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REPORT
109–12

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

[TO ACCOMPANY H.R. 3]

MARCH 7, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Equity Act: A Legacy for Users".

(b) SECRETARY DEFINED.—In this Act, the term "Secretary" means the Secretary of Transportation.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

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Sec. 1101. Authorizations of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Project approval and oversight.
Sec. 1106. Use of excess funds.
Sec. 1107. Temporary traffic control devices.
Sec. 1108. Revenue aligned budget authority.
Sec. 1109. Emergency relief.
Sec. 1110. Surface transportation program.
Sec. 1111. Highway use tax evasion projects.
Sec. 1112. Appalachian development highway system.
Sec. 1113. Construction of ferry boats and ferry terminal facilities.
Sec. 1114. Interstate maintenance discretionary.
Sec. 1115. Highway bridge.
Sec. 1116. Transportation and community and system preservation program.
Sec. 1117. Deployment of magnetic levitation transportation projects.
Sec. 1118. Recreational trails.
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Sec. 1120. Conservation measures.

Sec. 1121. Pedestrian and cyclist equity.
Sec. 1122. National commissions.
Sec. 1123. Adjustments for the Surface Transportation Extension Act of 2004, Part V.
Sec. 1124. Roadway safety.
Sec. 1125. Equity requirement.

Subtitle B—Congestion Relief

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Sec. 1202. Transportation systems management and operations.
Sec. 1203. Real-time system management information program.
Sec. 1204. Expedited national intelligent transportation systems deployment program.
Sec. 1205. Intelligent transportation systems deployment.
Sec. 1206. Environmental review of activities that support deployment of intelligent transportation systems.
Sec. 1207. State assumption of responsibilities for certain programs and projects.
Sec. 1208. HOV facilities.
Sec. 1209. Congestion pricing pilot program.
Sec. 1210. Congestion mitigation and air quality improvement program eligibility.
Sec. 1211. Special rules for State assumption of responsibilities.
Sec. 1212. Opening of Interstate ramps.

Subtitle C—Mobility and Efficiency

Sec. 1301. National corridor infrastructure improvement program.
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Sec. 1303. Freight intermodal connectors.
Sec. 1304. Projects of national and regional significance.
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Sec. 1306. Truck parking facilities.

Subtitle D—Highway Safety

Sec. 1401. Highway safety improvement program.
Sec. 1402. Worker injury prevention and free flow of vehicular traffic.
Sec. 1403. High risk rural road safety improvement program.
Sec. 1404. Transfers of apportionments to safety programs.
Sec. 1405. Safety incentive grants for use of seat belts.
Sec. 1406. Safety incentives to prevent operation of motor vehicles by intoxicated persons.
Sec. 1407. Repeat offenders for driving while intoxicated.
Sec. 1408. Repair or replacement of highway features on National Highway System.

Subtitle E—Construction and Contract Efficiencies

Sec. 1501. Design–build.
Sec. 1502. Warranty highway construction project pilot program.
Sec. 1503. Private investment study.
Sec. 1504. Highways for LIFE pilot program.

Subtitle F—Finance

Sec. 1601. Transportation Infrastructure Finance and Innovation Act.
Sec. 1602. State infrastructure banks.
Sec. 1603. Interstate System reconstruction and rehabilitation toll pilot program.
Sec. 1604. Interstate System construction toll pilot program.
Sec. 1605. Special rules relating to State infrastructure bank program.

Subtitle G—High Priority Projects

Sec. 1701. High priority projects program.
Sec. 1702. Project authorizations.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Budget justification.
Sec. 1802. Motorist information.
Sec. 1803. Motorist information concerning full-service restaurants.
Sec. 1804. High priority corridors on the National Highway System.
Sec. 1805. Additions to Appalachian region.
Sec. 1806. Transportation assets and needs of Delta region.
Sec. 1807. Toll facilities workplace safety study.
Sec. 1808. Pavement marking systems demonstration projects.
Sec. 1809. Work zone safety grants.
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Sec. 1819. Lead agency designation.
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Sec. 1837. Special rule for fiscal year 2004.

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Sec. 2004. State traffic safety information system improvements.
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Sec. 2006. Motorcycle crash causation study.
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Sec. 4119. Deposit of certain civil penalties into Highway Trust Fund.
Sec. 4120. Outreach and education.
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TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

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TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,323,076,000 for fiscal year 2004, $4,431,153,000 for fiscal year 2005, $4,541,932,000 for fiscal year, 2006, $4,655,480,000 for fiscal year 2007, $4,771,867,000 for fiscal year 2008, and $4,891,164,000 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, $5,187,691,000 for fiscal year 2004, $5,317,383,000 for fiscal year 2005, $5,450,318,000 for fiscal year 2006, $5,586,576,000 for fiscal year 2007, $5,726,240,000 for fiscal year 2008, and $5,869,396,000 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, $3,709,440,000 for fiscal year 2004, $3,802,176,000 for fiscal year 2005, $3,897,231,000 for fiscal year 2006, $3,994,661,000 for fiscal year 2007, $4,094,528,000 for fiscal year 2008, and $4,196,891,000 for fiscal year 2009.

(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under sections 130 and 152 of that title, $630,000,000 for fiscal year 2005, $645,000,000 for fiscal year 2006, $660,000,000 for fiscal year 2007, $680,000,000 for fiscal year 2008, and $695,000,000 for fiscal year 2009. Of such funds ⅓ per fiscal year shall be available to carry out section 130 and ⅔ shall be available to carry out section 152.

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,052,306,000 for fiscal year 2004, $6,203,614,000 for fiscal year 2005, $6,358,704,000 for fiscal year 2006, $6,517,672,000 for fiscal year 2007, $6,680,614,000 for fiscal year 2008, and $6,847,629,000 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, $1,469,846,000 for fiscal year 2004, $1,506,592,000 for fiscal

year 2005, $1,544,257,000 for fiscal year 2006, $1,582,863,000 for fiscal year 2007, $1,622,435,000 for fiscal year 2008, and $1,662,996,000 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 14501 of title 40, United States Code, $460,000,000 for fiscal year 2004 and $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of title 23, United States Code, $53,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $90,000,000 for fiscal year 2007, $100,000,000 for fiscal year 2008, and $110,000,000 for fiscal year 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of title 23, United States Code, $325,000,000 for fiscal year 2004, $365,000,000 for fiscal year 2005, $390,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $420,000,000 for fiscal year 2008, and $420,000,000 for fiscal year 2009.

(B) PARK ROADS AND PARKWAYS.—For park roads and parkways roads under section 204 of that title, $170,000,000 for fiscal year 2004, $185,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $215,000,000 for fiscal year 2007, $225,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(C) PUBLIC LANDS HIGHWAY.—For public lands highway under section 204 of that title, $250,000,000 for fiscal year 2004, $260,000,000 for fiscal year 2005, $280,000,000 for fiscal year 2006, $280,000,000 for fiscal year 2007, $290,000,000 for fiscal year 2008, and $300,000,000 for fiscal year 2009.

(D) REFUGE ROADS.—For refuge roads under section 204 of that title, $20,000,000 for each of fiscal years 2004 through 2009.

(10) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the national corridor infrastructure improvement program under section 1301 of this title, $600,000,000 for fiscal year 2005, $600,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, $600,000,000 for fiscal year 2008, and $600,000,000 for fiscal year 2009.

(11) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1302 of this title, $200,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(12) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1304 of this title, $1,100,000,000 for fiscal year 2005, $1,100,000,000 for fiscal year 2006, $1,200,000,000 for fiscal year 2007, $1,300,000,000 for fiscal year 2008, and $1,300,000,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 165 of title 23, United States Code, $60,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $75,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, $75,000,000 for fiscal year 2008, and $75,000,000 for fiscal year 2009.

(14) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $45,000,000 for fiscal year 2006, $55,000,000 for fiscal year 2007, $55,000,000 for fiscal year 2008, and $60,000,000 for fiscal year 2009.

(15) CONGESTION PRICING PILOT PROGRAM.—For the congestion pricing pilot program under section 1209 of this title, $15,000,000 for fiscal year 2004, $15,000,000 for fiscal year 2005, $15,000,000 for fiscal year 2006, $15,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, and $15,000,000 for fiscal year 2009.

(16) DEPLOYMENT OF 511 TRAVELER INFORMATION PROGRAM.—For the 511 traveler information program under section 1204(c)(7) of this title, $6,000,000 for each of fiscal years 2005 through 2009.

(17) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $2,496,450,000 for fiscal year 2005, $2,244,550,000 for fiscal year 2006, $2,143,250,000 for fiscal year 2007, $2,192,450,000 for fiscal year 2008, and $2,050,450,000 for fiscal year 2009.

(18) FREIGHT INTERMODAL CONNECTOR PROGRAM.—For the freight intermodal connector program under section 1303 of this title, $250,000,000 for fiscal year

2005, $250,000,000 for fiscal year 2006, $250,000,000 for fiscal year 2007, $250,000,000 for fiscal year 2008, and $250,000,000 for fiscal year 2009.

(19) HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk rural road safety improvement program under section 1403 of this title, $105,000,000 for fiscal year 2005, $110,000,000 for fiscal year 2006, $120,000,000 for fiscal year 2007, $125,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(20) HIGHWAY USE TAX EVASION PROGRAM.—For highway use tax evasion projects under section 143 of title 23, United States Code, $12,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $30,000,000 for fiscal year 2006, $20,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and $7,000,000 for fiscal year 2009.

(21) PEDESTRIAN AND CYCLIST EQUITY.—

(A) SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1120(a) of this title, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $175,000,000 for fiscal year 2007, $175,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009.

(B) NONMOTORIZED PILOT PROGRAM.—For the nonmotorized pilot program under section 1120(b) of this title, $25,000,000 for each of fiscal years 2005 through 2009.

(22) DEDICATED TRUCK LANES.—For dedicated truck lanes under section 1305 of this title, $165,000,000 for each of fiscal years 2005 through 2008 and $170,000,000 for fiscal year 2009.

(23) HIGHWAYS FOR LIFE PROGRAM.—For the Highways for LIFE program under section 1504 of this title, $55,000,000 for fiscal year 2005 and $60,000,000 for each of fiscal years 2006 through 2009.

(24) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209), $115,000,000 for fiscal year 2004, $125,000,000 for fiscal year 2005, $130,000,000 for fiscal year 2006, $130,000,000 for fiscal year 2007, $140,000,000 for fiscal year 2008, and $140,000,000 for fiscal year 2009.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act and section 403 of title 23, United States Code, shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $17,420,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act and section 403 of title 23, United States Code, if the enti-

ty or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $33,643,000,000 for fiscal year 2004;
(2) $34,412,000,000 for fiscal year 2005;
(3) $36,287,100,000 for fiscal year 2006;
(4) $37,616,700,000 for fiscal year 2007;
(5) $38,876,400,000 for fiscal year 2008; and
(6) $40,231,500,000 for fiscal year 2009.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;
(2) under section 147 of the Surface Transportation Assistance Act of 1978;
(3) under section 9 of the Federal-Aid Highway Act of 1981;
(4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
(5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;
(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
(7) under section 157 of title 23, United States Code, as in effect on June 8, 1998;
(8) under section 105 of title 23, United States Code (but, for each of fiscal years 1998 through 2013), only in an amount equal to $639,000,000 per fiscal year; and
(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2004 through 2009, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) for such fiscal year for amounts authorized for administrative expenses and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;
(2) not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;
(3) determine the ratio that—
(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to
(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;
(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 14501 of title 40, United States Code (relating to Appalachian development highway system), and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;
(5) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts dis-

tributed under paragraph (4) for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall after August 1 of each of fiscal years 2004 through 2009 revise a distribution of the obligation authority made available under subsection (c) if an amount made available under this section will not be obligated during the fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year. In making the redistribution, the Secretary shall give priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations imposed by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and under title V of this Act; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 2004 through 2009, the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(h) INCREASE IN OBLIGATION LIMIT.—Limitations on obligations imposed by subsection (a) for a fiscal year shall be increased by an amount equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal year. Any such increase shall be distributed in accordance with this section.

(i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $390,000,000 for fiscal year 2004;
(2) $395,000,000 for fiscal year 2005;
(3) $395,000,000 for fiscal year 2006;
(4) $395,000,000 for fiscal year 2007;
(5) $395,000,000 for fiscal year 2008; and
(6) $400,000,000 for fiscal year 2009.

SEC. 1103. APPORTIONMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for purposes described in paragraph (2) $390,000,000 for fiscal year 2004, $395,000,000 for fiscal year

2005, $395,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $395,000,000 for fiscal year 2008, and $400,000,000 for fiscal year 2009.

"(2) USE OF FUNDS.—The amounts authorized to be appropriated by paragraph (1) are authorized for the following purposes:

"(A) To administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

"(B) To make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.";

(2) in paragraph (3) by striking "sum deducted under" and inserting "amounts authorized to be appropriated by"; and

(3) in paragraph (4)—

(A) by striking "sums deducted under" and inserting "amounts authorized to be appropriated by"; and

(B) by striking "and the Federal Motor Carrier Safety Administration".

(b) NATIONAL HIGHWAY SYSTEM.—Section 104(b) of such title is amended—

(1) by striking "the deduction authorized by subsection (a) and"; and

(2) in paragraph (1)(A)—

(A) by striking "$36,400,000 for each fiscal year" and inserting "$40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009"; and

(B) by striking "$18,800,000 for each of fiscal years 1998 through 2002" and inserting "$20,000,000 for fiscal year 2004 and $30,000,000 for each of fiscal years 2005 through 2009".

(c) REPORT.—Section 104(j) of title 23, United States Code, is amended by striking "submit to Congress a report" and inserting "transmit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet,".

(d) CONFORMING AMENDMENTS.—Section 104 of such title is amended—

(1) in subsection (f)(1)—

(A) by striking ", after making the deduction authorized by subsection (a) of this section,"; and

(B) by striking "remaining"; and

(2) in subsection (i) by striking "deducted" and inserting "authorized to be appropriated".

(e) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209; 117 Stat. 1114; 118 Stat. 1149) is amended—

(1) in paragraph (1) by striking "1101(a)(15) for each of fiscal years 1998 through 2005" and inserting "1101(a)(24) for each of fiscal years 2004 through 2009 of the Transportation Equity Act: A Legacy for Users"; and

(2) in paragraph (2) by striking "1101(a)(15) of this Act" and inserting "1101(a)(24) of the Transportation Equity Act: A Legacy for Users".

SEC. 1104. MINIMUM GUARANTEE.

To be supplied.

SEC. 1105. PROJECT APPROVAL AND OVERSIGHT.

Section 106 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) OVERSIGHT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title. At a minimum, the program shall be responsive to all areas related to financial integrity and project delivery.

"(2) FINANCIAL INTEGRITY.—

"(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).

"(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States' practices for estimating project costs, awarding contracts, and reducing project costs.

"(C) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have sufficient accounting controls to properly manage such Federal funds. The Secretary shall periodically review the States' monitoring of subrecipients.

"(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of a State's project delivery system, which includes one or more activities that are involved in the life cycle of a project from its conception to its completion.

"(4) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have adequate project delivery systems for projects approved under this section. The Secretary shall periodically review the States' monitoring of subrecipients.

"(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law. In addition, the Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

"(i) MAJOR PROJECTS.—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $500,000,000 or more, or any other project in the discretion of the Secretary, shall submit to the Secretary a project management plan and an annual financial plan.

"(2) PROJECT MANAGEMENT PLAN.—The project management plan shall document the procedures and processes in place to provide timely information to the project decision makers to manage effectively the scope, costs, schedules, and quality, and the Federal requirements of the project and the role of the agency leadership and management team in the delivery of the project.

"(3) FINANCIAL PLAN.—The financial plan shall be based on detailed estimates of the cost to complete the project. Annual updates shall be submitted based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

"(j) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the Secretary's request.".

SEC. 1106. USE OF EXCESS FUNDS.

Section 106 of title 23, United States Code, is further amended by adding at the end the following:

"(k) USE OF EXCESS FUNDS.—

"(1) AUDITS.—A State may audit projects funded with amounts apportioned under sections 104 and 144 to determine whether any amounts obligated for a project are excess funds.

"(2) PLANS FOR USE OF EXCESS FUNDS.—If a State determines, after conducting an audit under paragraph (1), that funds obligated for a project are excess funds, the State may develop a plan for obligating the funds for the design and construction of—

"(A) with respect to excess funds derived from the surface transportation program under section 133(d)(1), 133(d) (2), or 133(d)(3), the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, or the recreational trails program under section 206, one or more projects that are eligible for funding under that program; and

"(B) with respect to excess funds derived from any other program under this title, one or more projects that are eligible for funding those programs or the surface transportation program under section 133.

"(3) CERTIFICATION TO THE SECRETARY.—A State that has developed a plan under paragraph (2) shall transmit to the Secretary a certification that the State has conducted an audit under paragraph (1) and developed the plan in accordance with paragraph (2).

"(4) IMPLEMENTATION OF PLANS.—After transmitting a certification to the Secretary with respect to a plan under paragraph (3), the State may carry out the plan.

"(5) APPLICABILITY OF REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided by subparagraph (B), excess funds used to carry out a project under this section shall be subject to the requirements of this title that are applicable to the program under which the project is carried out.

"(B) STP ALLOCATIONS.—Section 133(d) shall not apply to excess funds used to carry out a project under this section, unless such funds are derived from amounts apportioned under 104(b)(3).

"(6) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds' means funds obligated for a project that remain available for the project after the project has been completed or canceled.".

SEC. 1107. TEMPORARY TRAFFIC CONTROL DEVICES.

(a) STANDARDS.—Section 109(e) of title 23, United States Code, is amended—

(1) by striking "(e) No funds" and inserting the following:

"(e) INSTALLATION OF SAFETY DEVICES.—

"(1) HIGHWAY AND RAILROAD GRADE CROSSINGS AND DRAWBRIDGES.—No funds"; and

(2) by adding at the end the following:

"(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures are to be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.".

(b) LETTING OF CONTRACTS.—Section 112 of such title is amended—

(1) by striking subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by adding at the end the following:

"(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

"(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

"(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

"(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

"(B) incorporate such pay items into contract provisions to be included in each contract entered into by the State with respect to a highway project to ensure compliance with section 109(e)(2).

"(3) LIMITATION.—Nothing in the regulations shall be construed to prohibit a State from implementing standards that are more stringent than those required under the regulations.

"(4) POSITIVE PROTECTIVE MEASURES DEFINED.—In this subsection, the term 'positive protective measures' means temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.".

SEC. 1108. REVENUE ALIGNED BUDGET AUTHORITY.

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

(1) by striking "2000" and inserting "2006";

(2) by inserting after "such fiscal year" the following: "and the succeeding fiscal year".

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

(1) by striking "2000" and inserting "2006";

(2) by striking "October 1 of the succeeding" and inserting "October 15 of such"; and

(3) by inserting after "Account)" the following: "for such fiscal year and the succeeding fiscal year".

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended by striking "Transportation Equity Act for the 21st Century" and inserting "Transportation Equity Act: A Legacy for Users".

(d) TECHNICAL AMENDMENT.—Section 110(b)(1)(A) of title 23, United States Code, is amended by striking "for" the second place it appears.

SEC. 1109. EMERGENCY RELIEF.

There is authorized to be appropriated for a fiscal year such sums as may be necessary for allocations by the Secretary described in subsections (a) and (b) of sections 125 of title 23, United States Code, if the total of those allocations in such fiscal year are in excess of $100,000,000.

SEC. 1110. SURFACE TRANSPORTATION PROGRAM.

Section 133(f)(1) of title 23, United States Code, is amended—

(1) by striking "1998 through 2000" and inserting "2004 through 2006"; and
(2) by striking "2001 through 2003" and inserting "2007 through 2009".

SEC. 1111. HIGHWAY USE TAX EVASION PROJECTS.

