 and
 6 by inserting after section 5327 the following new section:

7 **“§ 5328. Government’s share of costs**

8 “(a) CAPITAL PROJECTS.—

9 “(1) GOVERNMENT’S SHARE.—The United
 10 States Government’s share of costs for capital
 11 projects under sections 5307, 5309, 5310, and 5311
 12 of this title is 80 percent of the net project cost of
 13 a project, except that—

14 “(A) the Government’s share for a bicycle
 15 facility, under section 5302(a)(1)(O) of this
 16 title, is 90 percent of the cost of the project;
 17 and

18 “(B) the Government’s share of the costs
 19 for a capital project that involves acquiring ve-
 20 hicle-related equipment required by the Clean
 21 Air Act (42 U.S.C. 7401 et seq.) or the Ameri-
 22 cans with Disabilities Act of 1990 (42 U.S.C.
 23 12101 et seq.) is 90 percent of the net project
 24 cost of the equipment that is attributable to
 25 complying with those Acts. The Secretary of

1 Transportation, through practicable administra-
2 tive procedures, may determine the costs attrib-
3 utable to that equipment.

4 “(2) LOCAL MATCH.—The remainder of the net
5 project cost shall be provided in cash from sources
6 other than amounts of the Government or revenues
7 from providing mass transportation (excluding reve-
8 nues derived from the sale of advertising and conces-
9 sions that are more than the amount of those reve-
10 nues in the fiscal year that ended September 30,
11 1985, and proceeds from revenue bonds), cash, and
12 in-kind contributions. Transit system amounts that
13 make up the remainder shall be from an undistrib-
14 uted cash surplus, a replacement or depreciation
15 cash fund or reserve, or new capital.

16 “(3) ADDITIONAL LOCAL MATCH.—A recipient
17 may provide additional local matching amounts.

18 “(b) OPERATING EXPENSES.—

19 “(1) GOVERNMENT’S SHARE.—The Govern-
20 ment’s share of costs for operating expenses under
21 section 5302(a)(1)(R), 5307, or 5311 of this title
22 may not be more than 50 percent of the net project
23 cost of the project.

24 “(2) LOCAL MATCH.—At least 50 percent of the
25 remainder shall be provided in cash from sources

1 other than amounts of the Government or revenues
 2 from providing mass transportation. Transit system
 3 amounts that make up the remainder shall be from
 4 an undistributed cash surplus, a replacement or de-
 5 preciation cash fund or reserve, or new capital. In
 6 this paragraph, ‘amounts of the Government or reve-
 7 nues’ do not include amounts received under a serv-
 8 ice agreement with a State or local social service
 9 agency or a private social service organization.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
 11 chapter 53 is amended by striking the item related to sec-
 12 tion 5328 and inserting the following:

“5328. Government’s share of costs.”.

13 **SEC. 3029. INVESTIGATION OF SAFETY HAZARDS.**

14 (a) Section 5329 is amended—

15 (1) by striking the designation and catchline of
 16 subsection (a); and

17 (2) by striking subsection (b).

18 **SEC. 3030. NONDISCRIMINATION.**

19 (a) Section 5332(b) is amended—

20 (1) by striking “creed” and inserting “religion”;
 21 and

22 (2) by striking “or age” and inserting “age, or
 23 disability”.

1 **SEC. 3031. LABOR STANDARDS.**

2 Section 5333(b) is amended by striking “5307–5312,
3 5318(d), 5323 (a)(1), (b), (d), and (e), 5328, 5337, and
4 5338(j)(5)” each place it appears and inserting “5307 (ex-
5 cept planning), 5309, 5311, 5313 (for operational activi-
6 ties only), 5314, and 5320 (except planning)” in each in-
7 stance.

8 **SEC. 3032. ADMINISTRATIVE.**

9 (a) GENERAL AUTHORITY.—Section 5334(a) is
10 amended—

11 (1) by striking “and” at the end of paragraph
12 (8);

13 (2) by striking the period at the end of para-
14 graph (9) and inserting a semicolon; and

15 (3) by adding at the end the following new
16 paragraphs:

17 “(10) charge amounts to cover the costs of
18 training or conferences, including promotional mate-
19 rials, sponsored by the Federal Transit Administra-
20 tion to promote mass transportation, which shall be
21 credited to the appropriation concerned; and

22 “(11) perform by contract or otherwise, engi-
23 neering or other services in connection with capital
24 projects for States, local governmental authorities,
25 recipients of funding under this chapter, or cooper-
26 ating foreign countries, and reimbursement for such

1 services, which may include depreciation on engi-
2 neering and construction equipment used, shall be
3 credited to the appropriation concerned.”.

4 (b) Section 5334(b)(4) is amended by striking “(ex-
5 cept subsections (h) and (i)) and sections 5323 (a)(2), (c)
6 and (e), 5324(c),” and inserting “(except subsection (h))
7 and sections 5323 (a)(2) and (c),”.

8 (c) Section 5334 is amended by striking subsection
9 (g) and inserting the following:

10 “(g) TRANSFER OF ASSETS NO LONGER NEEDED.—
11 When facilities, equipment, and other assets (including
12 real property) acquired with assistance under this chapter
13 are no longer needed for purposes as determined under
14 the grant agreement, the Secretary may authorize the sale
15 or transfer of the assets under conditions determined by
16 the Secretary. The Government share of the net income
17 from the revenues obtained by a recipient of funding under
18 this chapter for sales, uses, leases (including lease renew-
19 als) under this subsection shall be used by the recipient
20 for projects eligible under this chapter or under title 23.”.

21 (d) Section 5334 is further amended—

22 (1) by striking subsection (i);

23 (2) by redesignating subsection (j) as sub-
24 section (i); and

1 (3) by adding after redesignated subsection (i)
2 the following:

3 “(j) PROHIBITIONS AGAINST REGULATING OPER-
4 ATIONS AND CHARGES.—The Secretary of Transportation
5 may not regulate the operation of a mass transportation
6 system for which a grant is made under this chapter and,
7 after a grant is made, may not regulate any charge for
8 the system. However, the Secretary may require the local
9 governmental authority, corporation, or association to
10 comply with any undertaking provided by it related to its
11 grant application.

12 “(k) TEST AND EVALUATION.—With respect to mass
13 transportation, the Secretary may test, develop, or assist
14 in testing and developing any material, invention, patented
15 article, or process. Except for the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section
17 5333 of this title, the Secretary may apply the require-
18 ments of this chapter as the Secretary considers appro-
19 priate.”.

20 **SEC. 3033. REPORTS AND AUDITS.**

21 (a) The catchline for section 5335(a) is amended by
22 striking “Reporting System and Uniform System of Ac-
23 counts and Records” and inserting “National Transit
24 Database”.

25 (b) Section 5335(a)(1) is amended—

1 (1) by striking the paragraph designation;

2 (2) by striking “by uniform categories” and in-
3 serting “using uniform categories”;

4 (3) by inserting “using” after “information
5 and” and before “a uniform system”; and

6 (4) by striking “and records”.

7 (c) Section 5335(a)(2) is amended by striking the
8 paragraph designation and inserting the following:

9 “(b) INCLUSION OF GRANT RECIPIENTS IN
10 DATABASE.—”.

11 (d) Section 5335 is amended by striking subsections
12 (b) through (d).

13 **SEC. 3034. APPORTIONMENT OF FORMULA GRANTS.**

14 (a) The heading of section 5336 is amended by strik-
15 ing “block” and inserting “formula”.

16 (b) Section 5336 is amended by striking subsections
17 (a) through (d) and substituting the following:

18 “(a) ACCESS TO JOBS AND TRAINING.—Of the
19 amounts made available under section 5338(a) of this title
20 for formula grants, \$100,000,000 shall be available for
21 section 5320 of this title in each fiscal year ending Sep-
22 tember 30, 1998–2003.

23 “(b) ALLOCATION FOR URBANIZED AREA, OTHER
24 THAN URBANIZED AREA, SPECIAL NEEDS OF ELDERLY
25 INDIVIDUAL AND INDIVIDUALS WITH DISABILITIES FOR-

1 MULA PROGRAMS.—Of the amounts remaining after funds
 2 are made available in accordance with subsection (a) of
 3 this section—

4 “(1) 94.5 percent is available to finance pro-
 5 grams and activities under section 5307 of this title;

6 “(2) 1.75 percent is available to finance pro-
 7 grams and activities under section 5310 of this title;
 8 and

9 “(3) 3.75 percent is available to finance pro-
 10 grams and activities under section 5311 of this title.

11 “(c) FIXED GUIDEWAY TIER.—Of the funds made
 12 available in accordance with subsection (b)(1) of this sec-
 13 tion, an amount equal to an amount available for section
 14 5309 of this title shall be apportioned for each of the fiscal
 15 years ending September 30, 1998–2003, as follows:

16 “(1) The first \$455,000,000 shall be appor-
 17 tioned in the following urbanized areas as follows:

18 “(A) Baltimore, 1.84 percent.

19 “(B) Boston, 8.56 percent.

20 “(C) Chicago/Northwestern Indiana, 17.18
 21 percent.

22 “(D) Cleveland, 2.09 percent.

23 “(E) New York, 35.57 percent.

24 “(F) Northeastern New Jersey, 9.04 per-
 25 cent.

1 “(G) Philadelphia/Southern New Jersey,
2 12.41 percent.

3 “(H) San Francisco, 7.21 percent.

4 “(I) Southwestern Connecticut, 6.10 per-
5 cent.

6 “(2) The next \$42,700,000 shall be apportioned
7 in the following urbanized areas as follows:

8 “(A) New York, 33.2341 percent.

9 “(B) Northeastern New Jersey, 22.1842
10 percent.

11 “(C) Philadelphia/Southern New Jersey,
12 5.7594 percent.

13 “(D) San Francisco, 2.7730 percent.

14 “(E) Pittsburgh, 31.9964 percent.

15 “(F) New Orleans, 4.0529 percent.

16 “(3) The next \$70,000,000 shall be apportioned
17 as follows:

18 “(A) 50 percent in the urbanized areas
19 listed in paragraphs (1) and (2) as provided in
20 section 5336(d)(1) of this title.

21 “(B) 50 percent in other urbanized areas
22 eligible for assistance under section 5336(d)(1)
23 of this title if the areas contain fixed guideway
24 systems placed in revenue service at least 7
25 years before the fiscal year in which amounts

1 are made available and in any other urbanized
2 area if, before the first day of the fiscal year,
3 the area satisfies the Secretary that the area
4 has modernization needs that cannot be met
5 adequately with amounts received as provided
6 in section 5336(d)(1) of this title.

7 “(4) Remaining amounts shall be apportioned
8 in each urbanized area eligible for assistance under
9 paragraphs (1)–(3) of this subsection as provided in
10 section 5336(b)(2)(A) of this title.

11 “(d) URBANIZED AREAS LESS THAN 200,000 IN
12 POPULATION.—Of the funds remaining after funds are
13 apportioned in accordance with subsection (c) of this sec-
14 tion, 9.32 percent shall be apportioned each fiscal year
15 only in urbanized areas with a population of less than
16 200,000 so that each of those areas is entitled to receive
17 an amount equal to—

18 “(1) 50 percent of the total amount appor-
19 tioned multiplied by a ratio equal to the population
20 of the area divided by the total population of all ur-
21 banized areas with populations of less than 200,000
22 as shown in the latest United States Government
23 census; and

24 “(2) 50 percent of the total amount appor-
25 tioned multiplied by a ratio for the area based on

1 population weighted by a factor, established by the
2 Secretary of Transportation, of the number of in-
3 habitants in each square mile; and

4 “(e) URBANIZED AREAS AT LEAST 200,000 IN POPU-
5 LATION.—Of the funds remaining after funds are appor-
6 tioned in accordance with subsection (c) of this section,
7 90.68 percent shall be apportioned each fiscal year only
8 in urbanized areas with populations of at least 200,000
9 as follows:

10 “(1) BASED ON FIXED GUIDEWAY REVENUE VE-
11 HICLE-MILES, ROUTE-MILES, AND PASSENGER
12 MILES.—

13 “(A) In this subsection, ‘fixed guideway
14 revenue vehicle-miles’ and ‘fixed guideway
15 route-miles’ include ferry boat operations di-
16 rectly or under contract by the designated re-
17 cipient.

18 “(B) Of the amount apportioned under
19 subsection (a)(3) of this section, 33.29 percent
20 shall be apportioned as follows:

21 “(i) 95.61 percent of the total amount
22 apportioned under this clause shall be ap-
23 portioned so that each urbanized area with
24 a population of at least 200,000 is entitled
25 to receive an amount equal to—

1 “(I) 60 percent of the 95.61 per-
2 cent apportioned under this subclause
3 multiplied by a ratio equal to the
4 number of fixed guideway revenue ve-
5 hicle-miles attributable to the area, as
6 established by the Secretary of Trans-
7 portation, divided by the total number
8 of all fixed guideway revenue vehicle-
9 miles attributable to all areas; and

10 “(II) 40 percent of the 95.61
11 percent apportioned under this sub-
12 clause multiplied by a ratio equal to
13 the number of fixed guideway route-
14 miles attributable to the area, estab-
15 lished by the Secretary, divided by the
16 total number of all fixed guideway
17 route-miles attributable to all areas.
18 An urbanized area with a population
19 of at least 750,000 in which com-
20 muter rail transportation is provided
21 shall receive at least .75 percent of
22 the total amount apportioned under
23 this subclause.

24 “(ii) 4.39 percent of the total amount
25 apportioned under this clause shall be ap-

1 portioned so that each urbanized area with
2 a population of at least 200,000 is entitled
3 to receive an amount equal to—

4 “(I) the number of fixed guide-
5 way vehicle passenger-miles traveled
6 multiplied by the number of fixed
7 guideway vehicle passenger-miles trav-
8 eled for each dollar of operating cost
9 in an area; divided by

10 “(II) the total number of fixed
11 guideway vehicle passenger-miles trav-
12 eled multiplied by the total number of
13 fixed guideway vehicle passenger-miles
14 traveled for each dollar of operating
15 cost in all areas. An urbanized area
16 with a population of at least 750,000
17 in which commuter rail transportation
18 is provided shall receive at least .75
19 percent of the total amount appor-
20 tioned under this subclause.

21 “(iii) Under clause (i) of this clause,
22 fixed guideway revenue vehicle- or route-
23 miles, and passengers served on those
24 miles, in an urbanized area with a popu-
25 lation of less than 200,000, where the

1 miles and passengers served otherwise
2 would be attributable to an urbanized area
3 with a population of at least 1,000,000 in
4 an adjacent State, are attributable to the
5 governmental authority in the State in
6 which the urbanized area with a population
7 of less than 200,000 is located. The au-
8 thority is deemed an urbanized area with a
9 population of at least 200,000 if the au-
10 thority makes a contract for the service.

11 “(iv) A recipient’s apportionment
12 under paragraph (1)(A) of this subsection
13 may not be reduced if the recipient, after
14 satisfying the Secretary of Transportation
15 that energy or operating efficiencies would
16 be achieved, reduces revenue vehicle-miles
17 but provides the same frequency of revenue
18 service to the same number of riders.

19 “(2) BASED ON BUS REVENUE VEHICLE-MILES
20 AND PASSENGER MILES.—Of the amount appor-
21 tioned under subsection (a)(3) of this section, 66.71
22 percent shall be apportioned as follows:

23 “(A) 90.8 percent of the total amount ap-
24 portioned under this subparagraph shall be ap-
25 portioned as follows:

1 “(i) 73.39 percent of the 90.8 percent
2 apportioned under this clause shall be ap-
3 portioned so that each urbanized area with
4 a population of at least 1,000,000 is enti-
5 tled to receive an amount equal to—

6 “(I) 50 percent of the 73.39 per-
7 cent apportioned under this subclause
8 multiplied by a ratio equal to the total
9 bus revenue vehicle-miles operated in
10 or directly serving the urbanized area
11 divided by the total bus revenue vehi-
12 cle-miles attributable to all areas;

13 “(II) 25 percent of the 73.39
14 percent apportioned under this sub-
15 clause multiplied by a ratio equal to
16 the population of the area divided by
17 the total population of all areas, as
18 shown by the latest Government cen-
19 sus; and

20 “(III) 25 percent of the 73.39
21 percent apportioned under this sub-
22 clause multiplied by a ratio for the
23 area based on population weighted by
24 a factor, established by the Secretary

1 of Transportation, of the number of
2 inhabitants in each square mile.

3 “(ii) 26.61 percent of the 90.8 percent
4 apportioned under this clause shall be ap-
5 portioned so that each urbanized area with
6 a population of at least 200,000 but not
7 more than 999,999 is entitled to receive an
8 amount equal to—

9 “(I) 50 percent of the 26.61 per-
10 cent apportioned under this subclause
11 multiplied by a ratio equal to the total
12 bus revenue vehicle-miles operated in
13 or directly serving the urbanized area
14 divided by the total bus revenue vehi-
15 cle-miles attributable to all areas;

16 “(II) 25 percent of the 26.61
17 percent apportioned under this sub-
18 clause multiplied by a ratio equal to
19 the population of the area divided by
20 the total population of all areas, as
21 shown by the latest Government cen-
22 sus; and

23 “(III) 25 percent of the 26.61
24 percent apportioned under this sub-
25 clause multiplied by a ratio for the

1 area based on population weighted by
2 a factor, established by the Secretary
3 of Transportation, of the number of
4 inhabitants in each square mile.

