

105TH CONGRESS
1ST SESSION

S. 532

To authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 1997

Mr. BAUCUS (for himself, Mr. KEMPTHORNE, Mr. THOMAS, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. KERREY, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation Authorization and Regulatory
6 Streamlining Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Policy.

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS

- Sec. 101. Authorization of appropriations.
 Sec. 102. Effective use of additional highway account revenue.
 Sec. 103. Apportionment of program funds.
 Sec. 104. Apportionment adjustment program.
 Sec. 105. Program administration, research, and planning funds.
 Sec. 106. Recreational trails.
 Sec. 107. Rules for any limitations on obligations.

TITLE II—PROGRAM STREAMLINING

- Sec. 201. Planning-based expenditures on elements of transportation infrastructure.
 Sec. 202. National Highway System.
 Sec. 203. Interstate maintenance activities.
 Sec. 204. Surface transportation program amendments.
 Sec. 205. Conforming amendments to discretionary programs.
 Sec. 206. Cooperative Federal Lands Transportation Program.

TITLE III—REDUCTION OF REGULATION

- Sec. 301. Periodic review of agency rules.
 Sec. 302. Planning and programming.
 Sec. 303. Metric conversion at State option.

TITLE IV—EFFECTIVE DATE; TRANSITION RULES

- Sec. 401. Effective date; transition rules.

1 **SEC. 2. POLICY.**

2 Section 101 of title 23, United States Code, is
 3 amended by striking subsection (b) and inserting the fol-
 4 lowing:

5 “(b) **DECLARATION OF POLICY.**—Congress finds and
 6 declares that—

7 “(1) investments in highways and transpor-
 8 tation systems contribute to the Nation’s economic
 9 growth, international competitiveness, and defense,
 10 and improve the personal mobility and quality of life
 11 of its citizens;

1 “(2) there are significant needs for increased
2 Federal highway and transportation investment
3 across the United States, including a need to im-
4 prove and preserve Interstate System and other Na-
5 tional Highway System routes, which are lifelines for
6 the national economy;

7 “(3) the Federal Government’s interest in
8 transportation includes—

9 “(A) ensuring that people and goods can
10 move efficiently over long distances between
11 metropolitan areas and thus across rural areas;

12 “(B) ensuring that people and goods can
13 move efficiently within metropolitan and rural
14 areas;

15 “(C) preserving environmental quality and
16 reducing air pollution;

17 “(D) promoting transportation safety; and

18 “(E) ensuring the effective use of intel-
19 ligent transportation systems and other trans-
20 portation technological innovations in both
21 urban and rural settings;

22 “(4) rural States do not have the fiscal re-
23 sources to support highway investments within their
24 borders that benefit the United States as a whole by

enabling the movement of people and goods between metropolitan areas and thus across rural States;

“(5) since State governments already take into account the public interest before making transportation decisions affecting citizens of the States—

“(A) the need for Federal regulation of State transportation activities is limited; and

“(B) it is appropriate for Federal transportation programs to be revised to minimize regulations and program requirements and to provide greater flexibility to State governments; and

“(6) the Federal Government should continue to allow States and local governments flexibility in the use of Federal highway funds and require transportation planning and public involvement in transportation planning.”.

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of title

23, United States Code, \$14,163,000,000 for each of fiscal years 1998 through 2003.

(2) SURFACE TRANSPORTATION PROGRAM.—

For the surface transportation program under section 133 of that title, \$9,442,000,000 for each of fiscal years 1998 through 2003.

(3) FEDERAL LANDS HIGHWAY INVESTMENTS.—

(A) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—

For Indian reservation roads under section 204 of that title, \$191,000,000 for each of fiscal years 1998 through 2003.

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

(iii) PARKWAYS AND PARK ROADS.—

For parkways and park roads under section 204 of that title, \$84,000,000 for each of fiscal years 1998 through 2003.

(B) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program

1 under section 206 of that title, \$155,000,000
 2 for each of fiscal years 1998 through 2003.

3 (4) TERRITORIES.—For the Virgin Islands,
 4 Guam, American Samoa, and the Commonwealth of
 5 the Northern Mariana Islands, collectively,
 6 \$35,000,000 for each of fiscal years 1998 through
 7 2003. Such sums shall be allocated among those ter-
 8 ritories at the discretion of the Secretary of Trans-
 9 portation.

10 **SEC. 102. EFFECTIVE USE OF ADDITIONAL HIGHWAY AC-**
 11 **COUNT REVENUE.**

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

15 **“§ 162. Effective use of additional highway account**
 16 **revenue**

17 **“(a) DETERMINATION OF ADDITIONAL AMOUNTS TO**
 18 **BE APPORTIONED.—**

19 **“(1) PUBLICATION OF INFORMATION.—**Not
 20 later than 90 days after the beginning of each fiscal
 21 year beginning with fiscal year 1999, the Secretary
 22 shall publish in the Federal Register the following
 23 information:

24 **“(A)** The total estimated revenue of the
 25 Highway Trust Fund (other than the Mass

1 Transit Account) during the period consisting
 2 of that fiscal year and the 5 following fiscal
 3 years, including all interest income credited or
 4 to be credited during the period.

5 “(B) The amount obtained by dividing the
 6 amount determined under subparagraph (A) by
 7 6.

8 “(C) The amount obtained by subtracting
 9 \$27,000,000,000 from the amount determined
 10 under subparagraph (B).

11 “(2) APPORTIONMENT.—If the amount deter-
 12 mined under paragraph (1)(C) is greater than zero,
 13 the Secretary shall—

14 “(A) multiply that amount by 0.85; and

15 “(B) apportion the amount determined
 16 under subparagraph (A) in accordance with
 17 subsection (b)(1).

18 “(b) METHOD OF APPORTIONMENT.—

19 “(1) IN GENERAL.—For each fiscal year, the
 20 amount determined under subsection (a)(2) shall be
 21 apportioned as follows:

22 “(A) 60 percent of the amount shall be
 23 added to the amount authorized to be appro-
 24 priated for the fiscal year for the National
 25 Highway System under section 101(1) of the

1 Surface Transportation Authorization and Reg-
2 ulatory Streamlining Act.

3 “(B) 40 percent of the amount shall be
4 added to the amount authorized to be appro-
5 priated for the fiscal year for the surface trans-
6 portation program under section 101(2) of that
7 Act.

8 “(2) APPORTIONMENT ADJUSTMENT PRO-
9 GRAM.—After making the apportionment under
10 paragraph (1), the Secretary shall make such addi-
11 tional apportionments as are necessary under section
12 157.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated out of the Highway
15 Trust Fund (other than the Mass Transit Account) to
16 carry out this section such sums as are necessary for fiscal
17 year 1999 and each fiscal year thereafter.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
19 chapter 1 of title 23, United States Code, is amended by
20 adding at the end the following:

“162. Effective use of additional highway user taxes.”.

21 **SEC. 103. APPORTIONMENT OF PROGRAM FUNDS.**

22 (a) IN GENERAL.—Section 104(b) of title 23, United
23 States Code, is amended—

24 (1) by striking paragraph (1) and inserting the
25 following:

1 “(1) NATIONAL HIGHWAY SYSTEM.—

2 “(A) APPORTIONMENT.—For the National
3 Highway System, as follows:

4 “(i) INTERSTATE LANE MILES.—20
5 percent in the ratio that lane miles on
6 Interstate routes in each State bears to the
7 total of all such lane miles in all States.

8 “(ii) INTERSTATE VEHICLE MILES
9 TRAVELED.—25 percent in the ratio that
10 vehicle miles traveled on Interstate routes
11 in each State bears to the total of all such
12 vehicle miles in all States.

13 “(iii) NATIONAL HIGHWAY SYSTEM
14 LANE MILES.—30 percent in the ratio that
15 lane miles on National Highway System
16 routes in each State bears to the total of
17 all such lane miles in all States.

18 “(iv) NATIONAL HIGHWAY SYSTEM
19 VEHICLE MILES TRAVELED.—10 percent in
20 the ratio that vehicle miles traveled on the
21 National Highway System in each State
22 bears to the total of all such vehicle miles
23 in all States.

24 “(v) SPECIAL FUEL.—15 percent in
25 the ratio that special fuels volume for each

1 State bears to the total special fuels vol-
2 ume for all States.

3 “(B) USE OF DATA.—In making the cal-
4 culations for this paragraph, for paragraph (3),
5 and for section 157, the Secretary shall use the
6 most recent calendar or fiscal year for which
7 data are available as of the first day of the fis-
8 cal year for which the apportionment is to be
9 made.

10 “(C) DEFINITIONS.—In this paragraph:

11 “(i) LANE MILES ON INTERSTATE
12 ROUTES.—The term ‘lane miles on Inter-
13 state routes’ shall have the meaning used
14 by the Secretary in developing Highway
15 Statistics Table HM–60.