(a) ELIGIBLE ACTIVITIES.—

(1) INTERGOVERNMENTAL ENFORCEMENT EFFORTS.—Section 143(b)(2) of title 23, United States Code, is amended by inserting before the period the following: "; except that of funds so made available for each of fiscal years 2004 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training".

(2) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—Section 143(b)(3) of such title is amended by striking "The" and inserting "Except as otherwise provided in this section, the".

(3) LIMITATION ON USE OF FUNDS.—Section 143(b)(4) of such title is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

"(H) to support efforts between States and Indian tribes to address issues related to State motor fuel taxes; and

"(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.".

(4) REPORTS.—Section 143(b) of such title is amended by adding at the end the following:

"(9) REPORTS.—The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section. Such report shall specify the annual yield estimated for each project funded under this section.".

(b) EXCISE FUEL REPORTING SYSTEM.—

(1) IN GENERAL.—Section 143(c)(1) of such title is amended—

(A) by striking "August 1, 1998," and inserting "90 days after the date of enactment of the Transportation Equity Act: A Legacy for Users,";

(B) by striking "development" and inserting "completion, operation,"; and

(C) by striking "an excise fuel reporting system (in this subsection referred to as 'the system')" and inserting "an excise summary terminal activity reporting system".

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—Section 143(c)(2) of such title is amended—

(A) by striking "the system" the first place it appears and inserting "the excise summary terminal activity reporting system";

(B) in subparagraph (A) by striking "develop" and inserting "complete";

(C) by striking "and" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(E) by adding at the end the following:

"(D) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for the completion, operation, and maintenance of the system."; and

(3) FUNDING PRIORITY.—Section 143(c)(3) of such title is amended to read as follows:

"(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the excise summary terminal activity reporting system in accordance with this subsection.".

(c) REGISTRATION SYSTEM AND ELECTRONIC DATABASE.—Section 143 of such title is further amended by adding at the end the following:

"(d) PIPELINE, VESSEL, AND BARGE REGISTRATION SYSTEM.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development, operation, and maintenance of a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel.

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the registration system through contracts;

"(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for development, operation, and maintenance of the registration system;

"(C) the registration system shall be under the control of the Internal Revenue Service; and

"(D) the registration system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel in accordance with this subsection.

"(e) HEAVY VEHICLE USE TAX PAYMENT DATABASE.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the establishment, operation, and maintenance of an electronic database of heavy vehicle highway use tax payments.

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall establish and maintain the electronic database through contracts;

"(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for establishment, operation, and maintenance of the electronic database;

"(C) the electronic database shall be under the control of the Internal Revenue Service; and

"(D) the electronic database shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments in accordance with this subsection.

"(f) REPORTS.—Not later than March 31 and September 30 of each year, the Commissioner of the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this section related to the excise summary terminal activity reporting system, the pipeline, vessel, and barge registration system, and the heavy vehicle use tax electronic database.".

SEC. 1112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 1101(a)(7) of this Act for fiscal years 2004 through 2009 among the States based on the latest available cost to complete estimate for the Appalachian development highway system under section 14501 title 40, United States Code.

(b) APPLICABILITY OF TITLE 23.—Funds made available by section 1101(a)(7) of this Act for the Appalachian development highway system shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 14501 of title 40, United States Code, and such funds shall be available to construct highways and access roads under such section and shall remain available until expended.

(c) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code is amended by inserting "and the Appalachian development highway system program under section 14501 of title 40" after "section 125".

SEC. 1113. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

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

"§ 165. Construction of ferry boats and ferry terminal facilities

"(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

"(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

"(c) AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this section shall remain available until expended.

"(d) SET-ASIDE FOR PROJECTS ON NHS.—

"(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 2004 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

"(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

"(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

"(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

"(e) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

"165. Construction of ferry boats and ferry terminal facilities.".

(c) NATIONAL FERRY DATABASE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.—Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter;

(B) ensure that the database is easily accessible to the public;

(C) make available, from the ferry boat and ferry terminal program authorized under section 165 of title 23, United States Code, not more than $500,000 for each of fiscal years 2005 through 2009 to establish the database.

SEC. 1114. INTERSTATE MAINTENANCE DISCRETIONARY.

(a) IN GENERAL.—Section 118 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) in subsection (e) by inserting "Special Rules.—" before "Funds made"; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENT.—Section 103(d)(1) of such title is amended by striking "or 118(c)".

(c) TECHNICAL AMENDMENTS.—

(1) SECTION 114.—Section 114(a) of such title is amended by striking "Except as provided in section 117 of this title, such" and inserting "Such".

(2) SECTION 116.—Section 116(b) of such title is amended by striking "highway department" and inserting "transportation department".

(3) SECTION 120.—Section 120(e) of such title is amended in the first sentence by striking "such system" and inserting "such highway".

(4) SECTION 126.—Section 126(a) of such title is amended by inserting "under" before "section 104(b)(3)".

(5) SECTION 127.—Section 127 of such title is amended by striking "118(b)(1)" and inserting "118(b)(2)".

(6) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—Section 1212(i) of the Transportation Equity Act for the 21st Century (112 Stat. 196–197) is amended by redesignating subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

(d) LIMITATION.—The amendments made by this section shall not apply to, or have any affect with respect to, funds made available under section 118 of title 23, United States Code, before the date of enactment of this section.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on September 30, 2005.

SEC. 1115. HIGHWAY BRIDGE.

(a) SCOUR COUNTERMEASURES.—Section 144(d) of title 23, United States Code, is amended to read as follows:

"(d) APPLICATIONS FOR AND APPROVAL OF ASSISTANCE.—

"(1) BRIDGE REPLACEMENT OR REHABILITATION.—Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge.

"(2) PREVENTIVE MAINTENANCE, SCOUR MEASURES, AND APPLICATIONS OF CERTAIN COMPOSITIONS.—Whenever any State makes application to the Secretary for assistance in painting, seismic retrofit, or preventive maintenance of, or installing scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventive maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, such structure.

"(3) ELIGIBILITY.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State; except that a State may carry out a project for preventive maintenance on a bridge, seismic retrofit of a bridge, or installing scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.".

(b) BRIDGE DISCRETIONARY SET-ASIDE.—Section 144(g)(1) of such title is amended by adding at the end the following:

"(D) FISCAL YEARS 2004 THROUGH 2009.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that $25,000,000 shall be available only for projects for the seismic retrofit of bridges, and of which $10,000,000 shall be available only for the seismic retrofit of a bridge described in subsection (l), and except as provided in subparagraph (E).

"(E) GRAVINA ACCESS.—

"(i) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph, for each of the fiscal years 2005 through 2009, $10,000,000 shall be set aside from the $100,000,000 available at the discretion of the Secretary under subparagraph (D) for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

"(ii) SCORING.—The project described in this subparagraph shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).".

(c) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of such title is amended—

(1) by striking "15 percent" and inserting "20 percent";

(2) by striking "1987" and inserting "2005";

(3) by striking "2004" the first place it appears and all that follows through "2005," and inserting "2009 for the bridge program,";

(4) by inserting ", perform systematic preventive maintenance," after "paint"; and

(5) by inserting a comma before "to highway bridges".

(d) TECHNICAL AMENDMENT.—Section 144(i) of such title is amended by striking "at the same time" and all that follows through "Congress".

SEC. 1116. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.

(a) EXTENSION.—Section 1221(e)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 879; 118 Stat. 1149) is amended—

(1) by striking "1999 and" and inserting "1999,"; and

(2) by striking "2004" the first place it appears and all that follows through "2005" and inserting the following: ", and $25,000,000 for fiscal year 2004,

$30,000,000 for fiscal year 2005, $35,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, and $35,000,000 for each of fiscal years 2008 and 2009".

(b) FEDERAL SHARE.—Section 1221(e)(2) of such Act is amended by inserting before the period at the end "; except that such funds shall not be transferable and the Federal share for projects and activities carried out with such funds shall be determined in accordance with section 120(b) of title 23, United States Code".

(c) PLANNING ACTIVITIES PILOT PROGRAM.—Section 1221 of such Act is amended by adding at the end the following:

"(f) PLANNING ACTIVITIES PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program using funds set aside under paragraph (4) to support planning and public participation activities related to highway and public transportation projects.

"(2) ELIGIBLE ACTIVITIES.—Activities eligible to be carried out under the pilot program may include the following:

"(A) Improving data collection and analysis to improve freight movement, intermodal connections, and transportation access and efficiency for all users, including children, older individuals, individuals with disabilities, low-income individuals, and minority communities.

"(B) Supporting public participation by holding public meetings using an interactive workshop format facilitated by design or planning experts (or both) to consider public input at the initial stages of project development and during other phases of a project.

"(C) Using innovative planning or design visualization and simulation tools to improve the evaluation of alternatives and their impacts and to enhance public participation in the transportation planning process, including tools having a structure that enables modifications to scenarios and assumptions in real time.

"(D) Enhancing coordination among transportation, land use, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, senior centers, public schools, universities, and residential areas, including the use of integrated planning and service delivery, especially for transit dependent and low-income individuals.

"(E) Contracting with nonprofit organizations, universities, and local agencies to deliver community-oriented transportation plans and projects, including public outreach, context sensitive design, transit-oriented development, multimodal corridor investments, commuter benefits deployment, and brownfield redevelopment.

"(F) Measuring and reporting on the annual performance of the transportation system (or parts of) relative to State or locally-established criteria regarding—

"(i) maintenance and operating costs of the transportation system, vehicle miles traveled, peak-period travel times, transportation choices, and mode shares;

"(ii) location of housing units, jobs, medical facilities, and commercial centers to transit;

"(iii) improvements directed to low-income families and older individuals;

"(iv) transportation-related pollution emissions into the air and water;

"(v) land consumption; and

"(vi) other locally-significant factors.

"(G) Improving regional travel and emission modeling to examine factors not currently considered, such as induced travel and land use effects of transportation alternatives, types of vehicles owned and used by households, time-of-day of travel and linkage of trips to each other throughout the day, effects of urban design and pedestrian and bicycle environment on travel behavior, and impacts of alternatives on the distribution of benefits and burdens among various groups protected under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(3) FEDERAL SHARE.—Notwithstanding subsection (e)(2), the Federal share of the cost of activities carried out under the pilot program shall be 100 percent.

"(4) SET ASIDE.—The Secretary shall make available $1,500,000 of the amounts made available to carry out this section for each of fiscal years 2005 through 2009 to carry out the pilot program under this subsection.".

SEC. 1117. DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs"—

(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

(B) includes the costs of preconstruction planning activities.

(2) FULL PROJECT COSTS.—The term "full project costs" means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

(3) MAGLEV.—The term "MAGLEV" means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

(4) STATE.—The term "State" has the meaning such term has under section 101(a) of title 23, United States Code.

(b) IN GENERAL.—

(1) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects authorized by this section.

(2) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects authorized by this section.

(3) APPLICABILITY OF OTHER LAWS.—Financial assistance made available under this section, and projects assisted with such assistance, shall be subject to section 5333(a) of title 49, United States Code.

(c) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

(1) involve a segment or segments of a high-speed ground transportation corridor;

(2) result in an operating transportation facility that provides a revenue producing service; and

(3) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 2005 and $20,000,000 for each of fiscal years 2006 through 2009.

(e) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the full project costs of an eligible project shall be 80 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1118. RECREATIONAL TRAILS.

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h)(1) of title 23, United States Code, is amended by striking "research and technical" and all that follows through "Committee" and inserting "research, technical assistance, and training under the recreational trails program".

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

"(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

"(A) maintenance and restoration of existing recreational trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

"(C) purchase and lease of recreational trail construction and maintenance equipment;

"(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

"(i) permissible under other law;

"(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

"(iii) approved by the administering agency of the State designated under subsection (c)(1); and

"(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Fed-

eral agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

"(F) assessment of trail conditions for accessibility and maintenance;

"(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

"(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section.".

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated) by striking "(2)(F)" and inserting "(2)(H)".

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "and the Federal share of the administrative costs of a State" after "project"; and

(B) by striking "not exceed 80 percent" and inserting "be determined in accordance with section 120(b)";

(2) in paragraph (2)(A) by striking "80 percent of" and inserting "the amount determined in accordance with section 120(b) for";

(3) in paragraph (2)(B) by inserting "sponsoring the project" after "Federal agency";

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking "80 percent" and inserting "the Federal share as determined in accordance with section 120(b)"; and

(7) by inserting after paragraph (3) the following:

"(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section.".

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

"(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary may allow pre-approval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described under subsection (d)(2) (other than subparagraph (I)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.".

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1119. FEDERAL LANDS HIGHWAYS.

(a) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—Section 202(d)(3) of title 23, United States Code, is amended to read as follows:

"(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this title for a highway, road, bridge, parkway, or transit facility project that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe shall be made available, on the request of the Indian

tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction relating to such project.

"(B) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (A), all funds for a project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the Federal lands highway programs, the programs, functions, services, or activities involved.

"(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a project to which this title applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

"(D) FUNDING.—The amount an Indian tribal government receives for a project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the project in accordance with the funding formula established under this subsection and such additional amount as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the project.

"(E) ELIGIBILITY.—An Indian tribal government may receive funding under subparagraph (A) for a project in a fiscal year if the Indian tribal government demonstrates to the satisfaction of the Secretary financial stability and financial management capability as demonstrated in the annual auditing required under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and, during the preceding fiscal year, had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

"(F) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to projects under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

"(G) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such project under this section if such funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

"(H) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary of Transportation or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolutions and appeal procedures authorized by such Act, including regulations issued to carry out such Act.".

(b) ALASKA NATIVE VILLAGE INVENTORY.—Section 202(d)(2) of such title is amended by adding at the end the following:

"(E) ALASKA NATIVE ROAD INVENTORY.—

"(i) IN GENERAL.—For fiscal year 2005 and each fiscal year thereafter, any allocation of sums authorized to be appropriated for Indian reservation roads in Alaska shall be based on an inventory of roads within the exterior boundaries of village corporation land selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that includes all routes previously included in such an inventory. The Secretary of Transportation and the Secretary of the Interior may include, in the inventory of roads, those proposed for inclusion by tribal village governments from among community streets within the village and those proposed primary access routes for inclusion by tribal village governments, including roads and trails between villages (including links over water), roads and trails to landfills, roads and trails to drinking water sources, roads and trails to natural resources identified for eco-

nomic development, and roads and trails that provide access to intermodal termini, such as airports, harbors, or boat landings.

"(ii) LIMITATION ON PRIMARY ACCESS ROUTES.—For purposes of this subparagraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.".

(c) GRANTS FOR FINANCING TRANSPORTATION DEBT.—Section 202(d)(2)(A) of such title is amended by inserting before the period at the end the following: "; except that, beginning October 1, 2004, the Secretary may use up to 3 percent of such funds for making grants to Indian tribes for the purpose of financing transportation debt for individual Indian reservation roads subject to all requirements governing Federal assistance for Indian roads under this section and section 204".

(d) DEPUTY ASSISTANT SECRETARY OF TRANSPORTATION FOR TRIBAL GOVERNMENT AFFAIRS.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS.—The Department of Transportation shall have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations and to coordinate tribal transportation programs and activities in all offices and administrations of the Department and to be a participant in any negotiated rulemaking related to, or has impact on, projects, programs, or funding associated with the tribal transportation program.".

(e) ALASKA NATIVE VILLAGE TRANSPORTATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Secretary and the Denali Commission, in coordination with the Alaska Federation of Natives, shall establish an Alaska Native Village transportation program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identified by Alaska Native Villages.

(2) ALASKA NATIVE VILLAGE DEFINED.—In this subsection, the term "Alaska Native Village" has the same meaning such term has as used by the Bureau of Indian Affairs in administering the Indian reservation road program under section 202 of title 23, United States Code.

SEC. 1120. CONSERVATION MEASURES.

(a) REFUGE ROADS.—Section 204(k)(1) of title 23, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesigning subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

"(C) construction, maintenance, and improvement of wildlife observation infrastructure; and"; and

(4) in subparagraph (D) (as so redesignated) by striking "maintenance and improvements" and inserting "construction, maintenance, and improvements".

(b) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

(1) not to exceed $20,000,000 per fiscal year may be used for the maintenance of forest highways;

(2) not to exceed $2,500,000 per fiscal year may be used to repair culverts and bridges on forest highways to facilitate appropriate fish passage and ensure reasonable flows and to maintain and remove such culverts and bridges as appropriate; and

(3) not to exceed $1,000,000 per fiscal year may be used for signage identifying public hunting and fishing access.

(c) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as "wildlife vehicle collisions").

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) CONTENTS.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

SEC. 1121. PEDESTRIAN AND CYCLIST EQUITY.

(a) SAFE ROUTES TO SCHOOL PROGRAM.—

(1) ESTABLISHMENT.—Subject to the requirements of this subsection, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and middle schools.

(2) PURPOSES.—The purposes of the program shall be—

(A) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

(B) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

(C) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

(3) APPORTIONMENT OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), amounts made available to carry out this subsection for a fiscal year shall be apportioned among the States in the ratio that—

(i) the total student enrollment in primary and middle schools in each State; bears to

(ii) the total student enrollment in primary and middle schools in all the States.

(B) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this subsection for a fiscal year of less than $2,000,000.

(C) SET-ASIDE.—Before apportioning amounts made available to carry out this subsection under this paragraph for a fiscal year, the Secretary shall set aside not more than 2 percent of such amounts for the administrative expenses of the Secretary in carrying out this subsection.

(D) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this paragraph concerning student enrollments shall be made by the Secretary.

(4) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this subsection shall be administered by the State's department of transportation.

(5) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this subsection shall be used by the State to provide financial assistance to State, local, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this subsection.

(6) ELIGIBLE PROJECTS AND ACTIVITIES.—

(A) INFRASTRUCTURE-RELATED PROJECTS.—

(i) IN GENERAL.—Amounts apportioned to a State under this subsection may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bike to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

(ii) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

(B) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

(i) IN GENERAL.—In addition to projects described in subparagraph (A), amounts apportioned to a State under this subsection may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

(ii) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this subsection for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph.

(C) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under this subsection for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

(7) CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools to—

(i) operate a national safe routes to school clearinghouse;

(ii) develop information and educational programs on safe routes to school; and

(iii) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

(B) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(8) TASK FORCE.—

(A) IN GENERAL.—The Secretary shall establish a national safe routes to school task force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies, to study and develop a strategy for advancing safe routes to school programs nationwide.

(B) REPORT.—Not later than March 31, 2006, the Secretary shall transmit to Congress a report containing the results of the study conducted, and a description of the strategy developed, under subparagraph (A) and information regarding the use of funds for infrastructure-related and noninfrastructure-related activities under subparagraphs (A) and (B) of paragraph (6).

(C) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(9) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project or activity under this section shall be 100 percent. Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under such chapter.

(10) DEFINITIONS.—In this subsection, the following definitions apply:

(A) IN THE VICINITY OF SCHOOLS.—The term "in the vicinity of schools" means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

(B) PRIMARY AND MIDDLE SCHOOLS.—The term "primary and middle schools" means schools providing education from kindergarten through eighth grade.

(C) STATE.—The term "State" has the meaning such term has in section 101(a) of title 23, United States Code.

(b) NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and carry out a nonmotorized transportation pilot program to construct, in 4 communities selected by the Secretary, a network of nonmotorized transportation infrastructure facilities, including sidewalks, bicycle lanes, and pedestrian and bicycle trails, that connect directly with transit stations, schools, residences, businesses, recreation areas, and other community activity centers.

(2) PURPOSE.—The purpose of the program shall be to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within selected communities.

(3) GRANTS.—In carrying out the program, the Secretary may make grants to State, local, and regional agencies, that the Secretary determines are suitably equipped and organized to carry out the objectives and requirements of this subsection. An agency that receives a grant under this subsection may suballocate grant funds to a nonprofit organization to carry out the program under this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project carried out under this subsection shall be 80 percent, and such funds shall not be transferable and shall remain available until expended.

