

112TH CONGRESS  
1ST SESSION

# S. 1193

To amend title 23, United States Code, to preserve and renew Federal-aid highways to reduce long-term costs, improve safety, and improve the condition of Federal-aid highways.

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## IN THE SENATE OF THE UNITED STATES

JUNE 14, 2011

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to preserve and renew Federal-aid highways to reduce long-term costs, improve safety, and improve the condition of Federal-aid highways.

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 “Federal-Aid Highway  
5       Preservation and Renewal Program Act of 2011”.

6       **SEC. 2. SYSTEM PRESERVATION AND RENEWAL PROGRAM.**

7       (a) IN GENERAL.—Section 119 of title 23, United  
8       States Code, is amended to read as follows:

1 **“§ 119. System preservation and renewal program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ASSET MANAGEMENT.—The term ‘asset  
4 management’ means a strategic process for the man-  
5 agement of transportation infrastructure that takes  
6 into consideration economic and engineering factors  
7 to make cost-effective investment decisions to im-  
8 prove the overall state of good repair of facilities.

9 “(2) ELIGIBLE COST.—The term ‘eligible cost’  
10 means, with respect to costs incurred for a project,  
11 costs of—

12 “(A) development and implementation of  
13 asset management systems in support of system  
14 preservation and renewal plans;

15 “(B) inspection activities for highway  
16 bridges and tunnels in the State;

17 “(C) reducing or eliminating an identified  
18 highway or bridge safety problem;

19 “(D) training of personnel responsible for  
20 inspection of highway tunnels and inspection  
21 and load rating of highway bridges in the State;

22 “(E) data collection to monitor the condi-  
23 tion of highways and highway bridges in the  
24 State;

1           “(F) environmental restoration and pollu-  
2           tion abatement to offset or mitigate the impacts  
3           of a project eligible under subparagraph (A);

4           “(G) control of terrestrial and aquatic nox-  
5           ious weeds and establishment of non-native  
6           plant species within the limits of a project eligi-  
7           ble under subparagraph (A); and

8           “(H) implementation of the policy estab-  
9           lished pursuant to subsection (l)(1).

10          “(3) ELIGIBLE HIGHWAY FACILITY.—The term  
11          ‘eligible highway facility’ means—

12           “(A) a highway located on a Federal-aid  
13           highway;

14           “(B) a bridge located on a Federal-aid  
15           highway;

16           “(C) a bridge not located on a Federal-aid  
17           highway; and

18           “(D) a bicycle or pedestrian lane, path,  
19           walkway, or similar travel surface located with-  
20           in the right-of-way of a Federal-aid highway.

21          “(4) ELIGIBLE PROJECT.—The term ‘eligible  
22          project’ means a project that is—

23           “(A)(i) a project for resurfacing, restora-  
24           tion, rehabilitation, replacement, or reconstruc-  
25           tion of an eligible highway facility;

1           “(ii) a project for preservation, protection,  
2           or other preventive repair of an eligible highway  
3           facility; or

4           “(iii) a project to reduce or eliminate an  
5           identified highway safety problem, if the  
6           project—

7                   “(I) is eligible under section 148; and

8                   “(II) has a cost of less than  
9                   \$10,000,000; and

10           “(B) consistent with the investment strat-  
11           egy of the State in which the project is to be  
12           carried out.

13           “(5) INVESTMENT STRATEGY.—The term ‘in-  
14           vestment strategy’ means a State investment strat-  
15           egy established under subsection (h)(2)(B).

16           “(6) OVERALL STATE OF GOOD REPAIR STAND-  
17           ARDS.—The term ‘overall state of good repair stand-  
18           ards’ means the performance standards established  
19           under subsection (f)(1)(B).

20           “(7) PRESERVATION.—

21                   “(A) IN GENERAL.—The term ‘preserva-  
22                   tion’ means any cost-effective activity to pre-  
23                   vent, delay, or reduce deterioration on an eligi-  
24                   ble highway facility, including preventive and  
25                   corrective actions.

1           “(B) EXCLUSION.—The term ‘preserva-  
2           tion’ does not include structural or operational  
3           improvement beyond the originally designed  
4           traffic capacity of an existing highway facility  
5           except to the extent the improvement occurs as  
6           an incidental result of the preservation activity  
7           or improves safety.