5 “(iii) 9.2 percent of the total amount
6 apportioned under this paragraph shall be
7 apportioned so that each urbanized area
8 with a population of at least 200,000 is en-
9 titled to receive an amount equal to—

10 “(I) the number of bus pas-
11 senger-miles traveled multiplied by the
12 number of bus passenger-miles trav-
13 eled for each dollar of operating cost
14 in an area; divided by

15 “(II) the total number of bus
16 passenger-miles traveled multiplied by
17 the total number of bus passenger-
18 miles traveled for each dollar of oper-
19 ating cost in all areas.

20 “(f) OPERATING ASSISTANCE.—For areas less than
21 200,000 in population, an amount apportioned under this
22 subsection may be used for operating assistance.”.

23 (c) Section 5336 is further amended—

24 (1) by striking subsections (j) and (k); and

(2) by redesignating existing subsections (e) through (i) as subsections (g) through (k), respectively.

4 (d) The first sentence of redesignated section 5336(i)
5 is amended—

6 (1) by striking “subsection (a)(1)” and insert-
7 ing “subsection (a)(2)”; and

8 (2) by inserting “5310(b) or” after “State
9 under section”.

(e) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5336 and inserting the following:

“5336. Urbanized area formula grants.”

13 SEC. 3035. APPORTIONMENT OF APPROPRIATIONS FOR
14 FIXED GUIDEWAY MODERNIZATION.

15 (a) Title 49 is amended by striking section 5337.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5337.

19 **SEC. 3036. AUTHORIZATIONS.**

20 Title 49 is amended by striking section 5338 and in-
21 serting the following:

22 “§ 5338. Authorizations

23 “(a) FORMULA PROGRAMS.—Not more than the fol-
24 lowing amounts are available from the Mass Transit Ac-
25 count of the Highway Trust Fund for the Secretary to

1 carry out sections 5307, 5310, 5311, and 5320 of this
2 title:

3 “(1) \$3,970,500,000 for each fiscal year ending
4 September 30, 1998–2002.

5 “(2) \$4,077,704,000 for the fiscal year ending
6 September 30, 2003.

7 “(b) MAJOR CAPITAL INVESTMENTS.—Not more
8 than the following amounts are available from the Account
9 for the Secretary to carry out section 5309 of this title:

10 “(1) \$800,000,000 for the fiscal year ending
11 September 30, 1998.

12 “(2) \$950,000,000 for the fiscal year ending
13 September 30, 1999.

14 “(3) \$1,000,000,000 for each fiscal year ending
15 September 30, 2000–2002.

16 “(4) \$1,026,000,000 for the fiscal year ending
17 September 30, 2003.

18 “(c) METROPOLITAN PLANNING.—Not more than the
19 following amounts may be appropriated from the Account
20 to the Secretary to carry out sections 5303–5305 of this
21 title:

22 “(1) \$39,500,000 for each fiscal year ending
23 September 30, 1998–2002.

24 “(2) \$40,527,000 for the fiscal year ending
25 September 30, 2003.

1 “(d) STATEWIDE PLANNING.—Not more than the fol-
2 lowing amounts may be appropriated from the account to
3 the Secretary to carry out section 5306 of this title:

4 “(1) \$8,250,000 for each fiscal year ending
5 September 30, 1998–2002.

6 “(2) \$8,465,000 for the fiscal year ending Sep-
7 tember 30, 2003.

8 “(e) NATIONAL TRANSIT RESEARCH.—Not more
9 than the following amounts may be appropriated from the
10 Account to the Secretary to carry out section 5312 of this
11 title:

12 “(1) \$38,050,000 for each fiscal year ending
13 September 30, 1998–2002.

14 “(2) \$39,039,000 for the fiscal year ending
15 September 30, 2003.

16 “(f) UNIVERSITY TRANSPORTATION CENTERS.—Not
17 more than the following amounts may be appropriated
18 from the Account to the Secretary to carry out chapter
19 52 of this title:

20 “(1) \$6,000,000 for each fiscal year ending
21 September 30, 1998–2002.

22 “(2) \$6,156,000 for the fiscal year ending Sep-
23 tember 30, 2003.

24 “(g) ADMINISTRATIVE EXPENSES.—Such sums as
25 necessary may be appropriated from the Account to the

1 Secretary for administrative expenses to carry out sections
2 5334 (a) and (c)–(f) of this title.

3 “(h) GRANTS AS CONTRACTUAL OBLIGATIONS.—(1)
4 A grant or contract approved by the Secretary, that is fi-
5 nanced with amounts made available under subsections (a)
6 and (b) of this section, is a contractual obligation of the
7 United States Government to pay the Government’s share
8 of the cost of the project.

9 “(2) A grant or contract, approved by the Secretary,
10 that is financed with amounts made available under sub-
11 sections (c)–(e) of this section, is a contractual obligation
12 of the United States Government to pay the Government’s
13 share of the cost of the project only to the extent amounts
14 are provided in advance in an appropriations law.

15 “(i) AVAILABILITY.—Amounts made available or ap-
16 propriated under subsections (a)–(f) of this section shall
17 remain available until expended.

18 “(j) TRANSFER OF PRIOR YEAR FUNDS REMAINING
19 AVAILABLE.—Notwithstanding any other provision of law,
20 any funds appropriated under this chapter may be trans-
21 ferred to and administered under the most recent appro-
22 priation heading for the same purpose.”.

1 **SEC. 3037. WASHINGTON METROPOLITAN AREA TRANSIT**

2 **AUTHORITY.**

3 (a) Section 17 of the National Capital Transportation
4 Act of 1969 (Public Law 91–143; 83 Stat. 320) as added
5 by the National Capital Transportation Amendments
6 of 1990 (Public Law 101–551; 104 Stat. 2733) is
7 amended—

8 (1) in subsection (c) by striking
9 “\$1,300,000,000” and inserting “\$1,049,700,000”;

10 (2) by striking “8” and inserting “6”; and

11 (3) by inserting the following subsection after
12 subsection (c):

13 “(d) In addition to the amounts authorized under
14 subsection (c) of this section, there is authorized to be ap-
15 propriated to the Secretary of Transportation for the pur-
16 pose of making grants to complete the Adopted Regional
17 System as provided in subsection (a) of this section from
18 the Mass Transit Account of the Highway Trust Fund the
19 following amounts:

20 “(1) \$200,000,000 in the fiscal year ending on
21 September 30, 1998; and

22 “(2) \$50,300,000 in the fiscal year ending on
23 September 30, 1999.”.

1 **TITLE IV—MOTOR CARRIER SAFETY**

2 **SEC. 4001. STATE GRANTS AND OTHER COMMERCIAL**
3 **MOTOR VEHICLE PROGRAMS.**

4 (a) OBJECTIVES.—Section 31101 of title 49, United
5 States Code, is amended—

6 (1) by inserting a new subsection at the begin-
7 ning to read as follows:

8 “(a) OBJECTIVES.—The primary objective of this
9 subchapter is to improve commercial motor vehicle and
10 driver safety. The provisions in this subchapter are in-
11 tended to facilitate efforts by the Secretary, States, and
12 other political jurisdictions, working in partnership, to
13 focus their resources on strategic safety investments, to
14 increase administrative flexibility, to strengthen enforce-
15 ment activities, to invest in activities related to areas of
16 the greatest crash reduction, to identify high risk carriers,
17 and to improve information and analysis systems. This
18 subchapter provides funding to ensure that the Secretary,
19 States, and other political jurisdictions establish program
20 baselines and benchmarks to evaluate overall motor carrier
21 safety program effectiveness. Other activities eligible for
22 funding include enforcement of motor carrier safety regu-
23 lations, analytic activities, operations of motor carrier and
24 driver information systems, and improvements to driver

1 programs. Such activities will provide the means necessary
2 to—

3 “(1) reduce motor carrier crashes and promote
4 safe commercial vehicle operations of for-hire and
5 private carriage as well as passenger and hazardous
6 materials transportation;

7 “(2) develop and continue to enforce effective,
8 compatible, and cost-beneficial commercial motor ve-
9 hicle safety regulations and practices as well as em-
10 phasize enforcement of State and local traffic safety
11 laws and regulations;

12 “(3) develop comprehensive motor carrier safety
13 programs and projects to advance technologies and
14 operational practices, information systems, and data
15 which support a safe, efficient, and economical
16 transportation system;

17 “(4) ensure continued improvement in driver
18 performance and meet the objectives of the Nation’s
19 drug and alcohol requirements;

20 “(5) ensure the appropriate level of training;
21 and

22 “(6) assess Statewide program performance and
23 compliance activities by implementing improved
24 problem identification and planning, setting program
25 outcome goals, designing appropriate performance

1 standards, measures and benchmarks, improving
 2 performance information, and monitoring program
 3 activities.”;

4 (2) in the preexisting provision, by inserting a
 5 subsection heading before “In this subchapter” to
 6 read as follows:

7 “(b) DEFINITIONS.—”; and

8 (3) by revising the section heading to read as
 9 follows:

10 **“§ 31101. Objectives; definitions”**

11 (b) PERFORMANCE-BASED GRANTS.—Section 31102
 12 of such title is amended—

13 (1) in subsection (a), by inserting after “pro-
 14 grams for” the following: “improving motor carrier
 15 safety and”; and

16 (2) in the first sentence of paragraph (b)(1), by
 17 striking “adopt and assume responsibility for enforce-
 18 ing” and inserting “assume responsibility for im-
 19 proving motor carrier safety and to adopt and en-
 20 force”.

21 (c) HAZARDOUS MATERIALS.—Section 31102 of such
 22 title is amended—

23 (1) in subsection (a), by inserting “, hazardous
 24 materials transportation safety,” after “commercial
 25 motor vehicle safety”; and

1 (2) in the first sentence of subsection (b), by in-
2 serting “, hazardous materials transportation safe-
3 ty,” after “commercial motor vehicle safety”.

4 (d) CONTENTS OF STATE PLANS.—Section
5 31102(b)(1) of such title is amended—

6 (1) in subparagraph (J), by inserting “(1)”
7 after “(c)”;

8 (2) by revising subparagraph (K) to read as fol-
9 lows:

10 “(K) ensures consistent, effective, and rea-
11 sonable sanctions;”;

12 (3) by revising subparagraph (L) to read as fol-
13 lows:

14 “(L) ensures that the State agency will co-
15 ordinate the plan, data collection, and informa-
16 tion systems with the State highway safety pro-
17 grams under title 23 ”;

18 (4) by revising subparagraph (M) to read as
19 follows:

20 “(M) ensures participation in
21 SAFETYNET by all jurisdictions receiving
22 funding;”;

23 (5) by striking subparagraph (N);

24 (6) in subparagraph (O)—

1 (A) by inserting after “activities” the fol-
2 lowing: “in support of national priorities and
3 performance goals including”;

4 (B) in clause (i), by striking “to remove”
5 and inserting the following: “activities aimed at
6 removing”;

7 (C) in clause (ii)—

8 (i) by striking “to provide” and in-
9 serting the following: “activities aimed at
10 providing”; and

11 (ii) by inserting at the end the follow-
12 ing: “and”;

13 (D) by striking (iii) and (iv); and

14 (E) by inserting the following new clause
15 at the end of subparagraph (O):

16 “(iii) interdiction activities affecting
17 the transportation of controlled substances
18 by commercial motor vehicle drivers and
19 training on appropriate strategies for car-
20 rying out those interdiction activities.”;

21 (7) by striking subparagraph (P) and redesign-
22 ating subparagraph (Q) as subparagraph (P);

23 (8) by redesignating subparagraphs (A) through
24 (M) as (B) through (N), respectively; and

1 (9) by inserting a new subparagraph (A) to
2 read as follows:

3 “(A) implements performance-based activi-
4 ties by fiscal year 2003;”.

5 (e) UNITED STATES GOVERNMENT’S SHARE OF
6 COSTS.—Section 31103 of such title is amended—

7 (1) by inserting at the beginning the following
8 new heading:

9 “(a) COMMERCIAL MOTOR VEHICLE SAFETY PRO-
10 GRAMS AND ENFORCEMENT.—”;

11 (2) in the first sentence, by adding “improve
12 commercial motor vehicle safety and” before “en-
13 force”; and

14 (3) by adding at the end the following new sub-
15 section:

16 “(b) OTHER ACTIVITIES.—The Secretary may reim-
17 burse State agencies, local governments, or other persons
18 up to 100 percent for those activities identified in
19 31104(f)(2).”.

20 (f) AVAILABILITY OF AMOUNTS.—Section 31104 of
21 such title is amended—

22 (1) in paragraph (a)(1)—

23 (A) by striking “\$76,000,000” and insert-
24 ing “\$83,000,000” and

1 (B) by striking “1993” and inserting
2 “1998”;

3 (2) in paragraph (a)(2)—

4 (A) by striking “\$80,000,000” and insert-
5 ing “\$83,000,000” and

6 (B) by striking “1994” and inserting
7 “1999”;

8 (3) in paragraph (a)(3), by striking “1995”
9 and inserting “2000”;

10 (4) in paragraph (a)(4)—

11 (A) by striking “\$85,000,000” and insert-
12 ing “\$83,000,000” and

13 (B) by striking “1996” and inserting
14 “2001”;

15 (5) in paragraph (a)(5)—

16 (A) by striking “\$90,000,000” and insert-
17 ing “\$83,000,000” and

18 (B) by striking “1997” and inserting
19 “2002”; and

20 (6) by adding the following new paragraph to
21 the end—

22 “(6) not more than \$83,000,000 for the fiscal
23 year ending September 30, 2003.”

24 (7) in paragraph (b)(2)—

1 (A) by striking “404(a)(2)” and inserting
2 “4002(e)(1) and (2)”;

3 (B) by striking “Surface Transportation
4 Assistance Act of 1982” and inserting “Inter-
5 modal Surface Transportation Efficiency Act of
6 1991”;

7 (C) by striking “1991” and inserting
8 “1996”; and

9 (D) by striking “1992” and inserting
10 “1997”;

11 (8) by revising subsection (f) to read as follows:

12 “(f) ALLOCATION CRITERIA AND ELIGIBILITY.—(1)
13 On October 1 of each fiscal year or as soon after that
14 date as practicable, the Secretary, after making the deduc-
15 tion described in subsection (e) of this section, shall allo-
16 cate, under criteria the Secretary prescribes through regu-
17 lation, the amounts available for that fiscal year among
18 the States with plans approved under section 31102 of
19 this title.

20 “(2) However, the Secretary may designate up to 12
21 percent of such amounts to reimburse States for border
22 commercial motor vehicle safety programs and enforce-
23 ment and other high priority activities and projects. These
24 amounts may be allocated by the Secretary to State agen-
25 cies and local governments, that use trained and qualified

1 officers and employees, and to other persons, in coordina-
 2 tion with State motor vehicle safety agencies, for the im-
 3 provement of commercial motor vehicle safety.’;

4 (9) by striking subsection (g) and redesignating
 5 subsection (h) as subsection (g);

6 (10) in subsection (j), by striking “tolerance” in
 7 the first sentence;

8 (11) by striking subsection (i) and redesignat-
 9 ing subsection (j) as subsection (h).

10 (g) INFORMATION SYSTEMS AND STRATEGIC SAFETY
 11 INITIATIVES.—Section 31106 of such title is revised to
 12 read as follows:

13 **“§ 31106. information systems and strategic safety**
 14 **initiatives**

15 “(a) INFORMATION SYSTEMS.—

16 “(1) IN GENERAL.—The Secretary is authorized
 17 to establish motor carrier information systems and
 18 data analysis programs to support motor carrier reg-
 19 ulatory and enforcement activities required under
 20 this title. In cooperation with the States, the infor-
 21 mation systems shall be coordinated into a network
 22 providing identification of motor carriers and driv-
 23 ers, registration and licensing tracking, and motor
 24 carrier and driver safety performance. The Secretary
 25 shall develop and maintain data analysis capacity

1 and programs to provide the means to develop strat-
2 egies to address safety problems and to use data
3 analysis to measure the effectiveness of these strate-
4 gies and related programs; to determine the cost ef-
5 fectiveness of State and Federal safety compliance,
6 enforcement programs, and other countermeasures;
7 to evaluate the safety fitness of motor carriers and
8 drivers; to identify and collect necessary data; and to
9 adapt, improve, and incorporate other information
10 and information systems as deemed appropriate by
11 the Secretary.

12 “(2) COMMERCIAL VEHICLE INFORMATION SYS-
13 TEM.—

14 “(A) The Secretary may include as part of
15 the information system authorized under para-
16 graph (1), an information system, to be called
17 the Commercial Vehicle Information System, to
18 serve as a clearinghouse and repository of infor-
19 mation related to State registration and licens-
20 ing of commercial motor vehicles and the safety
21 system of the commercial motor vehicle reg-
22 istrants or the motor carriers operating the ve-
23 hicles. The Secretary may include in the system
24 information on the safety fitness of each of the
25 motor carriers and/or registrants and other in-

1 formation the Secretary considers appropriate,
2 including information on vehicle, driver, and
3 motor carrier safety performance.

4 “(B) The Secretary may prescribe tech-
5 nical and operational standards to ensure—

6 “(i) uniform, timely and accurate in-
7 formation collection and reporting by the
8 States necessary to carry out this system;

9 “(ii) uniform State and Federal proce-
10 dures and policies necessary to operate the
11 Commercial Vehicle Information System;
12 and

13 “(iii) the availability and reliability of
14 the information to the States and the Sec-
15 retary from the information system.