(5) STATISTICAL INFORMATION.—In carrying out the program, the Secretary shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in communities participating in the program and assess how such changes decrease congestion and energy usage, increase the frequency of biking and walking, and promote better health and a cleaner environment.

(6) REPORTS.—The Secretary shall transmit to Congress an interim report not later than September 30, 2007, and a final report not later than September 30, 2010, on the results of the program.

SEC. 1122. NATIONAL COMMISSIONS.

(a) NATIONAL COMMISSION ON FUTURE REVENUE SOURCES TO SUPPORT THE HIGHWAY TRUST FUND.—

(1) ESTABLISHMENT.—There is established a National Commission on Future Revenue Sources to Support the Highway Trust Fund to conduct—

(A) a study evaluating alternative short-term sources of Highway Trust Fund revenue to support the requirements of section 1124; and

(B) a study evaluating alternative long-term sources of revenue to support the Highway Trust Fund, considering the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternatives to the fuel tax to support highway program financing and other relevant prior research.

(2) FUNCTIONS.—The Commission shall—

(A) develop recommendations to generate Highway Trust Fund revenue necessary to accomplish the requirements of section 1124;

(B) oversee a comprehensive investigation of alternatives to replace the fuel tax as the principal revenue source to support the Highway Trust Fund over at least the next 30 years;

(C) consult with the Secretary of Transportation and the Secretary of the Treasury to assure that their views concerning essential attributes of Highway Trust Fund revenue alternatives are understood;

(D) assure that State transportation agency views on alternative revenue sources to support State transportation improvement programs are appropriately considered and that any recommended Federal financing strategy take into account State financial requirements; and

(E) make specific recommendations regarding actions that need to be taken to develop alternative revenue sources to support the Highway Trust Fund and when those actions must be taken.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under paragraph (1)(B) shall address specifically—

(A) advantages and disadvantages of alternative revenue sources to meet anticipated Federal surface transportation financial requirements;

(B) the time frame within which actions must be taken to transition from the fuel tax to alternative revenue sources to support the Highway Trust Fund;

(C) recommendations concerning the most promising revenue sources to support long-term Federal surface transportation financing requirements;

(D) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various aspects of the transition strategy;

(E) recommendations for additional research that may be needed to implement recommended alternatives; and

(F) the extent to which revenues should reflect the relative use of the highway system.

(4) MATTERS TO CONSIDER AND EVALUATE.—To the maximum extent feasible, the Commission, in conducting the study under paragraph (1)(B), shall consider and evaluate other related work that has been done by the Department of Transportation, the Department of Energy, the Transportation Research Board, and others. In developing recommendations under paragraph (2), the Commission shall consider—

(A) the ability to generate sufficient revenues to meet anticipated long term surface transportation financing needs;

(B) the roles of the various levels of government and the private sector in meeting future surface transportation financing needs;

(C) administrative costs, including enforcement, to implement each option;

(D) potential taxpayer privacy concerns;

(E) likely technological advances that could ease implementation of each option;

(F) the equity and economic efficiency of each option;

(G) the flexibility of different options to allow various pricing alternatives to be implemented; and

(H) potential compatibility issues with States tax mechanisms under each alternative.

(5) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall have experience in public finance, surface transportation program administration, managing organizations that use surface transportation facilities, academic research into related issues, or other activities that provide unique perspectives on current and future requirements for revenue sources to support the Highway Trust Fund.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(6) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the studies under this subsection, but the Commission shall provide strategic guidance for the studies.

(B) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in conducting the studies under this subsection, including providing the Commission with such nonconfidential data and information as necessary for conducting and completing the study.

(7) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary shall provide to the Commission, on a reimbursable basis, the ad-

ministrative support and services necessary for the Commission to carry out its responsibilities under this subsection.

(8) REPORTS AND RECOMMENDATIONS.—

(A) REVENUE ACTIONS.—Not later than September 30, 2005, the Commission shall transmit to Congress a report on revenue actions that would support the requirements of section 1124.

(B) ALTERNATIVE LONG-TERM SOURCES OF REVENUE.—Not later than September 30, 2006, the Commission shall transmit to Congress a report on the results of the study conducted under paragraph (1)(B), relating to alternative long-term sources of revenue to support the Highway Trust Fund, including recommendations to address the needs identified in the study.

(9) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (8)(B). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,500,000 for each of fiscal years 2005 and 2006 to carry out this subsection.

(11) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities carried out under this subsection shall be 100 percent, and such funds shall remain available until expended.

(b) DECLARATION OF POLICY REGARDING FUTURE OF THE INTERSTATE HIGHWAY SYSTEM STUDY.—Section 101(b) of title 23, United States Code, is amended by striking the last paragraph and inserting the following:

"It is further declared that it is in the national interest to preserve and enhance the Dwight D. Eisenhower National System of Interstate and Defense Highways to meet the Nation's needs for the 21st century. The current urban and long distance personal travel and freight movement demands have surpassed the vision of the original Interstate System and travel demand patterns are expected to change. Continued planning for and investment in the Interstate System is critical to assure it adequately meets the changing travel demands of the future. Among the foremost needs that the Interstate System must provide are safe, efficient, and reliable (1) national and interregional personal mobility, (2) flow of interstate commerce, and (3) travel movements essential for national security. To the maximum extent, actions under this title should address congestion, safety, and freight transportation to provide for a strong and vigorous national economy. The Interstate System is hereby declared to be the Nation's premiere highway system, essential for the Nation's economic vitality, national security, and general welfare. The Secretary of Transportation is directed to take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st century in accordance with this title.".

(c) NATIONAL COMMISSION ON FUTURE OF INTERSTATE HIGHWAY SYSTEM.—

(1) ESTABLISHMENT.—There is established a National Commission on the Future of the Dwight D. Eisenhower National System of Interstate and Defense Highways (in this subsection referred to as the "Interstate System").

(2) FUNCTION.—The Commission shall—

(A) conduct a study of the current condition and future of the Interstate System and develop a conceptual plan with alternative approaches for the future of the Interstate System to assure that the Interstate System will continue to serve the needs of the Nation;

(B) assure that State transportation agency views are considered; and

(C) make specific recommendations regarding those design standards, Federal policies, and legislative changes that must be made to assure the national interests are served in meeting future Interstate System needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall assure that the study under this subsection specifically addresses the following:

(A) CURRENT CONDITION.—The current condition and performance of the Interstate System, including physical condition of bridges and pavements and operational characteristics and performance, shall be examined, relying primarily on existing data sources.

(B) FUTURE ASSESSMENT.—The future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year horizons.

(4) SPECIFIC ISSUES AND DETAILS TO ADDRESS.—The following specific issues and details shall be addressed as a part of the study under this subsection:

(A) DEMOGRAPHICS.—Expected demographics and business uses that impact transportation.

(B) USAGE.—Expected system use and effects of changing vehicle types, fleet size and weights, and traffic volumes.

(C) NATURAL DISASTER.—Seismic and other vulnerabilities and their potential impacts.

(D) DESIGN STANDARDS.—Desirable design policies and standards for future improvements, including safety improvement and additional access points.

(E) SYSTEM WIDE NEEDS.—Identification of both urban and rural needs.

(F) POTENTIAL SYSTEM EXPANSION, UPGRADES, OR OTHER CHANGES.—Deployment of advanced materials and intelligent technologies; critical multi-state rural corridors needing capacity, safety, and operational enhancements; urban and multi-state corridor additions; bypasses of major cities that ensure efficient long-haul travel; improvements to inter-modal linkages; strategies to enhance asset preservation; and implementation strategies.

(G) COMMUNITY VALUES.—Consideration of alternative approaches to maintaining or enhancing community values in those neighborhoods adjacent to the Interstate System.

(H) ENVIRONMENTAL ISSUES.—Consideration of alternative approaches to addressing environmental concerns relative to recommended alternatives.

(I) SYSTEM PERFORMANCE.—Evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection and analysis, traffic monitoring, system operations and management.

(5) ALTERNATIVES.—A range of policy recommendations shall be developed as a part of the plan under this subsection to address identified future needs of the Interstate System. The alternatives shall include funding needs and potential approaches to provide those funds.

(6) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall be appointed from among individuals that have a concern for maintaining a strong role for the Interstate System in the future of the Nation and may include representatives from Federal, State, and local governments, other transportation authorities or agencies, and organizations representing surface transportation owners and operators.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Member shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(7) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the study under this subsection, but the Commission shall provide strategic guidance for the study.

(B) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in the study, including providing the Commission with such nonconfidential data and information as necessary for conducting and completing the study.

(8) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out its responsibilities under this subsection.

(9) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2006, the Commission shall transmit to Congress a final report on the results of the study conducted under this subsection, including recommendations to address the needs identified in the study.

(10) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (9). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Funds (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 2005 and 2006.

(12) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities carried out under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 1123. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V.

[Reserved]

SEC. 1124. ROADWAY SAFETY.

(a) ROAD SAFETY.—

(1) IN GENERAL.—The Secretary shall enter into an agreement to assist in the activities of a national nonprofit organization that is dedicated solely to improving public road safety—

(A) by improving the quality of data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes;

(B) by developing and carrying out a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes; and

(C) by promoting public road safety research and technology transfer activities.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(b) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2004 through 2009 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

SEC. 1125. EQUITY REQUIREMENT.

(a) GENERAL PROVISIONS.—The Secretary may not apportion before August 1, 2006, any funds for any of the programs referred to in subsection (b) for fiscal year 2006 unless, after the date of enactment of this Act, a law has been enacted that—

(1) increases the guaranteed rate of return pursuant to section 105 of title 23, United States Code, to 92 percent in fiscal year 2006, 93 percent in fiscal year 2007, 94 percent in fiscal year 2008, and 95 percent in fiscal year 2009; and

(2) requires that each State receive apportionments for such programs for each of such fiscal years that in the aggregate are at least equal to the greater of—

(A) the State's minimum guaranteed rate of return required under paragraph (1); and

(B) the State's prior fiscal year's apportioned highway funds for programs referred in subsection (b) plus an amount equal to the State's prior year apportioned funds for such programs multiplied by the percentage increase in the consumer price index during the 12-month period ending June 30 of the calendar year in which the fiscal year begins.

(b) APPLICABILITY.—The withholding of apportioned funds under subsection (a) shall apply to the following programs:

(1) The National Highway System program under section 103(b) of title 23, United States Code.

(2) The high priority projects program under section 117 of such title.

(3) The Interstate maintenance program under section 119 of such title.

(4) The surface transportation program under section 133 of such title.

(5) Metropolitan planning under chapter 52 of title 49, United States Code.

(6) The highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code.

(7) The congestion mitigation and air quality improvement program under section 149 of such title.

(8) The recreational trails program under section 206 of such title.

(9) The Appalachian development highway system under subtitle IV of title 40, United States Code.

(10) The freight intermodal connectors program under section 1303 of this Act.

(11) The coordinated border infrastructure program under section 1302 of this Act.

(12) The high risk rural road safety improvement program under section 1403 of this Act.

(13) The safe routes to schools program under section 1120 of this Act.

(14) The minimum guarantee program under section 105 of title 23, United States Code.

(c) CONSIDERATION OF COMMISSION FINDINGS.—In considering a law that increases the guaranteed rate of return referred to in subsection (a), Congress should consider the findings of the report on alternative short-term sources of Highway Trust Fund revenue to be published by the National Commission on Future Revenue Sources to Support the Highway Trust Fund pursuant to section 1121 of this Act.

Subtitle B—Congestion Relief

SEC. 1201. MOTOR VEHICLE CONGESTION RELIEF.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§ 139. Motor vehicle congestion relief

"(a) IN GENERAL.—Each State that has an urbanized area with an urbanized area population of over 200,000 individuals shall obligate in each of fiscal years 2005 through 2009 a portion of the State's apportionments under section 104(b) in such fiscal year, as calculated under subsection (b), for congestion relief activities in such urbanized areas in accordance with this section.

"(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

"(1) the total of amounts apportioned to the State under each of paragraphs (1), (2), (3), and (4) of section 104(b) in such fiscal year; by

"(2) 10 percent; by

"(3) the percentage of the State's population residing in urbanized areas of the State with an urbanized area population of over 200,000 individuals.

"(c) ALLOCATION BETWEEN UNDER ONE AND UNDER THREE CONGESTION RELIEF ACTIVITIES.—Of the total amount of a State's apportionments to be obligated for congestion relief activities for a fiscal year as calculated under subsection (b)—

"(1) 40 percent shall be obligated for under one congestion relief activities;

"(2) 35 percent shall be obligated for under three congestion relief activities; and

"(3) 25 percent shall be obligated at the discretion of the State department of transportation for 1 or more of the following:

"(A) Under one congestion relief activities.

"(B) Under three congestion relief activities.

"(C) Capital costs for transit projects that are eligible for assistance under chapter 53 of title 49.

"(D) Demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

"(d) OBLIGATION OF AMOUNTS.—

"(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for congestion relief activities under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for congestion relief activities under subsection (a).

"(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.

"(g) TRANSFERS.—

"(1) IN GENERAL.—A State may transfer a portion of the amount that the State must obligate for under one congestion relief activities in a fiscal year under this section to the amount the State must obligate for under three congestion relief activities under this section if the State certifies to the Secretary that there are no under one congestion relief activities for which such portion can be obligated in such fiscal year and the Secretary does not disapprove such transfer within 30 days after the date of such certification.

"(2) LIMITATION.—The amount that a State may transfer in a fiscal year under this subsection may not reduce the amount the State must obligate for under one congestion relief activities to less than 10 percent of the total amount of the State's apportionments to be obligated for congestion relief activities for such fiscal year as calculated under subsection (b).

"(3) TREATMENT.—Amounts transferred by a State under this subsection for a fiscal year shall be included in the amount of the State's apportionments allocated for under three congestion relief activities for such fiscal year under subsection (c)(2).

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) CONGESTION RELIEF ACTIVITIES.—

"(A) IN GENERAL.—The term 'congestion relief activity' means any activity, project, or program that has as its primary purpose, as determined by the State transportation department, the relief of motor vehicle congestion.

"(B) INCLUSIONS.—Such term includes the following:

"(i) Relief of motor vehicle congestion through additional capacity, construction of additional lanes, improvements to interchanges, improved access to major terminals, construction of parallel roads, construction of truck only lanes, and major arterial improvements.

"(ii) Transportation systemwide operational improvements targeted at increasing motor vehicle travel reliability through such means as incident management programs, traffic monitoring and surveillance, and traveler information initiatives.

"(iii) Maximizing efficient use of existing motor vehicle travel capacity through such means as reversible lanes, coordinated traffic signalization, and managed lanes or other lane management strategies.

"(C) EXCLUSIONS.—Such term does not include demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

"(2) UNDER ONE CONGESTION RELIEF ACTIVITIES.—The term 'under one congestion relief activity' means a congestion relief activity that—

"(A) will be completed within one year after the date of commencement of onsite improvements;

"(B) has a total projected cost of less than $1,000,000; and

"(C) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.

"(3) UNDER THREE CONGESTION RELIEF ACTIVITIES.—The term 'under three congestion relief activities' means congestion relief activities that—

"(A) will be completed within 3 years after the date of commencement of onsite improvements; and

"(B) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.".

(b) CONFORMING AMENDMENT.—The analysis for chapter I of such title is amended by inserting after the item relating to section 138 the following:

"139. Motor vehicle congestion relief.".

(c) MOTOR VEHICLE DEFINED.—Title 23, United States Code, is amended—

(1) in section 154(a)(2), relating to the definition of motor vehicle, by inserting "streets, roads, and" before "highways";

(2) by redesignating paragraph (2) of section 154(a) as paragraph (38);

(3) by moving such redesignated paragraph from section 154(a) to the end of section 101(a);

(4) by redesignating paragraphs (3) and (4) of section 154(a) as paragraphs (2) and (3), respectively;

(5) in section 153(i)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(6) in section 164(a)(4) by striking "means" and all that follows through "rail line or" and inserting "does not include"; and

(7) in section 405(f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).

SEC. 1202. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) DEFINITIONS.—

(1) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—Section 101(a)(17) of title 23, United States Code, is amended by inserting "transportation systems management and operations and" after "associated with".

(2) OPERATIONAL IMPROVEMENT.—Section 101(a)(18)(A)(i) of such title is amended—

(A) by inserting "transportation systems management and operations, including" after "for"; and

(B) by inserting "equipment and programs for transportation response to natural disasters," after "incident management programs,".

(3) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Section 101(a) of such title is further amended by adding at the end the following:

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

"(B) INCLUDED ACTIVITIES AND IMPROVEMENTS.—The term includes regional operations collaboration and coordination activities between transportation and public safety agencies and improvements such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic operations measures to improve capacity, traffic signal coordination, optimization of traffic signal timing, traffic incident management, communications equipment related to traffic incident management (including integrated, interoperable, emergency communications equipment), roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(b) SURFACE TRANSPORTATION PROGRAM ELIGIBILITY.—Section 133(b) of such title is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively; and

(2) by adding at the end the following:

"(14) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, including activities for traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.".

(c) NATIONAL HIGHWAY SYSTEM ELIGIBILITY.—Section 103(b)(6) of such title is amended by adding at the end the following:

"(Q) Capital, operating, and systems maintenance costs for transportation systems management and operations.".

(d) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Subchapter I of chapter 1 of such title is further amended by adding at the end the following:

"§ 166. Transportation systems management and operations

"(a) AUTHORITY.—The Secretary may—

"(1) encourage transportation system managers, operators, public safety officials, and transportation planners within an urbanized area, who are actively engaged in and responsible for conducting activities relating to day-to-day management, operations, public safety, and planning of transportation facilities and services, to collaborate and coordinate on a regional level in a continuous and sustained manner for improved transportation systems management and operations, including, at a minimum—

"(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants for how the region's systems should be managed, operated, and measured;

"(B) sharing of information among operators, service providers, public safety officials, and the general public; and

"(C) guiding, in a regionally-coordinated manner, the implementation of regional transportation system management and operations initiatives, including emergency evacuation and response, traffic incident management, technology deployment, and traveler information systems delivery, in a manner consistent with and integrated into the ongoing metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, if required; and

"(2) encourage States to establish a system of basic real-time monitoring capability for the surface transportation system and provide the capability and means to share that data among agencies (including highway, transit, and public safety agencies), jurisdictions (including States, cities, counties, and areas represented by metropolitan planning organizations), private-sector entities, and the traveling public.

"(b) EXECUTION.—To support the successful execution of transportation systems management and operations activities, the Secretary may undertake the following activities:

"(1) Assist and cooperate with other Federal departments and agencies, State and local governments, metropolitan planning organizations, private industry representatives, and other interested parties to improve regional collaboration and real-time information sharing between transportation system managers and operators, public safety officials, emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

"(2) Issue, if necessary, new guidance or regulations for the procurement of transportation system management and operations facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.".

(e) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

"166. Transportation systems management and operations.".

(f) INTELLIGENT TRANSPORTATION SYSTEM PROCUREMENT POLICY.—

(1) STUDY.—The Secretary shall—

(A) conduct a study of the current policies and practices for the procurement of intelligent transportation system facilities, equipment, and services; and

(B) develop a conceptual plan with alternative approaches for expediting and streamlining such procurements at the State level.

(2) RECOMMENDATIONS.—Based on the results of the study, the Secretary shall make recommendations in the report under paragraph (4) regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary to ensure that national interests are served in meeting future intelligent transportation system needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under this subsection shall specifically address the following:

(A) CURRENT CONDITION.—The current practices and policies relating to procurement of intelligent transportation system facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.

(B) ASSESSMENT OF NEED FOR POLICY REFORM.—The ability of current practices and policies to achieve the successful implementation of intelligent transportation system goals and the need for national policy reform to expedite and streamline procurements necessary to meet such goals.