16 “(ii) LANE MILES ON NATIONAL
17 HIGHWAY SYSTEM ROUTES.—The term
18 ‘lane miles on National Highway System
19 routes’ shall have the meaning used by the
20 Secretary in developing Highway Statistics
21 Table HM–48.

22 “(iii) SPECIAL FUELS VOLUME.—The
23 term ‘special fuels volume’ shall have the
24 meaning used by the Secretary in develop-

1 ing column 8 of Highway Statistics Table
2 MF-2.

3 “(iv) STATE.—The term ‘State’
4 means each of the 50 States and the Dis-
5 trict of Columbia.

6 “(v) VEHICLE MILES TRAVELED.—
7 The terms ‘vehicle miles traveled on Inter-
8 state routes’ and ‘vehicle miles traveled on
9 the National Highway System’ shall have
10 the meanings used by the Secretary in de-
11 veloping Highway Statistics Table VM-3.”;

12 (2) by striking paragraph (2);

13 (3) by striking paragraph (3) and inserting the
14 following:

15 “(3) SURFACE TRANSPORTATION PROGRAM.—
16 For the surface transportation program, as follows:

17 “(A) FEDERAL-AID HIGHWAY LANE
18 MILES.—25 percent in the ratio that lane miles
19 on Federal-aid highways in each State bears to
20 the total of all such lane miles in all States.

21 “(B) FEDERAL-AID HIGHWAY VEHICLE
22 MILES TRAVELED.—53 percent in the ratio that
23 vehicle miles traveled on Federal-aid highways
24 in each State bears to the total of all such vehi-
25 cle miles in all States.

1 “(C) BRIDGE DECK SURFACE AREA.—10
 2 percent in the ratio that the square footage of
 3 bridge deck surface in each State, including
 4 such square footage with respect to bridges not
 5 on Federal-aid highways, bears to the total of
 6 such square footage in all States, except that,
 7 in this subparagraph, the term ‘bridge’ includes
 8 only structures of at least 20 feet in length.

9 “(D) AIR QUALITY.—4 percent in accord-
 10 ance with the following table:

“State	Percentage
Alabama	0.41
Alaska	0.00
Arizona	1.50
Arkansas	0.00
California	23.02
Colorado	0.00
Connecticut	2.63
Delaware	0.45
District of Columbia	0.48
Florida	3.34
Georgia	1.73
Hawaii	0.00
Idaho	0.00
Illinois	5.48
Indiana	1.26
Iowa	0.00
Kansas	0.00
Kentucky	0.82
Louisiana	0.47
Maine	0.48
Maryland	3.47
Massachusetts	4.60
Michigan	3.25
Minnesota	0.00
Mississippi	0.00
Missouri	1.11
Montana	0.00
Nebraska	0.00
Nevada	0.17
New Hampshire	0.43
New Jersey	6.45
New Mexico	0.00

“State	Percentage
New York	10.96
North Carolina	1.38
North Dakota	0.00
Ohio	4.91
Oklahoma	0.00
Oregon	0.66
Pennsylvania	6.76
Rhode Island	0.65
South Carolina	0.00
South Dakota	0.00
Tennessee	1.25
Texas	5.47
Utah	0.55
Vermont	0.00
Virginia	2.38
Washington	1.78
West Virginia	0.30
Wisconsin	1.40
Wyoming	0.00.

1 “(E) POPULATION IN RELATION TO LANE
2 MILES.—2 percent, as follows: The Secretary
3 shall (i) divide the total population of all States
4 by the total number of lane miles on Federal-
5 aid highways in all States; (ii) for each State
6 divide the State’s population by the number of
7 lane miles on Federal-aid highways within its
8 borders; (iii) for each State divide the number
9 determined by (ii) into the number determined
10 by (i); (iv) add together the number determined
11 under (iii) for every State; and (v) divide the
12 number for each State under (iii) by the num-
13 ber for all States determined under (iv). The
14 Secretary shall apportion to each State, of the
15 funds apportioned under this subparagraph, the

1 percentage equal to the number determined
2 under (v).

3 “(F) FEDERAL LANDS.—5 percent as fol-
4 lows: The Secretary, after consultation with the
5 General Services Administration, the Depart-
6 ment of the Interior, and other agencies as ap-
7 propriate, shall (i) determine the percentage of
8 the total land in each State represented by the
9 sum of the percentage of land owned by the
10 Federal Government in the State and the per-
11 centage of land in the State held in trust by the
12 Federal Government; (ii) add together the indi-
13 vidual State percentages determined under
14 clause (i) for all States; and (iii) divide the
15 amount for each State under clause (i) by the
16 amount for all States under clause (ii). The 5
17 percent shall be apportioned among the States
18 in accord with each State’s percentage under
19 clause (iii).

20 “(G) FREEZE-THAW.—1 percent, to be ap-
21 portioned among the States in accordance with
22 the table set forth in clause (i), or in accord-
23 ance with clause (ii).

24 “(i) TABLE.—

“State	Percentage
Alabama	1.2
Alaska	2.4

“State	Percentage
Arizona	1.0
Arkansas	1.4
California	0.8
Colorado	3.3
Connecticut	2.3
Delaware	1.8
District of Columbia	1.9
Florida	0.2
Georgia	1.1
Hawaii	0.0
Idaho	2.9
Illinois	1.9
Indiana	1.9
Iowa	2.1
Kansas	2.1
Kentucky	1.9
Louisiana	0.7
Maine	2.5
Maryland	2.0
Massachusetts	2.4
Michigan	2.2
Minnesota	2.0
Mississippi	1.1
Missouri	2.0
Montana	3.0
Nebraska	2.4
Nevada	2.2
New Hampshire	2.0
New Jersey	2.6
New Mexico	2.1
New York	2.9
North Carolina	2.3
North Dakota	2.2
Ohio	2.1
Oklahoma	1.6
Oregon	1.6
Pennsylvania	2.3
Rhode Island	2.1
South Carolina	1.4
South Dakota	2.5
Tennessee	1.8
Texas	1.1
Utah	3.2
Vermont	2.0
Virginia	1.9
Washington	1.8
West Virginia	2.2
Wisconsin	2.1
Wyoming	3.5.

1 “(ii) ALTERNATE APPROACH.—Not-

2 withstanding section 315, the Secretary

1 may, through notice and comment rule-
 2 making, adopt an approach in lieu of the
 3 table set forth in clause (i) in order to ap-
 4 portion funds subject to this subparagraph
 5 among the States in a manner that reflects
 6 the relative frequency of freeze-thaw cycles
 7 within the States. The Secretary may use
 8 that alternate approach to apportioning
 9 funds for a fiscal year only if a final rule,
 10 adopted after notice and comment, is in ef-
 11 fect prior to the beginning of that fiscal
 12 year.

13 “(H) DEFINITIONS.—In this paragraph:

14 “(i) LANE MILES ON FEDERAL-AID
 15 HIGHWAYS.—The term ‘lane miles on Fed-
 16 eral-aid highways’ shall have the meaning
 17 used by the Secretary in developing High-
 18 way Statistics Table HM–60.

19 “(ii) STATE.—The term ‘State’ means
 20 each of the 50 States and the District of
 21 Columbia.

22 “(iii) VEHICLE MILES TRAVELED ON
 23 FEDERAL-AID HIGHWAYS.—The term ‘vehi-
 24 cle miles traveled on Federal-aid highways’
 25 shall have the meaning used by the Sec-

1 retary in developing Highway Statistics
2 Table VM-2.”;

3 (4) in paragraph (5)—

4 (A) in subparagraph (A), by striking “(A)
5 Except as provided in subparagraph (B)—”;
6 and

7 (B) by striking subparagraph (B); and
8 (5) by striking paragraph (6).

9 (b) POPULATION DETERMINATIONS.—Section 104 of
10 title 23, United States Code, is amended by adding at the
11 end the following:

12 “(k) POPULATION DETERMINATIONS.—For the pur-
13 poses of subsection (b)(3) and section 157, population
14 shall be determined on the basis of the most recent esti-
15 mates prepared by the Secretary of Commerce.”.

16 (c) CONFORMING AMENDMENTS.—

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

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

24 (3) Section 139 of title 23, United States Code,
25 is amended by striking “sections 104(b)(1) and

1 104(b)(5)(B) of this title” each place it appears and
 2 inserting “section 104(b)(1)”.

3 (4) Section 142(c) of title 23, United States
 4 Code, is amended by striking “section 104(b)(5)(A)”
 5 and inserting “section 104(b)(5)”.