16 “(C) The system shall link the Federal
17 motor carrier safety systems with State driver
18 and commercial vehicle registration and licens-
19 ing systems, and shall be designed—

20 “(i) to enable a State, when issuing li-
21 cense plates or throughout the registration
22 period for a commercial motor vehicle, to
23 determine, through the use of the informa-
24 tion system, the safety fitness of the reg-
25 istrant or motor carrier;

1 “(ii) to allow a State to decide, in co-
2 operation with the Secretary, the types of
3 sanctions that may be imposed on the reg-
4 istrant or motor carrier, or the types of
5 conditions or limitations that may be im-
6 posed on the operations of the registrant
7 or motor carrier that will ensure the safety
8 fitness of the registrant or motor carrier;

9 “(iii) to monitor the safety fitness of
10 the registrant or motor carrier during the
11 registration period; and

12 “(iv) to require the State, as a condi-
13 tion of participation in the system, to im-
14 plement uniform policies, procedures, and
15 standards, and to possess or seek authority
16 to impose commercial motor vehicle reg-
17 istration sanctions on the basis of a Fed-
18 eral safety fitness determination.

19 “(D) Of the amounts available for expendi-
20 ture under this section, not more than
21 \$6,000,000 in each of fiscal years 1998, 1999,
22 2000, 2001, 2002, and 2003 may be made
23 available to carry out paragraph (a)(2) of this
24 section. The Secretary may authorize the oper-
25 ation of the information system by contract,

1 through an agreement with one or more States,
2 or by designating, after consultation with the
3 States, a third party that represents the inter-
4 ests of the States.

5 “(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY
6 PROGRAM.—The Secretary is authorized to establish a
7 program focusing on improving commercial motor vehicle
8 driver safety. The objectives of the program shall in-
9 clude—

10 “(1) enhancing the exchange of driver licensing
11 information among the States and among the
12 States, the Federal Government, and foreign coun-
13 tries;

14 “(2) providing information to the judicial sys-
15 tem on the commercial motor vehicle driver licensing
16 program; and

17 “(3) evaluating any aspect of driver perform-
18 ance and safety as deemed appropriate by the Sec-
19 retary.

20 “(c) COOPERATIVE AGREEMENTS, GRANTS, AND
21 CONTRACTS.—The Secretary may carry out this section
22 either independently or in cooperation with other Federal
23 departments, agencies, and instrumentalities, or by mak-
24 ing grants to and entering into contracts and cooperative

1 agreements with States, localities, associations, institu-
 2 tions, corporations (profit or nonprofit) or other persons.”.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
 4 31107 of such title is revised to read as follows:

5 **“§ 31107. Authorization of appropriations for infor-**
 6 **mation systems and strategic safety ini-**
 7 **tatives**

8 “(a) There shall be available from the Highway Trust
 9 Fund (other than the Mass Transit Account) for the Sec-
 10 retary to incur obligations to carry out section 31106 of
 11 this title the sum of \$17 million for each of the fiscal years
 12 1998, 1999, 2000, 2001, 2002, and 2003. The amounts
 13 made available under this subsection shall remain avail-
 14 able until expended.

15 “(b) CONTRACT AUTHORITY.—Approval by the Sec-
 16 retary of a grant under this section imposes upon the
 17 United States Government a contractual obligation for
 18 payment of the Government’s share of costs incurred in
 19 carrying out the objectives of the grant.”.

20 (i) SUBCHAPTER HEADING.—Subchapter I of chap-
 21 ter 311 of such title is amended by inserting in the sub-
 22 chapter heading after “GRANTS” the following: “AND
 23 OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS”.

24 (j) CONFORMING AMENDMENTS.—The analysis for
 25 Chapter 311 of such title is amended—

1 (1) by revising item 31106 to read as follows:

“31106. Information Systems and Strategic Safety Initiatives.”;

2 and

3 (2) by revising item 31107 to read as follows:

“31107. Authorization of Appropriations for Information Systems and Strategic Safety Initiatives.”.

4 **TITLE V—INFRASTRUCTURE CREDIT**

5 **ENHANCEMENT**

6 **SEC. 5001. SHORT TITLE.**

7 This title may be cited as the “Transportation Infra-
8 structure Credit Enhancement Act of 1997”.

9 **SEC. 5002. FINDINGS.**

10 Congress finds that—

11 (a) The economic vitality of the Nation and the
12 quality of life of its citizens depend upon continued
13 investment in surface transportation infrastructure
14 for the movement of both people and goods.

15 (b) The Nation’s needs to maintain, recon-
16 struct, and provide additional transportation infra-
17 structure investment in both rural and urban areas
18 exceed available resources under traditional pro-
19 grams.

20 (c) While recent Federal initiatives have
21 equipped States with new financing tools, certain
22 large infrastructure projects of national significance
23 cannot be adequately funded through existing grant

1 programs or private capital markets and would bene-
2 fit from new forms of Federal assistance.

3 (d) A capital investment program for construct-
4 ing, reconstructing, and expanding transportation
5 infrastructure will create both direct and indirect
6 jobs.

7 (e) Investing in trade corridors will stimulate
8 exports and enhance the Nation's competitiveness in
9 the world economy.

10 (f) Providing new, innovative ways to finance
11 transportation infrastructure will leverage limited
12 Federal resources and meet critical investment
13 needs.

14 (g) Fostering public-private partnerships will
15 attract private capital, advance necessary projects
16 through the development stage, control costs during
17 construction, and improve the management of trans-
18 portation facilities.

19 (h) Taking advantage of the public's willingness
20 to pay user fees to receive the benefits and services
21 of transportation infrastructure sooner than would
22 be possible under traditional grant-based financing
23 will result in a more efficient and equitable alloca-
24 tion of the Nation's resources.

1 **SEC. 5003. DEFINITIONS.**

2 As used in this title, unless the context requires oth-
3 erwise—

4 (a) The term “Eligible Project Costs” means all
5 amounts funded with proceeds of Project Obliga-
6 tions, including—

7 (1) development phase activities, including
8 planning, feasibility analysis, environmental re-
9 view, permitting, preliminary engineering and
10 design work, and other pre-construction activi-
11 ties;

12 (2) construction, reconstruction, rehabilita-
13 tion, replacement, and acquisition of real prop-
14 erty, and the acquisition of equipment; and

15 (3) interest costs, reasonably required re-
16 serve funds, and issuance expenses.

17 (b) The term “Project” means any surface
18 transportation facility eligible for Federal assistance
19 under title 23 or chapter 53 of title 49, United
20 States Code.

21 (c) The term “Project Obligation” means any
22 note, bond, debenture, or other evidence of indebted-
23 ness issued by a Project Sponsor in connection with
24 the financing of a Project under this title.

25 (d) The term “Project Sponsor” means any
26 party primarily liable for payment of the principal of

1 or interest on any Project Obligation under this
2 title, whether a corporation, partnership, joint ven-
3 ture, trust, or governmental entity or instrumental-
4 ity; provided that if such entity is not a State or
5 local government or any agency thereof, the project
6 it is undertaking shall be publicly owned and shall
7 be publicly sponsored as provided in paragraphs
8 5004(a) (3) and (4) of this title.

9 (e) The term “Revenue Stabilization Fund”
10 means a reserve account established by a Project
11 Sponsor for the payment of principal of or interest
12 on Project Obligations.

13 (f) The term “Secretary” means the Secretary
14 of Transportation.

15 (g) The term “State” shall have the meaning
16 such term has in 23 U.S.C. 101.

17 **SEC. 5004. DETERMINATION OF ELIGIBILITY AND PROJECT**
18 **SELECTION.**

19 (a) ELIGIBILITY.—For a Project to receive financial
20 assistance under this title, it must meet the following cri-
21 teria.

22 (1) The Secretary shall determine that the
23 Project is nationally significant, based on the extent
24 to which the Project will transport passengers or
25 freight at lower costs or higher efficiency, will ad-

1 vance multi-state corridors, will otherwise promote
2 metropolitan, regional, interstate, or international
3 commerce, or other factors. Single-State projects
4 shall be eligible only if such projects would generate
5 benefits beyond the State's borders.

6 (2) The Project sponsor shall demonstrate to
7 the Secretary that the Project cannot otherwise ob-
8 tain adequate financing on reasonable terms and
9 conditions.

10 (3) The Project shall satisfy the applicable
11 Statewide planning requirements of 23 U.S.C. 135
12 and the metropolitan planning requirements of 23
13 U.S.C. 134 at the time any deposit agreement is en-
14 tered into under this title.

15 (4) The Project application shall be submitted
16 to the Secretary by a State or local government, or
17 any agency thereof.

18 (5) Eligible Project Costs shall equal or exceed
19 the lesser of \$100,000,000 or 50 percent of the most
20 recent annual amount of Federal-aid highway funds
21 apportioned under title 23, United States Code, to
22 the State in which the Project is located.

23 (6) Project financing shall be payable in whole
24 or in part by user charges, such as tolls, or other
25 dedicated revenue sources.

1 (b) SELECTION AMONG ELIGIBLE PROJECTS.—The
2 Secretary shall establish criteria for selecting among
3 Projects that meet the eligibility criteria of subsection (a)
4 of this section. Such selection criteria shall include—

5 (1) the credit-worthiness of the Project;

6 (2) the extent to which assistance under this
7 title would foster innovative public-private partner-
8 ships and attract private capital investment;

9 (3) the extent to which public benefits would
10 exceed public costs;

11 (4) the likelihood that assistance under this
12 title would enable the Project to proceed at an ear-
13 lier date than would be the case otherwise; and

14 (5) the extent to which user fees will be col-
15 lected using new technologies that enhance the flow
16 of commerce.

17 (c) FEDERAL REQUIREMENTS.—All requirements of
18 titles 23 and 49, United States Code, shall apply to funds
19 made available under this title and Projects assisted with
20 such funds unless the Secretary determines that any such
21 requirement, other than 23 U.S.C. 113 and 114, and 49
22 U.S.C. 5333, is inconsistent with any provision of this
23 title. Nothing in this subsection shall affect any respon-
24 sibility or obligation of the Secretary under any other Fed-
25 eral law, including the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.), title VI of the Civil
2 Rights Act of 1964 (42 U.S.C. 2000d et seq.), and the
3 Uniform Relocation Assistance and Land Acquisition Poli-
4 cies Act of 1970 (42 U.S.C. 4601 et seq.).

5 **SEC. 5005. REVENUE STABILIZATION FUNDS.**

6 (a) IN GENERAL.—The Secretary is authorized to
7 enter into agreements with one or more Project Sponsors
8 under which the Secretary shall make deposits, by means
9 of grants, to capitalize Revenue Stabilization Funds for
10 any Project selected under section 5004 of this title. Any
11 such Fund may also include contributions from State in-
12 frastructure banks, established under section 350 of the
13 National Highway System Designation Act of 1995 (Pub-
14 lic Law 104–59) or section 1022 of this Act, or other
15 sources. Any such Fund shall be available to pay debt
16 service costs on Project Obligations in accordance with
17 subsection (b) of this section.

18 (b) TERMS AND LIMITATIONS.—

19 (1) A deposit agreement under this section shall
20 be on such terms and conditions (including require-
21 ments for audits) as the Secretary determines.

22 (2) A Revenue Stabilization Fund under this
23 section shall be used to secure junior lien or other
24 Project Obligations, as determined by the Secretary.

1 (3) Utilization of a Revenue Stabilization Fund
2 under this title shall not render Project Obligations
3 federally guaranteed for the purposes of subsection
4 149(b) of title 26, United States Code.

5 (4) Funds contributed to any Revenue Sta-
6 bilization Fund shall be invested in United States
7 Treasury securities, bank deposits, or such other fi-
8 nancing instruments as the Secretary may approve
9 to earn interest to enhance the fund.

10 (5) Any interest earned on funds contributed to
11 any Revenue Stabilization Fund shall be credited to
12 such Fund.

13 (6) Five years after the Project becomes oper-
14 ational, amounts in the Revenue Stabilization Fund
15 in excess of the level needed to secure Project Obli-
16 gations may be applied by the Project Sponsor to
17 other Eligible Project Costs, as approved by the Sec-
18 retary.

19 (7) The total amount of a deposit shall be not
20 more than 20 percent of Eligible Project Costs.

21 (8) No third party creditor of the Project Spon-
22 sor shall have any right against the Federal Govern-
23 ment with respect to any deposit.

1 (c) CONSULTATION.—The Secretary shall consult
 2 with the Secretary of the Treasury in implementing this
 3 section.

4 **SEC. 5006. RULES AND REGULATIONS.**

5 The Secretary is authorized to make such rules and
 6 regulations as deemed necessary or appropriate to carry
 7 out the purposes and provisions of this title.

8 **SEC. 5007. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated from the
 10 Highway Trust Fund (other than the Mass Transit Ac-
 11 count) \$100,000,000 for each of fiscal years 1998, 1999,
 12 2000, 2001, 2002, and 2003 to carry out the provisions
 13 of this title, to remain available until expended.

14 **TITLE VI—RESEARCH**

15 **PART A—PROGRAMS AND ACTIVITIES**

16 **SEC. 6001. TRANSPORTATION RESEARCH AND DEVELOP-**
 17 **MENT.**

18 Subtitle III of title 49, United States Code, is amend-
 19 ed by adding a new chapter 52 to read as follows:

“CHAPTER 52—RESEARCH AND DEVELOPMENT

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

“Sec.

“5201. Transactional authority.

“5202. Reliance on competition.

“5203. Authorizations.

“SUBCHAPTER II—PLANNING

“5221. Planning.

“5222. Implementation.

“SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND
DEVELOPMENT PROGRAMS

“5231. Intermodal transportation research and development program.

“SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

“5241.—National university transportation centers.

1 **“SUBCHAPTER I—GENERAL AND**
2 **ADMINISTRATIVE**

3 **“§ 5201. Transactional authority**

4 “To carry out this chapter, the Secretary of Trans-
5 portation may enter into contracts, grants, cooperative
6 agreements, and other transactions with any person, agen-
7 cy, or instrumentality of the United States, any unit of
8 State or local government, any educational institution, and
9 any other entity to further the objectives of this chapter.

10 **“§ 5202. Reliance on competition**

11 “The Secretary of Transportation may award grants
12 or contracts to university transportation centers estab-
13 lished through competition under section 5241 of this title
14 without further competition. A noncompetitive award au-
15 thorized by this section must be for transportation re-
16 search, development, education or training consistent with
17 the strategic plan approved as part of the selection process
18 for the center.

19 **“§ 5203. Authorizations**

20 “(a) There is available from the Highway Trust
21 Fund, other than the Mass Transit Account, for the Sec-
22 retary of Transportation \$10,000,000 for fiscal year 1998,

1 \$15,000,000 for fiscal year 1999, \$20,000,000 for fiscal
2 year 2000, \$25,000,000 for fiscal year 2001, \$30,000,000
3 for fiscal year 2002, and \$35,000,000 for fiscal year 2003,
4 to carry out subchapters II and III of this chapter.

5 “(b) CONTRACT AUTHORITY AND AVAILABILITY OF
6 FUNDS.—Funds authorized by this section shall be avail-
7 able for obligation in the same manner as if such funds
8 were apportioned under chapter 1 of title 23, United
9 States Code; except that any Federal share of the cost
10 of any activity under subchapters II and III of this chap-
11 ter shall be in accordance with the provision of those sub-
12 chapters, and such funds shall remain available for obliga-
13 tion for a period of two years after the last day of the
14 fiscal year for which such funds are authorized.

15 **“SUBCHAPTER II—PLANNING**

16 **“§ 5221. Planning**

17 “(a) AUTHORITY.—The Secretary of Transportation
18 shall establish a strategic planning process to determine
19 national transportation research and technology priorities,
20 coordinate Federal transportation research and technology
21 activities, and measure the impact of these research and
22 technology investments on the performance of the national
23 transportation system.

1 “(b) CRITERIA.—In developing strategic plans for
2 intermodal, multimodal, and modal research and tech-
3 nology, the Secretary shall consider the need to:

4 “(1) Coordinate and link Federal, regional,
5 state, and metropolitan planning activities;

6 “(2) Ensure that standard-setting in transpor-
7 tation is compatible with the concept of a seamless
8 transportation system;

9 “(3) Encourage innovation;

10 “(4) Identify and facilitate initiatives and part-
11 nerships to deploy advanced technology with the po-
12 tential for improving transportation systems over ten
13 years;

14 “(5) Identify core research to support the Na-
15 tion’s long-term transportation technology and sys-
16 tem needs, including safety;

17 “(6) Ensure the Nation’s ability to compete on
18 a global basis; and

19 “(7) Provide a means of assessing the impact of
20 Federal research and technology investments on the
21 performance of the Nation’s transportation system.

22 **“§ 5222. Implementation**

23 “In implementing section 5221, the Secretary of
24 Transportation shall adopt such policies and procedures
25 as appropriate—

1 “(1) to provide for consultation among the Ad-
2 ministrators of the operating administrations of the
3 Department and other Federal officials with respon-
4 sibility for research important to national transpor-
5 tation needs;

6 “(2) to promote the maximum exchange of in-
7 formation on transportation-related research and de-
8 velopment activities among the operating elements of
9 the Department, other Federal departments and
10 agencies, state and local governments, colleges and
11 universities, industry and other private and public
12 sector organizations engaged in such activities;

13 “(3) to ensure that the Department’s research
14 and development programs do not duplicate other
15 Federal research and development programs;

16 “(4) to ensure that the Department’s research
17 and development activities make appropriate use of
18 the talents, skills, and abilities residing at the Fed-
19 eral laboratories and leverage, to the extent prac-
20 tical, the research capabilities of institutions of high-
21 er education and private industry; and

22 “(5) to validate the scientific and technical as-
23 sumptions underlying the Department’s research
24 and technology plans.

