

108TH CONGRESS
1ST SESSION

H. R. 3611

To amend title 23, United States Code, to allocate transportation funds to metropolitan areas and increase planning funds to relieve metropolitan congestion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Ms. EDDIE BERNICE JOHNSON of Texas introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to allocate transportation funds to metropolitan areas and increase planning funds to relieve metropolitan congestion, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Metropolitan Conges-
5 tion Relief Act of 2003”.

6 **SEC. 2. SURFACE TRANSPORTATION PROGRAM.**

7 (a) DIVISION OF FUNDS BETWEEN URBANIZED
8 AREAS OF OVER 200,000 POPULATION AND OTHER

1 AREAS.—Section 133(d)(3)(A) of title 23, United States
2 Code, is amended—

3 (1) by striking “62.5 percent of”; and

4 (2) by striking “The remaining 37.5 percent
5 may be obligated in any area of the State.”.

6 (b) OBLIGATION AUTHORITY.—Section 133(f)(1) of
7 such title is amended by striking “the period of fiscal
8 years 1998” and all that follows through “2003” and in-
9 serting “the period of fiscal years 2004 through 2006 and
10 the period of fiscal years 2007 through 2009”.

11 **SEC. 3. CONGESTION MITIGATION AND AIR QUALITY IM-**
12 **PROVEMENT PROGRAM.**

13 (a) ALLOCATIONS.—Section 149 of title 23, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 “(f) ALLOCATIONS OF APPORTIONED FUNDS.—

17 “(1) IN GENERAL.—A State shall allocate the
18 amounts apportioned to the State for a fiscal year
19 under section 104(b)(2) and the amounts appor-
20 tioned for the congestion mitigation and air quality
21 improvement program under section 110 among
22 metropolitan planning organizations and other agen-
23 cies responsible air quality conformity determina-
24 tions in federally designated air quality areas in the
25 ratio that—

1 “(A) the total of all weighted nonattain-
2 ment and maintenance area populations (as de-
3 termined under section 104(b)(2)) represented
4 by the metropolitan planning organization or
5 other agency; bears to

6 “(B) the total of all weighted nonattain-
7 ment and maintenance area populations (as de-
8 termined under section 104(b)(2)) in the State.

9 “(2) NONAPPLICABILITY TO CERTAIN
10 AMOUNTS.—Amounts described in subsections (c)(1)
11 and (c)(2) that may be used for any project eligible
12 under the surface transportation program under sec-
13 tion 133 shall not be subject to the requirements of
14 paragraph (1).

15 “(3) AVAILABILITY OF AMOUNTS.—A State
16 may reallocate amounts allocated under this sub-
17 section as necessary to prevent lapses of funds under
18 section 118.

19 “(4) OBLIGATION AUTHORITY.—A State shall
20 make available available to a metropolitan planning
21 organization or other agency to which amounts are
22 allocated for a fiscal year under this section an
23 amount of obligation authority distributed to the
24 State for Federal-aid highways and highway safety
25 construction programs for use in the area rep-

1 resented by the metropolitan planning organization
2 or other agency that is equal to the amount obtained
3 by multiplying—

4 “(A) the aggregate amount of funds that
5 the State is required to obligate in the area
6 under this subsection; and

7 “(B) the ratio that—

8 “(i) the aggregate amount of obliga-
9 tion authority distributed to the State for
10 Federal-aid highways and highway safety
11 construction programs for the fiscal year;
12 bears to

13 “(ii) the total of the sums apportioned
14 to the State for Federal-aid highways and
15 highway safety construction programs for
16 the fiscal year.

17 “(5) JOINT RESPONSIBILITY.—Each State,
18 each affected metropolitan planning organization or
19 other agency, and the Secretary shall jointly ensure
20 compliance with paragraph (4).”.

21 **SEC. 4. NATIONAL HIGHWAY SYSTEM.**

22 (a) SELECTION OF PROJECTS.—Section 103(a)(6) of
23 title 23, United States Code, is amended by inserting “the
24 project selection requirements of section 134(i)(4)(B)
25 and” after “Subject to”.

1 (b) ALLOCATION.—Section 103(b) of such title is
2 amended by adding at the end the following:

3 “(7) ALLOCATION TO URBANIZED AREAS OF
4 OVER 200,000 POPULATION.—The funds apportioned
5 to a State under section 104(b)(1) for a fiscal year
6 shall be allocated between urbanized areas with a
7 population of over 200,000 in the State and other
8 areas in the State—

9 “(A) 75 percent in the ratio that—

10 “(i) the total lane miles on the Na-
11 tional Highway System in such urbanized
12 areas in the State; bears to

13 “(ii) the total lane miles on the Na-
14 tional Highway System in all areas in the
15 State; and

16 “(B) 25 percent in the ratio that—

17 “(i) the total vehicle miles traveled on
18 the National Highway System in such ur-
19 banized areas in the State; bears to

20 “(ii) the total vehicle miles traveled on
21 the National Highway System in all areas
22 in the State.”.

1 **SEC. 5. MINIMUM GUARANTEE.**

2 Section 105(c)(2) of title 23, United States Code, is
3 amended by striking “paragraphs (1), (2), and (3)” and
4 inserting “paragraphs (1) and (2)”.

5 **SEC. 6. METROPOLITAN CONGESTION RELIEF PROGRAM.**

6 (a) IN GENERAL.—Subchapter I of chapter I of title
7 23, United States Code, is amended by adding at the end
8 the following:

9 **“§ 165. Metropolitan congestion relief program**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a metropolitan congestion relief program in accord-
12 ance with this section.