6 (5) Section 159(b) of title 23, United States
 7 Code, is amended—

8 (A) in paragraph (1)(A)—

9 (i) in clause (i), by striking “section
 10 104(b)(5)(A)” and inserting “section
 11 104(b)(5)(A) (as in effect on the day be-
 12 fore the date of enactment of the Surface
 13 Transportation Authorization and Regu-
 14 latory Streamlining Act)”; and

15 (ii) in clause (ii), by striking “section
 16 104(b)(5)(B)” and inserting “section
 17 104(b)(5)(B) (as in effect on the day be-
 18 fore the date of enactment of the Surface
 19 Transportation Authorization and Regu-
 20 latory Streamlining Act)”; and

21 (B) in paragraph (3)—

22 (i) in subparagraph (A), by striking
 23 “section 104(b)(5)(A)” and inserting “sec-
 24 tion 104(b)(5)(A) (as in effect on the day
 25 before the date of enactment of the Sur-

face Transportation Authorization and
Regulatory Streamlining Act)”;

(ii) in subparagraph (B), by striking
“(5)(B)” and inserting “(5)(B) (as in ef-
fect on the day before the date of enact-
ment of the Surface Transportation Au-
thorization and Regulatory Streamlining
Act)”; and

(iii) in the last sentence, by striking
“section 104(b)(5)” and inserting “section
104(b)(5) (as in effect on the day before
the date of enactment of the Surface
Transportation Authorization and Regu-
latory Streamlining Act)”; and

(C) in paragraph (4), by striking “section
104(b)(5)” and inserting “section 104(b)(5) (as
in effect on the day before the date of enact-
ment of the Surface Transportation Authoriza-
tion and Regulatory Streamlining Act)”.

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

1 (7) Section 1009 of the Intermodal Surface
 2 Transportation Efficiency Act of 1991 (23 U.S.C.
 3 119 note; 105 Stat. 1933) is amended by striking
 4 subsection (c).

5 **SEC. 104. APPORTIONMENT ADJUSTMENT PROGRAM.**

6 (a) IN GENERAL.—Section 157 of title 23, United
 7 States Code, is amended to read as follows:

8 **“§ 157. Apportionment adjustment program**

9 “(a) DEFINITIONS.—In this section:

10 “(1) LOW-DENSITY STATE.—The term ‘low-den-
 11 sity State’ means a State that is listed in the table
 12 in paragraph (4) and that has an average population
 13 density of 20 individuals or fewer per square mile.

14 “(2) SMALL STATE.—The term ‘small State’
 15 means a State that is listed in the table in para-
 16 graph (4) and that has a population of 1,500,000 in-
 17 dividuals or fewer and a land area of 10,000 square
 18 miles or less.

19 “(3) STATE.—The term ‘State’ means each of
 20 the 50 States and the District of Columbia.

21 “(4) STATED PERCENTAGE.—The term ‘stated
 22 percentage’, with respect to a State, means the per-
 23 centage listed for the State in the following table:

“State	Percentage
Alaska	1.25
Delaware	0.40
Hawaii	0.55
Idaho	0.70

“State	Percentage
Montana	0.95
Nevada	0.67
New Hampshire	0.48
New Mexico	1.05
North Dakota	0.63
Rhode Island	0.55
South Dakota	0.70
Vermont	0.43
Wyoming	0.66.

1 “(b) PROGRAM.—On October 1 (or as soon as pos-
2 sible thereafter) of each fiscal year beginning after Sep-
3 tember 30, 1997, the Secretary shall apportion among the
4 States, in addition to amounts apportioned under para-
5 graphs (1) and (3) of section 104(b), and section
6 104(f)(2), the amounts required by this section.

7 “(c) ADDITIONAL APPORTIONMENTS AND SEQUENCE
8 OF CALCULATING ADDITIONAL APPORTIONMENTS.—

9 “(1) FIRST CALCULATION.—The Secretary shall
10 apportion \$95,000,000 to the Commonwealth of
11 Puerto Rico.

12 “(2) SECOND CALCULATION.—For each low-
13 density State and each small State, the Secretary
14 shall calculate the total amount obtained by mul-
15 tiplying the stated percentage for the State by the
16 total amount of funds apportioned to all States
17 under paragraphs (1) and (3) of section 104(b) and
18 section 104(f)(2) plus the amount apportioned under
19 paragraph (1). For any low-density or small State
20 that received, under paragraphs (1) and (3) of sec-
21 tion 104(b) and section 104(f)(2) combined, appor-

1 tionments less than the amount for the State deter-
2 mined pursuant to the first sentence of this para-
3 graph, the Secretary shall apportion to the State
4 such additional amount as is required to make up
5 that difference.

6 “(3) THIRD CALCULATION.—In addition to any
7 amount required to be apportioned by paragraph (2)
8 for a fiscal year, the Secretary shall make additional
9 apportionments so that no State receives an amount
10 that is less than the amount determined by multiply-
11 ing (A) the percentage that is 95 percent of the per-
12 centage of estimated tax payments attributable to
13 highway users in the State paid into the Highway
14 Trust Fund (other than the Mass Transit Account)
15 in the latest fiscal year for which data are available
16 by (B) the total amount of funds apportioned to all
17 States immediately after the Secretary has made any
18 additional apportionments required by paragraph
19 (2).

20 “(4) FOURTH CALCULATION.—The Secretary
21 shall determine for each State the percentage appor-
22 tioned to that State of the total amount of funds ap-
23 portioned to all States under paragraphs (1) and (3)
24 of section 104(b). The Secretary shall calculate, for
25 each State, the total amount obtained by multiplying

1 (A) the percentage for that State under the first
2 sentence of this paragraph by (B) the total amount
3 of funds apportioned to all States after the appor-
4 tionment made by paragraph (3). If the amount for
5 a State under the calculation made under the pre-
6 ceding sentence, minus the total amount apportioned
7 to that State after the apportionments made by
8 paragraph (3), is greater than zero, the Secretary
9 shall make an additional apportionment, equal to
10 that amount, to that State.

11 “(5) FIFTH CALCULATION.—For each low-den-
12 sity State and each small State, the Secretary shall
13 calculate the total amount obtained by multiplying
14 the stated percentage for the State by the total
15 amount of funds apportioned to all States after the
16 apportionment made by paragraph (4). For any low-
17 density or small State that receives, after the appor-
18 tionment made by paragraph (4), total apporportion-
19 ments less than the amount for the State deter-
20 mined pursuant to the first sentence of this para-
21 graph, the Secretary shall apportion to the State
22 such additional amount as is required to make up
23 that difference.

24 “(d) TERMS AND CONDITIONS.—Amounts appor-
25 tioned in accordance with subsection (c), and amounts au-

1 thorized to be appropriated under section 101(4) of the
 2 Surface Transportation Authorization and Regulatory
 3 Streamlining Act—

4 “(1) shall be available for obligation, when allo-
 5 cated, for the year authorized and the 3 following
 6 fiscal years;

7 “(2) shall be subject to this title; and

8 “(3) may be obligated for National Highway
 9 System projects under section 103, surface transpor-
 10 tation program projects under section 133, or any
 11 other purpose authorized under this title.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated out of the Highway
 14 Trust Fund (other than the Mass Transit Account) to
 15 carry out this section such sums as are necessary for fiscal
 16 year 1998 and each fiscal year thereafter.”.

17 (b) CONFORMING AMENDMENT.—The analysis for
 18 chapter 1 of title 23, United States Code, is amended by
 19 striking the item relating to section 157 and inserting the
 20 following:

“157. Apportionment adjustment program.”.

21 (c) REPEAL OF CERTAIN APPORTIONMENT ADJUST-
 22 MENT PROGRAMS.—

23 (1) REIMBURSEMENT FOR SEGMENTS OF THE
 24 INTERSTATE SYSTEM CONSTRUCTED WITHOUT FED-
 25 ERAL ASSISTANCE.—

1 (A) IN GENERAL.—Section 160 of title 23,
2 United States Code, is repealed.

3 (B) CONFORMING AMENDMENT.—The
4 analysis for chapter 1 of title 23, United States
5 Code, is amended by striking the item relating
6 to section 160.

7 (2) DONOR STATE BONUS AMOUNTS.—Section
8 1013 of the Intermodal Surface Transportation Effi-
9 ciency Act of 1991 (23 U.S.C. 157 note; 105 Stat.
10 1940) is amended by striking subsection (c).

11 (3) HOLD HARMLESS APPORTIONMENT ADJUST-
12 MENT.—Section 1015 of the Intermodal Surface
13 Transportation Efficiency Act of 1991 (23 U.S.C.
14 104 note; 105 Stat. 1943) is amended by striking
15 subsection (a).

16 (4) 90 PERCENT OF PAYMENTS ADJUSTMENT.—
17 Section 1015 of the Intermodal Surface Transpor-
18 tation Efficiency Act of 1991 (23 U.S.C. 104 note;
19 105 Stat. 1944) is amended by striking subsection
20 (b).