8           “(8) PROGRAM.—The term ‘program’ means  
9           the system preservation and renewal program estab-  
10          lished under subsection (b).

11          “(9) PROTECTION.—The term ‘protection’, with  
12          respect to a highway, means the conduct of an activ-  
13          ity or action associated with the design and con-  
14          struction of measures to protect highways from haz-  
15          ards such as earthquakes, floods, scour, icing, vessel  
16          collision, vehicular impact, and security threats.

17          “(10) STATE OF GOOD REPAIR PERFORMANCE  
18          TARGET.—The term ‘state of good repair perform-  
19          ance target’ means a performance target established  
20          under subsection (f)(2).

21          “(11) SYSTEM PRESERVATION AND RENEWAL  
22          FUNDS.—The term ‘system preservation and renewal  
23          funds’ means funds apportioned under sections  
24          104(b)(4), 104(m), and 144(e) for the program.

1           “(12) SYSTEM PRESERVATION AND RENEWAL  
2           PLAN.—The term ‘system preservation and renewal  
3           plan’ means a system preservation and renewal plan  
4           established by a State under subsection (h).

5           “(b) ESTABLISHMENT.—The Secretary shall estab-  
6           lish and implement a surface transportation infrastructure  
7           preservation and renewal program designed to maintain  
8           and preserve the quality, efficiency, safety, and value of  
9           Federal-aid highways and Federal-aid and non-Federal-  
10          aid bridges in accordance with this section.

11          “(c) PURPOSES.—The purposes of the program shall  
12          be—

13                  “(1) to establish national priorities and goals  
14                  for bringing Federal-aid highways and Federal-aid  
15                  and non-Federal-aid bridges into a state of good re-  
16                  pair and preserving that state of good repair;

17                  “(2) to focus Federal investment on preserving  
18                  and improving the condition of roadways and  
19                  bridges; and

20                  “(3) to strengthen the connection between the  
21                  use by a State of Federal surface transportation  
22                  funding and the accomplishment of performance out-  
23                  comes.

24          “(d) USE OF APPORTIONED FUNDS.—

1           “(1) IN GENERAL.—A State may obligate funds  
2 apporportioned to the State under the program for—

3                   “(A) eligible projects; and

4                   “(B) eligible costs.

5           “(2) PRIORITY FOR NATIONAL HIGHWAY SYS-  
6 TEM PROJECTS.—

7                   “(A) IN GENERAL.—Except as provided in  
8 subparagraph (B), a State shall give priority to  
9 eligible projects that help meet the overall state  
10 of good repair standards for the National High-  
11 way System under subsection (f)(1)(B).

12                   “(B) EXCEPTION.—This paragraph shall  
13 not apply to any State that is meeting the over-  
14 all state of good repair standards for the Na-  
15 tional Highway System established under sub-  
16 section (f)(1)(B), as determined by the Sec-  
17 retary.

18           “(3) LIMITATION.—

19                   “(A) IN GENERAL.—A project cost attrib-  
20 utable to expansion of the capacity of a high-  
21 way located on a Federal-aid highways shall not  
22 be eligible for funding under this section if the  
23 new capacity consists of 1 or more new travel  
24 lanes that are not auxiliary lanes.

25                   “(B) NON-FEDERAL-AID BRIDGES.—

1           “(i) IN GENERAL.—Not less than 15  
2           percent of the amount apportioned to each  
3           State under section 144(e) for each of fis-  
4           cal years 2012 through 2017 shall be ex-  
5           pended for projects to preserve, rehabili-  
6           tate, protect, or replace highway bridges,  
7           other than those bridges on Federal-aid  
8           highways.

9           “(ii) REDUCTION IN EXPENDI-  
10          TURES.—The Secretary, after consultation  
11          with State and local officials, may reduce  
12          the amount required to be expended under  
13          clause (i) for bridges in the State that are  
14          not located on a Federal-aid highway if the  
15          Secretary determines that the State has in-  
16          adequate needs to justify the expenditure.