1 **“SUBCHAPTER III—ADVANCED TRANS-**
2 **PORTATION RESEARCH AND DEVEL-**
3 **OPMENT PROGRAMS**

4 **“§ 5231. Intermodal transportation research and de-**
5 **velopment program**

6 “(a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish a program to be known as the ‘Inter-
8 modal Transportation Research and Development Pro-
9 gram’.

10 “(b) PURPOSES.—The purposes of the Intermodal
11 Transportation Research and Development Program are
12 to—

13 “(1) enhance the capabilities of Federal agen-
14 cies in meeting national transportation needs as de-
15 fined by their missions through support for basic
16 and applied research and development impacting the
17 various modes of transportation including research
18 and development in safety, security, mobility, energy
19 and environment, information and physical infra-
20 structure, and industrial design;

21 “(2) identify and apply innovative research per-
22 formed by the Government, academia and the pri-
23 vate sector to the intermodal and multimodal trans-
24 portation research, development, and deployment

1 needs of the Department and the Nation’s transpor-
 2 tation enterprise;

3 “(3) identify and leverage research, tech-
 4 nologies, and other information developed by the
 5 Government for national defense and non-defense
 6 purposes for the benefit of public, commercial and
 7 defense transportation sectors; and

8 “(4) share information, analytical and research
 9 capabilities among Federal, state and local govern-
 10 ments, colleges and universities, and private organi-
 11 zations to advance their transportation research, de-
 12 velopment and deployment needs.

13 **“SUBCHAPTER IV—PROFESSIONAL**
 14 **CAPACITY BUILDING**

15 **“§ 5241. National university transportation centers**

16 “(a) REGIONALLY-BASED CENTERS.—The Secretary
 17 of Transportation shall make grants to nonprofit institu-
 18 tions of higher learning to establish and operate one uni-
 19 versity transportation center in each of the ten (10)
 20 United States Government regions that comprise the
 21 Standard Federal Regional Boundary System.

22 “(b) OTHER CENTERS.—The Secretary may make
 23 grants to non-profit institutions of higher learning to es-
 24 tablish and operate up to ten other university transpor-
 25 tation centers to address transportation management, re-

1 search and development, with special attention to increas-
2 ing the number of highly skilled minority individuals and
3 women entering the transportation workforce; transpor-
4 tation and industrial productivity; rural transportation;
5 advanced transportation technology; international trans-
6 portation policy studies; transportation infrastructure
7 technology; urban transportation research; transportation
8 and the environment; surface transportation safety; or
9 such other national transportation issues designated by
10 the Secretary.

11 “(c) SELECTION CRITERIA.—A nonprofit institution
12 of higher learning interested in receiving a grant under
13 this section shall submit an application to the Secretary
14 in the way and containing the information the Secretary
15 prescribes. The Secretary shall select each recipient
16 through a competitive process on the basis of the follow-
17 ing:

18 “(1) for regionally-based centers, the location of
19 the center within the Federal Region to be served;

20 “(2) the demonstrated research and extension
21 resources available to the recipient to carry out this
22 section;

23 “(3) the capability of the recipient to provide
24 leadership in making national and regional contribu-

1 tions to the solution of immediate and long-range
2 transportation problems;

3 “(4) the recipient’s establishment of a surface
4 transportation program encompassing several modes
5 of transportation;

6 “(5) the recipient’s demonstrated commitment
7 of at least \$200,000 in regularly budgeted institu-
8 tional amounts each year to support ongoing trans-
9 portation research and education programs;

10 “(6) the recipient’s demonstrated ability to dis-
11 seminate results of transportation research and edu-
12 cation programs through a statewide or region-wide
13 continuing education program; and

14 “(7) the strategic plan the recipient proposes to
15 carry out under the grant.

16 “(d) OBJECTIVES.—Each university transportation
17 center shall conduct:

18 “(1) basic and applied research, the products of
19 which are judged by peers or other experts in the
20 field to advance the body of knowledge in transpor-
21 tation;

22 “(2) an education program that includes multi-
23 disciplinary course work and participation in re-
24 search; and

1 “(3) an ongoing program of technology transfer
2 that makes research results available to potential
3 users in a form that can be implemented, utilized or
4 otherwise applied.

5 “(e) MAINTENANCE OF EFFORT.—Before making a
6 grant under this section, the Secretary may require the
7 recipient to make an agreement with the Secretary to en-
8 sure that the recipient will maintain total expenditures
9 from all other sources to establish and operate a university
10 transportation center and related research activities at a
11 level at least equal to the average level of those expendi-
12 tures in its 2 fiscal years prior to award of a grant under
13 this section.

14 “(f) FEDERAL SHARE.—A grant under this section
15 is for 50 percent of the cost of establishing and operating
16 the university transportation center and related research
17 activities the recipient carries out. The non-Federal share
18 may include funds provided to a recipient under section
19 5307 or 5311 of this title.

20 “(g) PROGRAM COORDINATION.—The Secretary shall
21 provide for coordinating research, education, training, and
22 technology transfer activities that grant recipients carry
23 out under this section, the dissemination of the results of
24 the research, and the establishment and operation of a
25 clearinghouse. At least annually, the Secretary shall re-

1 view and evaluate programs the grant recipients carry out.
 2 The Secretary may use not more than one percent of
 3 amounts made available from Government sources to carry
 4 out this subsection.

5 “(h) AMOUNTS AVAILABLE FOR TECHNOLOGY
 6 TRANSFER ACTIVITIES.—At least 5 percent of the
 7 amounts made available to carry out this section in a fiscal
 8 year are available to carry out technology transfer activi-
 9 ties.

10 “(i) LIMITATION ON AVAILABILITY OF FUNDS.—
 11 Funds made available to carry out this program remain
 12 available for obligation for a period of two years after the
 13 last day of the fiscal year for which such funds are author-
 14 ized.”.

15 **SEC. 6002. BUREAU OF TRANSPORTATION STATISTICS.**

16 (a) Section 111 of title 49, United States Code, is
 17 amended—

18 (1) by striking the second sentence of para-
 19 graph (b)(4);

20 (2) in paragraph (c)(1)—

21 (A) by striking “and” in subparagraph (J);

22 (B) by striking the period and substituting
 23 “; and” in subparagraph (K); and

24 (C) by inserting the following new subpara-
 25 graph following subparagraph (K):

1 “(L) transportation-related variables influ-
2 encing global competitiveness.”;

3 (3) in paragraph (c)(2)—

4 (A) by striking “national transportation
5 system” in the first sentence and substituting
6 “nation’s transportation systems”;

7 (B) by amending subparagraph (A) to read
8 as follows:

9 “(A) be coordinated with efforts to meas-
10 ure outputs and outcomes of the Department of
11 Transportation and the nation’s transportation
12 systems under the Government Performance
13 and Results Act;” and

14 (C) by inserting “, made relevant to the
15 States and metropolitan planning organiza-
16 tions,” after “accuracy” in subparagraph (C);

17 (4) in paragraph (c)(3) by adding at the end of
18 the paragraph: “The Bureau shall review and report
19 to the Secretary of Transportation on the sources
20 and reliability of the statistics proposed by the
21 modal administrations to measure outputs and out-
22 comes as required by the Government Performance
23 and Results Act, and shall undertake such other re-
24 views of the sources and reliability of other data col-

1 lected by the modal administrations as shall be re-
 2 quested by the Secretary.”;

3 (5) by inserting at the end of the section of
 4 subsection (c) the following new paragraph:

5 “(7) SUPPORTING TRANSPORTATION DECISION
 6 MAKING.—Ensuring that the statistics compiled
 7 under paragraph (1) of this subsection are relevant
 8 for transportation decisions by Federal, State, and
 9 local governments, transportation-related associa-
 10 tions, private business, and consumers.”;

11 (6) by—

12 (A) redesignating subsections (d), (e) and
 13 (f) as subsections (h), (i) and (j), respectively;

14 (B) striking subsection (g); and

15 (C) adding the following new subsections:

16 “(d) INTERMODAL TRANSPORTATION DATA BASE.—
 17 The Director shall establish and maintain an Intermodal
 18 Transportation Data Base, in consultation with the As-
 19 sistant Secretaries and operating Administrations of the
 20 Department. This data base shall be suitable for analyses
 21 conducted by the Federal Government, the States, and
 22 metropolitan planning organizations. The data base shall
 23 include but not be limited to—

24 “(1) information on the volumes and patterns
 25 of movement of goods, including local, interregional,

1 and international movements, by all modes of trans-
2 portation and intermodal combinations, and by rel-
3 evant classification;

4 “(2) information on the volumes and patterns
5 of movement of people, including local, interregional,
6 and international movements, by all modes of trans-
7 portation and intermodal combinations, and by rel-
8 evant classification; and

9 “(3) information on the location and
10 connectivity of transportation facilities and services
11 and a national accounting of expenditures and cap-
12 ital stocks on each mode of transportation and inter-
13 modal combinations.

14 “(e) NATIONAL TRANSPORTATION LIBRARY.—The
15 Director shall establish and maintain the National Trans-
16 portation Library, containing a collection of statistical and
17 other information needed for transportation decision mak-
18 ing at the Federal, State, and local levels. The Bureau
19 shall facilitate and promote access to the Library, with
20 the goal of improving the ability of the transportation
21 community to share information and the Bureau to make
22 statistics readily accessible under paragraph (c)(5) of this
23 section. The Bureau shall work with other transportation
24 libraries and other transportation information providers,
25 both public and private, to achieve this goal.

1 “(f) NATIONAL TRANSPORTATION ATLAS DATA
2 BASE.—The Director shall develop and maintain geo-spa-
3 tial data bases depicting transportation networks; flows of
4 people, goods, vehicles, and craft over those networks; and
5 social, economic, and environmental conditions affecting
6 or affected by those networks. These data bases shall be
7 able to support intermodal network analysis.

8 “(g) RESEARCH AND DEVELOPMENT GRANTS.—The
9 Secretary may make grants to, or enter into cooperative
10 agreements or contracts with, public and nonprofit private
11 entities (including, but not limited to, State Departments
12 of Transportation, metropolitan planning organizations,
13 Transportation Research Centers, and universities) for—

14 “(1) the investigation of the subjects listed in
15 subsection (c)(1) of this section and for research and
16 development of new methods of data collection, man-
17 agement, integration, dissemination, interpretation,
18 and analysis;

19 “(2) development of electronic clearinghouses of
20 transportation data and related information, as part
21 of the National Transportation Library under sub-
22 section (e) of this section; and

23 “(3) development and improvement of methods
24 for sharing geographic data, in support of the Na-
25 tional Transportation Atlas Data Base under sub-

1 section (f) and the National Spatial Data Infrastruc-
2 ture.”;

3 (7) by amending subsection (i), as redesignated,
4 to read as follows:

5 “(i) PROHIBITION ON CERTAIN DISCLOSURES.—(1)

6 An officer or employee of the Bureau may not—

7 “(A) make any publication in which the data
8 furnished by a person under paragraph (c)(2) can be
9 identified;

10 “(B) use the information furnished under the
11 provisions of paragraph (c)(2) of this section for a
12 non-statistical purpose; or

13 “(C) permit anyone other than the individuals
14 authorized by the Director to examine individual re-
15 ports furnished under paragraph (c)(2) of this sec-
16 tion.

17 “(2) No department, bureau, agency, officer, or em-
18 ployee of the United States except the Director of the Bu-
19 reau of Transportation Statistics in carrying out the pur-
20 pose of this section, shall require, for any reason, copies
21 of reports which have been filed under paragraph (c)(2)
22 with the Bureau of Transportation Statistics or retained
23 by any individual respondent. Copies of such reports which
24 have been so retained or filed with the Bureau or any of
25 its employees, contractors, or agents shall be immune from

1 legal process, and shall not, without the consent of the
2 individual concerned, be admitted as evidence or used for
3 any purpose in any action, suit, or other judicial or admin-
4 istrative proceeding. This paragraph shall only apply to
5 individually identifiable data.

6 “(3) In a case in which the Bureau is authorized by
7 statute to collect data or information for nonstatistical
8 purposes, the Director shall clearly distinguish the collec-
9 tion of such data or information by rule and on the collec-
10 tion instrument to inform a respondent requested or re-
11 quired to supply the data or information of the nonstatis-
12 tical purposes.”;

13 (8) by striking “On or before January 1, 1994
14 and annually thereafter, the” and substituting
15 “The” in subsection (j), as redesignated; and

16 (9) by adding the following new subsections at
17 the end of the section:

18 “(k) DATA PRODUCT SALES PROCEEDS.—Notwith-
19 standing 31 U.S.C. 3302, funds received by the Bureau
20 of Transportation Statistics from the sale of data products
21 may be credited to the Highway Trust Fund (other than
22 the Mass Transit Account) for the purpose of reimbursing
23 the Bureau for such expenses.

24 “(l)(1) FUNDING.—There is authorized to be appro-
25 priated out of the Highway Trust Fund (other than the

1 Mass Transit Account), \$31,000,000 for each of fiscal
 2 years 1998, 1999, 2000, 2001, 2002 and 2003 to carry
 3 out this section provided that amounts for activities under
 4 subsection (g) of this section, may not exceed \$500,000
 5 per year. Amounts made available under this subsection
 6 shall remain available for a period of three years.

7 “(2) CONTRACT AUTHORITY.—Funds authorized by
 8 this subsection shall be available for obligation in the same
 9 manner as if such funds were apportioned under chapter
 10 1 of title 23, United States Code.”.

11 (b) CONFORMING AMENDMENT.—Section 5503 of
 12 title 49, United States Code, is amended by—

13 (1) repealing subsection (d); and

14 (2) redesignating subsections (e), (f), and (g) as
 15 (d), (e), and (f), respectively.

16 **SEC. 6003. RESEARCH AND TECHNOLOGY PROGRAM.**

17 (a) Section 307 of title 23, United States Code, is
 18 amended by revising subsections (a) and (b) to read as
 19 follows:

20 “(a) PREAMBLE, GENERAL AUTHORITY, AND COL-
 21 LABORATIVE AGREEMENTS.—

22 “(1) PREAMBLE.—Results of research, tech-
 23 nology transfer, studies, and activities have dem-
 24 onstrated that continued and increased efforts to
 25 provide for technical innovation must be a corner-

1 stone in the foundation as the transportation com-
2 munity moves into the next century. A strong Fed-
3 eral transportation research and technology program
4 is recognized as essential to ensure that innovation
5 is developed and incorporated into the multi-billion
6 dollar infrastructure program. Technology advance-
7 ment is essential to support the Nation's infrastruc-
8 ture needs and, in turn, its ability to continue to
9 participate successfully in a global marketplace and
10 economy.

11 “(2) AUTHORITY OF THE SECRETARY.—

12 “(A) IN GENERAL.—The Secretary shall
13 engage in research, development, and tech-
14 nology transfer activities with respect to motor
15 carrier transportation and all phases of highway
16 planning and development (including construc-
17 tion, operation, modernization, development, de-
18 sign, maintenance, safety, financing, and traffic
19 conditions) and the effect thereon of State laws
20 and may test, develop, or assist in testing and
21 developing any material, invention, patented ar-
22 ticle, or process.

23 “(B) COOPERATION, GRANTS, AND CON-
24 TRACTS.—The Secretary may carry out this
25 section either independently or in cooperation

1 with other Federal departments, agencies, and
2 instrumentalities or by making grants to, or en-
3 tering into contracts, cooperative agreements,
4 and other transactions with, the National Acad-
5 emy of Sciences, the American Association of
6 State Highway and Transportation Officials, or
7 any State agency, authority, association, insti-
8 tution, corporation (profit or nonprofit), organi-
9 zation, or person.

10 “(C) TECHNICAL INNOVATION.—The Sec-
11 retary shall develop and administer programs to
12 facilitate application of the products of research
13 and technical innovations that will improve the
14 safety, efficiency, and effectiveness of the high-
15 way system.

16 “(D) FUNDS.—

17 “(i) IN GENERAL.—Except where spe-
18 cifically noted otherwise in other sections
19 of chapter 3, the funds necessary to carry
20 out this subsection shall be taken by the
21 Secretary out of administrative funds de-
22 ducted pursuant to section 104(a) of this
23 title and such funds as may be deposited
24 by any cooperating organization or person
25 in a special account of the Treasury of the

1 United States established for such pur-
2 poses, and such funds shall remain avail-
3 able for obligation for a period of three
4 years after the last day of the fiscal year
5 for which the funds are authorized.

6 “(ii) USE OF FUNDS.—The Secretary
7 shall use funds available to carry out this
8 section to develop, administer, commu-
9 nicate, and achieve the use of products of
10 the research, development, and technology
11 transfer programs, and to otherwise inter-
12 act with partners and users in the plan-
13 ning and dissemination of results.