13 “(b) ELIGIBLE PROJECTS.—A project shall be eligi-
14 ble for assistance under this section if the project is eligi-
15 ble for assistance under the surface transportation pro-
16 gram established by section 133 and the project is devel-
17 oped in accordance with the planning requirements of sub-
18 section (c).

19 “(c) PLANNING.—Programming and expenditure of
20 funds for projects under this section shall be consistent
21 with the requirements of sections 134 and 135. In addi-
22 tion, with respect to each project carried out under this
23 section, the appropriate metropolitan planning organiza-
24 tion shall demonstrate, as part of its congestion manage-
25 ment system if applicable, that the project will improve
26 congestion in its region.

1 “(d) APPORTIONMENT.—

2 “(1) ELIGIBLE URBANIZED AREAS.—Amounts
3 made available to carry out this section for a fiscal
4 year shall be apportioned directly to a metropolitan
5 planning organization designated for—

6 “(A) an urbanized area that has a travel
7 time index of 1.2 or more; and

8 “(B) an urbanized area with a population
9 of more than 1,000,000 that otherwise would
10 not be eligible under subparagraph (A).

11 “(2) FORMULA.—Amounts made available to
12 carry out this section for a fiscal year shall be ap-
13 portioned among eligible urbanized areas under
14 paragraph (1) as follows:

15 “(A) 50 percent in the ratio that—

16 “(i) the travel time index of the eligi-
17 ble urbanized area; bears to

18 “(ii) the travel time index of all eligi-
19 ble urbanized areas.

20 “(B) 50 percent in the ratio that—

21 “(i) the passenger miles traveled in
22 the eligible urbanized area; bears to

23 “(ii) the passenger miles traveled in
24 all eligible urbanized areas.

1 “(3) DETERMINATIONS.—Eligibility and appor-
2 tionment determinations under this subsection shall
3 be made by the Secretary based on data from the
4 most recent year for which data is available.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated out of the Highway Trust
7 Fund (other than the Mass Transit Account) to carry out
8 this section \$2,000,000,000 for each of fiscal years 2004
9 through 2009.

10 “(f) DEFINITIONS.—In this section, the following
11 definitions apply:

12 “(1) TRAVEL TIME INDEX.—The term ‘travel
13 time index’ means the travel time index developed by
14 the Texas Transportation Institute and included in
15 the performance plan of the Federal Highway Ad-
16 ministration.

17 “(2) PASSENGER MILES TRAVELED.—The term
18 ‘passenger miles traveled’ includes daily vehicle miles
19 traveled and daily transit ridership as measured by
20 Secretary.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 1 of title 23, United States Code, is amended by
23 inserting after the item relating section 164 the following:

“165. Metropolitan congestion relief program.”.

1 **SEC. 7. TRANSPORTATION OPERATIONAL IMPROVEMENT**
2 **PROGRAM.**

3 (a) IN GENERAL.—Subchapter I of chapter 1 of title
4 23, United States Code, is further amended by adding at
5 the end the following:

6 **“§ 166. Operational improvement program**

7 “(a) GENERAL AUTHORITY.—The Secretary shall es-
8 tablish and implement an operational improvement pro-
9 gram under which the Secretary shall make grants to
10 States, metropolitan planning organizations, and local
11 governments for projects to improve the operation of the
12 Nation’s roadways.

13 “(b) ELIGIBLE USES.—Grants to States, metropoli-
14 tan planning organizations, and local governments under
15 this section may be used for the following purposes:

16 “(1) Incident management projects, including
17 the following:

18 “(A) Development of a regionwide coordi-
19 nated plan to mitigate delays due to accidents
20 and breakdowns.

21 “(B) Purchase or lease of telecommuni-
22 cations equipment for first responders.

23 “(C) Purchase or lease of towing and re-
24 covery equipment.

25 “(D) Payments to contractors for towing
26 and recovery services.

1 “(E) Rental of vehicle storage areas imme-
2 diately adjacent to roadways.

3 “(F) Service patrols.

4 “(G) Enhanced hazard materials incident
5 response capacity.

6 “(H) Incident detection equipment.

7 “(I) Training.

8 “(2) Deployment of intelligent transportation
9 systems technology, including the deployment of the
10 national 511 traveler information telephone number.

11 “(3) Transportation demand management tech-
12 niques, including the following:

13 “(A) Commuter benefit programs.

14 “(B) Parking management programs.

15 “(C) Carpool and vanpool projects.

16 “(D) Geographic Information System
17 based ride matching operations.

18 “(E) Employer based, real-time traveler in-
19 formation programs.

20 “(F) Telework programs.

21 “(G) Bicycle and pedestrian programs.

22 “(H) Access to transit investments.

23 “(I) Design and implementation of com-
24 muter-friendly facilities.

1 “(J) Employer and employment-site based
2 transit shuttle planning and operation.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated out of the Highway Trust
5 Fund (other than the Mass Transit Account) to carry out
6 this section \$500,000,000 for each of fiscal years 2004
7 through 2009.

8 “(d) APPLICABILITY OF NHS REQUIREMENTS.—All
9 provisions of this chapter that are applicable to National
10 Highway System funds, other than provisions relating to
11 the apportionment formula and provisions limiting the ex-
12 penditures of such funds to Federal-aid systems, shall
13 apply to funds authorized to be appropriated to carry out
14 this section, except as determined by the Secretary to be
15 inconsistent with this section and except that sums au-
16 thorized by this section shall remain available until ex-
17 pended.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
19 chapter 1 of title 23, United States Code, is amended by
20 inserting after the item relating section 165 the following:

“166. Incident management program.”.

21 **SEC. 8. METROPOLITAN PLANNING FUNDS.**

22 Section 104(f)(1) of title 23, United States Code, is
23 amended by striking by striking “1 percent” and inserting
24 “2 percent”.

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