17          “(4) EXCEPTION.—

18               “(A) DEBT FINANCING INSTRUMENTS.—  
19               Prior to the apportionment of funds made avail-  
20               able for a program, a State may deduct  
21               amounts sufficient for the payment of any debt-  
22               financing instruments committed, guaranteed,  
23               or obligated to a third party before the date of  
24               enactment of the Federal-Aid Highway Preser-  
25               vation and Renewal Program Act of 2011 for

1 eligible projects under this title (including this  
2 section) and title 49.

3 “(B) DEFENSE BASE CLOSURE AND RE-  
4 ALIGNMENT IMPACTS.—Before October 1, 2013,  
5 a State may use up to 25 percent of the funds  
6 of the State for system preservation and re-  
7 newal for projects to address transportation im-  
8 pacts relating to decisions of the Defense Base  
9 Closure and Realignment Commission.

10 “(e) OTHER ELIGIBLE COSTS.—In addition to the  
11 funds obligated for eligible projects, a State may obligate,  
12 in the aggregate, not to exceed 5 percent of the funds ap-  
13 portioned to the State under the program for a fiscal year  
14 to pay other eligible costs.

15 “(f) SYSTEM PRESERVATION AND RENEWAL PER-  
16 FORMANCE STANDARDS AND TARGETS.—

17 “(1) SECRETARY RESPONSIBILITIES.—Not later  
18 than 1 year after the date of enactment of the Fed-  
19 eral-Aid Highway Preservation and Renewal Pro-  
20 gram Act of 2011, the Secretary shall, by regulation  
21 and in consultation with States, establish—

22 “(A) criteria for determining the state of  
23 good repair of eligible highway facilities, based  
24 on highway pavement condition or bridge struc-  
25 tural adequacy, as applicable; and

1           “(B) overall state of good repair standards  
2           for each class of infrastructure described in  
3           paragraph (3), based on the criteria established  
4           under subparagraph (A).

5           “(2) STATE RESPONSIBILITIES.—Not later than  
6           2 years after the date of enactment of the Federal-  
7           Aid Highway Preservation and Renewal Program  
8           Act of 2011, and every 2 years thereafter, each  
9           State, in conjunction with the development of the  
10          system preservation and renewal plan of the State,  
11          shall establish or revise, for each class of infrastruc-  
12          ture described in paragraph (3), quantifiable State  
13          of good repair performance targets that, at a min-  
14          imum, estimate the projected percentage change over  
15          a 2-year period of infrastructure that is rated as  
16          being not in state of good repair based on the cri-  
17          teria established under paragraph (1)(B).

18          “(3) CLASSES OF INFRASTRUCTURE.—The  
19          classes of infrastructure referred to in paragraph (1)  
20          are—

21                 “(A) the total deck area of highway  
22                 bridges in a State that are located on the Na-  
23                 tional Highway System;

1           “(B) the total deck area of highway  
2 bridges in a State that are located on Federal-  
3 aid highways;

4           “(C) the total lane miles in a State that  
5 are located on the National Highway System;  
6 and

7           “(D) the total lane miles in a State that  
8 are located on Federal-aid highways.

9           “(4) COMPLIANCE.—If a State meets an overall  
10 state of good repair standard established under  
11 paragraph (1)(B) for a class of infrastructure de-  
12 scribed in paragraph (3), that class of infrastructure  
13 in the State shall be considered to be in a state of  
14 good repair.

15           “(5) APPLICABILITY.—No State shall be re-  
16 quired to establish state of good repair performance  
17 targets under paragraph (2) for any class of infra-  
18 structure that a State certifies as meeting the over-  
19 all state of good repair standard under paragraph  
20 (1)(B).

21           “(g) STATE ASSET MANAGEMENT PROCESS.—

22           “(1) IN GENERAL.—Not later than 1 year after  
23 the date of enactment of the Federal-Aid Highway  
24 Preservation and Renewal Program Act of 2011, a  
25 State shall develop an asset management process to

1 support the development and implementation of sys-  
2 tem preservation and renewal plans under subsection  
3 (h).

4 “(2) REQUIREMENTS.—The process developed  
5 under paragraph (1) shall be based on analytical  
6 mechanisms to identify cost-effective investments to  
7 preserve, rehabilitate, restore, resurface, reconstruct,  
8 protect, or replace Federal-aid highways and high-  
9 way bridges on Federal-aid highways to improve the  
10 overall state of good repair of those highways and  
11 bridges.