14 “(3) COLLABORATIVE RESEARCH AND DEVEL-
15 OPMENT.—

16 “(A) IN GENERAL.—For the purposes of
17 encouraging innovative solutions to surface
18 transportation problems and stimulating the
19 marketing of new technology by private indus-
20 try, the Secretary is authorized to undertake,
21 on a cost-shared basis, collaborative research
22 and development with non-Federal entities, in-
23 cluding State and local governments, foreign
24 governments, colleges and universities, corpora-
25 tions, institutions, partnerships, sole proprietor-

1 ships, and trade associations that are incor-
2 porated or established under the laws of any
3 State.

4 “(B) AGREEMENTS.—In carrying out this
5 paragraph, the Secretary may enter into cooper-
6 ative research and development agreements, as
7 such term is defined under section 12 of the
8 Stevenson-Wydler Technology Innovation Act of
9 1980 (15 U.S.C. 3710a).

10 “(C) FEDERAL SHARE.—The Federal
11 share payable on account of activities carried
12 out under a cooperative research and develop-
13 ment agreement entered into under this para-
14 graph shall not exceed 50 percent of the total
15 cost of such activities; except that, if there is
16 substantial public interest or benefit, the Sec-
17 retary may approve a higher Federal share. All
18 costs directly incurred by the non-Federal part-
19 ners, including personnel, travel, and hardware
20 development costs, shall be treated as part of
21 the non-Federal share of the cost of such activi-
22 ties for purposes of the preceding sentence.

23 “(D) UTILIZATION OF TECHNOLOGY.—The
24 research, development, or utilization of any
25 technology pursuant to a cooperative research

1 and development agreement entered into under
2 this paragraph, including the terms under
3 which the technology may be licensed and the
4 resulting royalties may be distributed, shall be
5 subject to the Stevenson-Wydler Technology In-
6 novation Act of 1980.

7 “(E) FUNDS.—The funds necessary to
8 carry out this paragraph shall be taken by the
9 Secretary out of administrative funds deducted
10 pursuant to section 104(a) of this title and such
11 funds as may be deposited by any cooperating
12 organization or person in a special account of
13 the Treasury of the United States established
14 for such purposes.

15 “(4) WAIVER OF ADVERTISING REQUIRE-
16 MENTS.—The provisions of section 3709 of the Re-
17 vised Statutes (41 U.S.C. 5) shall not be applicable
18 to contracts or agreements entered into under this
19 chapter.

20 “(b) MANDATORY CONTENTS OF PROGRAM.—The
21 Secretary shall include in the surface transportation re-
22 search, development, and technology transfer programs
23 under this subsection and as specified elsewhere in this
24 title—

1 “(1) a coordinated long-term program of re-
2 search for the development, use, and dissemination
3 of performance indicators to measure the perform-
4 ance of the surface transportation system of the
5 United States, including indicators for productivity,
6 efficiency, energy use, air quality, congestion, safety,
7 maintenance, and other factors which reflect the
8 overall performance of such system.

9 “(2) a program to strengthen and expand sur-
10 face transportation infrastructure research, develop-
11 ment, and technology transfer, including, as a mini-
12 mum, the following elements:

13 “(A) Methods and materials for improving
14 the durability of surface transportation infra-
15 structure facilities and extending the life of
16 bridge structures, including new and innovative
17 technologies to reduce corrosion.

18 “(B) Expansion of the Department of
19 Transportations’s inspection and mobile non-
20 destructive examination capabilities, including
21 consideration of the use of high energy field ra-
22 diography for more thorough and more frequent
23 inspection of bridge structures as well as added
24 support to State, local, and tribal highway de-
25 partments.

1 “(C) A research and development program
2 directed toward the reduction of costs associ-
3 ated with the construction of highways and
4 mass transit systems.

5 “(D) A surface transportation research
6 program to develop nondestructive evaluation
7 equipment for use with existing infrastructure
8 facilities and for next generation infrastructure
9 facilities that utilize advanced materials.

10 “(E) Information technology including ap-
11 propriate computer programs to collect and
12 analyze data on the status of the existing infra-
13 structure facilities for enhancing management,
14 growth, and capacity; and dynamic simulation
15 models of surface transportation systems for
16 predicting capacity, safety, and infrastructure
17 durability problems, for evaluating planned re-
18 search projects, and for testing the strengths
19 and weaknesses of proposed revisions in surface
20 transportation operations programs.

21 “(F) New innovative technologies to en-
22 hance and facilitate field construction and reha-
23 bilitation techniques for minimizing disruption
24 during repair and maintenance of existing
25 structures.

1 “(G) Initiatives to improve the Nation’s
2 ability to respond to emergencies and natural
3 disasters, and to enhance national defense mo-
4 bility.”.

5 (b) Section 307 of such title is further amended—

6 (1) by striking subsections (c), (d), (e), and (f);

7 (2) by redesignating (g) and (h) as (c) and (d),
8 respectively; and

9 (3) by revising subsections (c) and (d), as so re-
10 designated, to read as follows:

11 “(c) As used in this chapter the term ‘safety’ in-
12 cludes, but is not limited to, highway safety systems, re-
13 search, and development relating to vehicle, highway, and
14 driver characteristics, accident investigations, communica-
15 tions, emergency medical care, and transportation of the
16 injured.

17 “(d) The Secretary shall report to the Committee on
18 Environment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives in January 1999, and in Janu-
21 ary of every second year thereafter, estimates of the future
22 highway needs of the Nation. The biennial reports re-
23 quired under this subsection shall provide the means, in-
24 cluding all necessary information, to relate and compare

1 the conditions and service measures used in different years
2 when such measures are changed.”.

3 **SEC. 6004. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**
4 **TIVES.**

5 (a) IN GENERAL.—Chapter 3 of such title is amend-
6 ed—

7 (1) by striking sections 321 and 326; and

8 (2) by adding at the end the following new sec-
9 tion:

10 **“§ 326. National technology deployment initiatives**
11 **program**

12 “(a) ESTABLISHMENT.—The Secretary shall develop
13 and administer a National Technology Deployment Initia-
14 tives program for the purpose of significantly expanding
15 the adoption of innovative technologies by the surface
16 transportation community.

17 “(b) DEPLOYMENT GOALS.—The Secretary shall es-
18 tablish a limited number of goals for the program carried
19 out under this section. Each of the goals and the program
20 developed to achieve the goals shall be designed to provide
21 tangible benefits in the areas of transportation system effi-
22 ciency, safety, reliability, service life, environmental pro-
23 tection, and sustainability. For each of these goals, the
24 Secretary, in cooperation with representatives of the trans-
25 portation community such as the States, local government,

1 the private sector, and academia, shall access domestic
2 and international technology to develop strategies and ini-
3 tiatives to achieve the goal, including technical assistance
4 in deploying technology, and mechanisms for sharing in-
5 formation among program participants. Goals to be ad-
6 dressed may include:

7 “(1) Reduced delay and improved safety within
8 construction and maintenance work areas.

9 “(2) Extended life of the current infrastructure.

10 “(3) Increased system durability and life, in-
11 cluding applications of high performance materials.

12 “(4) Improved safety of driving at night and
13 other periods of reduced visibility.

14 “(5) Support and enhancement of the environ-
15 ment with use of innovative technologies.

16 “(6) Support of community-oriented transpor-
17 tation and sustainable development.

18 “(7) Minimized transportation system closures,
19 constraints, and delay caused by snow and ice.

20 “(c) REPORTING.—Not later than 18 months after
21 the date of the enactment of this section, and each 48
22 months thereafter, the Secretary shall transmit to the
23 Committee on Environment and Public Works of the Sen-
24 ate and the Committee on Transportation and Infrastruc-
25 ture of the House of Representatives a report on the

1 progress and results of activities carried out under this
2 section.

3 “(d) FUNDING.—There are authorized to be appro-
4 priated, out of the Highway Trust Fund (other than the
5 Mass Transit Account), \$56,000,000 for each of fiscal
6 years 1998, 1999, and 2000; and \$84,000,000 for each
7 of fiscal years 2001, 2002, and 2003 to carry out this
8 section. Where appropriate to achieve the goals outlined
9 above, the Secretary may further allocate such funds to
10 States for their use.

11 “(e) LEVERAGING OF RESOURCES.—The Secretary
12 shall give preference to projects that leverage Federal
13 funds against significant resources from other sources,
14 public or private.

15 “(f) CONTRACT AUTHORITY.—Funds authorized by
16 this subsection shall be available for obligation in the same
17 manner as if such funds were apportioned under chapter
18 1 of title 23, United States Code; except that the Federal
19 share of the cost of any activity under this section shall
20 be determined by the Secretary and such funds shall re-
21 main available for obligation for a period of 3 years after
22 the last day of the fiscal year for which the funds are au-
23 thorized. After providing notice and an opportunity for
24 comment, the Secretary may waive, in whole or in part,
25 application of any provision of title 23 of the United

1 States Code, if the Secretary determines that such waiver
 2 is not contrary to the public interest and will advance the
 3 technology deployment nationwide. Any waiver under this
 4 section shall be published in the Federal Register, together
 5 with reasons for such waiver.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
 7 chapter 3 of such title is amended—

8 (1) by striking—

“321. National Highway Institute.”;

9 (2) by striking—

“326. Education and training program.”

10 and inserting—

“326. National technology deployment initiatives program.”.

11 **SEC. 6005. PROFESSIONAL CAPACITY BUILDING AND TECH-**
 12 **NOLOGY PARTNERSHIPS.**

13 (a) Chapter 3 of such title is further amended by add-
 14 ing at the end the following new section:

15 **“§ 327. Professional capacity building and technology**
 16 **partnerships**

17 “(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

18 “(1) AUTHORITY.—The Secretary shall carry
 19 out a transportation assistance program that will
 20 provide access to modern highway technology to—

21 “(A) highway and transportation agencies
 22 in urbanized areas of 50,000 to 1,000,000 pop-
 23 ulation;

1 “(B) highway and transportation agencies
2 in rural areas; and

3 “(C) contractors doing work for such agen-
4 cies.

5 “(2) GRANTS, COOPERATIVE AGREEMENTS AND
6 CONTRACTS.—The Secretary may make grants and
7 enter into cooperative agreements and contracts for
8 education and training, technical assistance, and re-
9 lated support service that will—

10 “(A) assist rural, local transportation
11 agencies and tribal governments, and the con-
12 sultants and construction personnel working for
13 such agencies and governments, to—

14 “(i) develop and expand their exper-
15 tise in road and transportation areas (in-
16 cluding pavement, bridge, and safety man-
17 agement systems);

18 “(ii) improve roads and bridges;

19 “(iii) enhance programs for the move-
20 ment of passengers and freight, and inter-
21 governmental transportation planning and
22 project selection; and

23 “(iv) deal effectively with special road-
24 related problems by preparing and provid-

1 ing training packages, manuals, guidelines,
2 and technical resource materials;

3 “(B) identify, package, and deliver usable
4 highway technology to local jurisdictions to as-
5 sist urban transportation agencies in developing
6 and expanding their ability to deal effectively
7 with road-related problems;

8 “(C) operate, in cooperation with State
9 transportation agencies and universities,—

10 “(i) local technical assistance program
11 centers to provide technology transfer serv-
12 ices to rural areas and to urban areas with
13 populations between 50,000 and
14 1,000,000; and

15 “(ii) not fewer than four centers des-
16 ignated to provide transportation technical
17 assistance to American Indian tribal gov-
18 ernments; and

19 “(D) allow local transportation agencies
20 and tribal governments, in cooperation with the
21 private sector, to enhance new technology im-
22 plementation.

23 “(3) FUNDS.—There are authorized to be ap-
24 propriated, out of the Highway Trust Fund (other
25 than the Mass Transit Account), \$12,000,000 for

1 each of fiscal years 1998, 1999, 2000, 2001, 2002,
2 and 2003, to be used for the purpose of developing
3 and administering the program established under
4 this section and to provide technical and financial
5 support for the technology transfer centers, includ-
6 ing up to 100 percent for services provided to Amer-
7 ican Indian tribal governments.

8 “(4) CONTRACT AUTHORITY.—Funds author-
9 ized under this subsection shall be available for obli-
10 gation in the same manner as if such funds were ap-
11 portioned under chapter 1 of title 23, United States
12 Code; except that the Federal share of the cost of
13 any activity under this section shall be determined in
14 accordance with this section, and such funds shall
15 remain available for obligation for a period of three
16 years after the last day of the fiscal year for which
17 the funds are authorized.

18 “(b) NATIONAL HIGHWAY INSTITUTE.—

19 “(1) ESTABLISHMENT; DUTIES; PROGRAMS.—

20 “(A) ESTABLISHMENT.—The Secretary
21 shall establish and operate in the Federal High-
22 way Administration a National Highway Insti-
23 tute (hereinafter in this section referred to as
24 the ‘Institute’).

1 “(B) DUTIES.—The Institute shall develop
2 and administer, in cooperation with the State
3 transportation agencies, United States industry,
4 and any national or international entity, edu-
5 cation and training programs of instruction for
6 Federal Highway Administration, State, and
7 local transportation agencies employees; Re-
8 gional, State, and Metropolitan Planning Orga-
9 nizations; State and local police, public safety,
10 and motor vehicle employees; and United State
11 citizens and foreign nationals engaged or to be
12 engaged in surface transportation work of inter-
13 est to the United States. The Secretary shall
14 administer, through the Institute, the authority
15 vested in the Secretary by this title or by any
16 other provision of law for the development and
17 conduct of education and training programs re-
18 lating to highways.

19 “(C) TYPES OF PROGRAMS.—Programs
20 that the Institute may develop and administer
21 may include courses in modern developments,
22 techniques, methods, regulations, management,
23 and procedures relating to surface transpor-
24 tation, environmental factors, acquisition of
25 rights-of-way, relocation assistance, engineering,

1 safety, construction, maintenance, operations,
2 contract administration, motor carrier activities,
3 inspection, and highway finance.

4 “(2) SET-ASIDE; FEDERAL SHARE.—Not to ex-
5 ceed one-quarter of 1 percent of all funds appor-
6 tioned to a State under section 104(b)(3) for the
7 surface transportation program shall be available for
8 expenditure by the State transportation agencies for
9 payment of not to exceed 80 percent of the cost of
10 tuition and direct educational expenses (but not
11 travel, subsistence, or salaries) in connection with
12 the education and training of State and local trans-
13 portation agencies’ employees as provided in this
14 section.

15 “(3) FEDERAL RESPONSIBILITY.—Education
16 and training of Federal, State, and local transpor-
17 tation or highway employees authorized by this sub-
18 section shall be provided—

19 “(A) by the Secretary at no cost to the
20 States and local governments if the Secretary
21 determines it is in the best interests of the
22 United States; or

23 “(B) in any case in which education and
24 training are to be paid for by the State through
25 grants, cooperative agreements, and contracts

1 with public and private agencies, institutions,
2 individuals, and the Institute; except that pri-
3 vate agencies, international or foreign entities,
4 and individuals shall pay the full cost of any
5 education and training received by them unless
6 the Secretary of Transportation determines a
7 lower cost to be in the best interest of the Unit-
8 ed States.

9 “(4) TRAINING FELLOWSHIPS; COOPERATION.—

10 The Institute is authorized, subject to approval of
11 the Secretary, to engage in all phases of contract au-
12 thority for training purposes authorized by this sec-
13 tion, including the granting of training fellowships.

14 The Institute is also authorized to carry out its au-
15 thority independently or in cooperation with any
16 other branch of the Federal Government, State
17 agency, authority, association, institution, corpora-
18 tion (profit or nonprofit), any other national or
19 international entity, or any other person.

20 “(5) COLLECTION OF FEES.—

21 “(A) GENERAL RULE.—The Institute may,
22 in accordance with this subsection, assess and
23 collect fees solely to defray the costs of the In-
24 stitute in developing or administering education
25 and training programs under this section.

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
7 to in subparagraph (A) of this paragraph for
8 the fiscal year.

9 “(C) PERSONS SUBJECT TO FEES.—Fees
10 may be assessed and collected under this sub-
11 section only with respect to—

12 “(i) persons and entities for whom
13 education or training programs are devel-
14 oped or administered under this section;
15 and

16 “(ii) persons and entities to whom
17 education or training is provided under
18 this section.

19 “(iii) AMOUNT OF FEES.—The fees
20 assessed and collected under this sub-
21 section shall be established in a manner
22 that ensures that the liability of any per-
23 son or entity for a fee is reasonably based
24 on the proportion of the costs referred to
25 in subparagraph (A), which relate to such

1 person or entity. All fees collected under
2 this subsection shall be used to defray
3 costs associated with the development and/
4 or administration of education and training
5 programs authorized by this section.

6 “(6) FUNDS.—There are authorized to be ap-
7 propriated, out of the Highway Trust Fund (other
8 than the Mass Transit Account), \$8,000,000 for
9 each of fiscal years 1998, 1999, and 2000; and
10 \$14,000,000 for each of fiscal years 2001, 2002,
11 and 2003, to carry out this subsection. The sums
12 provided under this paragraph may be combined
13 with or held separate from the fees or memberships
14 collected under paragraph (b)(5).

15 “(7) CONTRACT AUTHORITY.—Funds author-
16 ized by this subsection shall be available for obliga-
17 tion in the same manner as if such funds were ap-
18 portioned under chapter 1 of title 23, United States
19 Code; except that the Federal share of the cost of
20 any activity under this subsection shall be deter-
21 mined in accordance with this section, and such
22 funds shall remain available for obligation for a pe-
23 riod of one year after the last day of the fiscal year
24 for which the funds are authorized.