(C) ALTERNATIVES.—The range of legislative, regulatory, and policy alternatives to address identified needs and goals, including funding needs.

(D) RECOMMENDATIONS.—Recommendations regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary for expedited and streamlined procurements.

(4) REPORT AND RECOMMENDATIONS.—Not later than March 31, 2006, the Secretary shall transmit to the appropriate committees of Congress a final report regarding the results of the study conducted under this subsection and recommendations to address the needs identified in such study.

(5) INITIATION OF RULEMAKING PROCEEDING.—To the extent any recommendation made by the Secretary under this subsection may be implemented by regulation, the Secretary shall initiate a rulemaking proceeding to address such recommendation not later than the 90th day following the date of submission of the report under paragraph (4).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 in fiscal year 2005 to carry out this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a real-time system management information program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the Nation's major highways and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

(2) PURPOSES.—The purposes of the real-time system management information program are to—

(A) establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;

(B) identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and

(C) provide the capability and means to share that data with State and local governments and the traveling public.

(b) NATIONAL STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a national steering committee to assist in the development of data exchange formats under subsection (c).

(2) REPRESENTATIVES.—The national steering committee shall consist of representatives of State transportation departments, metropolitan planning organizations, local governments, nonprofit entities, the private sector, and academia.

(3) PURPOSE.—The purpose of the national steering committee shall be to provide guidance regarding the content and uniformity of data exchange formats.

(c) DATA EXCHANGE FORMATS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish data exchange formats based on recommendations of the steering committee established under subsection (b) to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged across jurisdictional boundaries, facilitating nationwide availability of information.

(d) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

(1) ADDRESSING INFORMATION NEEDS.—As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regulations, such governments shall explicitly address real-time highway and transit information needs

and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.

(2) DATA EXCHANGE.—States shall incorporate the data exchange formats established by the Secretary under subsection (c) to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

(e) ELIGIBILITY.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), and 104(b)(3) of title 23, United States Code, for activities related to the planning and deployment of real-time monitoring elements that advance the goals and purposes described in subsection (a).

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

(g) STATEWIDE INCIDENT REPORTING SYSTEM DEFINED.—In this section, the term "statewide incident reporting system" means a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.

SEC. 1204. EXPEDITED NATIONAL INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive program to accelerate the integration, interoperability, and deployment of intelligent transportation systems in order to improve the performance of the surface transportation system in metropolitan and rural areas.

(b) SELECTION OF MODEL PROJECTS.—Under the program, the Secretary may make grants, through competitive solicitation, for projects that will serve as models to improve transportation efficiency, promote surface transportation safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, and promote tourism.

(c) OTHER PROJECTS, PROGRAMS, AND ACTIVITIES.—Under the program, the Secretary may make grants for projects, programs, and activities in metropolitan and rural areas that—

(1) contribute to national deployment goals and objectives outlined in the national intelligent transportation system program plan;

(2) promote cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment of intelligent transportation systems;

(3) encourage private sector involvement and financial commitment to such deployment to the maximum extent practicable through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) enhance fully integrated intelligent transportation system deployment;

(5) create technical capacity for effective operations and maintenance of such systems;

(6) improve safety, mobility, geographic and regional diversity, and economic development in deployment of such systems;

(7) advance deployment of the 511 traveler information program; and

(8) advance deployment of other national systems, including a statewide incident reporting system, wireless e-911 system, and road weather information system.

(d) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated under section 1101(a)(16) of this Act shall be available for obligation to carry out subsection (c)(7) in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of projects carried out under subsection (c)(7) shall be 80 percent and such funds shall remain available until expended.

SEC. 1205. INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to ensure that a minimum of $2,500,000,000 of the amounts authorized to be appropriated for the National Highway System, Interstate maintenance, surface transportation, and congestion mitigation and air quality improvement programs for fiscal years 2005 through 2009 is utilized to expand deployment of intelligent transportation systems.

(b) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 149 the following:

"§ 150. Deployment of intelligent transportation systems

"(a) IN GENERAL.—In each of fiscal years 2005 through 2009, each State shall obligate a portion of the funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year, calculated under subsection (b), for projects described in subsection (c) that support deployment of intelligent transportation systems in the State.

"(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments to be obligated under subsection (a) for projects described in subsection (c) in a fiscal year shall be determined by multiplying $500,000,000 by the ratio that—

"(1) the aggregate of amounts apportioned to the State for such fiscal year under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4); bears to

"(2) the aggregate of amounts apportioned to all States for such fiscal year under such sections.

"(c) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROJECTS.—Projects for which funds must be obligated under this section include the following:

"(1) PERFORMANCE.—Establishment and implementation of operations systems and services that improve performance in the areas of traffic operations, emergency response to surface transportation incidents, surface transportation incident management, weather event response management by State and local authorities, surface transportation network and facility management, construction and work zone management, and traffic flow information.

"(2) NETWORKS.—Conducting activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information.

"(3) SAFETY.—Implementation of intelligent transportation system technologies that improve highway safety through linkages connecting the vehicle, the infrastructure, and information to the driver.

"(4) OPERATION AND MANAGEMENT.—Provision of services necessary to ensure the efficient operation and management of intelligent transportation systems infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services.

"(5) INTERAGENCY SUPPORT.—Provision of support for institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, and shippers.

"(6) PLANNING.—Conducting cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches.

"(d) OBLIGATION OF AMOUNTS.—

"(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for projects under subsection (c) that support deployment of intelligent transportation systems in such State under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects under this section.

"(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.".

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 149 the following:

"150. Deployment of intelligent transportation systems.".

SEC. 1206. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act.

(b) NATIONWIDE PROGRAMMATIC AGREEMENT.—

(1) DEVELOPMENT.—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term "intelligent transportation infrastructure and systems" means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in section 5607.

SEC. 1207. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

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

"§ 167. State assumption of responsibilities for certain programs and projects

"(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

"(1) PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

"(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of this section, the Secretary may allow up to 5 States to participate in the pilot program.

"(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

"(A) Projects funded under section 104(h).

"(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

"(C) Projects as defined in section 101(a)(39) and section 5607 of the Transportation Equity Act: A Legacy for Users.

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

"(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

"(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

"(4) COMPLIANCE.—

"(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

"(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

"(c) SELECTION OF STATES FOR PILOT PROGRAM.—

"(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

"(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

"(B) a certification that the State has the capability to assume such responsibilities.

"(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

"(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

"(B) provide an opportunity for public comment.

"(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

"(A) the requirements under paragraph (2) have been met; and

"(B) the Secretary determines that the State has the capability to assume the responsibilities.

"(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

"(d) STATE DEFINED.—With respect to the recreational trails program, the term 'State' means the State agency designated by the Governor of the State in accordance with section 206(c)(1).

"(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

"167. State assumption of responsibilities for certain programs and projects.".

SEC. 1208. HOV FACILITIES.

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

"§ 168. HOV facilities

"(a) IN GENERAL.—

"(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

"(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

"(b) EXCEPTIONS.—Notwithstanding the occupancy requirements of subsection (a)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

"(1) MOTORCYCLES AND BICYCLES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

"(B) SAFETY EXCEPTION.—A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification. The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

"(2) PUBLIC TRANSPORTATION VEHICLES.—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

"(A) establishes requirements for clearly identifying the vehicles; and

"(B) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

"(3) HIGH OCCUPANCY TOLL VEHICLES.—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

"(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

"(B) develops, manages, and maintains a system that will automatically collect the toll; and

"(C) establishes policies and procedures to—

"(i) manage the demand to use the facility by varying the toll amount that is charged;

"(ii) enforce violations of use of the facility; and

"(iii) permit low-income individuals to pay reduced tolls.

"(4) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

"(A) INHERENTLY LOW-EMISSION VEHICLE.—Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311–93 of title 40, Code of Federal Regulations, and are labeled in accordance with section 88.312–93 of such title, to use the HOV facility if the agency establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

"(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, 2009, the State agency may allow vehicles certified as low emission and energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

"(i) establishes a program that addresses the selection of vehicles under this paragraph; and

"(ii) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

"(C) AMOUNT OF TOLLS.—Under subparagraph (B), a State agency may charge no toll or a toll that is less than tolls charged under paragraph (3).

"(c) REQUIREMENTS APPLICABLE TO TOLLS.—

"(1) IN GENERAL.—Tolls may be charged under subsections (b)(3) and (b)(4) notwithstanding section 301 and, except as provided in paragraphs (2) and (3), subject to the requirements of section 129.

"(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.—Notwithstanding section 129, tolls may be charged under subsections (b)(3) and (b)(4) on a HOV facility on the Interstate System.

"(3) EXCESS TOLL REVENUES.—If a State agency makes a certification under the last sentence of section 129(a)(3) with respect to toll revenues collected under subsections (b)(3) and (b)(4), the State, in the use of tolls revenues under that sentence, shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety.

"(d) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

"(1) IN GENERAL.—A State agency that allows vehicles to use a HOV facility under subsection (b)(3) or (b)(4) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year:

"(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the impacts that such vehicles may have on the operation of the facility and adjacent highways.

"(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section.

"(C) Limiting or discontinuing the use of the facility by such vehicles if the presence of such vehicles has degraded the operation of the facility.

"(2) DEGRADED FACILITY.—

"(A) IN GENERAL.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 6-month period during morning or evening weekday peak hour periods (or both).

"(B) MINIMUM AVERAGE OPERATING SPEED DEFINED.—In subparagraph (A), the term 'minimum average operating speed' means—

"(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and

"(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour.

"(e) CERTIFICATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Not later than 6 months after the date of enactment of this section, the Administrator

of the Environmental Protection Agency shall issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of such vehicles.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALTERNATIVE FUEL VEHICLE.—The term 'alternative fuel vehicle' means a vehicle that operates on—

"(A) methanol, denatured ethanol, or other alcohols;

"(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

"(C) natural gas;

"(D) liquefied petroleum gas;

"(E) hydrogen;

"(F) coal derived liquid fuels;

"(G) fuels (except alcohol) derived from biological materials;

"(H) electricity (including electricity from solar energy); or

"(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

"(2) HOV FACILITY.—The term 'HOV facility' means a high occupancy vehicle facility.

"(3) LOW EMISSION AND ENERGY EFFICIENT VEHICLE.—The term 'low emission and energy-efficient vehicle' means a vehicle that—

"(A) has been certified by the Administrator of the Environmental Protection Agency as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

"(B)(i) has been certified by the Administrator to have a 45-mile-per-gallon or greater fuel economy highway rating; or

"(ii) is an alternative fuel vehicle.

"(4) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' means a vehicle that provides public transportation (as defined in section 5302(a) of title 49).

"(5) STATE AGENCY.—The term 'State agency', as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of the facility and includes a State transportation department.".

(b) CONFORMING AMENDMENTS.—

(1) PROGRAM EFFICIENCIES.—Section 102 of title 23, United States Code, is amended by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

"168. HOV facilities.".

(c) TECHNICAL AMENDMENT.—Section 102(c) of title 23, United States Code, is amended by striking "10 years" and all that follows through "after" and inserting "10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after".

SEC. 1209. CONGESTION PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended to read as follows:

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary may enter into cooperative agreements with State and local governments to carry out not more than 25 congestion pricing pilot projects.

"(B) PREVIOUSLY APPROVED PROJECTS.—Projects carried out under paragraph (1) shall include each project approved under this subsection before the date of enactment of the Transportation Equity Act: A Legacy for Users and under which highway tolls are being collected as of such date of enactment.".

(b) LOW-INCOME DRIVERS.—Section 1012(b)(7) of such Act is amended to read as follows:

"(7) REDUCED TOLLS FOR LOW-INCOME DRIVERS.—Any congestion pricing pilot project carried out under this subsection that involves the collection of highway tolls shall include a program to permit low-income drivers to pay a reduced toll amount.".

(c) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—At the end of section 1012(b)(8) of such Act add the following:

"(D) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, $3,000,000 per fiscal year shall be available only for congestion pricing pilot projects that do not involve highway tolls.".

(d) CONFORMING AMENDMENTS.—Section 1012(b) of such Act is amended—

(1) in the subsection heading by striking "VALUE PRICING" and inserting "CONGESTION PRICING";

(2) in paragraph (2)—

(A) by striking "(2) Notwithstanding" and inserting the following:

"(2) FEDERAL SHARE; ELIGIBLE COSTS.—Notwithstanding";

(B) in the first sentence by striking "programs" and inserting "projects"; and

(C) in the second sentence by striking "program" and inserting "project";

(3) in paragraph (3) by striking "(3) Revenues" and inserting the following:

"(3) USE OF REVENUES.—Revenues";

(4) in paragraph (4)—

(A) by striking "(4) Notwithstanding" and inserting the following:

"(4) USE OF TOLLS ON INTERSTATE SYSTEM.—Notwithstanding";

(B) by striking "value pricing pilot program" and inserting "congestion pricing pilot project";

(5) in paragraph (5)—

(A) by striking "(5) The Secretary" and inserting the following:

"(5) MONITORING.—The Secretary"; and

(B) by striking "programs" the first and second place it appears and inserting "projects"; and

(6) in paragraph (6) by striking "value pricing pilot program" and inserting "congestion pricing pilot project".

SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.

Section 149(b)(5) of title 23, United States Code, is amended by inserting "improve transportation systems management and operations," after "intersections,".

SEC. 1211. SPECIAL RULES FOR STATE ASSUMPTION OF RESPONSIBILITIES.

(a) LIMITATIONS.—Section 167(a) of title 23, United States Code, as added by section 1207(a) of this Act, is amended by adding at the end the following:

"(3) LIMITATIONS.—

"(A) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State that assumes the responsibilities of the Secretary under this section shall be subject to the same procedural and substantive requirements as would apply if the responsibilities were carried out by the Secretary. When a State assumes responsibilities for carrying out a Federal law under this section, the State assents to Federal jurisdiction and shall be solely responsible and solely liable for complying with and carrying out that law instead of the Secretary.

"(B) ASSUMPTION OF RESPONSIBILITIES.—Any responsibility of the Secretary not assumed by the State in a memorandum of understanding shall remain a responsibility of the Secretary.

"(C) POWERS OF OTHER AGENCIES.—Nothing in this section preempts or limits any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, with respect to a project.".

(b) ACCEPTANCE OF FEDERAL COURTS JURISDICTION; TERMINATION OF AGREEMENTS.—Section 167(b) of title 23, United States Code, as added by section 1207(a) of this Act, is amended by adding at the end the following:

"(5) ACCEPTANCE OF FEDERAL COURTS JURISDICTION.—A memorandum of understanding with a State under this section shall include a provision under which the State consents to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State may assume under the memorandum.

"(6) TERMINATION OF AGREEMENTS.—A memorandum of understanding with a State under this section shall include a provision authorizing the Secretary to terminate the agreement if the Secretary, after providing an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.".

(c) STATE SUBJECT TO FEDERAL LAWS.—Section 167 of title 23, United States Code, as added by section 1207(a) of this Act, is further amended by adding at the end the following:

"(f) STATE SUBJECT TO FEDERAL LAWS.—For purposes of assuming responsibilities of the Secretary under this section, a State agency entering into a memorandum of understanding under subsection (b) is deemed to be a Federal agency to the extent

the State is carrying out the Secretary's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this title, and any other provision of Federal law.".

SEC. 1212. OPENING OF INTERSTATE RAMPS.

(a) IN GENERAL.—Not later 30 days after the date of enactment of this Act, the Secretary shall open the ramp connecting Interstate Route 495 and Arena Drive in Prince George's County, Maryland, for the purpose of allowing motor vehicles to exit Interstate Route 495 in both northern and southern directions onto Arena Drive. Such ramp shall be open for 24 hours a day, every day during the calendar year.

(b) FULLY OPENING ARENA DRIVE RAMP.—

(1) STUDY.—The Secretary shall conduct a study to determine the most appropriate method for opening the ramps for allowing motor vehicles to enter Interstate Route 495 from Arena Drive.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the section shall be construed as altering current traffic management protocols to the Arena Drive ramps during stadium events.

Subtitle C—Mobility and Efficiency

SEC. 1301. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for highway construction projects in corridors of national significance to promote economic growth and international or interregional trade pursuant to the selection factors provided in this section. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) SELECTION PROCESS.—

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to projects in corridors that are a part of, or will be designated as part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion of the work described in the application received by the Secretary and to any project that will be completed within 5 years of the date of the allocation of funds for the project.

(2) SELECTION FACTORS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the corridor provides a link between 2 existing segments of the Interstate System.

(B) The extent to which the project will facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(C) The extent to which commercial vehicle traffic in the corridor—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (16 U.S.C. 4401 et seq.); and

(ii) is projected to increase in the future.

(D) The extent to which international truck-borne commodities move through the corridor.

(E) The extent to which the project will make improvements to an existing segment of the Interstate System that will result in a decrease in congestion.

(F) The reduction in commercial and other travel time through a major freight corridor expected as a result of the project.

(G) The value of the cargo carried by commercial vehicle traffic in the corridor and the economic costs arising from congestion in the corridor.

(H) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding.

(c) PERIOD OF AVAILABILITY.—Funds allocated for a project to a State under this section shall remain available for obligation in that State until 6 months from the day on which they are allocated. Sums not obligated within 6 months of the day on which they are allocated shall be available to the Secretary to be allocated for other projects eligible under this section.

(d) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120(b) of title 23, United States Code.

(e) APPLICABILITY OF TITLE 23.—Except as provided in subsections (c) and (d), funds made available by section 1101(a)(10) of this Act to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) STATE DEFINED.—In this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1302. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall implement a coordinated border infrastructure program under which the Secretary shall distribute funds to border States to improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—A State may use funds apportioned under this section only for—

(1) improvements in a border region to existing transportation and supporting infrastructure that facilitate cross-border motor vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities in a border region that facilitate motor vehicle and cargo movements related to international trade;

(3) operational improvements in a border region, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border motor vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite safe and efficient cross border motor vehicle and cargo movements; and

(5) international coordination of transportation planning, programming, and border operation with Canada and Mexico relating to expediting cross border motor vehicle and cargo movements.

(c) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among border States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) 20 percent in the ratio that—

(A) the total number of incoming commercial trucks that pass through the land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of incoming commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(2) 30 percent in the ratio that—

(A) the total number of incoming personal motor vehicles and incoming buses that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of incoming personal motor vehicles and incoming buses that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(3) 25 percent in the ratio that—

(A) the total weight of incoming cargo by commercial trucks that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total weight of incoming cargo by commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(4) 25 percent of the ratio that—

(A) the total number of land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary.

(d) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term "border region" means any portion of a border State within 20 miles of an international land border with Canada or Mexico.

(2) BORDER STATE.—The term "border State" means any State that has an international land border with Canada or Mexico.

(3) COMMERCIAL TRUCK.—The term "commercial truck" means a commercial motor vehicle as defined in section 31301(4) (other than subparagraph (B)) of title 49, United States Code.

(4) MOTOR VEHICLE.—The term "motor vehicle" has the meaning such term has under section 101(a) of title 23, United States Code.

(5) STATE.—The term "State" has the meaning such term has in section 101(a) of such title 23.

SEC. 1303. FREIGHT INTERMODAL CONNECTORS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a freight intermodal connector program to improve productivity and improve the efficiency of the transportation of freight, while mitigating congestion in the area of freight intermodal connectors.

(2) PURPOSES.—The purposes of the program shall be—

(A) to facilitate and support intermodal freight transportation initiatives at the State and local levels in order to improve freight intermodal connectors and mitigate the impact of congestion in the area of such connectors; and

(B) to provide capital funding to address infrastructure and freight operational needs at freight intermodal connectors.

(b) STATE RESPONSIBILITIES.—Under the program, each State shall ensure that intermodal freight transportation and trade facilitation and are adequately addressed integrated into the project development process, including transportation planning, through final design and construction of freight related transportation projects.