12 “(h) STATE SYSTEM PRESERVATION AND RENEWAL  
13 PLANS.—

14 “(1) SUBMISSION OF PLANS.—Not later than 2  
15 years after the date of enactment of the Federal-Aid  
16 Highway Preservation and Renewal Program Act of  
17 2011 and biennially thereafter, a State shall develop  
18 or update, as applicable, and submit to the Secretary  
19 for approval, a system preservation and renewal  
20 plan.

21 “(2) PLAN REQUIREMENTS.—A system preser-  
22 vation plan of a State and any update of such a plan  
23 shall—

24 “(A) include documentation on the state of  
25 good repair based on the criteria under para-

1 graph (f)(1) and each class of infrastructure de-  
2 scribed in subsection (f)(3);

3 “(B) include an investment strategy that—

4 “(i) covers a period of 6 years; and

5 “(ii) describes the manner in which  
6 the State will allocate funds apportioned to  
7 the State to carry out this section among,  
8 at a minimum—

9 “(I) facilities in good condition,  
10 fair condition, and poor condition;

11 “(II) projects located on each  
12 class of infrastructure described in  
13 subsection (f)(2);

14 “(III) projects that vary with re-  
15 spect to geographical location, as de-  
16 termined by the State; and

17 “(IV) other eligible costs;

18 “(iii) is based on an asset manage-  
19 ment process under subsection (g);

20 “(iv) describes any Federal, State,  
21 local, or private funds that the State plans  
22 to use, in addition to system preservation  
23 and renewal funds, on projects that would  
24 help to meet the state of good repair per-

1 performance targets established under this  
2 section;

3 “(v) indicates the number of lane  
4 miles of highways and quantity of deck  
5 area on highway bridges that the State  
6 would address through the allocations de-  
7 scribed in clause (ii); and

8 “(vi) subject to subsection (d)(2), pro-  
9 vides for investment in projects that, once  
10 completed, would allow the State to meet  
11 the applicable state of good repair per-  
12 formance targets;

13 “(C) include a description of the extent to  
14 which the use by the State of system preserva-  
15 tion and renewal funds apportioned to the State  
16 during the 2 most recent fiscal years was con-  
17 sistent with the investment strategy of the  
18 State, including—

19 “(i) an identification of the number of  
20 lane miles of highways and quantity of  
21 deck area on highway bridges on which the  
22 State has used those funds during those 2  
23 fiscal years;

24 “(ii) an identification of the distribu-  
25 tion of highway and bridge facilities, by

1 level of ownership (Federal, State, tribal,  
2 and local) and by functional classification,  
3 on which the State has obligated those  
4 funds during those 2 fiscal years;

5 “(iii) an assessment of the progress  
6 that the State has made toward meeting  
7 each of the state of good repair perform-  
8 ance targets of the State based on the  
9 projects that the State has carried out  
10 under this section and the contribution  
11 that those projects have made or would  
12 make, once complete, to the State meeting  
13 those performance targets; and

14 “(iv) a description of the expenditure  
15 of funds on a geographical basis, as deter-  
16 mined by the State; and

17 “(D) describe the manner in which the in-  
18 vestment strategy of the State would enable the  
19 State—

20 “(i) to meet the state of good repair  
21 performance targets of the State; and

22 “(ii) improve the condition of the  
23 classes of infrastructure described in sub-  
24 section (f)(3) in the State.

1           “(3) PUBLIC AVAILABILITY OF PLAN.—A State  
2 shall make the system preservation and renewal plan  
3 of the State, and each update of the plan, available  
4 to the public.

5           “(i) FAILURE TO MEET STATE OF GOOD REPAIR  
6 PERFORMANCE TARGETS.—

7           “(1) IN GENERAL.—If a State does not meet  
8 the biennial system preservation and renewal per-  
9 formance targets under this section, the State shall  
10 coordinate with the Secretary to direct portions of  
11 Federal funds available under this title to the State  
12 toward projects eligible under this section in order to  
13 meet the state of good repair performance targets  
14 under this section.