1 “(8) CONTRACTS.—The provisions of section
2 3709 of the Revised Statutes (41 U.S.C. 5) shall not
3 be applicable to contracts or agreements made under
4 the authority of this section.

5 “(c) DWIGHT DAVID EISENHOWER TRANSPOR-
6 TATION FELLOWSHIP PROGRAM.—

7 “(1) GENERAL AUTHORITY.—The Secretary
8 may, acting either independently or in cooperation
9 with other Federal departments, agencies, and in-
10 strumentalities, make grants for fellowships for any
11 purpose for which research, technology, or capacity
12 building is authorized by this section.

13 “(2) DWIGHT DAVID EISENHOWER TRANSPOR-
14 TATION FELLOWSHIP PROGRAM.—The Secretary
15 shall implement a transportation fellowship program
16 for the purpose of attracting qualified students to
17 the field of transportation. Such program shall be
18 known as the ‘Dwight David Eisenhower Transpor-
19 tation Fellowship Program’. The program shall offer
20 fellowships at the junior through postdoctoral levels
21 of college education. The recipients of the fellow-
22 ships must be United States citizens.

23 “(3) FUNDING.—There is authorized to be ap-
24 propriated, out of the Highway Trust Fund (other
25 than the Mass Transit Account), \$2,000,000 for

1 each of the fiscal years 1998, 1999, 2000, 2001,
2 2002, and 2003 to carry out this subsection.

3 “(4) CONTRACT AUTHORITY.—Funds author-
4 ized by this subsection shall be available for obliga-
5 tion in the same manner as if such funds were ap-
6 portioned under chapter 1 of title 23, United States
7 Code; except that the Federal share of the cost of
8 any activity funded under this subsection shall be
9 determined by the Secretary, and such funds shall
10 remain available for obligation for a period of one
11 year after the last day of the fiscal year for which
12 such funds are authorized.

13 “(d) TECHNOLOGY IMPLEMENTATION PARTNER-
14 SHIPS.—

15 “(1) AUTHORITY.—The Secretary shall con-
16 tinue the close partnerships established through im-
17 plementation of the products of the Strategic High-
18 way Research Program (SHRP) and administer a
19 program to move technology and innovation into
20 common practice.

21 “(2) GRANTS, COOPERATIVE AGREEMENTS AND
22 CONTRACTS.—The Secretary may make grants and
23 enter into cooperative agreements and contracts to
24 foster alliances and support efforts to bring about
25 technical change in high-payoff areas through—

1 “(A) sharing technology with the States
2 and industry, supporting the test and evalua-
3 tion of products, and associated training and
4 communications activities;

5 “(B) further development and implementa-
6 tion support in areas such as the Superpave
7 system by working with States, academia, and
8 industry to establish a complete program that is
9 well validated and implements performance pre-
10 diction algorithms;

11 “(C) providing Federal leadership and sup-
12 port in areas like initiation of regional tech-
13 nology excellence centers, user-producer groups,
14 Long-Term Pavement Performance product im-
15 plementation, and technology access and ex-
16 change programs; and

17 “(D) efforts to improve information-
18 dissemination networks.

19 “(3) FUNDING.—There is authorized to be ap-
20 propriated, out of the Highway Trust Fund (other
21 than the Mass Transit Account) \$11,000,000 for
22 each of fiscal years 1998, 1999, 2000, 2001, 2002,
23 and 2003 to carry out this subsection.

24 “(4) CONTRACT AUTHORITY.—Funds author-
25 ized by this subsection shall be available for obliga-

1 tion in the same manner as if such funds were ap-
 2 portioned under chapter 1 of title 23, United States
 3 Code; except that the Federal share of the cost of
 4 any activity funded under this subsection shall be
 5 determined by the Secretary, and such funds shall
 6 remain available for obligation for a period of 3
 7 years after the last day of the fiscal year for which
 8 such funds are authorized.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
 10 chapter 3 of such title is amended by adding at the end
 11 the following new item:

“327. Professional capacity building and technology partnerships.”.

12 **SEC. 6006. LONG-TERM PAVEMENT PERFORMANCE AND**
 13 **ADVANCED RESEARCH.**

14 (a) Chapter 3 of such title is further amended by add-
 15 ing at the end the following new section:

16 **“§ 328. Long-term pavement performance and ad-**
 17 **vanced research**

18 “(a) LONG-TERM PAVEMENT PERFORMANCE
 19 (LTPP).—

20 “(1) AUTHORITY.—The Secretary shall con-
 21 tinue to completion the long-term pavement perform-
 22 ance tests initiated under the Strategic Highway Re-
 23 search Program and advanced by the Intermodal
 24 Surface Transportation Efficiency Act through the
 25 mid-point of a planned 20-year life.

1 “(2) GRANTS, COOPERATIVE AGREEMENTS AND
2 CONTRACTS.—The Secretary shall make grants and
3 enter into cooperative agreements and contracts to:

4 “(A) Continue the monitoring, material-
5 testing, and evaluation of the approximately
6 2,500 highway test sections established since
7 1987 under the program;

8 “(B) Carry out analyses of the large
9 amounts of data being collected; and

10 “(C) Prepare the products required to ful-
11 fill the original LTPP Program objectives and
12 to meet future pavement technology needs.

13 “(3) FUNDING.—There is authorized to be ap-
14 propriated, out of the Highway Trust Fund (other
15 than the Mass Transit Account), \$15,000,000 for
16 each of fiscal years 1998, 1999, 2000, 2001, 2002,
17 and 2003 to carry out this subsection.

18 “(4) CONTRACT AUTHORITY.—Funds author-
19 ized by this subsection shall be available for obliga-
20 tion in the same manner as if such funds were ap-
21 portioned under chapter 1 of title 23, United States
22 Code; except that the Federal share of the cost of
23 any activity funded under this subsection shall be
24 determined by the Secretary, and such funds shall
25 remain available for obligation for a period of three

1 years after the last day of the fiscal year for which
2 such funds are authorized.

3 “(b) ADVANCED RESEARCH.—

4 “(1) AUTHORITY.—The Secretary shall estab-
5 lish an advanced research program that shall ad-
6 dress longer-term, higher-risk research that shows
7 potential benefits for improving the durability, mo-
8 bility, efficiency, environmental impact, productivity,
9 and safety of highway and intermodal transportation
10 systems. In carrying out this program, the Secretary
11 shall strive to develop partnerships with the public
12 and private sectors.

13 “(2) GRANTS, COOPERATIVE AGREEMENTS AND
14 CONTRACTS.— The Secretary may make grants and
15 enter into cooperative agreements and contracts for
16 advanced research in, but is not limited to, the fol-
17 lowing areas:

18 “(A) Characterization of materials used in
19 the infrastructure including analytical tech-
20 niques, microstructure modeling, and the dete-
21 rioration processes.

22 “(B) Diagnostics for evaluation of the con-
23 dition of given bridge and pavement structures
24 to enable assessment of failure risks such as
25 nuclear imaging methods, nonelectrochemical

1 corrosion detection, nonlinear dynamic analysis
2 of structural vibrations, and advanced image
3 analysis methods.

4 “(C) Design and construction details for
5 composite structures.

6 “(D) Safety technology based problems in
7 the areas of pedestrian/bicycle safety, roadside
8 hazards, and composite materials for roadside
9 safety hardware.

10 “(E) Particulate matter source apportion-
11 ment, control strategy synthesis evaluation and
12 model development.

13 “(F) Data acquisition techniques for sys-
14 tem condition and performance monitoring such
15 as Global Positioning Systems (GPS) for speed
16 and travel surveys, video surveillance for emis-
17 sions testing, and aerial surveillance to obtain
18 demand and condition data.

19 “(G) Predicting the response of current
20 and future travelers to new technologies and
21 ways to provide the increasing number of senior
22 citizens with continuing mobility and access.

23 “(3) FUNDING.—There is authorized to be ap-
24 propriated, out of the Highway Trust Fund (other
25 than the Mass Transit Account), \$10,000,000 for

1 each of the fiscal years 1998, 1999, and 2000, and
 2 \$20,000,000 for each of fiscal years 2001, 2002,
 3 and 2003 to carry out this section.

4 “(4) CONTRACT AUTHORITY.—Funds author-
 5 ized by this subsection shall be available for obliga-
 6 tion in the same manner as if such funds were ap-
 7 portioned under chapter 1 of title 23, United States
 8 Code; except that the Federal share of the cost of
 9 any activity funded under this subsection shall be
 10 determined by the Secretary.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
 12 chapter 3 of such title is amended by adding at the end
 13 the following new item:

“328. Long-term pavement performance and advanced research.”.

14 **SEC. 6007. STATE PLANNING AND RESEARCH PROGRAM**
 15 **(SP&R).**

16 (a) Chapter 3 of such title is further amended by add-
 17 ing at the end the following new section:

18 **“§ 329. State planning and research program**

19 “(a) GENERAL RULE.—Two percent of the sums ap-
 20 portioned for programs for each fiscal year beginning after
 21 September 30, 1997, to any State under sections 104 (ex-
 22 cept subsection 104(f)) and 144 of this title and any
 23 transfers or additions to the surface transportation pro-
 24 gram shall be available for expenditure by the State trans-
 25 portation agency, in consultation with the Secretary. The

1 apportioned sums are available only for the following pur-
2 poses:

3 “(1) intermodal metropolitan, statewide, and
4 non-metropolitan planning under sections 134 and
5 135 of this title.

6 “(2) studies, research, development, and tech-
7 nology transfer activities necessary for the planning,
8 design, construction, management, operation, main-
9 tenance, regulation, and taxation of the use of sur-
10 face transportation systems, including training and
11 accreditation of inspection and testing on engineer-
12 ing standards and construction materials for such
13 systems.

14 “(3) development and implementation of man-
15 agement systems identified in section 303 of this
16 title.

17 “(4) studies of the economy, safety, and con-
18 venience of surface transportation usage and the de-
19 sirable regulation and equitable taxation thereof.

20 “(b) MINIMUM EXPENDITURES ON RESEARCH, DE-
21 VELOPMENT, AND TECHNOLOGY TRANSFER ACTIVI-
22 TIES.—Not less than 25 percent of the funds that are ap-
23 portioned to a State for a fiscal year and are subject to
24 subsection (a) shall be expended by the State transpor-
25 tation agency for research, development, and technology

1 transfer activities described in subsection (a) of this sec-
2 tion relating to surface transportation systems unless the
3 State certifies to the Secretary for such fiscal year that
4 total expenditures by the State transportation agency for
5 transportation planning under sections 134 and 135 will
6 exceed 75 percent of the amount of such funds and the
7 Secretary accepts such certification. Funds used for re-
8 search provided under this subsection are not subject to
9 an assessment under the Small Business Research and
10 Development Act (Public Law 102–564).

11 “(c) FEDERAL SHARE.—The Federal share payable
12 on account of any project financed with funds that are
13 subject to subsection (a) of this section shall be 80 percent
14 unless the Secretary determines that the interests of the
15 Federal-aid highway program would be best served by de-
16 creasing or eliminating the non-Federal share.

17 “(d) ADMINISTRATION OF SUMS.—Funds that are
18 subject to subsection (a) of this section shall be combined
19 and administered by the Secretary as a single fund, which
20 shall be available for obligation for the same period as
21 funds apportioned under section 118(b)(2) of this title.”.

22 (b) CONFORMING AMENDMENTS.—The analysis for
23 chapter 3 of such title is amended by adding at the end
24 the following new item:

“329. State planning and research program.”.

1 **SEC. 6008. USE OF BUREAU OF INDIAN AFFAIRS' ADMINIS-**
2 **TRATIVE FUNDS.**

3 Section 204(b) of such title is amended at the end
4 of the last sentence, by striking “326” and inserting
5 “327”.

6 **PART B—INTELLIGENT TRANSPORTATION**
7 **SYSTEMS ACT OF 1997**

8 **SEC. 6051. SHORT TITLE AND PREAMBLE.**

9 (a) **SHORT TITLE.**—This part may be cited as the
10 “Intelligent Transportation Systems Act of 1997”.

11 (b) **PREAMBLE.**—The research and tests conducted
12 under the Intelligent Transportation Systems Act of 1991
13 demonstrated the potential benefit and readiness of Intel-
14 ligent Transportation Systems to enhance the safety and
15 efficiency of surface transportation operations in a variety
16 of ways. The Intelligent Transportation Systems Act of
17 1997 provides for the accelerated deployment of proven
18 technologies and concepts, while also increasing the Fed-
19 eral commitment to improving surface transportation safe-
20 ty through aggressive, long-range research, development,
21 testing, and promotion of crash avoidance technologies
22 and systems in cooperation with industry.

23 **SEC. 6052. DEFINITIONS; CONFORMING AMENDMENT.**

24 (a) For the purposes of this part, the following defini-
25 tions apply:

1 (1) ADVANCED RURAL TRANSPORTATION SYS-
2 TEMS.—The term “Advanced Rural Transportation
3 Systems” means the construction, or acquisition,
4 and operation of ITS predominantly outside of met-
5 ropolitan areas, and including public lands such as
6 National Parks, monuments, and recreation areas,
7 for the purposes of providing—

8 (A) traveler safety and security advisories
9 and warnings;

10 (B) emergency “Mayday” services to notify
11 public safety and emergency response organiza-
12 tions of travelers in need of emergency services;

13 (C) tourism and traveler information serv-
14 ices;

15 (D) public mobility services to improve the
16 efficiency and accessibility of rural transit serv-
17 ice;

18 (E) enhanced rural transit fleet operations
19 and management;

20 (F) improved highway operations and
21 maintenance through the rapid detection of se-
22 vere weather conditions, hazardous road and
23 bridge conditions, and imminent danger to con-
24 struction and maintenance crews from errant
25 vehicles in work zones; and

1 (G) Commercial Vehicle Operations (CVO)
2 user services.

3 (2) CVISN.—The term “Commercial Vehicle
4 Information Systems and Networks” means the in-
5 formation systems and communications networks
6 that support CVO.

7 (3) CVO.—The term “Commercial Vehicle Op-
8 erations” means motor carrier operations and motor
9 vehicle regulatory activities associated with the com-
10 mercial movement of goods, including hazardous ma-
11 terials, and passengers. Public sector CVO activities
12 include the issuance of operating credentials, motor
13 vehicle and fuel tax administration, and roadside
14 safety and border crossing inspection and regulatory
15 compliance operations.

16 (4) INTELLIGENT TRANSPORTATION INFRA-
17 STRUCTURE.—The term “Intelligent Transportation
18 Infrastructure” means the initial construction or ac-
19 quisition of fully integrated public sector ITS com-
20 ponents as defined by the Secretary, including traf-
21 fic signal control systems, freeway management sys-
22 tems, incident management systems, transit manage-
23 ment systems, regional multi-modal traveler infor-
24 mation systems, emergency management services,
25 electronic toll collection systems, electronic fare pay-

1 ment systems, ITS-based railroad grade crossing
2 safety systems, roadway weather information and
3 prediction systems, advanced rural transportation
4 systems, and commercial vehicle information systems
5 and networks.

6 (5) INTELLIGENT TRANSPORTATION SYS-
7 TEMS.—The term “intelligent transportation sys-
8 tems” means the development or application of elec-
9 tronics, communications, or information processing
10 (including advanced traffic management systems,
11 commercial vehicle operations, advanced traveler in-
12 formation systems, commercial and advanced vehicle
13 control systems, advanced public transportation sys-
14 tems, satellite vehicle tracking systems, and ad-
15 vanced vehicle communications systems) used singly
16 or in combination to improve the efficiency and safe-
17 ty of surface transportation systems.

18 (6) ITS COLLISION AVOIDANCE SYSTEMS.—The
19 term “ITS Collision Avoidance Systems” means an
20 intelligent transportation system that assists vehicle
21 operators to avoid collisions that would otherwise
22 occur.

23 (7) NATIONAL ARCHITECTURE.—The term
24 “National Architecture” means the common frame-
25 work for interoperability adopted by the Secretary,

1 and which defines the functions associated with ITS
2 user services, the physical entities or subsystems
3 within which such functions reside, the data inter-
4 faces and information flows between physical sub-
5 systems, and the communications requirements asso-
6 ciated with information flows.

7 (8) NATIONAL ITS PROGRAM PLAN.—The term
8 “National ITS Program Plan” means the March
9 1995 First Edition of the National ITS Program
10 Plan jointly developed by the U.S. Department of
11 Transportation and the Intelligent Transportation
12 Society of America, and subsequent revisions issued
13 by the Secretary pursuant to paragraph 6055(a)(1).

14 (9) STATE.—The term “State” has the mean-
15 ing such term has under section 101 of title 23,
16 United States Code.

17 (b) NATIONAL HIGHWAY SYSTEM.—The undesig-
18 nated paragraph in section 101(a) of title 23, United
19 States Code, relating to the National Highway System is
20 amended by inserting after “title” the following: “and the
21 Intelligent Transportation Infrastructure associated with
22 such system.”.

23 (c) CONFORMING AMENDMENT.—The Intermodal
24 Surface Transportation Efficiency Act of 1991 is amended
25 by striking part B of title VI.

1 **SEC. 6053. SCOPE OF PROGRAM.**

2 (a) SCOPE.—Subject to the provisions of this part,
3 the Secretary shall conduct an ongoing program to re-
4 search, develop, and operationally test intelligent transpor-
5 tation systems and advance Nation-wide deployment of
6 such systems as a component of the Nation's surface
7 transportation systems.