(c) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Projects eligible for funding under this section may include the construction of and improvements to publicly owned freight intermodal connectors, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems); except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

(2) SPECIAL RULE.—If a State that does not have any freight intermodal connectors within its boundaries or has only freight intermodal connectors within its boundaries that are in good condition and provide an adequate level of service, projects within the boundaries of the State that are eligible for assistance under section 103(b)(6) of title 23, United States Code, relating to the National Highway System, shall be eligible for funding under this section.

(d) PRIORITY.—Under the program, a State shall give priority to projects on freight intermodal connectors to the National Highway System as identified according to the criteria set forth in the report of the Department of Transportation to Congress entitled "Pulling Together: The NHS and its Connections to Major Intermodal Terminals".

(e) APPORTIONMENT.—On October 1 of each fiscal year, the Secretary shall apportion among the States sums made available to carry out this section for such fiscal year as follows:

(1) 33.3 percent in the ratio that—

(A) the number of freight intermodal connectors identified in the most recent Intermodal Freight Connectors study of the Federal Highway Administration within the boundaries of a State; bears to

(B) the total number of such connectors within the boundaries of all the States.

(2) 33.3 percent in the ratio that—

(A) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial motor vehicles; bears to

(B) the total of such annual contributions by all States.

(3) 33.4 percent in the same ratios as funds are apportioned for the National Highway System under clauses (i), (ii), (iii), and (iv) of section 104(b)(1)(A) of title 23, United States Code.

(f) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall

not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent.

(g) UPDATE REPORT.—Not later than August 1, 2005, the Secretary shall publish an update to the report entitled "Pulling Together: the National Highway System and its Connections to Major Intermodal Terminals".

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FREIGHT INTERMODAL CONNECTORS.—The term "freight intermodal connector" means the roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

(2) INTERMODAL FREIGHT FACILITY.—The term "intermodal freight facility" means a port, airport, truck-rail terminal, and pipeline-truck terminal.

(3) STATE.—The term "State" has the meaning such term has in section 101(a) of title 23, United States Code.

SEC. 1304. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

(a) FINDINGS.—Congress finds the following:

(1) Under current law, surface transportation programs rely primarily on formula capital apportionments to States.

(2) Despite the significant increase for surface transportation program funding in the Transportation Equity Act of the 21st Century, current levels of investment are insufficient to fund critical high-cost transportation infrastructure facilities that address critical national economic and transportation needs.

(3) Critical high-cost transportation infrastructure facilities often include multiple levels of government, agencies, modes of transportation, and transportation goals and planning processes that are not easily addressed or funded within existing surface transportation program categories.

(4) Projects of national and regional significance have national and regional benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating passenger and freight movement.

(5) The benefits of such projects described in paragraph (4) accrue to local areas, States, and the Nation as a result of the effect such projects have on the national transportation system.

(6) A program dedicated to constructing projects of national and regional significance is necessary to improve the safe, secure, and efficient movement of people and goods throughout the United States and improve the health and welfare of the national economy.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide grants to qualified entities for projects of national and regional significance.

(c) DEFINITIONS.—

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means the costs of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(B) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(2) ELIGIBLE PROJECT.—The term "eligible project" means any surface transportation project eligible for Federal assistance under title 23, United States Code, including freight railroad projects and activities eligible under such title.

(3) QUALIFIED ENTITY.—The term "qualified entity" means a State as defined in section 101(a) of title 23, United States Code.

(d) ELIGIBILITY.—To be eligible for assistance under this section, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(1) $500,000,000; or

(2) 75 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

(e) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(f) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (d);

(B) conduct a national solicitation for applications; and

(C) award grants on a competitive basis.

(2) CRITERIA FOR GRANTS.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

(A) is based on the results of preliminary engineering;

(B) is justified based on the project's ability—

(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

(ii) to reduce congestion, including impacts in the State, region, and Nation;

(iii) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;

(iv) to otherwise enhance the national transportation system; and

(v) to garner support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility; and

(C) is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility.

(3) SELECTION CONSIDERATIONS.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

(B) uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

(C) helps maintain or protect the environment.

(4) PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of preliminary engineering for the project.

(5) NON-FEDERAL FINANCIAL COMMITMENT.—

(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (2)(C), the Secretary shall require that—

(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases; and

(ii) each proposed non-Federal source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of non-Federal financing under subparagraph (A), the Secretary shall consider—

(i) existing financial commitments;

(ii) the degree to which financing sources are dedicated to the purposes proposed;

(iii) any debt obligation that exists or is proposed by the recipient for the proposed project; and

(iv) the extent to which the project has a non-Federal financial commitment that exceeds the required non-Federal share of the cost of the project.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue regulations on the manner in which the Secretary will evaluate and rate the projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment, as required under this subsection.

(7) PROJECT EVALUATION AND RATING.—A proposed project may advance from preliminary engineering to final design and construction only if the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as "highly recommended", "recommended", or "not recommended" based on the results of preliminary engineering, the project justification criteria, and the degree of non-Federal financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established under the regulations issued under paragraph (6).

(g) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(1) LETTER OF INTENT.—

(A) IN GENERAL.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

(B) NOTIFICATION.—At least 60 days before issuing a letter under subparagraph (A) or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(C) NOT AN OBLIGATION.—The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.

(D) OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when contract authority is allocated to a project.

(2) FULL FUNDING GRANT AGREEMENT.—

(A) IN GENERAL.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under subsection (f)(7).

(B) TERMS.—If the Secretary makes a full funding grant agreement with an applicant, the agreement shall—

(i) establish the terms of participation by the United States Government in a project under this section;

(ii) establish the maximum amount of Government financial assistance for the project;

(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the laws of the United States.

(C) AGREEMENT.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(3) AMOUNTS.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full funding grant agreements may be not more than the greater of the amount authorized to carry out this section or an amount equivalent to the last 2 fiscal years of funding authorized to carry out this section less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements may be not more than a limitation specified in law.

(h) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant for a project under this section shall be subject to all of the requirements of title 23, United States Code, and chapter 52 of title 49, United States Code.

(2) OTHER TERMS AND CONDITIONS.—The Secretary shall require that all grants under this section be subject to all terms, conditions, and requirements that the Secretary decides are necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

(i) GOVERNMENT'S SHARE OF PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the cost of a project receiving assistance under this section. A grant for the project is for 80 percent of the project cost, unless the grant recipient requests a lower grant percentage. A refund or reduction of the re-

mainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(j) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (i) the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

(k) REPORTS.—

(1) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants under this section.

(2) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (f). The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

(l) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be as provided in this section.

SEC. 1305. DEDICATED TRUCK LANES.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program to make allocations to States for the construction of projects that separate commercial truck traffic from other motor vehicle traffic. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) SELECTION PROCESS.—

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to projects that provide additional capacity.

(2) SELECTION FACTORS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the project will improve the safe and efficient movement of freight.

(B) The extent to which the project provides positive separation of commercial trucks from other motor vehicle traffic.

(C) The extent to which the project connects an intermodal freight facility or an international port of entry to the Dwight D. Eisenhower National System of Interstate and Defense Highways by providing limited access lanes that allow commercial truck traffic to enter the Interstate System at the posted speed limit.

(D) The extent to which the project will remove truck traffic from surface streets.

(E) The extent to which travel time is expected to be reduced as a result of the proposed project.

(F) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding.

(c) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120(b) of title 23, United States Code.

(d) APPLICABILITY OF TITLE 23.—Except as provided in subsection (d), funds made available by section 1101(a)(22) of this Act to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(e) DEFINITIONS.—In this section the following definitions apply:

(1) COMMERCIAL TRUCK.—The term "commercial truck" means a self-propelled or towed vehicle used on highways in commerce principally to transport cargo if the vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater.

(2) STATE.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1306. TRUCK PARKING FACILITIES.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a pilot program to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section among States, metropolitan planning organizations, and local governments.

(2) APPLICATIONS.—To be eligible for an allocation under this section, a State, metropolitan planning organization, or local government shall submit to the Secretary an application at such time and containing such information as the Secretary may require.

(3) ELIGIBLE PROJECTS.—Funds allocated under this subsection shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall serve the National Highway System and may include the following:

(A) Constructing safety rest areas, as defined in section 120(c) of title 23, United States Code, that include parking for commercial motor vehicles.

(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

(C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.

(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.

(G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

(4) PRIORITY.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that—

(A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed;

(B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorist and trucking organizations; and

(C) demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion, or air quality.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the pilot program.

(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out using amounts made available under this section shall be determined in accordance with sections 120(b) and 120(c) of title 23, United States Code.

(f) APPLICABILITY OF TITLE 23.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

Subtitle D—Highway Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) SAFETY IMPROVEMENT PROJECT DEFINED.—Section 101(a)(30) of title 23, United States Code, is amended by inserting "installs fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones," after "call boxes,".

(b) OPERATION LIFESAVER.—Section 104(d)(1) of such title is amended—

(1) by striking "subsection (b)(3) of this section" and inserting "section 130(f)"; and

(2) by striking "$500,000" and inserting "$600,000".

(c) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

(1) IN GENERAL.—Section 104(d)(2) of such title is amended—

(A) in subparagraph (A) by striking "$5,250,000" and inserting "$7,500,000 for each of fiscal years 2004 and 2005, $10,000,000 for each of fiscal years 2006 and 2007, and $15,000,000 for each of fiscal years 2008 and 2009"; and

(B) in subparagraph (E)—

(i) by striking "Not less than $250,000 of such set-aside" and inserting "Of such set-aside, not less than $875,000 for each of fiscal years 2004 and 2005, $1,500,000 for each of fiscal years 2006 and 2007, and $2,750,000 for each of fiscal years 2008 and 2009"; and

(ii) by striking "per fiscal year".

(2) DESIGNATION OF CORRIDORS.—Of the rail corridors selected by the Secretary in accordance with section 104(d)(2) of title 23, United States Code—

(A) the Northern New England High Speed Rail Corridor is expanded to include the train routes from Boston, Massachusetts, to Albany, New York, and from Springfield, Massachusetts, to New Haven, Connecticut; and

(B) the South Central Corridor is expanded to include the train route from Killeen, Texas, to Houston, Texas, via Bryan-College Station.

(d) RAILWAY-HIGHWAY CROSSINGS.—

(1) FUNDS FOR PROTECTIVE DEVICES.—Section 130(e) of such title is amended—

(A) by striking "At" and inserting the following:

"(1) IN GENERAL.—At"; and

(B) by adding at the end the following:

"(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this subsection for other purposes by this section.".

(2) APPORTIONMENT.—Section 130(f) of such title is amended to read as follows:

"(f) APPORTIONMENT.—

"(1) FORMULA.—Fifty percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A), and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

"(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

"(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.".

(3) BIENNIAL REPORT TO CONGRESS.—The third sentence of section 130(g) of such title is amended by striking "not later than April 1 of each year," and inserting ", not later than April 1, 2006, and every 2 years thereafter,".

(4) EXPENDITURE OF FUNDS.—Section 130 of such title is further amended by adding at the end the following:

"(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).".

(e) SURFACE TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—Section 133(d) of such title is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A) by striking "80 percent" and inserting "90 percent";

(ii) in subparagraph (B) by striking "tobe" and inserting "to be"; and

(iii) in subparagraph (D) by adding a period at the end.

(2) CONFORMING AMENDMENTS.—

(A) SECTION 133.—Section 133(e) is amended by striking "(d)(2)" and inserting "(d)(1)" in each of paragraphs (3)(B)(i), (5)(A), and (5)(B).

(B) SECTION 126.—Section 126(b) of such title is amended—

(i) by striking "to the last sentence of section 133(d)(1) or";

(ii) by striking "section 133(d)(3)" and inserting "section 133(d)(2)"; and

(iii) by striking "or 133(d)(2)".

(f) HAZARD ELIMINATION PROGRAM.—

(1) PURPOSES.—Section 152(a)(1) of such title is amended—

(A) by striking "and" after "bicyclists,"; and

(B) by inserting after "pedestrians," the following: "and the disabled, identify roadway safety improvement needs for such locations, sections, and elements,".

(2) HAZARDS.—Section 152(a)(2)(A) of such title is amended by inserting "the disabled," after "pedestrians,".

(3) APPROVAL OF PROJECTS.—Section 152(b) of such title is amended by inserting before the period at the end the following: "that reduces the likelihood of crashes involving road departures, intersections, pedestrians, the disabled, bicyclists, older drivers, or construction work zones".

(4) EXPENDITURE OF FUNDS.—Section 152(c) of such title is amended—

(A) in paragraph (2) by striking "or" at the end;

(B) in paragraph (3) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) police assistance for traffic and speed management in construction work zones;

"(5) installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers;

"(6) installation of protective devices at railway-highway crossings; and

"(7) compilation and analysis of data under subsections (f) and (g) if the funds used for this purpose by a State do not exceed 2 percent of the amount apportioned to such State to carry out this section.".

(5) APPORTIONMENT.—Section 152(d) of such title is amended to read as follows:

"(d) APPORTIONMENT.—

"(1) FORMULA.—Funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A).

"(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

"(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.".

(6) BIENNIAL REPORT TO CONGRESS.—

(A) IN GENERAL.—Section 152 of such title is amended by adding at the end the following:

"(i) BIENNIAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the program under this section. The report shall include, at a minimum, the following:

"(1) A summary of State projects completed under this section categorized by the types of hazards and a statement of the cost of such projects.

"(2) An analysis of the effectiveness of such categories of projects in reducing the number and severity of crashes at high hazard locations.

"(3) An assessment of the adequacy of authorized funding for the program and State use of such funding to address the national need for such projects.

"(4) Recommendations for funding and program improvements to reduce the number of high hazard locations.

"(5) An analysis and evaluation of each State program, an identification of any State found not to be in compliance with the schedule of improvements required by subsection (a), and recommendations for future implementation of the hazard elimination program.".

(B) CONFORMING AMENDMENT.—Section 152(g) of such title is amended by striking the third sentence through the last sentence.

(g) EFFECTIVE DATE.—The amendments made by subsections (b)(1), (d), (e), and (f) shall take effect on September 30, 2005.

SEC. 1402. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic by requiring workers whose duties place them on or in close proximity to a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high visibility garments. Such regulations may also require such other worker-safety measures for workers with those duties as the Secretary determines appropriate.

SEC. 1403. HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk rural road safety improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may obligate funds apportioned to it under this section only for construction and operational improvement projects on high risk rural roads and only if the primary purpose of the project is to improve highway safety on a high risk rural road.

(2) SPECIAL RULE.—A State may use funds apportioned to it under this section for any project approved by the Secretary under section 152 of title 23, United States Code, if the State certifies to the Secretary that it has no projects described in paragraph (1).

(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under this section among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 of title 23, United States Code, or a survey established pursuant to section 152(a) of such title.

(d) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) ⅓ in the ratio that—

(A) each State's public road lane mileage for rural minor collectors and rural local roads; bears to

(B) the total public road lane mileage for rural minor collectors and rural local roads of all States.

(2) ⅓ in the ratio that—

(A) the population of areas other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

(B) the population of all areas other than urbanized areas in the United States, as shown by that census.

(3) ⅓ in the ratio that—

(A) the total vehicle miles traveled on public roads in each State; bears to

(B) the total number of vehicle miles traveled on public roads in all States.

(e) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent. Notwithstanding any other provision of law, projects assisted under this section shall be treated as projects on a Federal-aid system under such chapter.

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

(1) HIGH RISK RURAL ROAD.—The term "high risk rural road" means any roadway functionally classified as a rural major or minor collector or a rural local road—

(A) on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for these functional classes of roadway; or

(B) which will likely have increases in traffic volume that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for these functional classes of roadway.

(2) STATE AND URBANIZED AREA.—The terms "State" and "urbanized area" have the meaning such terms have under section 101(a) of title 23, United States Code.

SEC. 1404. TRANSFERS OF APPORTIONMENTS TO SAFETY PROGRAMS.

(a) USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.—Section 153(h) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking "THEREAFTER.—" and inserting "FISCAL YEARS 1995–2004.—"; and

(B) by inserting "and ending before October 1, 2004," after "September 30, 1994,";

(2) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following:

"(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer from the funds apportioned to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such subsections for fiscal year 2003."; and

(4) in paragraph (5) (as so redesignated)—

(A) by striking "which is determined by multiplying" and inserting "which, for fiscal year 2005 and each fiscal year thereafter, is determined by multiplying"; and

(B) in subparagraph (B) by striking "such fiscal year" each place it appears and inserting "fiscal year 2003".

(b) OPEN CONTAINER REQUIREMENTS.—Section 154(c) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking "FISCAL YEARS THEREAFTER" and inserting "FISCAL YEAR 2004" ; and

(B) by striking "and each October 1 thereafter,";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

"(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).";

(4) in paragraph (5) (as so redesignated) by striking "paragraph (3)" and inserting "paragraph (4)";

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(6) in paragraph (7)(B) (as so redesignated)—

(A) by striking "The amount" and inserting "For fiscal year 2005 and each fiscal year thereafter, the amount"; and

(B) in subclauses (I) and (II) of clause (ii) by striking "the fiscal year" and inserting "fiscal year 2003".

(c) MINIMUM PENALTIES FOR CERTAIN REPEAT OFFENDERS.—Section 164(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking "AND FISCAL YEARS THEREAFTER" and inserting "FISCAL YEAR 2004" ; and

(B) by striking "and each October 1 thereafter,";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

"(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).";

(4) in paragraph (5) (as so redesignated) by striking "paragraph (3)" and inserting "paragraph (4)";

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(6) in paragraph (7)(B) (as so redesignated)—

(A) by striking "The amount" and inserting "For fiscal year 2005 and each fiscal year thereafter, the amount"; and

(B) in subclauses (I) and (II) of clause (ii) by striking "the fiscal year" and inserting "fiscal year 2003".

SEC. 1405. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

Section 157(g)(1) of title 23, United States Code, is amended by striking "for fiscal year 2004" and all that follows through "2005" and inserting "and for each of fiscal years 2003, 2004, and 2005".

SEC. 1406. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) CODIFICATION OF PENALTY.—Section 163 of title 23, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) PENALTY.—

"(1) IN GENERAL.—On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

"(2) AMOUNT TO BE WITHHELD.—If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

"(A) For fiscal year 2004, 2 percent.

"(B) For fiscal year 2005, 4 percent.

"(C) For fiscal year 2006, 6 percent.

"(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

"(3) FAILURE TO COMPLY.—If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 163(f)(1) of such title, as redesignated by subsection (a)(1) of this section, is amended by striking "for fiscal year 2004" and all that follows through "2005" and inserting "and for each of fiscal years 2004 and 2005".

(c) REPEAL.—Section 351 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (23 U.S.C. 163 note; 114 Stat. 1356A–34) is repealed.

SEC. 1407. REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED.

Section 164(a)(5)(A) of title 23, United States Code, is amended to read as follows:

"(A) receive (i) a driver's license suspension for not less than 1 year, or (ii) a combination of suspension of all driving privileges of an individual for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the propose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;".

SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEATURES ON NATIONAL HIGHWAY SYSTEM.

(a) RULEMAKING PROCEEDING.—The Secretary shall conduct a rulemaking proceeding to determine the appropriate conditions under which a State when choosing to repair or replace damaged highway features on the National Highway System with State funds (rather than with available Federal financial assistance) should be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable under the guidelines contained in the report of the Transportation Research Board of the National Research Council entitled "NCHRP Report 350-Recommended Procedures for the Safety Performance Evaluation of Highway Features".

(b) MATTERS TO BE CONSIDERED.—The rulemaking proceeding shall cover those highway features that are covered by the guidelines referred to in subsection (a). The conditions to be considered by the Secretary in the rulemaking proceeding shall include types of highway features, cost-effectiveness, and practicality of replacement with highway features that have been found to be acceptable under such guidelines.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations regarding the conditions under which States

when choosing to repair or replace damaged highway features described in subsection (a) will be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable as described in subsection (a).