15           “(2) WAIVER.—The Secretary may temporarily  
16 waive the application of this subsection if—

17                   “(A) unforeseen events significantly impact  
18 the ability of a State to meet the biennial state  
19 of good repair performance targets; or

20                   “(B) eligible facilities under this section in  
21 the State have suffered serious damage due to  
22 an event that results in the declaration of—

23                           “(i) an emergency by the Governor of  
24 the State; or

1                   “(ii) a major disaster by the President  
2                   under the Robert T. Stafford Disaster Re-  
3                   lief and Emergency Assistance Act (42  
4                   U.S.C. 5121 et seq.).

5           “(j) OVERSIGHT.—Beginning for the third fiscal year  
6 after the date of enactment of the Federal-Aid Highway  
7 Preservation and Renewal Program Act of 2011, and at  
8 least biennially thereafter or at such other times or inter-  
9 vals as are determined to be necessary by the Secretary,  
10 the Secretary, in conjunction with the submission of the  
11 State system preservation and renewal plan under sub-  
12 section (g), shall conduct oversight activities to assess  
13 whether the use by each State of funds under this section  
14 is consistent with the investment strategy of the State  
15 under this section.

16           “(k) BIENNIAL REPORT TO CONGRESS.—Not later  
17 than September 30, 2013, and biennially thereafter, the  
18 Secretary shall submit to the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 and the Committee on Environment and Public Works of  
21 the Senate a report containing—

22                   “(1) an evaluation of the performance of each  
23                   State with respect to—

24                           “(A) the investment strategy of the State  
25                           under this section; and

1           “(B) the system preservation and renewal  
2           performance targets established for the State  
3           under this section; and

4           “(2) such recommendations as the Secretary  
5           may provide for improvements of the program.

6           “(1) ADDITIONAL REQUIREMENTS.—

7           “(1) SAFE STREETS POLICY.—Not later than 2  
8           years after the date of enactment of the Federal-Aid  
9           Highway Preservation and Renewal Program Act of  
10          2011, each State shall develop a policy applicable to  
11          any project funded, in whole or in part, under the  
12          program that—

13                 “(A) ensures the adequate accommodation,  
14                 in all phases of project planning and develop-  
15                 ment, of all users of the transportation system,  
16                 including—

17                         “(i) pedestrians;

18                         “(ii) bicyclists;

19                         “(iii) public transit users;

20                         “(iv) older individuals;

21                         “(v) motorists;

22                         “(vi) individuals with disabilities; and

23                         “(vii) users of motor vehicles with a  
24                         taxable gross weight (as defined in section

1           4481 of the Internal Revenue Code of  
2           1986) in excess of 55,000 pounds;

3           “(B) ensures the consideration of the safe-  
4           ty and convenience of all users in all phases of  
5           project planning and development; and

6           “(C) delineates a clear procedure that  
7           gives due consideration to the geographical lo-  
8           cation, road classification, population density,  
9           and other demographic factors by which  
10          projects funded, in whole or in part, under this  
11          program may be exempted from complying with  
12          the policy.

13          “(2) CATEGORICAL EXCLUSIONS.—To the ex-  
14          tent appropriate, the Secretary shall develop categor-  
15          ical exclusions from the requirement that an envi-  
16          ronmental assessment or an environmental impact  
17          statement under section 102 of the National Envi-  
18          ronmental Policy Act of 1969 (42 U.S.C. 4332) be  
19          prepared for transportation activities located within  
20          an existing right-of-way funded under the program.

21          “(3) MAINTENANCE OF EFFORT PROVISION.—

22                 “(A) IN GENERAL.—For any fiscal year  
23                 for which a State receives funds pursuant to  
24                 this section, the State shall certify to the Sec-  
25                 retary that the State will expend funds for the

1 maintenance and operations of facilities in an  
2 amount that is at least equal to the average an-  
3 nual amount of funds expended over the pre-  
4 ceding 3 fiscal years.

5 “(B) FORM AND DEADLINE.—A certifi-  
6 cation described in subparagraph (A) shall be  
7 submitted in such form and not later than such  
8 date as shall be determined by the Secretary.

9 “(C) PENALTY FOR NONCOMPLIANCE.—If  
10 a State fails to provide a certification to the  
11 Secretary in accordance with subparagraph (A),  
12 the Secretary shall withhold from the State, for  
13 each fiscal year until such time as the State  
14 submits the certification in accordance with  
15 subparagraph (A), an amount equal to 10 per-  
16 cent of the amounts the State would have re-  
17 ceived under this section for the fiscal year.