8 (b) GOALS.—The goals of the program to be carried
9 out under this part shall include, but not be limited to:

10 (1) the widespread planning, implementation
11 and operation of integrated, intermodal, interoper-
12 able intelligent transportation infrastructure, in con-
13 junction with corresponding private sector systems
14 and products, to enhance the capacity, efficiency,
15 and safety of surface transportation, using the au-
16 thorities provided under sections 103, 119, 133,
17 134, 135, 149, and 402 of title 23, and sections
18 31102, 5307, and 5309 of title 49, United States
19 Code;

20 (2) the protection and enhancement of the nat-
21 ural environment and communities affected by sur-
22 face transportation, with special emphasis on assist-
23 ing the efforts of the States to attain air quality
24 goals established pursuant to the Clean Air Act,
25 while addressing the transportation demands of an
26 expanding economy;

1 (3) the enhancement of safe operation of the
2 Nation's surface transportation systems with a par-
3 ticular emphasis on aspects of intelligent transpor-
4 tation systems that will decrease the number and se-
5 verity of collisions and identification of aspects of
6 such systems that may degrade safety, and on in-ve-
7 hicle systems that bring about a significant reduc-
8 tion in the deaths and injuries by helping prevent
9 collisions that would otherwise occur;

10 (4) the enhancement of surface transportation
11 operational and transactional efficiencies to allow ex-
12 isting facilities to be used to meet a significant por-
13 tion of future transportation needs, and to reduce
14 regulatory, financial, and other transaction costs to
15 public agencies and system users;

16 (5) research, development, investigation, docu-
17 mentation, and promotion of intelligent transpor-
18 tation systems and the public sector organizational
19 capabilities needed to perform or manage the plan-
20 ning, implementation, and operation of intelligent
21 transportation infrastructure in the United States,
22 using authorities provided under section 307 of title
23 23, United States Code, and sections 111, 112, 301,
24 30168, 31106, 5312, 5337, and 20108 of title 49,
25 United States Code;

1 (6) the enhancement of the economic efficiency
2 of surface transportation systems to improve Ameri-
3 cas competitive position in the global economy;

4 (7) the enhancement of public accessibility to
5 activities, goods, and services, through the preserva-
6 tion, improvement and expansion of surface trans-
7 portation system capabilities, operational efficiency,
8 and intermodal connections;

9 (8) the development of a technology base and
10 necessary standards and protocols for intelligent
11 transportation systems; and

12 (9) the improvement of the Nations ability to
13 respond to emergencies and natural disasters, and
14 the enhancement of national defense mobility.

15 **SEC. 6054. GENERAL AUTHORITIES AND REQUIREMENTS.**

16 (a) COOPERATION.—In carrying out the program
17 under this part, the Secretary shall foster enhanced oper-
18 ations and management of the Nation’s surface transpor-
19 tation systems, strive to achieve the widespread deploy-
20 ment of intelligent transportation systems, and continue
21 to advance emerging technologies, in cooperation with
22 State and local governments and the United States private
23 sector. As appropriate, in carrying out the program under
24 this part, the Secretary shall consult with the Secretary
25 of Commerce, the Secretary of the Treasury, the Adminis-

1 trator of the Environmental Protection Agency, the Direc-
2 tor of the National Science Foundation, and the heads of
3 other interested Federal departments and agencies and
4 shall maximize the involvement of the United States pri-
5 vate sector, colleges and universities, including Histori-
6 cally Black Colleges and Universities and other Minority
7 Institutions of Higher Education, and State and local gov-
8 ernments in all aspects of the program, including design,
9 conduct (including operations and maintenance), evalua-
10 tion, and financial or in-kind participation.

11 (b) STANDARDS.—The Secretary shall develop, imple-
12 ment, and maintain a National Architecture and support-
13 ing standards and protocols to promote the widespread use
14 and evaluation of intelligent transportation systems tech-
15 nology as a component of the Nation’s surface transpor-
16 tation systems. To the extent practicable, such standards
17 and protocols shall promote interoperability among intel-
18 ligent transportation systems technologies implemented
19 throughout the States. In carrying out this subsection, the
20 Secretary may use the services of such existing standards-
21 setting organizations as the Secretary determines appro-
22 priate. The Secretary shall consult with the Secretary of
23 Commerce, the Secretary of Defense, and the Federal
24 Communications Commission, and take all actions the
25 Secretary deems necessary to secure the necessary spec-

1 trum for the near-term establishment of a dedicated short-
2 range vehicle to wayside wireless standard.

3 (c) EVALUATION.—The Secretary shall prescribe
4 guidelines and requirements for the independent evalua-
5 tion of field and related operational tests carried out pur-
6 suant to section 6056, including provisions to ensure the
7 objectivity and independence of the evaluator needed to
8 avoid any real or apparent conflict of interest or potential
9 influence on the outcome by parties to such tests or any
10 other formal evaluation conducted under this part. Any
11 survey, questionnaire, or interview which the Secretary
12 considers necessary to carry out the evaluation of such
13 tests or program assessment activities under this part
14 shall not be subject to the requirements of the Paperwork
15 Reduction Act of 1995 (44 U.S.C. 3501–3520).

16 (d) INFORMATION CLEARINGHOUSE.—

17 (1) CLEARINGHOUSE.—The Secretary shall es-
18 tablish and maintain a repository for technical and
19 safety data collected as a result of federally spon-
20 sored projects carried out pursuant to this part and
21 shall make, upon request, such information (except
22 for proprietary information and data) readily avail-
23 able to all users of the repository at an appropriate
24 cost.

1 (2) DELEGATION OF AUTHORITY.—The Sec-
2 retary may delegate the responsibility of the Sec-
3 retary under this subsection, with continuing over-
4 sight by the Secretary, to an appropriate entity not
5 within the Department of Transportation. If the
6 Secretary delegates such responsibility, the entity to
7 which such responsibility is delegated shall be eligi-
8 ble for Federal assistance under this part.

9 (e) ADVISORY COMMITTEES.—The Secretary may
10 utilize one or more advisory committees in carrying out
11 this part. Any advisory committee so utilized shall be sub-
12 ject to the Federal Advisory Committee Act. Funding pro-
13 vided for any such committee shall be available from mon-
14 eys appropriated for advisory committees as specified in
15 relevant appropriations acts and from funds allocated for
16 research, development, and implementation activities in
17 connection with the intelligent transportation systems pro-
18 gram under this part.

19 (f) AUTHORITY TO USE FUNDS.—Each State and el-
20 igible local entity is authorized to use funds provided
21 under this part or under section 1030 of the National Eco-
22 nomic Crossroads Transportation Efficiency Act of 1997,
23 sections 103, 119, 133, 149, and 402, of title 23, and sec-
24 tions 31102, 5307, 5309, 5310, and 5311 of title 49,
25 United States Code, in accordance with the provisions of

1 each of these sections, for implementation, modernization,
2 and operational purposes in connection with intelligent
3 transportation infrastructure and systems.

4 (g) CONFORMITY WITH STANDARDS.—The Secretary
5 shall ensure that the implementation of intelligent trans-
6 portation systems using funds authorized under this part
7 conform to the National Architecture and ITS standards
8 and protocols, developed under subsection (b), except for
9 projects using funds authorized for specific research objec-
10 tives in the National ITS Program Plan under section
11 6055 of this part.

12 (h) LIFE-CYCLE COST ANALYSIS.—The Secretary
13 shall require an analysis of the life-cycle costs of each
14 project using Federal funds referenced in subsection (f)
15 of this section, and those authorized in section 6057 of
16 this part, for operations and maintenance of ITS elements,
17 where the total initial capital costs of the ITS elements
18 exceeds \$3 million.

19 (i) PROCUREMENT METHODS.—To meet the need for
20 effective implementation of ITS projects, the Secretary
21 shall develop appropriate technical assistance and guid-
22 ance to assist State and local agencies in evaluating and
23 selecting appropriate methods of procurement for ITS
24 projects, including innovative and nontraditional methods
25 of procurement.

1 **SEC. 6055. NATIONAL ITS PROGRAM PLAN, IMPLEMENTA-**
2 **TION, AND REPORT TO CONGRESS.**

3 (a) NATIONAL ITS PROGRAM PLAN.—

4 (1) UPDATES.—The Secretary shall maintain
5 and update the National ITS Program Plan as nec-
6 essary.

7 (2) SCOPE.—The plan shall—

8 (A) specify the goals, objectives, and mile-
9 stones for the deployment of intelligent trans-
10 portation infrastructure in the context of major
11 metropolitan areas, smaller metropolitan and
12 rural areas, and commercial vehicle information
13 systems and networks, and how specific pro-
14 grams and projects relate to the goals, objec-
15 tives, and milestones, including consideration of
16 the 5-, 10- and 20-year timeframes for the
17 goals and objectives;

18 (B) establish a course of action necessary
19 to achieve the program's goals and objectives;

20 (C) provide for the evolutionary develop-
21 ment of standards and protocols to promote
22 and ensure interoperability in the implementa-
23 tion of intelligent transportation systems tech-
24 nologies; and

25 (D) establish a cooperative process with
26 State and local governments for determining

1 desired surface transportation system perform-
2 ance levels and development of plans for na-
3 tional incorporation of specific ITS capabilities
4 into surface transportation systems.

5 (b) DEMONSTRATION AND EVALUATION OF INTEL-
6 LIGENT VEHICLE SYSTEMS.—The Secretary shall conduct
7 research and development activities for the purpose of
8 demonstrating integrated intelligent vehicle systems. Such
9 research shall include state-of-the-art preproduction sys-
10 tems and shall integrate collision avoidance, in-vehicle in-
11 formation, and other safety related systems. Development
12 work shall incorporate human factors research findings to
13 improve situational awareness of drivers and ensure suc-
14 cess of the man-machine relationship. This program shall
15 build on the technologies developed as part of the NHTSA
16 Crash Avoidance and FHWA Automated Highway System
17 programs and shall be conducted in cooperation with pri-
18 vate industry, educational institutions, and other inter-
19 ested parties.

20 (c) IMPLEMENTATION REPORTS.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, and bi-
23 ennially thereafter, the Secretary shall submit to
24 Congress a report on implementation of the National

1 ITS Program Plan under subsection (a) of this sec-
2 tion.

3 (2) SCOPE OF IMPLEMENTATION REPORTS.—In
4 preparing reports under this subsection, the Sec-
5 retary shall—

6 (A) summarize the status of intelligent
7 transportation infrastructure deployment
8 progress;

9 (B) analyze the possible and actual accom-
10 plishments of ITS projects in achieving conges-
11 tion, safety, environmental, and energy con-
12 servation goals and objectives;

13 (C) assess nontechnical problems and con-
14 straints identified, including the inability to se-
15 cure suitable spectrum allocations to implement
16 a national or international dedicated short
17 range vehicle to wayside communication stand-
18 ard; and

19 (D) include, if appropriate, any rec-
20 ommendations of the Secretary for legislation
21 or modification to the National ITS Program
22 Plan developed under subsection (a).

1 **SEC. 6056. TECHNICAL, TRAINING, PLANNING, RESEARCH**
2 **AND OPERATIONAL TESTING PROJECT AS-**
3 **SISTANCE.**

4 (a) **TECHNICAL ASSISTANCE, TRAINING, AND INFOR-**
5 **MATION.**—The Secretary may provide planning and tech-
6 nical assistance, training, and information to State and
7 local governments seeking to implement, operate, main-
8 tain, and evaluate ITS technologies and services.

9 (b) **PLANNING ASSISTANCE.**—The Secretary may
10 make available financial assistance under this section to
11 support adequate consideration of transportation system
12 management and operations, including intelligent trans-
13 portation systems and technologies, within metropolitan
14 and statewide transportation processes. Such financial as-
15 sistance shall be made available at such time, in such
16 amounts and subject to such conditions as the Secretary
17 may determine. The Secretary shall develop appropriate
18 technical assistance to support the consideration of oper-
19 ations and management issues within metropolitan and
20 statewide transportation planning.

21 (c) **ELIGIBILITY OF CERTAIN ENTITIES.**—Any com-
22 mercial vehicle regulatory agency and any interagency
23 traffic, transportation, or incident management entity, in-
24 cluding independent public authorities or agencies, con-
25 tracted by a State or local transportation agency for the
26 planning, system development, evaluation, implementa-

tion, or operation of intelligent transportation infrastructure, including commercial vehicle information systems and networks, within a designated area or along a specific corridor are eligible to receive Federal assistance under this part.

(d) RESEARCH AND OPERATIONAL TESTING PROJECTS.—The Secretary may provide funding to Federal agencies and make grants to non-Federal entities, including State and local governments, universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and other persons, for research and operational tests relating to intelligent transportation systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that will—

(A) contribute to the goals and objectives specified in the National ITS Program Plan developed under section 6055 of this part;

(B) minimize the relative percentage and amount of Federal contributions under this part to total project costs;

(C) validate and accelerate the establishment and widespread conformance with the Na-

1 tional Architecture and related standards and
2 protocols;

3 (D) enhance traffic safety through accel-
4 erating the deployment of ITS collision avoid-
5 ance products through the combined efforts of
6 the Federal Government and industry;

7 (E) demonstrate innovative arrangements
8 for multi-agency and/or private sector participa-
9 tion in the cooperative financing of the deploy-
10 ment and/or operation of intelligent transpor-
11 tation systems; and

12 (F) validate the effectiveness of integrated,
13 intelligent transportation systems and infra-
14 structure in enhancing the safety and efficiency
15 of surface transportation within metropolitan
16 and rural areas;

17 (2) seek to fund operational tests that advance
18 the current state of knowledge in direct support of
19 national ITS research and technology objectives as
20 defined in the National ITS Program Plan under
21 section 6055 of this part; and

22 (3) require that operational tests utilizing Fed-
23 eral funds under this part have a written evaluation
24 of the intelligent transportation systems technologies
25 investigated and of the results of the investigation

1 which is consistent with the guidelines developed
2 under subsection 6054(c) of this part.

3 **SEC. 6057. APPLICATIONS OF TECHNOLOGY.**

4 (a) INTELLIGENT TRANSPORTATION INFRASTRUC-
5 TURE DEPLOYMENT INCENTIVES PROGRAM.—The Sec-
6 retary shall conduct a program to promote the deployment
7 of regionally integrated, intermodal intelligent transpor-
8 tation systems and, through financial and technical assist-
9 ance under this part, shall assist in the development and
10 implementation of such systems, leveraging to the maxi-
11 mum extent funding from other sources. In metropolitan
12 areas, funding provided under this part shall primarily
13 support activities which integrate existing intelligent
14 transportation infrastructure elements or those imple-
15 mented with other sources of public or private funding.
16 For commercial vehicle projects and projects outside met-
17 ropolitan areas, funding provided under this part may also
18 be used for installation of intelligent transportation infra-
19 structure elements.

20 (b) PRIORITIES.—In providing funding for projects
21 under this section, the Secretary shall allocate not less
22 than 25 percent of the funds made available to carry out
23 this section to eligible State or local entities for the imple-
24 mentation of commercial vehicle information systems and
25 networks, and international border crossing improvements

1 (in accordance with the requirements of this section and
2 section 1030 of the National Economic Crossroads Trans-
3 portation Efficiency Act of 1997), in support of public sec-
4 tor CVO activities nationwide, and not less than 10 per-
5 cent for other intelligent transportation infrastructure de-
6 ployment activities outside of metropolitan areas. In ac-
7 cordance with the National ITS Program Plan under sec-
8 tion 6055 of this part, the Secretary shall provide incen-
9 tives for the deployment of integrated applications of
10 intermodal intelligent transportation infrastructure and
11 system technologies so as to—

12 (1) stimulate sufficient deployment to validate
13 and accelerate the establishment of national ITS
14 standards and protocols;

15 (2) realize the benefits of regionally integrated,
16 intermodal deployment of intelligent transportation
17 infrastructure and commercial vehicle operations, in-
18 cluding electronic border crossing applications; and

19 (3) motivate innovative approaches to over-
20 coming non-technical constraints or impediments to
21 deployment.

22 (c) PROJECT SELECTION.—To be selected for fund-
23 ing under this section, a project shall—

1 (1) contribute to national deployment goals and
2 objectives outlined in the National ITS Program
3 Plan under section 6055 of this part;

4 (2) demonstrate a strong commitment to co-
5 operation among agencies, jurisdictions, and the pri-
6 vate sector, as evidenced by signed Memorandums of
7 Understanding that clearly define the responsibilities
8 and relation of all parties to a partnership arrange-
9 ment, including institutional relationships and finan-
10 cial agreements needed to support deployment, and
11 commitment to the criteria provided in paragraphs
12 (3) through (7) of this subsection;

13 (3) demonstrate commitment to a comprehen-
14 sive plan of fully integrated ITS deployment in ac-
15 cordance with the national ITS architecture and es-
16 tablished ITS standards and protocols;

17 (4) be part of approved plans and programs de-
18 veloped under applicable statewide and metropolitan
19 transportation planning processes and applicable
20 State air quality implementation plans at the time
21 Federal funds are sought;

22 (5) be instrumental in catalyzing corresponding
23 public or private ITS investments and that minimize
24 the relative percentage and amount of Federal con-
25 tributions under this section to total project costs;

1 (6) include a sound financial approach to ensur-
2 ing continued, long-term operations and mainte-
3 nance without continued reliance on Federal funding
4 under this part, along with documented evidence of
5 fiscal capacity and commitment from anticipated
6 public and private sources; and

7 (7) demonstrate technical capacity for effective
8 operations and maintenance or commitment to ac-
9 quiring necessary skills.