21 **SEC. 105. PROGRAM ADMINISTRATION, RESEARCH, AND**
22 **PLANNING FUNDS.**

23 (a) PROGRAM ADMINISTRATION.—Section 104 of
24 title 23, United States Code, is amended—

25 (1) in subsection (a)—

1 (A) in the first sentence—

2 (i) by striking “an apportionment is
3 made of the sums authorized to be appro-
4 priated for expenditure on the surface
5 transportation program, the congestion
6 mitigation and air quality improvement
7 program, the National Highway System,
8 and the Interstate System” and inserting
9 “apportionments are made pursuant to
10 this section and section 157”; and

11 (ii) by striking “not to exceed $3\frac{3}{4}$ per
12 centum of all sums so authorized” and in-
13 serting “not to exceed 2 percent of the
14 total of the apportionments”;

15 (B) by inserting after the first sentence
16 the following: “For the purpose of calculating
17 apportionments referred to in the preceding
18 sentence, the deductions made under this sub-
19 section shall be made only after the completion
20 of all other aspects of calculating the appor-
21 tionments and from amounts calculated without
22 taking into account the deductions.”; and

23 (C) in the third sentence (after the amend-
24 ment made by subparagraph (B)), by striking

1 “such determination” and inserting “the deter-
2 mination described in the first sentence”; and

3 (2) in the matter preceding paragraph (1) of
4 subsection (b), by striking “, after making the de-
5 duction” and all that follows through the colon and
6 inserting “shall make apportionments for the fiscal
7 year in the following manner:”.

8 (b) METROPOLITAN PLANNING.—Section 104(f) of
9 title 23, United States Code, is amended by striking
10 “(f)(1)” and all that follows through the end of paragraph
11 (1) and inserting the following:

12 “(f) METROPOLITAN PLANNING.—

13 “(1) SET ASIDE.—On October 1 of each fiscal
14 year, the Secretary shall set aside to carry out sec-
15 tion 134 not to exceed 1 percent of the funds au-
16 thorized to be appropriated for the National High-
17 way System under section 103 and the surface
18 transportation program under section 133.”.

19 (c) RESEARCH AND PLANNING.—Section 307 of title
20 23, United States Code, is amended—

21 (1) by redesignating subsections (g) and (h) as
22 subsections (i) and (j), respectively; and

23 (2) by inserting after subsection (f) the follow-
24 ing:

1 “(g) FREEZE-THAW RESEARCH.—Not later than 90
 2 days after the date of enactment of the Surface Transpor-
 3 tation Authorization and Regulatory Streamlining Act, the
 4 Secretary shall undertake an enhanced level of research
 5 to determine means of reducing the long-term and short-
 6 term costs of constructing and maintaining asphalt pave-
 7 ment in areas with severe or frequent freeze-thaw cycles.

8 “(h) CONSIDERATION OF RURAL ISSUES IN TRANS-
 9 PORTATION RESEARCH, INTELLIGENT TRANSPORTATION
 10 SYSTEMS, AND TECHNOLOGY PROGRAMS.—In selecting
 11 topics for research, allocating funds among contractors
 12 and State and local governments for research, and re-
 13 searching, developing, testing, and promoting intelligent
 14 transportation systems and other technological applica-
 15 tions, the Secretary shall give careful consideration to the
 16 national interest in—

17 “(1) understanding transportation issues that
 18 affect rural areas;

19 “(2) developing a scientific and technological in-
 20 frastructure in rural areas; and

21 “(3) permitting rural as well as metropolitan
 22 areas to benefit from the deployment of modern
 23 transportation technology.”.

1 **SEC. 106. RECREATIONAL TRAILS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated out of the Highway Trust
4 Fund (other than the Mass Transit Account) to carry out
5 the recreational trails program under part B of title I of
6 the Intermodal Surface Transportation Efficiency Act of
7 1991 (16 U.S.C. 1261 et seq.) \$30,000,000 for each of
8 fiscal years 1998 through 2003.

9 (b) APPORTIONMENT FORMULA.—

10 (1) ADMINISTRATIVE COSTS.—Whenever an ap-
11 portionment is made of the sums authorized to be
12 appropriated to carry out section 1302 of the Inter-
13 modal Surface Transportation Efficiency Act of
14 1991 (16 U.S.C. 1261), the Secretary shall deduct
15 an amount, not to exceed 3 percent of the sums au-
16 thorized, to cover the cost to the Secretary for ad-
17 ministration of and research under the recreational
18 trails program and for administration of the Na-
19 tional Recreational Trails Advisory Committee. The
20 Secretary may enter into contracts, partnerships, or
21 cooperative agreements with other government agen-
22 cies, institutions of higher learning, or nonprofit or-
23 ganizations, and may enter into contracts with for-
24 profit organizations, to carry out the administration
25 and research described in the preceding sentence.

1 (2) APPROPRIATION TO THE STATES.—After
2 making the deduction authorized by paragraph (1),
3 the Secretary shall apportion the remainder of the
4 sums authorized to be appropriated for expenditure
5 on the recreational trails program for each fiscal
6 year among the States in the following manner:

7 (A) EQUAL AMOUNTS.—Fifty percent of
8 that amount shall be apportioned equally
9 among eligible States (as defined in section
10 1302(g)(1) of the Intermodal Surface Trans-
11 portation Efficiency Act of 1991 (16 U.S.C.
12 1261(g)(1))).

13 (B) AMOUNTS PROPORTIONATE TO NON-
14 HIGHWAY RECREATIONAL FUEL USE.—Fifty
15 percent of that amount shall be apportioned
16 among eligible States (as defined in section
17 1302(g)(1) of the Intermodal Surface Trans-
18 portation Efficiency Act of 1991 (16 U.S.C.
19 1261(g)(1))) in amounts proportionate to the
20 degree of nonhighway recreational fuel use in
21 each of those States during the preceding year.

22 (c) CONTRACT AUTHORITY.—Funds authorized by
23 this section shall be available for obligation in the same
24 manner as if the funds were apportioned under chapter
25 1 of title 23, United States Code, except that the Federal

1 share of the cost of any recreational trails project shall
2 be determined in accordance with subsection (d).

3 (d) FEDERAL SHARE PAYABLE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graphs (2), (3), (4), and (5), the Federal share pay-
6 able on account of a recreational trails project shall
7 not exceed 80 percent.

8 (2) FEDERAL AGENCY PROJECT SPONSOR.—

9 Notwithstanding any other provision of law, a Fed-
10 eral agency sponsoring a project under this section
11 may contribute Federal funds toward a project's
12 cost, if the share attributable to the Secretary of
13 Transportation does not exceed 50 percent and the
14 share attributable to the Secretary and the Federal
15 agency jointly does not exceed 80 percent.

16 (3) ALLOWABLE MATCH FROM FEDERAL GRANT
17 PROGRAMS.—Notwithstanding any other provision of
18 law, the following Federal grant programs may be
19 used to contribute Federal funds toward a project's
20 cost and may be accounted for as contributing to the
21 non-Federal share:

22 (A) The State and Local Fiscal Assistance
23 Act of 1972 (Public Law 92–512).

1 (B) Title I of the Housing and Community
 2 Development Act of 1974 (42 U.S.C. 5301 et
 3 seq.).

4 (C) The Public Works Employment Act of
 5 1976 (42 U.S.C. 6701 et seq.).

6 (D) The Delaware and Lehigh Navigation
 7 Canal National Heritage Corridor Act of 1988
 8 (16 U.S.C. 461 note; 102 Stat. 4552).

9 (E) The Job Training Partnership Act (29
 10 U.S.C. 1501 et seq.).

11 (F) The National and Community Service
 12 Act of 1990 (42 U.S.C. 12501 et seq.).

13 (G) The Personal Responsibility and Work
 14 Opportunity Reconciliation Act of 1996 (Public
 15 Law 104–193).

16 (4) PROGRAMMATIC NON-FEDERAL SHARE.—A
 17 State may allow adjustments of the non-Federal
 18 share of individual projects if the total Federal share
 19 payable for all projects within the State under this
 20 program for a Federal fiscal year’s apportionment
 21 does not exceed 80 percent. A project funded under
 22 paragraph (2) or (3) may not be included in the cal-
 23 culation of the programmatic non-Federal share.

24 (5) STATE ADMINISTRATIVE COSTS.—The Fed-
 25 eral share payable on account of the administrative

1 costs of a State, incurred in administering this pro-
 2 gram and carrying out statewide trail planning, shall
 3 be determined in accordance with section 120(b) of
 4 title 23, United States Code.

5 **SEC. 107. RULES FOR ANY LIMITATIONS ON OBLIGATIONS.**

6 (a) NONE ESTABLISHED.—Nothing in this Act estab-
 7 lishes a limitation on the total of all obligations for any
 8 fiscal year for Federal-aid highways and highway safety
 9 construction programs.

10 (b) RULES FOR OBLIGATION AUTHORITY LIMITS.—
 11 Chapter 1 of title 23, United States Code (as amended
 12 by section 102(a)), is amended by adding at the end the
 13 following:

14 **“§ 163. Rules for any limitations on obligations**

15 “(a) IN GENERAL.—Any provision of a statute en-
 16 acted before or after the date of enactment of this section
 17 that establishes a limitation on obligations for Federal-aid
 18 highways and highway safety construction programs for
 19 fiscal year 1998, or any fiscal year thereafter, shall be in
 20 accordance with this section (as in effect on the date of
 21 enactment of this section) or stated as an amendment to
 22 this section.