18 “(D) WAIVER.—The Secretary may tempo-  
19 rarily waive the application of this paragraph if  
20 unforeseen events significantly impact the abil-  
21 ity of a State to meet the biennial state of good  
22 repair performance targets.

23 “(m) APPLICABILITY OF PLANNING REQUIRE-  
24 MENTS.—Nothing in this section limits the applicability

1 of sections 134 and 135 to projects carried out under this  
2 section.

3       “(n) CONTINUATION OF CURRENT REVIEW PRAC-  
4 TICE.—Because each individual project that is carried out  
5 under the investment strategy described in the system  
6 preservation and renewal plan of a State is subject to re-  
7 view under the National Environmental Policy Act of 1969  
8 (42 U.S.C. 4321 et seq.), a decision by the Secretary con-  
9 cerning a system preservation and renewal plan or an up-  
10 date of the plan in connection with this section shall not  
11 be considered to be a Federal action subject to review  
12 under that Act.

13       “(o) TRANSFER OF NHS, BRIDGE PROGRAM, AND  
14 INTERSTATE MAINTENANCE APPORTIONMENTS.—On ap-  
15 plication by a State and approval by the Secretary, the  
16 Secretary may transfer to the apportionment of the State  
17 under section 104(b)(1) the amount of funds apportioned  
18 to the State for a fiscal year ending before October 1,  
19 2010, under paragraphs (1) and (4) of section 104(b), and  
20 section 144(e) (as those sections were in effect on the day  
21 before the date of enactment of the Federal-Aid Highway  
22 Preservation and Renewal Program Act of 2011), that re-  
23 mains available for expenditure by the State.

24       “(p) REGULATIONS ON PERFORMANCE MEASURES  
25 OF STRUCTURAL ADEQUACY.—Not later than 1 year after

1 the date of enactment of the Federal-Aid Highway Preser-  
2 vation and Renewal Program Act of 2011, the Secretary  
3 shall promulgate such regulations as are necessary to  
4 carry out this section.”.

5 (b) APPLICATION TO SYSTEM PRESERVATION AND  
6 RENEWAL FUNDS.—Section 126 of title 23, United States  
7 Code, is amended—

8 (1) in subsection (a), by striking “subsections  
9 (b) and (c)” and inserting “subsections (b), (c) and  
10 (d)”; and

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

12 “(d) APPLICATION TO SYSTEM PRESERVATION AND  
13 RENEWAL FUNDS.—

14 “(1) IN GENERAL.—A State may transfer funds  
15 apportioned to the State under section 104(m) for  
16 the system preservation and renewal program if the  
17 State meets the overall state of good repair stand-  
18 ards established under section 119(f)(1)(B) for  
19 classes of infrastructure under subparagraphs (A)  
20 and (C) of sections 119(f)(3).

21 “(2) GOOD REPAIR STANDARDS.—A State may  
22 transfer funds apportioned to the State under sec-  
23 tions 104(b)(4) and 144(e) for the system preserva-  
24 tion and renewal program if the State meets each of

1 the overall state of good repair standards established  
2 under section 119(f)(1)(B).”.

3 (c) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 1 of title 23, United States Code, is amended by strik-  
5 ing the item relating to section 119 and inserting the fol-  
6 lowing:

“Sec. 119. System preservation and renewal program.”.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 104 of title 23, United States Code,  
9 is amended by adding at the end the following:

10 “(m) SYSTEM PRESERVATION AND RENEWAL.—Not-  
11 withstanding any other provision of this section,  $\frac{1}{2}$  of the  
12 funds apportioned to a State under subsection (b)(1) shall  
13 be used for system preservation and renewal under section  
14 119 of title 23, United States Code.”.

15 (2) Section 105 of title 23, United States Code,  
16 is amended in each of subsections (a)(2) and (b)(2)  
17 by striking “the Interstate maintenance program”  
18 each place it appears and inserting “the system  
19 preservation and renewal program”.

20 (3) Section 118 of title 23, United States Code,  
21 is amended—

22 (A) by striking subsection (c); and

23 (B) by redesignating subsections (d) and  
24 (e) as subsections (c) and (d), respectively.