Subtitle E—Construction and Contract Efficiencies

SEC. 1501. DESIGN–BUILD.

(a) QUALIFIED PROJECTS.—Section 112(b)(3)(C) of title 23, United States Code, is amended to read as follows:

"(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which the Secretary has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.".

(b) EXPERIMENTAL PROCUREMENT.—Section 112(b)(3) of such title is further amended—

(1) by redesigning subparagraph (D) as subparagraph (G); and

(2) by inserting after subparagraph (C) the following:

"(D) EXPERIMENTAL PROCUREMENT.—As part of any experimental program carried out under this section, the Secretary shall evaluate the use of procurement procedures under this paragraph where subjective evaluation criteria account for the majority of the selection determination.

"(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as effecting the authority to carry out any experimental program concerning design-build contracting that is being carried out by the Secretary on the date of enactment of this subparagraph.

"(F) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall transmit to Congress a report on the effectiveness of design-build contracting procedures in which the majority of the selection determinations are made based on subjective criteria in accordance with subparagraph (D).".

SEC. 1502. WARRANTY HIGHWAY CONSTRUCTION PROJECT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program designed to encourage States to incorporate warranties in the letting of contracts for highway construction projects.

(b) MAXIMUM NUMBER OF PROJECTS.—The Secretary may allow not more than 15 projects a year to be carried out under the pilot program.

(c) FEDERAL SHARE.—The Federal share of the costs of a project under the pilot program may not exceed 90 percent.

(d) MINIMUM PROJECT COST.—The estimated total cost of a project to be carried out under the pilot program must be greater than $15,000,000.

(e) SELECTION PROCESS.—In the selection process for the pilot program, the Secretary shall select, to the extent possible, projects from several different regions of the United States in order to demonstrate the effects that different climates and traffic patterns have on warranty highway construction projects.

(f) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a rule to implement the pilot program. The rule shall include the following factors for eligibility of a highway construction project to be included in the program:

(A) A requirement that the contract for the project must include a long-term limited warranty that is of a duration sufficient to ensure that—

(i) the cost to the State of the project that will be carried out is less than the estimated cost to construct the project without the warranty plus the estimated costs that would be incurred by the State and that would otherwise be covered during the proposed warranty period if a warranty were in effect; and

(ii) the estimated cost to road users during the warranty period is less than such estimated cost without a warranty.

(B) In determining the sufficient duration of a long-term limited warranty under subparagraph (A), the Secretary shall establish separate sufficient durations for different types of projects, such as initial construction, pavement resurfacing and rehabilitation, and pavement markings.

(C) A requirement that the limited warranty must address, at a minimum—

(i) the responsibilities of the warranty provider;
(ii) the responsibilities of the Department of Transportation;
(iii) the terms of the warranty, including duration and, if applicable, traffic volumes and vehicle classification; and
(iv) performance criteria to be met to determine if maintenance is required.

(2) FACTORS TO CONSIDER.—In issuing the rule, the Secretary may consider the following factors as requirements for the warranty contract for eligibility under the pilot program:
(A) A plan to account for inflation during the warranty period.
(B) The frequency of performance assessments performed.
(C) The response time for repairs.
(D) A plan for emergency repairs.
(E) Clearly set out limits of liability under the warranty, if any.
(F) Dispute resolution provisions.
(G) A severability provision.
(H) Other provisions the Secretary considers necessary for carrying out the program.

(g) SAVINGS.—Section 112 of title 23, United States Code, shall apply to the projects carried out under this section unless the Secretary determines that applying such section to such projects is inconsistent with the provisions of this section.

(h) REPORTS.—Not later than 5 years after the date of enactment of this Act and every year thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report outlining activities carried out under the program and the results of the program.

SEC. 1503. PRIVATE INVESTMENT STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of private investment in surface transportation infrastructure.

(b) MATTERS TO BE EVALUATED.—Under the agreement, the National Academy of Sciences shall evaluate the advantages and disadvantages of private investment in surface transportation infrastructure and the impact of such investment on the ability of State and local authorities to use innovative financing, including—
(1) preconstruction funding requirements;
(2) integration of private investment in the transportation planning process;
(3) use of toll revenues by State and local authorities;
(4) use of toll credits by State and local authorities;
(5) requirements for debt financing instruments, reimbursable expenses, and conditions on payments;
(6) limitation on fees charged at federally funded fringe and corridor parking facilities;
(7) revenues needed to provide a reasonable rate of return to private investors;
(8) costs to users of facilities due to imposition of tolls;
(9) sales-in-lease-out arrangement of transportation assets; and
(10) such other matters as the Secretary considers appropriate.

(c) REPORT.—
(1) TO SECRETARY.—Under the agreement, the National Academy of Sciences shall submit to the Secretary a report on the results of the study by such date as the Secretary may require.
(2) TO CONGRESS.—Not later than January 1, 2007, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the report of the National Academy of Sciences, together with such recommendations as the Secretary considers appropriate.

SEC. 1504. HIGHWAYS FOR LIFE PILOT PROGRAM.

(a) ESTABLISHMENT.—
(1) IN GENERAL.—The Secretary shall establish and implement a pilot program to be known as the "Highways for LIFE pilot program".
(2) PURPOSE.—The purpose of the pilot program shall be to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges.
(3) OBJECTIVES.—Under the pilot program, the Secretary shall provide leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway

construction process that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction.

(b) PROJECTS.—

(1) APPLICATIONS.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that is in such form and contains such information as the Secretary requires. Each application shall contain a description of proposed projects to be carried by the State under the pilot program.

(2) ELIGIBILITY.—A proposed project shall be eligible for assistance under the pilot program if the project—

(A) constructs, reconstructs, or rehabilitates a route or connection on a Federal-aid highway eligible for assistance under chapter 1 of title 23, United States Code;

(B) uses innovative technologies, manufacturing processes, financing, or contracting methods that improve safety, reduce congestion due to construction, and improve quality; and

(C) meets additional criteria as determined by the Secretary.

(3) PROJECT PROPOSAL.—A project proposal submitted under paragraph (1) shall contain—

(A) an identification and description of the projects to be delivered;

(B) a description of how the projects will result in improved safety, faster construction, reduced congestion due to construction, user satisfaction, and improved quality;

(C) a description of the innovative technologies, manufacturing processes, financing, and contracting methods that will be used for the proposed projects; and

(D) such other information as the Secretary may require.

(4) SELECTION CRITERIA.—In selecting projects for approval under this section, the Secretary shall ensure that the projects provide an evaluation of a broad range of technologies in a wide variety of project types and shall give priority to the projects that—

(A) address achieving the Highways for LIFE performance standards for quality, safety, and speed of construction;

(B) deliver and deploy innovative technologies, manufacturing processes, financing, contracting practices, and performance measures that will demonstrate substantial improvements in safety, congestion, quality, and cost-effectiveness;

(C) include innovation that will lead to change in the administration of the State's transportation program to more quickly construct long-lasting, high-quality, cost-effective projects that improve safety and reduce congestion;

(D) are or will be ready for construction within 12 months of approval of the project proposal; and

(E) meet such other criteria as the Secretary determines appropriate.

(5) FINANCIAL ASSISTANCE.—

(A) FUNDS FOR HIGHWAYS FOR LIFE PROJECTS.—Out of amounts made available to carry out this section for a fiscal year, the Secretary may allocate to a State up to 20 percent, but not more than $15,000,000, of the total cost of a project approved under this section. Notwithstanding any other provision of law, funds allocated to a State under this subparagraph may be applied to the non-Federal share of the cost of construction of a project under title 23, United States Code.

(B) USE OF APPORTIONED FUNDS.—A State may obligate not more than 10 percent of the amount apportioned to the State under 1 or more of paragraphs (1), (2), (3), and (4) of section 104(b) of title 23, United States Code, for a fiscal year for projects approved under this section.

(C) INCREASED FEDERAL SHARE.—Notwithstanding sections 120 and 129 of title 23, United States Code, the Federal share payable on account of any project constructed with Federal funds allocated under this section, or apportioned under section 104(b) of such title, to a State under such title and approved under this section may amount to 100 percent of the cost of construction of such project.

(D) LIMITATION ON STATUTORY CONSTRUCTION.—Except as provided in subparagraph (C), nothing in this subsection shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program and the location of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects approved under this subsection.

(6) PROJECT SELECTIONS.—In the period of fiscal years 2005 through 2009, the Secretary shall approve at least one project in each State for participation in the pilot program and for financial assistance under paragraph (5) if the State submits an application and the project meets the eligibility requirements and selection criteria under this subsection.

(c) TECHNOLOGY PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements or other transactions to foster the development, improvement, and creation of innovative technologies and facilities to improve safety, enhance the speed of highway construction, and improve the quality and durability of highways.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(d) TECHNOLOGY TRANSFER AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary shall conduct a Highways for LIFE technology transfer program.

(2) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the information and technology used, developed, or deployed under this subsection is made available to the transportation community and the public.

(e) STAKEHOLDER INPUT AND INVOLVEMENT.—The Secretary shall establish a process for stakeholder input and involvement in the development, implementation, and evaluation of the Highways for LIFE pilot program. The process may include participation by representatives of State departments of transportation and other interested persons.

(f) PROJECT MONITORING AND EVALUATION.—The Secretary shall monitor and evaluate the effectiveness of any activity carried out under this section.

(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) STATE DEFINED.—In this section, the term "State" has the meaning such term has under section 101(a) of title 23, United States Code.

Subtitle F—Finance

SEC. 1601. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) DEFINITIONS.—Section 181 of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "category"; and

(B) by striking "offered into the capital markets";

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8) through (15) as paragraphs (7) through (14), respectively;

(4) by striking the period at the end of paragraph (8)(B) (as so redesignated) and inserting a semicolon; and

(5) in paragraph (10) (as so redesignated) by striking "bond" and inserting "credit".

(b) DETERMINATION OF ELIGIBILITY.—Section 182(a) of such title is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter.

"(2) APPLICATION.—A State, a local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application to the Secretary.";

(2) in paragraph (3)(A)(i) by striking "$100,000,000" and inserting "$50,000,000";

(3) in paragraph (3)(B) by striking "$30,000,000" and inserting "$15,000,000"; and

(4) in paragraph (4)—

(A) by striking "Project financing" and inserting "The Federal credit instrument"; and

(B) by inserting before the period at the end "that also secure the project obligations".

(c) PROJECT SELECTION.—Section 182(b) of such title is amended—

(1) in paragraph (1) by striking "criteria" the second place it appears and inserting "requirements"; and

(2) in paragraph (2)(B) by inserting ", which may be the Federal credit instrument," after "obligations".

(d) SECURED LOANS.—

(1) AGREEMENTS.—Section 183(a)(1) of such title is amended—

(A) in each of subparagraphs (A) and (B) by inserting "of any project selected under section 602" after "costs"; and

(B) by striking the semicolon at the end of subparagraph (B) and all that follows through "under section 602".

(2) INVESTMENT-GRADE RATING REQUIREMENT.—Section 183(a)(4) of such title is amended—

(A) by striking "The funding" and inserting "The execution"; and

(B) by striking the first comma and all that follows through "1 rating agency".

(3) TERMS AND LIMITATIONS.—Section 183(b) of such title is amended—

(A) in paragraph (2) by inserting "the lesser of" after "exceed";

(B) in paragraph (2) by inserting "or the amount of the senior project obligations" after "costs";

(C) in paragraph (3)(A)(i) by inserting "that also secure the senior project obligations" after "sources"; and

(D) in paragraph (4) by striking "marketable".

(4) REPAYMENT.—Section 183(c) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(e) LINES OF CREDIT.—

(1) TERMS AND LIMITATIONS.—Section 184(b) of such title is amended—

(A) in paragraph (3)—

(i) by striking the first comma; and

(ii) by striking "any debt service reserve fund, and any other available reserve" and inserting "but not including reasonably required financing reserves";

(B) in paragraph (4)—

(i) by striking "marketable";

(ii) by striking "on which" and inserting "of execution of"; and

(iii) by striking "is obligated" and inserting "agreement"; and

(C) in paragraph (5)(A)(i) by inserting "that also secure the senior project obligations" after "sources"; and

(2) REPAYMENT.—Section 184(c) of such title is amended—

(A) in paragraph (2)—

(i) by striking "scheduled";

(ii) by inserting "be scheduled to" after "shall"; and

(iii) by striking "be fully repaid, with interest," and inserting "conclude, with full repayment of principal and interest,"; and

(B) by striking paragraph (3).

(f) PROGRAM ADMINISTRATION.—Section 185 of such title is amended to read as follows:

"§ 185. Program administration

"(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instrument made available under this chapter.

"(b) FEES.—The Secretary may establish fees at a level to cover all or a portion of the costs to the Federal Government of servicing the Federal credit instrument.

"(c) SERVICES.—The Secretary may identify a financial entity to assist the Secretary in servicing a Federal credit instrument. The services—

"(1) shall act as the agent for the Secretary; and

"(2) shall receive a servicing fee, subject to approval by the Secretary.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of one or more expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.".

(g) FUNDING.—Section 188 of such title is amended to read as follows:

"§ 188. Funding

"(a) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $130,000,000 for fiscal year 2004 and $140,000,000 for each of fiscal years 2005 through 2009 to carry out this chapter.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2004 through 2009, principal amounts of Federal credit instruments made available under this chapter shall be limited to $2,600,000,000.".

SEC. 1602. STATE INFRASTRUCTURE BANKS.

(a) IN GENERAL.—Section 189 of title 23, United States Code, is amended to read as follows:

"§ 189. State infrastructure bank program

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) CAPITAL PROJECT.—The term 'capital project' has the meaning such term has under section 5302 of title 49, United States Code.

"(2) OTHER FORMS OF CREDIT ASSISTANCE.—The term 'other forms of credit assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

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

"(C) to subsidize interest rates;

"(D) to insure or guarantee letters of credit and credit instruments against credit risk of loss;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

"(3) STATE.—The term 'State' has the meaning such term has under section 401 of this title.

"(4) CAPITALIZATION.—The term 'capitalization' means the process used for depositing funds as initial capital into a State infrastructure bank to establish the infrastructure bank.

"(5) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means written consent between a State and the Secretary which sets forth the manner in which the infrastructure bank established by the State in accordance with this section will be administered.

"(6) LOAN.—The term 'loan' means any form of direct financial assistance from a State infrastructure bank that is required to be repaid over a period of time and that is provided to a project sponsor for all or part of the costs of the project.

"(7) GUARANTEE.—The term 'guarantee' means a contract entered into by a State infrastructure bank in which the bank agrees to take responsibility for all or a portion of a project sponsor's financial obligations for a project under specified conditions.

"(8) INITIAL ASSISTANCE.—The term 'initial assistance' means the first round of funds that are loaned or used for credit enhancement by a State infrastructure bank for projects eligible for assistance under this section.

"(9) LEVERAGE.—The term 'leverage' means a financial structure used to increase funds in a State infrastructure bank through the issuance of debt instruments.

"(10) LEVERAGED.—The term 'leveraged', as used with respect to a State infrastructure bank, means that the bank has total potential liabilities that exceed the capital of the bank.

"(b) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks for making loans and providing other forms of credit assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

"(d) FUNDING.—

"(1) HIGHWAY ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the highway account of the bank not to exceed—

"(A) 10 percent of the funds apportioned to the State for each of fiscal years 2005 through 2009 under each of sections 104(b)(1), 104(b)(3), 104(b)(4), and 144; and

"(B) 10 percent of the funds allocated to the State for each of such fiscal years under section 105.

"(2) TRANSIT ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under section 5307, 5309, or 5311 of title 49, to deposit into the transit account of the bank not to exceed 10 percent of the funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

"(3) RAIL ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under subtitle V of title 49, to deposit into the rail account of the bank funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under such subtitle.

"(4) CAPITAL GRANTS.—

"(A) HIGHWAY ACCOUNT.—Federal funds deposited into a highway account of a State infrastructure bank under paragraph (1) shall constitute for purposes of this section a capitalization grant for the highway account of the bank.

"(B) TRANSIT ACCOUNT.—Federal funds deposited into a transit account of a State infrastructure bank under paragraph (2) shall constitute for purposes of this section a capitalization grant for the transit account of the bank.

"(C) RAIL ACCOUNT.—Federal funds deposited into a rail account of a State infrastructure bank under paragraph 3 shall constitute for purposes of this section a capitalization grant for the rail account of the bank.

"(5) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds in a State infrastructure bank that are attributed to urbanized areas of a State with urbanized populations of over 200,000 under section 133(d)(3) may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

"(6) DISCONTINUANCE OF FUNDING.—If the Secretary determines that a State is not implementing the State's infrastructure bank in accordance with a cooperative agreement entered into under subsection (b), the Secretary may prohibit the State from contributing additional Federal funds to the bank.

"(e) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other forms of credit assistance to a public or private entity in an amount equal to all or a part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other form of credit assistance provided for the project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds deposited into an infrastructure bank under this section may not be made in the form of a grant.

"(f) ELIGIBLE PROJECTS.—Subject to subsection (e), funds in an infrastructure bank established under this section may be used only to provide assistance for projects eligible for assistance under this title and capital projects defined in section 5302 of title 49, and any other projects related to surface transportation that the Secretary determines to be appropriate.

"(g) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, the State establishing the bank shall—

"(1) deposit in cash, at a minimum, into each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and deposited into such account; except that, if the deposit is into the highway account of the bank and the State has a non-Federal share under section 120(b) that is less than 25 percent, the percentage to be deposited from non-Federal sources shall be the lower percentage of such grant;

"(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt, or has a sufficient level of bond or debt financing instrument insurance, to maintain the viability of the bank;

"(3) ensure that investment income derived from funds deposited to an account of the bank are—

"(A) credited to the account;

"(B) available for use in providing loans and other forms of credit assistance to projects eligible for assistance from the account; and

"(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

"(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(5) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

"(6) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan; and

"(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year and such other reports as the Secretary may require under guidelines issued to carry out this section.

"(i) UNITED STATES NOT OBLIGATED.—The deposit of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt-financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(j) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, shall not apply to funds deposited into an infrastructure bank under this section.

"(k) PROGRAM ADMINISTRATION.—For each of fiscal years 2005 through 2009, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.".

(b) PREPARATORY AMENDMENTS.—

(1) SECTION 181.—Section 181 of such title is further amended—

(A) by striking the section designator and heading and inserting the following:

"§ 181. Generally applicable provisions";

(B) by striking "In this subchapter" and inserting "(a) DEFINITIONS.—In this chapter";

(C) in paragraph (5) by striking "184" and inserting "604";

(D) in paragraph (11) (as redesignated by section 1601(a) of this Act) by striking "183" and inserting "603"; and

(E) by adding at the end the following:

"(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.".

(2) SECTION 182.—Section 182(b)(2)(A)(viii) of such title is further amended by inserting "and chapter 1" after "this chapter".

(3) SECTION 183.—Section 183(a) of such title is further amended—

(A) in paragraph (1) by striking "182" and inserting "602"; and

(B) in paragraph (3) by striking "182(b)(2)(B)" and inserting "602(b)(2)(B)".

(4) SECTION 184.—Section 184 of such title is further amended—

(A) in subsection (a)(1) by striking "182" and inserting "602";

(B) in subsection (a)(3) by striking "182(b)(2)(B)" and inserting "602(b)(2)(B)"; and

(C) in subsection (b)(10) by striking "183" and inserting "603".

(5) REFERENCES IN SUBCHAPTER.—Subchapter II of chapter 1 of such title is amended by striking "this subchapter" each place it appears and inserting "this chapter".

(6) SUBCHAPTER HEADINGS.—Chapter 1 of such title is further amended—

(A) by striking "subchapter i—general provisions" preceding section 101; and

(B) by striking "subchapter ii—infrastructure finance" preceding section 181.