23 “(b) PROHIBITION ON CERTAIN LIMITATIONS.—Obli-
 24 gations under section 125, for Federal lands highway in-
 25 vestments, and for recreational trails under part B of title

1 I of the Intermodal Surface Transportation Efficiency Act
 2 of 1991 (16 U.S.C. 1261 et seq.), shall not be subject to
 3 any limitation on obligation authority.

4 “(c) DISTRIBUTION OF OBLIGATION LIMITATIONS.—

5 “(1) IN GENERAL.—If, with respect to fiscal
 6 year 1998 or any fiscal year thereafter, a provision
 7 of a statute establishes a limitation on obligations
 8 for Federal-aid highways and highway safety con-
 9 struction programs, paragraphs (2) through (4)
 10 shall apply.

11 “(2) DISTRIBUTION FORMULA.—For a fiscal
 12 year, any limitation described in paragraph (1) shall
 13 be distributed among the States by allocation in the
 14 ratio that—

15 “(A) the total of the amounts apportioned
 16 to each State under sections 104, 157, and 162
 17 for the fiscal year; bears to

18 “(B) the total of the amounts apportioned
 19 to all States under those sections for the fiscal
 20 year.

21 “(3) REDISTRIBUTION OF UNUSED OBLIGATION
 22 AUTHORITY.—

23 “(A) IN GENERAL.—Notwithstanding any
 24 limitation described in paragraph (1), for each
 25 fiscal year, the Secretary—

1 “(i) shall provide each State with au-
2 thority sufficient to prevent lapses of sums
3 authorized to be appropriated for Federal-
4 aid highways and highway safety construc-
5 tion programs that have been apportioned
6 or allocated to the State, except in those
7 cases in which the State indicates its inten-
8 tion to lapse sums apportioned to the
9 State;

10 “(ii) after August 1 of the fiscal
11 year—

12 “(I) shall revise a distribution of
13 the funds made available under the
14 limitation described in paragraph (1)
15 for the fiscal year if a State will not
16 obligate the amount distributed dur-
17 ing the fiscal year; and

18 “(II) shall redistribute sufficient
19 amounts to States able to obligate
20 amounts in addition to the amounts
21 previously distributed for the fiscal
22 year, giving priority to those States
23 that have unobligated balances of
24 funds apportioned that are relatively
25 large when compared to the amount

1 of funds apportioned to those States
 2 under sections 104 and 157 for the
 3 fiscal year; and

4 “(iii) shall not distribute amounts au-
 5 thorized for administrative expenses.

6 “(B) STATE INFRASTRUCTURE BANKS.—
 7 For the purposes of subparagraph (A)(ii), funds
 8 made available and placed in a State infrastruc-
 9 ture bank approved by the Secretary but not
 10 obligated out of the bank shall be considered to
 11 be not obligated.

12 “(4) ADDITIONAL OBLIGATION AUTHORITY.—

13 “(A) IN GENERAL.—Subject to paragraph
 14 (3), a State that after August 1 and on or be-
 15 fore September 30 of a fiscal year obligates the
 16 amount distributed to the State for the fiscal
 17 year under paragraph (2) may obligate for Fed-
 18 eral-aid highways and highway safety construc-
 19 tion programs on or before September 30 of the
 20 fiscal year an additional amount not to exceed
 21 5 percent of the aggregate amount of funds ap-
 22 portioned or allocated to the State under sec-
 23 tions 104 and 157 that are not obligated on the
 24 date on which the State completes obligation of
 25 the amount so distributed.

1 “(B) LIMITATION ON ADDITIONAL OBLIGA-
 2 TION AUTHORITY.—During the period August 2
 3 through September 30 of each fiscal year, the
 4 aggregate amount that may be obligated by all
 5 States under subparagraph (A) shall not exceed
 6 2.5 percent of the aggregate amount of funds
 7 apportioned or allocated to all States under sec-
 8 tions 104 and 157 that would not be obligated
 9 in the fiscal year if the total amount of obliga-
 10 tion authority provided for the fiscal year were
 11 used.

12 “(C) LIMITATION ON APPLICABILITY.—In
 13 the case of a fiscal year, subparagraph (A) shall
 14 not apply to any State that on or after August
 15 1 of the fiscal year has the amount distributed
 16 to the State under a limitation for the fiscal
 17 year reduced under paragraph (3).

18 “(d) MAINTENANCE OF OVERALL PROGRAM BAL-
 19 ANCE.—If a limitation on obligations is established for a
 20 fiscal year—

21 “(1) the Secretary shall determine the percent-
 22 age by which the limitation reduces the amount of
 23 funds that otherwise would be available for obliga-
 24 tion by each State; and

1 “(2) notwithstanding sections 133, 144, and
 2 149, for the fiscal year, the amounts that are re-
 3 quired to be made available for use in the State
 4 under paragraphs (1) and (2) of section 133(d), the
 5 amounts that the State is required to reserve under
 6 section 144, and the amounts subject to section 149,
 7 shall be reduced by the percentage determined by
 8 the Secretary under paragraph (1).”.

9 (c) CONFORMING AMENDMENT.—The analysis for
 10 chapter 1 of title 23, United States Code (as amended by
 11 section 102(b)), is amended by adding at the end the fol-
 12 lowing:

 “163. Rules for limitations on obligation authority.”.

13 **TITLE II—PROGRAM** 14 **STREAMLINING**

15 **SEC. 201. PLANNING-BASED EXPENDITURES ON ELEMENTS** 16 **OF TRANSPORTATION INFRASTRUCTURE.**

17 (a) BRIDGE EXPENDITURES.—

18 (1) IN GENERAL.—Section 144 of title 23,
 19 United States Code, is amended—

20 (A) by striking subsections (a) and (b) and
 21 inserting the following:

22 “(a) CERTIFICATION BY THE STATE.—Not later than
 23 180 days after the end of each fiscal year beginning with
 24 fiscal year 1998, each State shall certify to the Secretary,
 25 either that—

1 “(1) the State has reserved, from funds appor-
 2 tioned to the State for the preceding fiscal year, to
 3 carry out bridge projects eligible under section
 4 133(b), an amount that is not less than the amount
 5 apportioned to the State under this section for fiscal
 6 year 1997; or

7 “(2) the amount that the State will reserve,
 8 from funds apportioned to the State for the period
 9 consisting of fiscal years 1998 through 2003, to
 10 carry out bridge projects eligible under section
 11 133(b), will be not less than 6 times the amount ap-
 12 portioned to the State under this section for fiscal
 13 year 1997.

14 “(b) SET-ASIDES.—

15 “(1) DISCRETIONARY BRIDGE PROGRAM.—

16 “(A) IN GENERAL.—On October 1 of each
 17 fiscal year beginning with fiscal year 1998, be-
 18 fore making any apportionment under para-
 19 graph (1) or (3) of section 104(b), the Sec-
 20 retary shall set aside—

21 “(i) \$36,300,000 from the amount
 22 available for apportionments under section
 23 104(b)(1); and

1 “(ii) \$24,200,000 from the amount
2 available for apportionments under section
3 104(b)(3).

4 “(B) USE OF SET ASIDE.—The amounts
5 set aside under subparagraph (A) shall be avail-
6 able for obligation in the same manner and to
7 the same extent as sums apportioned under sec-
8 tion 104(b)(3), except that the amounts shall be
9 obligated at the discretion of the Secretary, in
10 accordance with procedures to be established by
11 the Secretary, for bridge projects eligible under
12 section 133(b).”;

13 (B) by striking subsections (e) through (f)
14 and (h) through (p);

15 (C) by redesignating paragraphs (3) and
16 (4) of subsection (g) as paragraphs (2) and (3),
17 respectively, of subsection (b);

18 (D) by striking subsection (g);

19 (E) in subsection (q), by striking “(q) As
20 used in” and inserting “(c) DEFINITION OF RE-
21 HABILITATE.—In”; and

22 (F) in subsection (b) (as amended by sub-
23 paragraph (C))—

24 (i) in paragraph (2), by striking “ap-
25 portioned to each State in each of fiscal

years 1987, 1988, 1989, 1990, 1991,
 1992, 1993, 1994, 1995, 1996, and
 1997,” and inserting “reserved by each
 State under subsection (a) for each of fis-
 cal years 1998 through 2003”; and

(ii) in paragraph (3)—

(I) in the first sentence, by strik-
 ing “apportioned to” and inserting
 “reserved under subsection (a) by”;
 and

(II) in the second sentence, by
 striking “a State bridge apporportion-
 ment and before transferring funds to
 the States,” and inserting “the
 amount to be reserved under sub-
 section (a) for a fiscal year by a State
 described in the preceding sentence,”.