10 (d) FUNDING RESTRICTIONS AND LIMITATIONS.—

11 Funding eligibility under this section for intelligent trans-
12 portation infrastructure projects in metropolitan areas
13 shall be limited to items necessary to integrate intelligent
14 transportation system elements either deployed or to be
15 deployed by various implementing public and private agen-
16 cies and organizations. Annual awards shall be limited to
17 \$15 million per metropolitan area, \$2 million per rural
18 project, and \$5 million per CVISN project, provided that
19 no more than \$35 million shall be awarded annually within
20 any State.

21 **SEC. 6058. FUNDING.**

22 (a) INTELLIGENT TRANSPORTATION INFRASTRUC-
23 TURE DEPLOYMENT INCENTIVES PROGRAM.—There is
24 authorized to be appropriated to the Secretary for carry-
25 ing out section 6057 of this part, out of the Highway

1 Trust Fund (other than the Mass Transit Account),
2 \$100,000,000 for each of fiscal years 1998, 1999, 2000,
3 2001, 2002, and 2003. In addition to amounts made avail-
4 able by subsection (b) of this section, any amounts author-
5 ized by this subsection and not allocated by the Secretary
6 for carrying out section 6057 of this part may be used
7 by the Secretary for carrying out other activities author-
8 ized under this part.

9 (b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVI-
10 TIES.—There is authorized to be appropriated to the Sec-
11 retary for carrying out multi-year research and technology
12 development initiatives under this part (other than section
13 6057), out of the Highway Trust Fund (other than the
14 Mass Transit Account), \$96,000,000 for each of fiscal
15 years 1998, 1999, and 2000, and \$130,000,000 for each
16 of fiscal years 2001, 2002, and 2003.

17 (c) FEDERAL SHARE PAYABLE.—

18 (1) For activities funded under subsection (a)
19 of this section, the Federal share payable from the
20 sums authorized under subsection (a) shall not ex-
21 ceed 50 percent of the costs thereof, and the total
22 Federal share payable from all eligible sources (in-
23 cluding subsection (a)) shall not exceed 80 percent
24 of the costs thereof.

1 (2) For activities funded under subsection (b)
2 of this section, unless the Secretary determines oth-
3 erwise, the Federal share payable on account of such
4 activities shall not exceed 80 percent of the costs
5 thereof.

6 (3) For long range activities undertaken in
7 partnership with private entities for the purposes of
8 subsection 6055(b) of this part, the Federal share
9 payable on account of such activities shall not exceed
10 50 percent of the costs thereof.

11 (4) The Secretary shall seek maximum partici-
12 pation in the funding of such activities under this
13 part from other public and private sources, and shall
14 minimize the use of funds provided under this part
15 for the construction or long-term acquisition of
16 buildings and grounds.

17 (d) APPLICABILITY OF TITLE 23.—Funds authorized
18 by this section shall be available for obligation in the same
19 manner as if such funds were apportioned under chapter
20 1 of title 23, United States Code; except that the Federal
21 share of the cost of any activity under this section shall
22 be determined in accordance with this section, and such
23 funds shall remain available for obligation for a period of
24 3 years after the last day of the fiscal year for which the
25 funds are authorized.

1 **TITLE VII—REVENUE**

2 **SEC. 7001. SHORT TITLE; AMENDMENT OF 1986 CODE.**

3 (a) **SHORT TITLE.**—This title may be cited as the
4 “Surface Transportation Revenue Act of 1997”.

5 (b) **AMENDMENT OF 1986 CODE.**—Except as other-
6 wise expressly provided, whenever in this title an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Internal Revenue Code of 1986.

11 **SEC. 7002. EXTENSION OF HIGHWAY-RELATED TAXES AND**
12 **TRUST FUND.**

13 (a) **EXTENSION OF TAXES AND EXEMPTIONS.**—(1)
14 The following provisions are each amended by striking
15 “1999” each place it appears and inserting “2005”:

16 (A) Section 4041(a)(1)(C)(iii) relating to the
17 partial exemption for intercity bus special fuel.

18 (B) Section 4041(m)(1)(A)(i) relating to special
19 rates for partially exempt methanol or ethanol fuel.

20 (C) Section 4041(m)(1)(A)(ii) relating to spe-
21 cial rates for partially exempt methanol or ethanol
22 fuel.

23 (D) Section 4051(c) relating to tax on heavy
24 trucks and trailers sold at retail.

1 (E) Section 4071(d) relating to the tax imposed
2 on tires used on highway vehicles.

3 (F) Section 4081(d)(1) relating to the imposi-
4 tion of tax on gasoline and diesel fuel.

5 (G) Section 4481(e) relating to the heavy vehi-
6 cle use tax.

7 (2) The following provisions are each amended by
8 striking “2000” each place it appears and inserting
9 “2006”:

10 (A) Section 4041(b)(2)(C) relating to special
11 rates for qualified methanol and ethanol fuels.

12 (B) Section 4041(k)(3) relating to special rates
13 for fuels containing alcohol.

14 (C) Section 4081(c)(8) relating to taxable fuels
15 mixed with alcohol.

16 (b) The following provisions relating to the Highway
17 Trust Fund are amended as follows:

18 (1) Section 9503(b)(1) by striking “1999” and
19 inserting “2005”.

20 (2) Section 9503(b)(2) by striking “1999” and
21 inserting “2005” and by striking “2000” and insert-
22 ing “2006”.

23 (3) Section 9503(c)(1) by striking “1997” and
24 inserting “2003”.

25 (4) Section 9503(c)(1)—

1 (A) by striking “or” at the end of subpara-
2 graph (C) and the second sentence of subpara-
3 graph (D); and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(E) authorized to be paid out of the
7 Highway Trust Fund under the National Eco-
8 nomic Crossroads Transportation Efficiency Act
9 of 1997. In determining the authorizations
10 under the Acts referred to in the preceding sub-
11 paragraphs, such Acts shall be applied as in ef-
12 fect on the date of enactment of the National
13 Economic Crossroads Transportation Efficiency
14 Act of 1997.”.

15 (5) Section 9503(c)(2) by striking “1999” each
16 place it appears and inserting “2005”.

17 (6) Section 9503(c)(2)(A)(i) by striking “2000”
18 and inserting “2006”.

19 (7) Section 9503(c)(3) by striking “1999” in
20 the paragraph heading and inserting “2005” and by
21 striking “July 1, 2000” and inserting “July 1,
22 2006”.

23 (8) Section 9503(c)(4)(A)—

24 (A) in clause (i) by striking “1997” and
25 inserting “2003”; and

1 (B) by amending clause (ii) to read as fol-
 2 lows:

3 “(ii) LIMIT ON TRANSFERS DURING
 4 ANY FISCAL YEAR.—The aggregate amount
 5 transferred under this subparagraph dur-
 6 ing any fiscal year shall not exceed
 7 \$35,000,000 for fiscal year 1998
 8 (\$55,000,000 for fiscal year 1998 if a
 9 transfer of \$20,000,000 for such fiscal
 10 year is not made to the Secretary of
 11 Transportation pursuant to section 4 of
 12 the Act of August 9, 1950 (16 U.S.C.
 13 777c)) and \$55,000,000 for each fiscal
 14 year thereafter.”.

15 (9) Section 9503(c)(5) by striking “1997” and
 16 inserting “2003”.

17 (10) Section 9503(c)(6)(E) by striking “1997”
 18 and inserting “2003”.

19 (11) Section 9503(f)(3) by striking “1999” and
 20 inserting “2005”.

21 (12) Section 9503(f)(4) by striking “2000” and
 22 inserting “2006”.

23 (c) ELIMINATION OF NATIONAL RECREATIONAL
 24 TRAILS TRUST FUND.—Section 9511 is repealed.

25 (d) AQUATIC RESOURCES TRUST FUND.—

1 (1) Section 9504(c) is amended to read as fol-
2 lows:

3 “(c) EXPENDITURES FROM BOAT SAFETY AC-
4 COUNT.—Amounts in the Boat Safety Account shall be
5 available for making expenditures before October 1, 2004,
6 to carry out the purposes of section 13106 of title 46,
7 United States Code, and shall remain available until ex-
8 pended. The amounts transferred annually under section
9 9503(c)(4)(A)(ii) shall be available without further appro-
10 priation.”.

11 (2) CONFORMING AMENDMENTS.—Section
12 13106 of title 46, United States Code, is amended—

13 (A) in subsection (a)(1) by striking the
14 first sentence and inserting “Subject to para-
15 graph (2), the Secretary may expend in each
16 fiscal year, without further appropriation, the
17 amount transferred for such fiscal year to the
18 Boat Safety Account under section 9503(c)(4)
19 of the Internal Revenue Code of 1986 (26
20 U.S.C. 9503(c)(4)).” in its place; and

21 (B) by striking all of subsection (c).

22 (e) PRESERVATION OF MOTORBOAT DIESEL FUEL
23 TAX EXPIRATION DATE.—Section 4041(a)(1)(D)(i) is
24 amended to read as follows:

1 “(i) after December 31, 1999, the
2 rate of tax imposed by this paragraph is
3 4.3 cents per gallon, and”.

4 **SEC. 7003. COMMUTER BENEFIT.**

5 (a) Section 132(f) is amended by striking paragraph
6 (4) and inserting the following:

7 “(4) BENEFIT NOT IN LIEU OF COMPENSA-
8 TION.—Subsection (a)(5) shall not apply to any
9 qualified transportation fringe unless such benefit is
10 provided in addition to (and not in lieu of) any com-
11 pensation otherwise payable to the employee. This
12 paragraph shall not apply to any qualified parking
13 provided in lieu of compensation which otherwise
14 would have been includible in gross income of the
15 employee.”.

16 **SEC. 7004. MASS TRANSIT ACCOUNT.**

17 (a) Section 9503(e)(3) is amended to read as follows:

18 “(3) EXPENDITURES FROM ACCOUNT.—
19 Amounts shall be available, as provided by appro-
20 priation Acts, for making expenditures before Octo-
21 ber 1, 2003 to meet those obligations of the United
22 States heretofore or hereafter incurred which are au-
23 thorized by—

24 “(A) section 5338 of title 49;

1 “(B) the Intermodal Surface Transpor-
 2 tation Efficiency Act of 1991;

3 “(C) the Federal Mass Transportation
 4 Amendments of 1997; or

5 “(D) section 17(d) of the National Capital
 6 Transportation Act of 1969 (Public Law 91–
 7 143; 83 Stat. 320) as amended by the National
 8 Economics Crossroad Transportation Efficiency
 9 Act of 1997.”.

10 (b) Section 9503(e)(4) is amended to read as follows:

11 “(4) LIMITATION.—Rules similar to the
 12 rules of subsection (d) shall apply to the Mass
 13 Transit Account.”.

14 **SEC. 7005. MOTOR VEHICLE SAFETY AND COST SAVINGS**
 15 **PROGRAMS.**

16 Section 9503(c) (relating to expenditures from the
 17 Highway Trust Fund) is amended by inserting the follow-
 18 ing at the end:

19 “(7) MOTOR VEHICLE SAFETY AND COST SAV-
 20 INGS PROGRAMS.—Amounts in the Highway Account
 21 shall be available, as provided by appropriation Acts,
 22 for making expenditures before October 1, 2003, in
 23 accordance with chapter 301 of title 49, United
 24 States Code (‘Motor Vehicle Safety’), chapter 303 of
 25 title 49, United States Code (‘National Driver Reg-

1 ister’), and part C of subtitle VI of title 49, United
 2 States Code (‘Information, Standards, and Require-
 3 ments’).”.

4 **SEC. 7006. GENERAL FUND TRANSFERS FOR TRANSPOR-**
 5 **TATION-RELATED PROGRAMS.**

6 Section 9503(c) (relating to expenditures from the
 7 Highway Trust Fund) is amended by inserting the follow-
 8 ing after paragraph (7) (as added by this title):

9 “(8) TRANSFERS FOR TRANSPORTATION-RELAT-
 10 ED PROGRAM EXPENDITURES IN FISCAL YEARS
 11 1998–2003.—

12 “(A) In each of the fiscal years beginning
 13 in 1998 and ending in fiscal year 2003, the
 14 Secretary shall transfer receipts from the High-
 15 way Trust Fund (other than the Mass Transit
 16 Account) into the General Fund of the Treas-
 17 ury in an amount equal to the enacted appro-
 18 priations of the transportation related portion
 19 of the following accounts: Department of En-
 20 ergy, ‘Energy Conservation’ account; Depart-
 21 ment of the Interior, United States Park Serv-
 22 ice, ‘Construction’ account; Department of the
 23 Interior, Bureau of Indian Affairs, ‘Construc-
 24 tion’ account; Department of Agriculture, Unit-
 25 ed States Forest Service, ‘Reconstruction and

1 Construction’ account, Department of Agri-
 2 culture, United States Forest Service, ‘National
 3 Forest System’ account; Department of Hous-
 4 ing and Urban Development, ‘Community De-
 5 velopment Block Grant’; Environmental Protec-
 6 tion Agency, ‘Environmental Programs and
 7 Management’ account; Appalachian Regional
 8 Commission, ‘Appalachian Regional Commis-
 9 sion’ account; and costs associated with the pro-
 10 curement of Federal Alternative Fuels Acquisi-
 11 tion.

12 “(B) Thirty days after transferring the re-
 13 cepts to the General Fund, the Secretary shall
 14 report to Congress the amounts so transferred
 15 by account.”.

16 **TITLE VIII—RAIL PASSENGER PROGRAMS**

17 **SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 24104 of title 49, United States Code, is
 19 amended to read as follows:

20 **“§ 24104. Authorization of appropriations**

21 “(a) OPERATING GRANTS.—There are authorized to
 22 be appropriated to the Secretary from the Highway Trust
 23 Fund (other than from the Mass Transit Account) to
 24 make grants to Amtrak for operating expenses,
 25 \$344,000,000 in fiscal year 1998, \$292,000,000 in fiscal

1 year 1999, \$242,000,000 in fiscal year 2000,
2 \$192,000,000 in fiscal year 2001, \$142,000,000 in fiscal
3 year 2002, and \$142,000,000 in fiscal year 2003, pro-
4 vided, however, that grants in fiscal years 2002 and 2003
5 shall not be made to offset operating losses, other than
6 for payments to the railroad retirement and railroad un-
7 employment systems.

8 “(b) CAPITAL INVESTMENTS.—There are authorized
9 to be appropriated to the Secretary from the Highway
10 Trust Fund (other than from the Mass Transit Account)
11 to make grants to Amtrak for capital investments, includ-
12 ing expenses related to debt service and investments in
13 the Northeast Corridor authorized by section 24909(a) of
14 this title, \$423,450,000 in each of the fiscal years 1998,
15 1999, 2000, 2001, 2002, and 2003.

16 “(c) SUPPLEMENTAL CAPITAL INVESTMENTS.—(1)
17 There are authorized to be appropriated to the Secretary
18 from the Highway Trust Fund (other than from the Mass
19 Transit Account) to make grants to Amtrak for supple-
20 mental capital investments, including expenses related to
21 debt service and investments in the Northeast Corridor
22 authorized by section 24909(a) of this title, \$130,000,000
23 in fiscal year 1999, \$140,000,000 in fiscal year 2000,
24 \$177,000,000 in fiscal year 2001, \$262,000,000 in fiscal
25 year 2002, and \$165,000,000 in fiscal year 2003.

1 “(2) The Secretary may make grants to Amtrak for
2 supplemental capital investments up to the maximum
3 amount authorized:

4 “(A) For fiscal year 1999, if the Secretary de-
5 termines that Amtrak has taken specific and meas-
6 urable actions to reduce expenses and increase reve-
7 nues consistent with a plan to achieve the operating
8 subsidy reductions identified in subsection (a) of this
9 section.

10 “(B) For fiscal years 2000, 2001, 2002, and
11 2003, if the Secretary determines, based upon a re-
12 port from Amtrak’s independent auditor, that during
13 the penultimate fiscal year, Amtrak’s revenues plus
14 the amount of operating assistance authorized for
15 that year under subsection (a) of this section
16 equaled or exceeded Amtrak’s operating expenses for
17 that year.

18 “(C) The Secretary shall provide the appropria-
19 tions committees of the Senate and the House of
20 Representatives, at the time of the submittal of the
21 President’s annual budget request, the current ap-
22 proved plan to achieve Amtrak’s operating subsidy
23 reductions and a report on Amtrak’s progress in im-
24 plementing that plan.

1 “(d) DEFINITION.—As used in this section, capital
2 investments are those expenditures that are commonly
3 classified by freight or commuter railroads as capital im-
4 provements in accordance with the current findings of the
5 Financial Accounting Standards Board.

6 “(e) CONTRACT AUTHORITY.—Notwithstanding any
7 other provision of law, approval by the Secretary in fiscal
8 year 1999 or thereafter of a grant or contract with funds
9 made available by paragraphs (a), (b), (c), or (d) of this
10 section shall be deemed a contractual obligation of the
11 United States.

12 “(f) AVAILABILITY OF APPROPRIATIONS.—Amounts
13 appropriated under this section remain available until ex-
14 pended.

15 “(g) LIMITATIONS ON USE.—Amounts appropriated
16 under this section may not be used to subsidize operating
17 losses of commuter rail passenger or rail freight transpor-
18 tation.”.

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