

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2185

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

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

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## 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 “Congestion Relief Act  
5        of 2005”.

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 for 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 to a metropolitan planning organiza-  
21          tion or other agency to which amounts are allocated  
22          for a fiscal year under this section an amount of ob-  
23          ligation authority distributed to the State for Fed-  
24          eral-aid highways and highway safety construction  
25          programs for use in the area represented by the

1 metropolitan planning organization or other agency  
2 that is equal to the amount obtained by multi-  
3 plying—

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 “1 percent” and inserting “2 per-  
24 cent”.

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