(2) CONFORMING AMENDMENTS.—

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

(i) in the first sentence—

(I) by striking “apportioned” and
 inserting “reserved”;

1 (II) by striking “to each State in
2 accordance with” and inserting “by
3 each State for the purposes of”; and

4 (III) by striking “apportion-
5 ment” each place it appears and in-
6 serting “amount reserved”;

7 (ii) in the second sentence, by striking
8 “apportionment” each place it appears and
9 inserting “amount reserved”; and

10 (iii) in the third sentence, by striking
11 “State’s apportionment” and inserting
12 “amount reserved by the State”.

13 (B) Section 115(c) of title 23, United
14 States Code, is amended by striking “144,,”.

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

18 (D) Section 140(b) of title 23, United
19 States Code, is amended in the last sentence by
20 striking “and the bridge program under section
21 144”.

22 (E) Section 151(d) of title 23, United
23 States Code, is amended by striking “section
24 104(a), section 307(a), and section 144 of this

1 title” and inserting “sections 104(a) and
2 307(a)”.

3 (F) Section 307(c)(1) of title 23, United
4 States Code, is amended by striking “sections
5 104 and 144 of this title” and inserting “sec-
6 tion 104”.

7 (b) SAFETY PROGRAMS.—

8 (1) SURFACE TRANSPORTATION PROGRAM.—
9 Section 133(d) of title 23, United States Code, is
10 amended by striking paragraph (1) and inserting the
11 following:

12 “(1) SAFETY PROGRAMS.—

13 “(A) REQUIRED SET-ASIDE.—With respect
14 to funds apportioned for each of fiscal years
15 1998 through 2003—

16 “(i) an amount equal to 2.5 percent of
17 the amount apportioned to a State under
18 section 104(b)(3) for fiscal year 1997 shall
19 be available only to carry out activities eli-
20 gible under section 130;

21 “(ii) an amount equal to the amount
22 described in clause (i) shall be available
23 only to carry out activities eligible under
24 section 152; and

1 “(iii) an amount equal to 5 percent of
 2 the amount apportioned to a State under
 3 section 104(b)(3) for fiscal year 1997 shall
 4 be available only to carry out activities eli-
 5 gible under section 130 or 152.

6 “(B) WAIVER.—For a fiscal year, the Sec-
 7 retary shall waive the set-aside required under
 8 clause (i) or (ii) of subparagraph (A), and per-
 9 mit the amount of the set-aside to be used in
 10 accordance with subparagraph (A)(iii), upon re-
 11 ceipt of a certification by the State that the
 12 amount that will be made available for the pur-
 13 pose of the waived set-aside for that fiscal year,
 14 when combined with the amount made available
 15 for that purpose for the preceding fiscal year,
 16 or the amount to be made available for that
 17 purpose for the following fiscal year, will aver-
 18 age, per fiscal year, not less than 2.5 percent
 19 of the amount apportioned to the State under
 20 section 104(b)(3) for fiscal year 1997.”.

21 (2) PROGRAM IMPROVEMENTS.—Title 23, Unit-
 22 ed States Code, is amended—

23 (A) in section 130—

24 (i) in subsection (e), by striking the
 25 first sentence and inserting the following:

1 “Funds authorized for or expended under
 2 this section may be used for the installa-
 3 tion of protective devices at railway-high-
 4 way crossings.”; and

5 (ii) in subsection (f), by striking “AP-
 6 PORTIONMENT” and all that follows
 7 through the first sentence and inserting
 8 “FEDERAL SHARE.—”; and
 9 (B) in section 152—

10 (i) in subsection (c), by striking
 11 “(other than a highway on the Interstate
 12 System)”; and

13 (ii) in subsection (e), by striking the
 14 first sentence.

15 (c) TRANSPORTATION ENHANCEMENT ACTIVITIES.—
 16 Section 133(d) of title 23, United States Code, is amended
 17 by striking paragraph (2) and inserting the following:

18 “(2) TRANSPORTATION ENHANCEMENT ACTIVI-
 19 TIES.—With respect to funds apportioned for each
 20 of fiscal years 1998 through 2003, an amount equal
 21 to 5 percent of the amount apportioned to a State
 22 under section 104(b)(3) shall be available only to
 23 carry out transportation enhancement activities.”.

24 (d) CONGESTION MITIGATION AND AIR QUALITY IM-
 25 PROVEMENT ACTIVITIES.—

1 (1) IN GENERAL.—Section 149 of title 23,
2 United States Code, is amended—

3 (A) in the section heading, by striking
4 “**program**” and inserting “**activities**”;

5 (B) by striking subsection (a) and insert-
6 ing the following:

7 “(a) USE OF FUNDS.—Funds apportioned to a State
8 under section 104(b)(3)(D) may be used only in accord-
9 ance with this section.”;

10 (C) in subsection (b), by striking “Except”
11 and all that follows through “program only”
12 and inserting “Funds described in subsection
13 (a) may be used only”; and

14 (D) in subsection (c), by striking “section
15 104(b)(2)” and inserting “section
16 104(b)(3)(D)”.

17 (2) CONFORMING AMENDMENTS.—

18 (A) The analysis for chapter 1 of title 23,
19 United States Code, is amended by striking the
20 item relating to section 149 and inserting the
21 following:

“149. Congestion mitigation and air quality improvement activities.”.

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

1 (i) in the subsection heading, by strik-
 2 ing “CONGESTION MITIGATION AND AIR
 3 QUALITY IMPROVEMENT,”; and

4 (ii) in paragraph (1)(A)(i), by striking
 5 “104(b)(2),”.

6 (C) Section 146(a) of title 23, United
 7 States Code, is amended in the first sentence by
 8 striking “104(b)(2),” and inserting
 9 “104(b)(3)(D),”.

10 (D) Section 217 of title 23, United States
 11 Code, is amended—

12 (i) in subsection (a)—

13 (I) in the subsection heading, by
 14 striking “STP AND CONGESTION
 15 MITIGATION PROGRAM” and inserting
 16 “SURFACE TRANSPORTATION PRO-
 17 GRAM”; and

18 (II) by striking “sections
 19 104(b)(2) and 104(b)(3) of this title”
 20 and inserting “section 104(b)(3)”;
 21 and

22 (ii) in subsection (d), by striking “sec-
 23 tions 104(b)(2) and 104(b)(3) of this title”
 24 and inserting “section 104(b)(3)”.

1 **SEC. 202. NATIONAL HIGHWAY SYSTEM.**

2 (a) DEFINITION OF NATIONAL HIGHWAY SYSTEM.—

3 Section 101(a) of title 23, United States Code, is amended
4 by striking the undesignated paragraph defining “Na-
5 tional Highway System” and inserting the following:

6 “The term ‘National Highway System’ means the
7 Federal-aid highway system established under section
8 103(b).”.

9 (b) PROGRAM SPECIFICATIONS.—Section 103 of title
10 23, United States Code, is amended—

11 (1) by striking the section designation and
12 heading and inserting the following:

13 **“§ 103. National Highway System”**

14 (2) by striking subsections (g) and (h); and

15 (3) by redesignating subsection (i) as subsection
16 (c) and moving the subsection to appear after sub-
17 section (b).

18 (c) CONFORMING AMENDMENT.—The analysis for
19 chapter 1 of title 23, United States Code, is amended by
20 striking the item relating to section 103 and inserting the
21 following:

“103. National Highway System.”.

22 **SEC. 203. INTERSTATE MAINTENANCE ACTIVITIES.**

23 (a) FUNDING OF ACTIVITIES.—Section 119 of title
24 23, United States Code, is amended—

1 (1) in the section heading, by striking “**pro-**
 2 **gram**” and inserting “**activities**”;

3 (2) in subsection (a)—

4 (A) in the first sentence—

5 (i) by striking “sections 103 and
 6 139(c) of this title and routes on the Inter-
 7 state System designated before the date of
 8 enactment of this sentence under section
 9 139(a) and (b) of”; and

10 (ii) by striking “subsection (e)” and
 11 inserting “subsection (d)”; and

12 (B) by striking the second sentence;

13 (3) by striking subsections (d), (f), and (g); and

14 (4) by redesignating subsection (e) as sub-
 15 section (d).

16 (b) CONFORMING AMENDMENTS.—

17 (1) The analysis for chapter 1 of title 23, Unit-
 18 ed States Code, is amended by striking the item re-
 19 lating to section 119 and inserting the following:

“119. Interstate maintenance activities.”

20 (2) Sections 134(i)(4) and 135(f)(3) of title 23,
 21 United States Code, are amended—

22 (A) by striking “and pursuant to the
 23 bridge and Interstate maintenance programs”
 24 each place it appears and inserting “, pursuant
 25 to the bridge program under section 144, and

1 as Interstate maintenance activities under sec-
 2 tion 119”; and

3 (B) by striking “or pursuant to the bridge
 4 and Interstate maintenance programs” each
 5 place it appears and inserting “, pursuant to
 6 the bridge program under section 144, or as
 7 Interstate maintenance activities under section
 8 119”.

9 **SEC. 204. SURFACE TRANSPORTATION PROGRAM AMEND-**
 10 **MENTS.**

11 Section 133 of title 23, United States Code, is
 12 amended—

13 (1) in subsection (b), by adding at the end the
 14 following:

15 “(12) With respect to each area of a State that
 16 is a nonattainment area under the Clean Air Act (42
 17 U.S.C. 7401 et seq.) for ozone or carbon monoxide,
 18 or for PM-10 resulting from transportation activi-
 19 ties, or for any combination of these substances, also
 20 for any congestion mitigation and air quality im-
 21 provement project or program without regard to any
 22 limitation of the Department of Transportation re-
 23 lating to the type of ambient air quality standard
 24 addressed by the project or program. For the pur-
 25 pose of this paragraph, an area that has been des-

1 ignated as nonattainment for carbon monoxide
 2 under section 107(d) of the Clean Air Act (42
 3 U.S.C. 7407(d)) shall be considered to be a non-
 4 attainment area regardless of whether the area has
 5 been ‘classified’ under subpart 3 of part D of title
 6 I of that Act (42 U.S.C. 7512 et seq.).

7 “(13) Placement of funds in a State infrastruc-
 8 ture bank approved by the Secretary.”;

9 (2) in subsection (c), by striking “unless such
 10 roads are on a Federal-aid highway system on Janu-
 11 ary 1, 1991, and”;

12 (3) in subsection (d)(3)—

13 (A) by striking subparagraph (A) and in-
 14 serting the following:

15 “(A) GENERAL RULE.—

16 “(i) URBAN AREAS.—Except as pro-
 17 vided in subparagraph (C), for each fiscal
 18 year, a State shall allocate for use in each
 19 area of the State with an urbanized area
 20 population of over 200,000 individuals an
 21 amount of the funds apportioned under
 22 section 104(b)(3) for the fiscal year ob-
 23 tained by multiplying—

24 “(I)(aa) if funds were allocated
 25 for use in the area under the surface

1 transportation program for fiscal year
2 1997, the amount of such funds re-
3 quired to be allocated for use in the
4 area for that year; or

5 “(bb) if funds were not allocated
6 for use in the area under the surface
7 transportation program for fiscal year
8 1997, the amount of such funds that
9 would have been required to be allo-
10 cated for use in the area for fiscal
11 year 1997 if the area had had an ur-
12 banized area population of 200,001
13 individuals as of October 1, 1996; by

14 “(II) the amount obtained by di-
15 viding—

16 “(aa) all funds apportioned
17 or allocated to the State for Fed-
18 eral-aid highways and highway
19 safety construction programs for
20 the fiscal year; by

21 “(bb) all funds apportioned
22 or allocated to the State for Fed-
23 eral-aid highways and highway
24 safety construction programs for
25 fiscal year 1997.

1 “(ii) OTHER AREAS.—Except as pro-
2 vided in subparagraph (C), for each fiscal
3 year, a State shall allocate for use in each
4 area of the State that is not an area de-
5 scribed in clause (i) an amount of the
6 funds apportioned under section 104(b)(3)
7 for the fiscal year obtained by multiply-
8 ing—

9 “(I) the amount of funds re-
10 quired to be allocated for use in the
11 area under the surface transportation
12 program for fiscal year 1997; by

13 “(II) the amount obtained by di-
14 viding—

15 “(aa) all funds apportioned
16 or allocated to the State for Fed-
17 eral-aid highways and highway
18 safety construction programs for
19 the fiscal year; by

20 “(bb) all funds apportioned
21 or allocated to the State for Fed-
22 eral-aid highways and highway
23 safety construction programs for
24 fiscal year 1997.”;

1 (B) in subparagraph (B), by striking “sub-
 2 paragraph (A)(ii)” and inserting “this section”;

3 (C) by striking subparagraph (C) and in-
 4 serting the following:

5 “(C) SPECIAL RULE FOR CERTAIN
 6 STATES.—Subparagraph (A) shall not apply in
 7 the case of a State that is noncontiguous with
 8 the continental United States.”;

9 (D) by striking subparagraph (D);

10 (E) by redesignating subparagraph (E) as
 11 subparagraph (D); and

12 (F) in subparagraph (D) (as so redesign-
 13 nated)—

14 (i) by striking “obligate” each place it
 15 appears and inserting “allocate”;

16 (ii) by striking “(A)(i)” each place it
 17 appears and inserting “(A)”;

18 (iii) by striking “obligated” and in-
 19 serting “allocated”;

20 (4) in subsection (e), by striking paragraph (2)
 21 and inserting the following:

22 “(2) CERTIFICATION.—Before the beginning of
 23 each fiscal year, the Governor of each State shall
 24 certify to the Secretary that the State will meet all
 25 the requirements of this section and shall notify the

1 Secretary that the amount of obligations expected to
 2 be incurred for surface transportation program
 3 projects during the fiscal year is in accordance with
 4 the surveys, plans, specifications, and estimates for
 5 each proposed project included in the surface trans-
 6 portation program category in the transportation im-
 7 provement program of the State developed under
 8 section 135 for the fiscal year. A State may request
 9 an adjustment to an obligation amount referred to
 10 in subparagraph (A)(ii) later in the fiscal year. Ac-
 11 ceptance by the Secretary of the notification and
 12 certification shall be deemed to be a contractual obli-
 13 gation of the United States to pay the Federal share
 14 of costs incurred by the State for projects not sub-
 15 ject to review by the Secretary under this chapter.”;
 16 and

17 (5) in subsection (f)—

18 (A) by striking “6-fiscal year period 1992
 19 through 1997” and inserting “6-fiscal-year pe-
 20 riod 1998 through 2003”; and

21 (B) by striking “obligate in” each place it
 22 appears and inserting “allocate to”.

1 **SEC. 205. CONFORMING AMENDMENTS TO DISCRETIONARY**
 2 **PROGRAMS.**

3 (a) OPERATION LIFESAVER.—Section 104 of title 23,
 4 United States Code, is amended by striking subsection (d)
 5 and inserting the following:

6 “(d) OPERATION LIFESAVER.—From administrative
 7 funds deducted under subsection (a), the Secretary shall
 8 expend \$500,000 for each fiscal year to carry out a public
 9 information and education program to help prevent and
 10 reduce motor vehicle accidents, injuries, and fatalities and
 11 to improve driver performance at railway-highway cross-
 12 ings.”.

13 (b) REPEAL OF SET-ASIDES FOR THE INTERSTATE
 14 AND NATIONAL HIGHWAY SYSTEM DISCRETIONARY PRO-
 15 GRAMS.—Section 118 of title 23, United States Code, is
 16 amended—

17 (1) by striking subsection (c); and

18 (2) by redesignating subsections (d), (e), and
 19 (f) as subsections (c), (d), and (e), respectively.

20 **SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPOR-**
 21 **TATION PROGRAM.**

22 (a) IN GENERAL.—Chapter 2 of title 23, United
 23 States Code, is amended by inserting after section 205 the
 24 following:

1 **“SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPOR-**
2 **TATION PROGRAM.**

3 “(a) FINDINGS AND PURPOSE.—

4 “(1) FINDINGS.—Congress finds that public
5 roads owned by States—

6 “(A) can provide valuable assistance to the
7 Federal Government in ensuring adequate and
8 safe transportation to, in, and across federally
9 owned land and Indian reservations; and

10 “(B) supplement the efforts of the Federal
11 Government in developing and maintaining
12 roads to serve federally owned land and Indian
13 reservations.

14 “(2) PURPOSE.—The purpose of this section is
15 to further the Federal interest in State-owned or
16 State-maintained roads that provide transportation
17 to, in, or across federally owned land or Indian res-
18 ervations by establishing the Cooperative Federal
19 Lands Transportation Program.

20 “(b) PROGRAM.—There is established the Coopera-
21 tive Federal Lands Transportation Program (referred to
22 in this section as the ‘program’). Funds available for the
23 program may be used for projects, or portions of projects,
24 on State-owned or State-maintained highways that cross,
25 are adjacent to, or lead to federally owned land or Indian
26 reservations, as determined by the State. Such projects

1 shall be proposed by a State and selected by the Secretary.
 2 A project proposed by a State under this section shall be
 3 on a highway owned or maintained by the State and may
 4 be a highway construction or maintenance project eligible
 5 under this title or any project of a type described in sec-
 6 tion 204(h).

7 “(c) DISTRIBUTION OF FUNDS FOR PROJECTS.—

8 “(1) IN GENERAL.—

9 “(A) IN GENERAL.—The Secretary—

10 “(i) after consultation with the Ad-
 11 ministrator of General Services, the Sec-
 12 retary of the Interior, and other agencies
 13 as appropriate, shall determine the per-
 14 centage of the total land in each State that
 15 is owned by the Federal Government or
 16 that is held by the Federal Government in
 17 trust;

18 “(ii) shall determine the sum of the
 19 percentages determined under clause (i)
 20 for States with respect to which the per-
 21 centage is 4.5 or greater; and

22 “(iii) shall determine for each State
 23 included in the determination under clause
 24 (ii) the percentage obtained by dividing—

1 “(I) the percentage for the State
2 determined under clause (i); by

3 “(II) the sum determined under
4 clause (ii).

5 “(B) ADJUSTMENT.—The Secretary
6 shall—

7 “(i) reduce any percentage determined
8 under subparagraph (A)(iii) that is greater
9 than 7.5 percent to 7.5 percent; and

10 “(ii) redistribute the percentage
11 points equal to any reduction under clause
12 (i) among other States included in the de-
13 termination under subparagraph (A)(ii) in
14 proportion to the percentages for those
15 States determined under subparagraph
16 (A)(iii).

17 “(2) AVAILABILITY TO STATES.—Except as
18 provided in paragraph (3), for each fiscal year, the
19 Secretary shall make funds available to carry out eli-
20 gible projects in a State in an amount equal to the
21 amount obtained by multiplying—

22 “(A) the percentage for the State, if any,
23 determined under paragraph (1); by

24 “(B) the funds made available for the pro-
25 gram for the fiscal year.

1 “(3) SELECTION OF PROJECTS.—The Secretary
2 may establish deadlines for States to submit pro-
3 posed projects for funding under this section, except
4 that in the case of fiscal year 1998 the deadline may
5 not be earlier than January 1, 1998. For each fiscal
6 year, if a State does not have pending, by that dead-
7 line, applications for projects with an estimated cost
8 equal to at least 3 times the amount for the State
9 determined under paragraph (2), the Secretary may
10 distribute, to 1 or more other States, at the Sec-
11 retary’s discretion, $\frac{1}{3}$ of the amount by which the
12 estimated cost of the State’s applications is less than
13 3 times the amount for the State determined under
14 paragraph (2).

15 “(d) TRANSFERS.—

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law, a State and the Secretary may
18 agree to transfer amounts made available to a State
19 under this section for use in carrying out projects on
20 any Federal lands highway that is located in the
21 State.

22 “(2) SPECIAL RULE.—This paragraph applies
23 to a State that contains a national park that was
24 visited by more than 2,500,000 people in 1996 and
25 comprises more than 3,000 square miles of land

1 area, including surface water, that is located in the
 2 State. For such a State, 50 percent of the amount
 3 that would otherwise be made available to the State
 4 for each fiscal year under the program shall be made
 5 available only for eligible highway uses in the na-
 6 tional park and within the borders of the State. For
 7 the purpose of making allocations under section
 8 202(c), the Secretary may not take into account the
 9 past or future availability, for use on park roads and
 10 parkways in a national park, of funds made avail-
 11 able for use in a national park by this paragraph.”.

12 (b) DEFINITION OF FEDERAL LANDS HIGHWAY IN-
 13 VESTMENT.—Section 101(a) of title 23, United States
 14 Code, is amended—

15 (1) by adding at the end the following:

16 “The term ‘Federal lands highway investment’ means
 17 funds authorized for the Federal lands highways program
 18 or the Cooperative Federal Lands Transportation Pro-
 19 gram under chapter 2.”; and

20 (2) by reordering the undesignated paragraphs
 21 so that they are in alphabetical order.

22 (c) CONFORMING AMENDMENT.—The analysis for
 23 chapter 2 of title 23, United States Code, is amended by
 24 inserting after the item relating to section 205 the follow-
 25 ing:

“206. Cooperative Federal Lands Transportation Program.”.

TITLE III—REDUCTION OF REGULATION

SEC. 301. PERIODIC REVIEW OF AGENCY RULES

(a) IN GENERAL.—The Secretary of Transportation shall carry out a periodic review of all significant rules issued by the Department of Transportation and shall determine which of the rules should be amended, rescinded, or continued without change, based on a consideration of—

(1) the continued need for each rule; and

(2) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules.

(b) PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register a plan for the periodic review of all significant rules issued by the Department of Transportation.

SEC. 302. PLANNING AND PROGRAMMING.

Section 135 of title 23, United States Code, is amended by adding at the end the following:

“(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
 2 and since decisions by the Secretary concerning plans and
 3 programs described in this section have not been reviewed
 4 under that Act as of January 1, 1997, any decision by
 5 the Secretary concerning a plan or program described in
 6 this section shall not be considered to be a Federal action
 7 subject to review under the National Environmental Policy
 8 Act of 1969 (42 U.S.C. 4321 et seq.).”.

9 **SEC. 303. METRIC CONVERSION AT STATE OPTION.**

10 Section 205(c)(2) of the National Highway System
 11 Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat.
 12 577) is amended by striking “Before September 30, 2000,
 13 the” and inserting “The”.

14 **TITLE IV—EFFECTIVE DATE;**
 15 **TRANSITION RULES**

16 **SEC. 401. EFFECTIVE DATE; TRANSITION RULES.**

17 (a) IN GENERAL.—Except as otherwise provided in
 18 this Act, this Act and the amendments made by this Act
 19 take effect on the date of enactment of this Act.

20 (b) FUNDS.—Except as otherwise provided in this
 21 Act, this Act and the amendments made by this Act shall
 22 apply only to funds authorized to be appropriated or made
 23 available after September 30, 1997.

1 (c) UNOBLIGATED BALANCES.—Section 118 of title
 2 23, United States Code (as amended by section 205(b)),
 3 is amended by adding at the end the following:

4 “(f) UNOBLIGATED BALANCES AS OF OCTOBER 1,
 5 1997.—

6 “(1) IN GENERAL.—Except as otherwise pro-
 7 vided by law, unobligated balances of funds appor-
 8 tioned or allocated to a State before October 1,
 9 1997, under this title, the Intermodal Surface
 10 Transportation Efficiency Act of 1991 (Public Law
 11 102–240), or other law concerning Federal-aid high-
 12 ways, shall be available for obligation in the State
 13 under the law (including regulations, policies, and
 14 procedures) relating to the obligation and expendi-
 15 ture of the funds in effect on September 30, 1997.

16 “(2) TRANSFERABILITY.—

17 “(A) INTERSTATE CONSTRUCTION AND
 18 INTERSTATE MAINTENANCE PROGRAMS.—A
 19 State may transfer unobligated balances of
 20 funds apportioned to the State before October
 21 1, 1997, for the Interstate construction pro-
 22 gram under section 104(b)(5)(A) (as in effect
 23 on the day before the date of enactment of this
 24 subsection) or the Interstate maintenance pro-
 25 gram under section 104(b)(5)(B) (as in effect

1 on the day before the date of enactment of this
2 subsection), to the apportionment of the State
3 under section 104(b)(1).

4 “(B) BRIDGE REPLACEMENT AND REHA-
5 BILITATION PROGRAM.—A State may transfer
6 unobligated balances of funds apportioned to
7 the State before October 1, 1997, for the bridge
8 replacement and rehabilitation program under
9 section 144 (as in effect on the day before the
10 date of enactment of this subsection) to the ap-
11 portionment of the State under paragraph (1)
12 or (3) of section 104(b) (or both).

13 “(C) SURFACE TRANSPORTATION PRO-
14 GRAM.—A State may transfer unobligated bal-
15 ances of funds apportioned to the State before
16 October 1, 1997, for the surface transportation
17 program under section 104(b)(3) (as in effect
18 on the day before the date of enactment of this
19 subsection) to the apportionment of the State
20 under section 104(b)(3).

21 “(D) OTHER PROGRAMS.—A State may
22 transfer unobligated balances of funds appor-
23 tioned or allocated to the State before October
24 1, 1997, under sections 157 and 160 (as in ef-
25 fect on the day before the date of enactment of

1 this subsection), and sections 1013(c) and
 2 1015(b) of the Intermodal Surface Transpor-
 3 tation Efficiency Act of 1991 (Public Law 102–
 4 240) (as in effect on the day before the date of
 5 enactment of this subsection), to the apporportion-
 6 ment of the State under section 104(b)(3).

7 “(E) APPLICABILITY OF CERTAIN LAWS.—
 8 Funds transferred under this paragraph shall
 9 be subject to the laws (including regulations,
 10 policies, and procedures) relating to the apporportion-
 11 tionment to which the funds are transferred as
 12 the laws are in effect after the date of enact-
 13 ment of this subsection, except that a transfer
 14 of funds permitted under this paragraph shall
 15 not extend the time period within which the
 16 transferred funds either must be obligated or
 17 lapse.

18 “(F) EFFECT ON CERTAIN DETERMINA-
 19 TIONS.—A decision by a State to transfer funds
 20 under this paragraph shall have no effect on
 21 any determination of the apporportionments or ob-
 22 ligation authority of the State.”.

○