(c) CHAPTER 6.—Such title is further amended by adding at the end the following:

"CHAPTER 6—INFRASTRUCTURE FINANCE

"Sec.
"601. Generally applicable provisions.
"602. Determination of eligibility and project selection.
"603. Secured loans.
"604. Lines of credit.
"605. Program administration.

"606. State and local permits.
"607. Regulations.
"608. Funding.
"609. State infrastructure bank program.".

(d) MOVING AND REDESIGNATING.—Such title is further amended—

(1) by redesignating sections 181 through 189 as sections 601 through 609, respectively;

(2) by moving such sections from chapter 1 to chapter 6 (as added by subsection (c)); and

(3) by inserting such sections after the analysis for chapter 6.

(e) ANALYSIS FOR CHAPTER 1 AND TABLE OF CHAPTERS.—

(1) ANALYSIS FOR CHAPTER 1.—The analysis for chapter 1 of such title is amended—

(A) by striking the headings for subchapters I and II; and

(B) by striking the items relating to sections 181 through 189.

(2) TABLE OF CHAPTERS.—The table of chapters for such title is amended by inserting after the item relating to chapter 5 the following:

"6. Infrastructure Finance ..... 601".

SEC. 1603. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating the facility.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the reconstruction or rehabilitation of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(1) the State's analysis under subsection (c)(3) is reasonable;

(2) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

(3) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(4) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable;

(5) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(6) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low income drivers to pay a reduced toll amount; and

(7) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement

with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

(j) REPORT.—Not later than September 30, 2011, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on traffic congestion on, pavement wear of, and incidence of accidents, injuries, and fatalities on public roads adjacent to toll facilities established under this section and section 1604.

(k) REPEAL.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is repealed.

SEC. 1604. INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System construction toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State or an interstate compact of States to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of constructing Interstate highways.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the construction of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the construction of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(1) the State's analysis under subsection (c)(3) is reasonable;

(2) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(3) the State plan for construction of the facility using toll revenues is reasonable;

(4) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(5) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low-income drivers to pay a reduced toll amount; and

(6) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1605. SPECIAL RULES RELATING TO STATE INFRASTRUCTURE BANK PROGRAM.

(a) INTERSTATE COMPACTS.—Section 189 of title 23, United States Code, as amended by section 1602(a) of this Act, is amended by inserting after subsection (b) the following:

"(c) INTERSTATE COMPACTS.—

"(1) IN GENERAL.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under subsection (a) with the Secretary for the establishment by such States of a multi-State infrastructure bank in accordance with this section, to enter into an interstate compact establishing such bank in accordance with this section.

"(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.".

(b) APPLICABILITY OF FEDERAL LAW.—Section 189 of title 23, United States Code, as amended by section 1602(a) of this Act, is further amended by inserting after subsection (g) the following:

"(h) APPLICABILITY OF FEDERAL LAW.—

"(1) IN GENERAL.—The requirements of this title and title 49 that would otherwise apply to funds made available under this title or such title and projects assisted with those funds shall apply to—

"(A) funds made available under this title or such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (g); and

"(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of this title and section 5333 of title 49), is not consistent with the objectives of this section.

"(2) REPAYMENTS.—The requirements of this title and title 49 shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.".

Subtitle G—High Priority Projects

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended by striking "1602 of the Transportation Equity Act for the 21st Century" and inserting "1701 of the Transportation Equity Act: A Legacy for Users".

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) 22.4 percent of such amount shall be available for obligation beginning in fiscal year 2005;

"(2) 20.2 percent of such amount shall be available for obligation beginning in fiscal year 2006;

"(3) 19.3 percent of such amount shall be available for obligation beginning in fiscal year 2007;

"(4) 19.7 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

"(5) 18.4 percent of such amount shall be available for obligation beginning in fiscal year 2009.".

(c) FEDERAL SHARE.—Section 117(c) of such title is amended by striking "; except" and all that follows through "cost thereof".

(d) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended by striking "1602 of the Transportation Equity Act for the 21st Century" each place it appears and inserting "1701 of the Transportation Equity Act: A Legacy for Users".

(e) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by striking "Transportation Equity Act for the 21st Century" and inserting "Transportation Equity Act: A Legacy for Users".

(f) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after "described in" the following: "section 1702 of the Transportation Equity Act: A Legacy for Users,";

(2) by inserting after "for such projects by" the following: "section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users,"; and

(3) by striking "117 of title 23, United States Code," and inserting "section 117 of this title,".

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users) for fiscal years 2005 through 2009 to carry out each such project:

HIGH PRIORITY PROJECTS

No.	State	Project Description	Amount
1	CA	Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Covina	$500,000
2	CA	Develop and implement ITS master plan in Anaheim	$1,500,000
3	TN	Improve circuitry on vehicle protection device installed at highway-RR crossing in Athens, TN	$59,000
4	CA	Builds a pedestrian bridge from Hiller Street to the Bay Trail, Belmont	$2,450,000
5	OH	Renovate and expand National Packard Museum and adjacent historic Packard facilities	$3,000,000
6	IL	Land acquisition for the widening of Rt. 47 in Yorkville, IL	$1,000,000
7	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	$1,400,000
8	TX	Construction of Segment #1 of Morrison Road for the City of Brownsville	$2,000,000
9	MI	I-96 at Latson Road Interchange Improvements	$6,000,000
10	IL	Preconstruction and Construction of IL 83 at IL 132	$1,000,000
11	TN	Add third lane on US-27 (State Route 29) for truck-climbing lane and realignment of roadway at Wolf Creek Road to Old US-27 north of Robbins	$6,000,000
12	MI	Reconfiguration of US-31 from the Manistee Basquel Bridge to Lincoln Street in the city of Manistee	$750,000
13	AR	Bentonville, Arkansas—widen and improve I-540 and SH-102 Interchange	$1,420,000
14	WA	41st St. Interstate 5 Interchange Project in Everett	$2,600,000
15	CA	Reconstruct and deep-lift asphalt on various roads throughout the district in Santa Barbara County	$4,644,000
16	OK	Improving the I-35 Interchange at Milepost 1 Near Thackerville	$2,000,000
17	NJ	Laurel Avenue Bridge replacement in Holmdel Township	$1,000,000
18	OH	Construct overpass over CSX Railroad on Columbia Road (State Route 252), Olmsted Falls	$460,000
19	TN	Reconstruct and widen US-72 from south of State Route 175 to State Route 57, Shelby County	$1,000,000
20	NY	Construct roundabout at Oregon Road-Westbrook Dr-Red Mill Road in Town of Cortlandt	$475,000
21	IL	Construct Bike, Pedestrian Paths, Orland Hills	$400,000
22	PA	Construct I-79/Rte 3025 missing ramps at Jackson Township, PA	$1,150,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
23	PR	Construction of PR 833 to PR 831. PR 831 to PR 5. Bridge #667 PR 830, KM 2.40 PR 5 connector from PR 167 to intersation with PR 5 and Las Cumbres Ave	$6,000,000
24	TX	Extension of SH349 to US 87 Relief Route in Dawson County	$2,500,000
25	IL	Parking facility in Peoria, IL	$1,000,000
26	IL	Construct Interchange on Interstate 255 at Dupo/Columbia	$19,000,000
27	MN	Construction and right-of-way acquisition for interchange at TH65 and TH242 in Blaine, MN	$4,000,000
28	CA	Huntington Beach, Remove off-ramp on I-405 at Beach Blvd. Construct fourth lane on I-405 North, at the Beach Blvd. interchange	$500,000
29	TN	Addition of an interchange on I-40 in Roane County at Buttermilk Road and I-40	$3,000,000
30	NY	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan	$15,000,000
31	IL	Reconstruction of Mockingbird Lane and Stratford St, Granite City	$1,500,000
32	FL	Construction a new multi-lane tunnel below the channel to link the Port of Miami on Dodge Island with I-395 on Watson Island and I-95 in Downtown Miami	$500,000
33	MD	Rehabilitation of West Baltimore Trail and Implementation of Pedestrian Improvements Along Associated Roadways	$900,000
34	TN	Removal and Reconfiguration of Interstate Ramps—I-240, Memphis	$3,000,000
35	CA	Replace structurally unsafe Winters Bridge for vehicles, bicycles and pedestrians between Yolo and Solano Counties	$2,000,000
36	IL	City of Havana, Illinois Upgrades to Broadway Street	$952,572
37	MN	Construction of Gitchi-Gami State Trail from Cascade River to Grand Marais	$900,000
38	LA	Develop master transportation plan for the New Orleans Regional Medical Center	$500,000
39	VA	Final Design and Construction for improvements at I-64 and City Line Road, Virginia Beach and Chesapeake	$1,000,000
40	MA	Replacement of Cross Street Bridge spanning flood prone Aberjona River, Winchester	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
41	NC	Construction of and improvement to I-73, I-74, US 220 in Montgomery and Randolph Counties, NC	$11,000,000
42	IA	Access and enhancements to access Lake Belva Deer, Sigourney	$1,000,000
43	CA	Roadway surface improvements, street lighting, and storm drain improvements to South Center Street from Baughman Road to State Route 78/86, Westmorland	$800,000
44	TX	Construct two connectors between SH 288 and Beltway 8	$5,000,000
45	NY	Implement Central NY highway grade crossing and grade separation project	$2,000,000
46	CA	Douglas St. Improvements, El Segundo	$4,000,000
47	MA	Reconstruction of Massachusetts Avenue including safety improvements and related pedestrian, bike way in Arlington	$2,000,000
48	NY	Reconstruction of Rt 5,8,12 (North South Arterial) Burrstone Rd. to Oriskany Circle, City of Utica	$1,000,000
49	OK	Construction of Norman highway-rail Grade Separation	$1,000,000
50	PA	Construction of the Montour Trail, Great Allegheny Passage	$1,000,000
51	CA	Route 1 San Pedro Creek Bridge replacement in Pacifica	$3,000,000
52	MI	South Lyon, 2nd St. between Warren and Haggadorn	$125,000
53	PA	Street improvements, Abington Township	$2,000,000
54	IA	Study of a direct link to I 80, Pella	$500,000
55	TN	Sweetwater, TN Improving Vehicle Efficiencies at At-Grade highway-railroad Crossings	$96,000
56	OR	Construct bike/pedestrian path, Powers	$440,000
57	IL	IL 6 to I-180—Phase 2 study and land acquisition	$2,000,000
58	FL	Construct a new bridge at Indian Street, Martin County	$1,000,000
59	GA	Improve sidewalks, upgrade lighting, and add landscaping in downtown Glennville	$500,000
60	LA	Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines St. Bernard and St. Charles parishes	$1,900,000
61	MO	Road widening and curb and gutter improvements on Hwy 33 in Kearney	$3,000,000
62	TX	The SH146, Port Rd direct connectors allows traffic bypass several rail lines & traffic signals at, near intersection of SH146 and Port Rd	$13,200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
63	UT	Reconstruct South Moore Cut-off Road in Emery County	$4,500,000
64	PA	Improvements to exits along Interstate 81 in Franklin County, PA— Antrim Road	$8,200,000
65	OH	Plan and construct the Southeast Arterial Connector highway at Delaware, Ohio	$5,000,000
66	TN	To construct transportation enhancements on a multi-faceted greenway in downtown Columbia on the Duck River	$8,000,000
67	RI	New Interchange constructed from I-195 to Taunton and Warren Avenue in East Providence	$5,800,000
68	NY	Town of Chester reconstruction of Walton Lake Estates subdivision and related roads	$80,000
69	NC	Extend M.L. King Jr. Boulevard in Monroe	$2,000,000
70	NY	Town of Fishkill Old Glenham Road (aka Washington Ave) reconstruction	$325,500
71	PA	U.S. Route 13 Corridor Reconstruction, Redevelopment and Beautification, Bucks County	$2,000,000
72	NY	Rochester & Southern Highway-Rail Grade Crossing By-pass, Silver Springs, New York	$1,500,000
73	IL	Upgrade streets in the City of Rushville, IL	$1,000,000
74	MO	Construct 2 lanes on Chouteau Trafficway from MO 210 to I-35	$2,000,000
75	AZ	US 60 to Gonzalez Pass	$2,000,000
76	LA	Interstate lighting system (I 10 and LA 93)	$300,000
77	GU	Reconstruct Hagåtña River Bridges, Municipality of Hagåtña	$6,600,000
78	WA	SR 704 Cross-Base Highway, Spanaway Loop Road to SR 7	$1,500,000
79	NY	Village of Brewster Main Street and Route 6 related construction and improvements	$975,000
80	PA	Design and construct relocation of US 11 between Ridge Hill and Hempt Roads	$5,680,000
81	VA	Improve Route 42 (Main Street) in Bridgewater, Virginia	$500,000
82	NY	Construction of Route 59 Palisades Interstate Parkway to Route 303	$1,000,000
83	IL	Improve University Drive, Macomb	$500,000
84	CA	Adams Street Rehabilitation Project, Glendale	$388,000
85	NY	Construct grade separation-interchange between Taconic Parkway and Pudding Street	$1,450,000
86	IA	Construction of 100th St interchange on I 35-80, Urbandale	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
87	MO	Lewis and Clark Expressway	$2,000,000
88	PA	Mercer County, PA I-79 and PA 208 Interchange Improvement Project	$2,000,000
89	WA	Plan to relieve traffic until North-South freeway -HWY 2	$550,000
90	CA	San Diego River Multiuse Bicycle and Pedestrian Path	$500,000
91	PA	Construction of the Lafayette Street extension project in Montgomery County, PA	$10,400,000
92	NJ	Construct new ramps between I-295 and Route 42	$5,000,000
93	PA	Construct S.R. 29 Wal-mart to River Betterment, Eaton Tunkhannock, Wyoming County	$1,700,000
94	WV	Construct Shawnee Parkway	$1,100,000
95	FL	Improve pedestrian and bicycle sidewalks, lighting, and ADA ramps—Main Street, Canal Street, Miramar	$600,000
96	MN	Reconstruct CSAH 19 from CSAH 36 to CSAH 2, Morrison County	$200,000
97	TN	Develop trails, bike paths and recreational facilities on Bird Mountain, Morgan County for Cumberland Trail State Park	$250,000
98	MN	Lyndale Avenue Bridge, Richfield	$13,000,000
99	MI	Provide a bypass around the Village of Almont during M-53 reconstruction which is contiguous with Macomb County	$100,000
100	NY	Town of Wallkill new construction road-tunnel under Rt. 17	$1,000,000
101	NY	Village of Cold Spring Main Street and ancillary road and sidewalk improvements	$820,000
102	IL	West Ridge Nature Preserve, Chicago	$3,000,000
103	TN	Widen Campbell Station Road in Knoxville, TN	$1,800,000
104	AL	Widen Hwy. 84 to 4 lanes west of I-65 from Evergreen to Monroeville and beyond to the State of AL line	$4,000,000
105	MS	Widen State Highway 57 from I-10 through Vancleave	$5,000,000
106	WA	Widening SR527 from 2 lanes to 5 from Bothell to Mill Creek	$1,500,000
107	OH	Construct proposed connection SR 207, SR 104, and US 23 in Ross County	$2,000,000
108	MI	Construct improvements to Finkbeiner Road from Patterson Road to Whitneyville Road in Barry County, and new bridge over Thornapple River	$4,400,000
109	PA	York Road improvements from Horsham Road to Summit Avenue, Borough of Hatboro	$1,250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
110	OH	Intersection improvements at Highland and Bishop Roads in the City of Highland Heights, OH	$612,000
111	WI	Reconstruct Wisconsin State Highway 21 at I-94 interchange	$3,000,000
112	MN	Safety improvements and intersection enhancements of TH 95 and TH 169, Princeton	$1,800,000
113	NY	Wading River Bicycle and Pedestrian Project in Riverhead	$1,200,000
114	FL	Widen County Line Road (CR 578) from Suncoast Parkway to US41 to four lanes	$6,000,000
115	IL	Improve Great River Road, Warsaw	$750,000
116	NY	Yonkers, New York, Trolley Bus Acquisition	$300,000
117	FL	Construct East Central Regional Rail Trail in Volusia County, Florida	$1,000,000
118	MO	Y Highway US 71 to MO 58, Cass County	$2,000,000
119	WY	WYO 59 Reconstruction	$2,000,000
120	LA	Plan and construct bike/pedestrian crossings of Washington-Palmetto Canal in the vicinity of Xavier University, New Orleans	$4,000,000
121	NC	Winston-Salem Northern Beltway, Eastern Section and Extension, NC	$5,000,000
122	CA	Willow and Herndon Traffic Flow Improvements, City of Clovis, California	$300,000
123	MO	US 71 at Y Highway North and Southbound Ramps	$2,000,000
124	CA	Will add landscaping enhancements along the Ronald Reagan Freeway Route 118 for aesthetic purposes	$2,500,000
125	NC	Widens US 29 Business Freeway Drive from South Scales St. to NC 14 in Rockingham County	$10,000,000
126	PA	Widening, rechannelization, signalization to 2nd ave and Bates street, replace Elisa Furnace bridge over Bates Street	$800,000
127	KS	Resurfacing, grading, replacing guardrails & adding shoulders to Highway 77 in Geary City, to accommodate expected traffic increase	$784,000
128	MO	Widening, curb and gutter improvements as part of Hwy 33 redevelopment project in Kearney	$3,000,000
129	IL	Construct streetscape along Morse avenue from Clark street to Sheridan road, Chicago	$2,000,000
130	SC	Build extension of North Rhett Boulevard from Liberty Hall Road to US 176 in SC	$7,000,000
131	NH	Construct and upgrade intersection of Route 3 and Franklin Industrial Drive in Franklin	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
132	GA	Construct Waycross East Bypass from US 84 in Pierce County, Georgia to US 1 in Ware County, Georgia	$2,200,000
133	NY	Design and Construction of a transportation enhancement project at the Erie Canal Aqueduct in downtown Rochester	$1,500,000
134	CA	Improvement of intersection at Balboa Blvd. and San Fernando Rd	$500,000
135	TN	Improve Vehicle Efficiencies at highway At-Grade Railroad Crossing in Athens, TN	$99,000
136	WI	Develop pedestrian and bike connections that link to Hank Aaron State Trail in Milwaukee	$2,100,000
137	AK	Keystone Drive Road Improvements	$1,000,000
138	GA	Pedestrian and streetscape improvements, Ellaville	$400,000
139	NY	Construct and improve pedestrian access on Main Street in Hempstead	$2,000,000
140	IL	Preconstruction activities IL 336 from Macomb to Peoria	$2,000,000
141	OH	Purchase of right-of-ways for construction of pedestrian and bicycle improvements in the City of Aurora, OH	$500,000
142	IL	Replacement of bridge on Harlem Avenue, The Village of River Forest	$1,000,000
143	CA	State Route 86S and Ave 66 highway safety grade separation	$4,500,000
144	IL	Construct Bissel Street Roadway Connector, Tri-City Regional Port District	$850,000
145	CT	Improve Route 1 between East Avenue and Belden Avenue, Norwalk, CT	$2,000,000
146	IA	Central IA Trail Loop, bicycle and pedestrian, Ankeny to Woodward section	$1,000,000
147	MI	Chippewa County, Upgrade Tilson Road between M-28 South to intersection of M-48 at Rudyard	$1,000,000
148	WA	Coal Creek Parkway Bridge Replacement, Newcastle WA	$1,000,000
149	PA	Complete gaps in the Pittsburgh Riverfront Trail Network including the Hot Metal Bridge	$750,000
150	TX	Construct passing lanes on Texas State Highway 16 in Atascosa County	$797,000
151	TX	Construct street and drainage improvements to road system in Encinal	$250,000
152	MN	Environmental assessment and right of way acquisition at US52 and CSAH24 Interchange, Cannon Falls, Goodhue Cnty, MN	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
153	NY	Construction for Peace Bridge Redevelopment Project, Buffalo	$10,000,000
154	MN	Construct recreational visitor center on the Mesabi Trail, City of Virginia	$1,300,000
155	NE	Engineering, right-of-way and construction of the 23rd Street Viaduct in Fremont, Nebraska	$400,000
156	MN	Phase III of Devil Track Road Project, Cook County	$1,200,000
157	ME	Relocation of southbound on-ramp to I-95 at exit 184, Bangor	$1,500,000
158	MA	Construct access roads to Hospital Hill project in Northampton, MA	$2,000,000
159	IN	Construct interchange for 146th St. and I-69, Hamilton County, Indiana	$3,000,000
160	NY	Design & Construct a Bicycle and Pedestrian Walkway along the Decommissioned Putnam Rail Line	$950,000
161	AK	False Pass Road construction from small boat harbor dock to airport and town	$3,000,000
162	IL	Improve North Illinois St and related roads, Belleville	$6,500,000
163	AR	Construction of I-49, Highway 71: Arkansas portion of Bella Vista Bypass	$9,000,000
164	NM	Coors-I-40 Interchange Reconstruction, Albuquerque	$7,000,000
165	GA	Extend the south Toccoa Bypass east of Toccoa to CR 311, four lanes for approximately 5.7 miles on new location	$2,900,000
166	TX	Construct SH 183 from SH 360 to Belt Line Road in Irving, Texas	$2,000,000
167	CA	Construct pedestrian, bicycle and ADA accessible boardwalks at the Pismo Beach Promenade in San Luis Obispo County	$300,000
168	TX	SH 44 E of Alice near SH 359 to US 281, Jim Wells County	$2,000,000
169	TX	Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	$2,000,000
170	PA	For design, land & ROW acquisition, & construction of a parking facility and associated activities in the City of Wilkes-Barre	$1,000,000
171	TN	Hawkins County, Tennessee SR-31 reconstruction	$500,000
172	WI	Reconstruct US Highway 41—STH 67 interchange (Dodge County, Wisconsin)	$650,000
173	MA	Reconstruct Route 24/Route 140 Interchange, replace bridge and ramps, widen and extend acceleration and deceleration lanes	$14,750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
174	OR	Study landslides on U.S. Hwy. 20 between Cascadia and Santiam Pass to develop long-term repair strategy	$1,000,000
175	MS	Upgrade Alex Gates Road and Walnut Road in Quitman County, and roads in Falcon, Sledge and Lambert	$1,750,000
176	IL	Upgrades for Muller Road in the City of Washington, IL	$280,000
177	AL	Construction of Valleydale Road Flyover, Widening and Improvements	$5,000,000
178	MS	Upgrade roads in Beauregard (U. S. Hwy 51), Crystal Springs (U.S. Hwy 51 and I-55), and Hazelhurst (U.S. Hwy 51 and I-55), Copiah County	$1,000,000
179	NY	Westchester County, NY Rehabilitation of June Road Town of North Salem	$650,000
180	CA	Implement streetscape improvements on segments of Laurel Canyon Blvd. and Victory Blvd. in North Hollywood	$1,200,000
181	OH	Construct loop road along US 23 in City of Fostoria, Seneca County	$7,700,000
182	PA	Design, engineering, ROW acquisition, & construction of street improvements, parking, safety enhancements & roadway redesign in Nanticoke	$2,000,000
183	LA	Improve Ralph Darden Memorial Parkway Between LA182 and Martin Luther King Road, St. Mary Parish	$350,000
184	CA	Reconstruct segments of Hollister Avenue between San Antonio Road and State Route 154 in Santa Barbara County	$2,500,000
185	NY	Reconstruction of Schenck Avenue from Jamaica Avenue to Flatlands Avenue, Brooklyn	$5,000,000
186	CO	Construct Wadsworth Interchange over US 36 in Broomfield	$2,000,000
187	NY	Enhance Battery Park Bikeway Perimeter, New York City	$2,000,000
188	FL	I-95 Interchange in the City of Boca Raton	$14,250,000
189	NJ	Construct Long Valley Bypass	$1,000,000
190	MI	Alpena County, Resurface 3.51 miles of Hamilton and Wessel Roads	$640,000
191	CA	Construct a 2.8 mile bikeway along Lambert Road from Mills Ave. to Valley Home Ave. in the City of Whittier, CA	$2,500,000
192	TX	Hidalgo County Loop	$1,000,000
193	ME	Improvements to Route 108 to enhance access to business park, Rumford	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
194	NY	Installation of new turning lane from Mohansic Ave onto eastbound Route 202, & addition of new striped crosswalk	$375,000
195	NY	Rockland County Hudson River Greenway Trail Project construction	$2,000,000
196	TX	Construct a segment of FM 110 in San Marcos	$1,000,000
197	TX	Big Spring, TX Construction of the Big Spring Reliever Route	$2,800,000
198	NY	Improvements to Intermodal Transportation Facility and Construction of Waterfront Esplanade at Fort Totten	$2,800,000
199	PA	Reconstruction and repair of Haverford Ave. Between 68th St. and Lansdowne Ave	$300,000
200	ND	Bismarck/Mandan Liberty Memorial Bridge over the Missouri River	$30,000,000
201	WI	City of Glendale, WI. Develop and rehabilitate exit ramps on I-43, and improvements at West Silver Spring Dr. and North Port Washington Rd	$3,000,000
202	TX	Construction of Lake Ridge and US67 Project, Cedar Hill, TX	$3,000,000
203	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 277	$250,000
204	WI	Resurface USH 8 between CTH C and Monico	$1,100,000
205	PA	South Phila. Access Rd. Design and construction of port access road from South Phila Port and intermodal facilities, Philadelphia	$3,000,000
206	NY	Implement ITS system and apparatus to enhance citywide truck route system on Broadway to Irwin Ave between 232 to 231 in the neighborhood of Kingsbridge, NY	$100,000
207	PA	SR 219 Purchase of Right of Way and completion of four lane extension from the Town of Somerset to the Maryland border	$15,000,000
208	WI	Expand USH 41 between Oconto and Peshtigo, Wisconsin (Oconto and Marinette Counties, Wisconsin)	$2,000,000
209	IA	Study for NE Beltway, Polk Co	$500,000
210	NY	This project involves a full reconstruction of all the streets in Long Island City surrounding 11th Street	$3,400,000
211	AZ	Upgrade and Widen SR85 to I-10 (Mileposts 120–141)	$1,500,000
212	MS	Upgrade Dog Pen Road and Galilee Road in Holmes County, and roads in Cruger, Pickens, and Goodman	$1,000,000
213	GA	U.S. 19/SR92 median work from Ellis RD to West Taylor ST, Griffin	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
214	MS	Upgrade roads at Coahoma Community College, and roads in Coahoma and Jonestown , Coahoma County	$1,500,000
215	IN	Construction of Dixon Road from Markland Avenue to Judson Road in Kokomo, Indiana	$500,000
216	CA	Construction of Cross Vally Connector between I-5 and SR 14	$4,000,000
217	MA	State Street Corridor Redevelopment Project includes street resurfacing, pedestrian walkway improvements and ornate lighting from Main Street to St. Michael's Cemetery, Springfield	$6,000,000
218	MI	Resurfacing of Stephenson Highway in Madison Heights	$350,000
219	CA	Soundwall construction on the 210 Freeway, Pasadena	$1,800,000
220	GA	Streetscape-Ashburn	$250,000
221	NY	Design, Study and Construct Ferry Terminal Facilities at Floyd Bennett Field	$1,000,000
222	WI	Improve Superior Avenue: Interstate 43 to State Highway 32, Sheboygan County, Wisconsin	$1,000,000
223	TX	Design and construction streetscape improvements to enhance pedestrian access, pedestrian access to bus services and facilities	$1,000,000
224	IL	Upgrade roads, The Village of Berkeley	$1,000,000
225	GA	Upgrade sidewalks and lighting, Wrightsville	$400,000
226	PA	Upgrades to Bedford Route 220 at the entrance of the Bedford Business Park to Beldon Ridge intersection	$2,100,000
227	MI	Widen Baldwin Road from Morgan to Waldon in Orion Township	$4,000,000
228	FL	Construct Saxon Boulevard Extension, Volusia County, Florida	$2,100,000
229	NY	Construction and rehabilitation of East and West Gates Avenues in the Village of Lindenhurst, NY	$930,000
230	TN	Widen Interstate 240 from Interstate 55 to Interstate 40 West of Memphis, Shelby County	$1,000,000
231	NJ	Rahway River Corridor Greenway Bicycle and Pedestrian Path, South Orange	$500,000
232	CT	Reconstruct Pearl Harbor Memorial Bridge, New Haven	$2,000,000
233	PA	Development of Northwest Lancaster County River Trail	$250,000
234	CA	Widen SR89 at existing ''mousehole'' two lane RR underpass	$3,000,000
235	LA	Construct Mississippi River Trail and Bikepath, New Orleans	$500,000
236	NY	Utica Marsh-Reestablish Water Street	$2,650,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
237	AR	Widen to 5 lanes, improvement, and other development to U.S. Highway 79B/Univeristy Ave. in Pine Bluff	$3,200,000
238	WA	SR 9 & 20th St. SE Intersection Reconstruction in Snohomish County	$1,000,000
239	OH	Streetscape and related safety improvements to US 20 in Painesville Township, OH	$350,000
240	PA	Design, construct intersection and other upgrades on PA 24 and 124 in York County, PA	$1,000,000
241	WA	Issaquah Historical Society, Issaquah Valley Trolley Project	$250,000
242	IL	Construct new bridge on Illinois Prairie Path over East Branch River in Milton Township, IL	$300,000
243	TN	Plan and construct improvements, Livingston public square	$50,000
244	GA	Construction on US 82 from Dawson to Alabama Line ..	$1,000,000
245	IA	Construct I-74 Bridge in Bettendorf, IA	$1,500,000
246	CA	Operations and management improvements, including ITS technologies, on U.S. Highway 101 in Santa Barbara County	$1,000,000
247	OH	Plan and construct new interchange on Interstate 71 at Big Walnut Road in Delaware County, Ohio	$5,000,000
248	PA	Design and construct access to intermodal facility in York County	$2,000,000
249	WA	Complete preliminary engineering and environmental analysis for SR14 through Camas and Washougal ...	$1,000,000
250	UT	Construct Bingham Junction Boulevard in Midvale City	$5,000,000
251	MD	Construct Centreville, MD spur of Queen Annes County Cross Island Trail, Centreville to US Route 301	$382,000
252	MN	Polk, Pennington, Marshall County 10-Ton Corridor in Northwestern Minnesota	$5,600,000
253	CA	Quincy-Oroville Highway Rehabilitation in Plumas County	$1,000,000
254	CA	Construct Coyote Creek Trail Project from Story Road to Montague Expressway in San Jose	$2,000,000
255	TX	Construct Depression of Belt Line Road at I-35E Intermodal Transportation Project in Carrollton, TX	$6,000,000
256	AL	Construct Anniston Eastern Bypass from Golden Springs Road to US Hwy 431	$12,500,000
257	NY	Construct transportation enhancements on greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP, in Manhattan	$1,250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
258	NE	Construction of I-80-Cherry Avenue Interchange and East Bypass, Kearney, Nebraska	$8,000,000
259	MN	Design, engineering, ROW acquisition and construction for the French Rapids Bridge, City of Brainerd	$1,000,000
260	CA	Escondido, CA Construction of Bear Valley Parkway, East Valley Parkway	$2,000,000
261	AR	Junction Bridge—rehabilitation & conversion from rail to pedestrian use	$800,000
262	WA	Port of Tacoma Rd.—Construct a second left turn lane for traffic from westbound Pac. Hwy E. to Port of Tacoma Rd. and I-5	$500,000
263	NY	Realign Union Valley Road in Town of Carmel	$330,000
264	MO	Roadway improvements to U.S. 67 in St. Francois County	$2,000,000
265	FL	Homestead, FL Widening of SW 328 from SW 137 Ave to 152 Ave	$7,000,000
266	CA	Reconstruct I-710 southern terminus off ramps, Long Beach	$1,000,000
267	GA	SR 4 widen from Milledgeville Road to Government Street, Richmond County	$4,000,000
268	TN	Develop trails, bike paths and recreational facilities on Western Slope of Black Mountain, Cumberland County for Cumberland Trail State Park	$250,000
269	NJ	Routes 1 & 9 Secaucus Road to Broad Avenue in Hudson and Bergen Counties	$1,000,000
270	MA	Massachusetts Avenue Reconstruction, Boston	$5,000,000
271	NY	Improve Ashburton Ave. from the Saw Mill River Parkway to the waterfront, Yonkers	$1,500,000
272	MN	Trail extensions to Mesabi Trail, City of Aurora	$294,745
273	LA	I-10 Ryan Street exit ramp to include relocation and realignment of Lakeshore Drive to include portions of Front Street and or Ann Street, and to include expansion of Contraband Bayou Bridge	$5,000,000
274	MI	Van Buren, Belleville Road widen to 5 lanes between Tyler and Ecorse	$1,100,000
275	IA	Widening University Blvd, Clive	$1,000,000
276	HI	Construct Waimea Bypass	$1,000,000
277	IL	Widening two blocks of Poplar St from Park Ave to 13th Street, Williamson County	$480,000
278	CA	Widening the highway and reconstructing off ramps on Hwy 101 between Steele Lane and Windsor, CA to reduce traffic and promote carpools	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
279	WA	Granite Falls Alternate Freight Route in Granite Falls ...	$2,930,000
280	NY	Construction and rehabilitation of North Queens Avenue and Grand Avenue in the Village of Lindenhurst, NY	$680,000
281	SC	Extension & Expansion of Lower Richland Roads Phase I	$1,000,000
282	OR	Kuebler Boulevard improvements, Salem	$1,500,000
283	NC	Upgrade US 1 in Rockingham	$10,000,000
284	CA	Implement Southwest San Fernando Valley Road and Safety Improvements	$2,300,000
285	VA	Upgrade DOT crossing #467662S to constant warning time devices	$201,800
286	TX	Construct new location highway & interchanges on Inner Loop, from Global Reach to Loop 375 including the Global Reach ext., El Paso	$16,000,000
287	CA	Rehabilitation, repair, and/or reconstruction of deficient two-lane roads that connect to Interstate 5, SR 180, SR 41 and SR 99 countywide, Fresno County	$3,500,000
288	OH	Relocate SR 149 from 26th Street to Trough Run in Bellaire	$650,000
289	WA	Auburn, Washington—M Street SE rehabilitation between 29th Street SE and 37th Street SE	$500,000
290	KY	Replace Bridge over Stoner Creek, 2 Miles East of US 27 Junction, Bourbon County	$1,000,000
291	NM	Development of Paseo del Volcan corridor located in Sandoval County from Iris Road to U.S. Highway 550	$2,000,000
292	OH	Stan Hywet Hall and Gardens to restore, expand, construct, and improve pedestrian paths and bike trail system	$180,000
293	MS	Construct bicycle path, Petal	$200,000
294	NJ	Construction of Route 206 Chester Township, NJ	$1,000,000
295	IL	For IDOT to conduct Phase II engineering for reconstruction of 159th St-US 6-IL 7 in Will and Cook Counties	$1,000,000
296	IL	For Will County to begin Phase II engineering and preconstruction activities for a high level bridge linking Caton Farm Road with Bruce Road	$2,000,000
297	CA	Study of Thomas Bridge to meet future cargo and passenger traffic needs of the ports of Long Beach and Los Angeles	$2,000,000
298	TX	US377 Hood Co., TX—From BU377H east of Granbury to the new location of FM 4	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
299	IL	Construct Citywide bicycle path network, city of Evanston	$250,000
300	CA	Mount Vernon Avenue grade separation and bridge expansion in Colton	$2,000,000
301	NJ	Widening Routes 1 and 9, Production Way to East Lincoln Avenue, Union County	$500,000
302	PA	Design, construct and upgrade interchange of US 15 and US 30 in Adams County	$4,000,000
303	OH	State Route 8 Improvements in Northern Summit County	$3,000,000
304	CO	US 50 East, State Line to Pueblo	$7,500,000
305	IN	Widening road (along Gordon Road, Sixth Street, and West Shafer Drive) to 3-lane street, with sidewalk and improvements to existing bridge -White County/ Monticello, Indiana	$10,000,000
306	OH	Widening Pleasant Valley Bagley Road (Rte 27), Parma and Middleburg Heights	$1,000,000
307	MA	Rehabilitation of I-95 Whittier Bridge—Amesbury and Newburyport	$2,000,000
308	CA	Streetscape improvements at East 14th St-Mission Blvd in Alameda County	$750,000
309	NY	Construct W. 79th St Rotunda, New York City	$2,000,000
310	TX	Acquire Kelly Parkway Corridor Right-of-way through San Antonio	$2,000,000
311	NC	Construct new route from US 17 to US 421 in Brunswick and New Hanover Counties	$1,000,000
312	PA	Construct safety and capacity improvements to Route 309 and Old Packhouse Road	$250,000
313	OR	Delta Ponds Bike/Pedestrian Path	$2,880,000
314	FL	Hollywood US Route 1 Young Circle Safety Improvement	$2,300,000
315	MI	Houghton County, Gravel and paving of remaining 3.2 miles in 5.5 mile stretch of Jacobsville Rd	$430,000
316	PA	Improve access to Airport Connector from PA 283 to the terminus of the Airport Connector at State Route 230 and adjacent access roads	$500,000
317	CA	Construct one additional all purpose lane in each direction on I 405 and provide additional capital improvements from SR 73 through the LA County line	$1,210,000
318	IL	Improve Roads and Bridges, Cook County	$4,000,000
319	CA	Improve traffic safety, including streetlights, from Queen to Barclay to Los Angeles River to Riverside in Elysian Valley, Los Angeles	$1,400,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
320	MI	Construction and improvements to Western Avenue and associated streets betweeen Third Street and Terrace Street in Muskegon	$2,300,000
321	IL	Construct Reed Station Parkway Extension to IL Rt 3, Carbondale	$2,000,000
322	AL	Construction of Patton Island Bridge Corridor	$10,000,000
323	MI	Highland, Clyde Road from Hickory Ridge to Strathcona	$125,000
324	MI	Alger County, Repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road	$1,600,900
325	TX	Improvements to US 183 in Gonzales County	$500,000
326	CA	Construct a raised landscaped median on Alondra Blvd between Clark Ave and Woodruff Ave in Bellflower	$400,000
327	MN	Right of way acquisition for TH23 Paynesville Bypass	$2,500,000
328	FL	Construct interchange improvements at I-75 and University Parkway	$500,000
329	CO	For construction and architectural improvements of Wadsworth Bypass (SH121) Burlington Northern Railroad and Grandview Grade Separation	$4,000,000
330	KS	Construction of 4-lane improvement on K-18 in Riley County, Kansas	$2,000,000
331	NJ	Replace Rockaway Road Bridge, Randolph Tonwhsip, New Jersey	$1,000,000
332	FL	Construction of paved road over existing unpaved roadway on SE 144th Ave from SR 100 to US 301, distance of 1.2 miles	$3,000,000
333	FL	Construct I-4 Frontage Rd, Volusia County, Florida	$2,000,000
334	MD	Construction of Fringe and Corridor Parking Facility at intersection of Clinton Street and Keith Avenue in Baltimore	$4,000,000
335	OH	Purchase of Right of Way for transportation enhancement activities in Bainbridge Township, OH	$1,440,000
336	NJ	Rowan Boulevard Parking adjacent to Highway 322 Corridor in Glassboro Township	$1,000,556
337	CA	Construct interchange on US 50 at Empire Ranch Road in Folsom	$1,800,000
338	FL	Bicycle and Pedestrian Improvements in the Town of Windermere, Florida	$300,000
339	TN	Plan and construct a bicycle and pedestrian trail, Smyrna	$3,000,000
340	CA	Santa Anita Avenue Corridor Improvement project, Arcadia, California	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
341	AS	Shoreline protection and drainage mitigation for Nuuuli village roads	$1,000,000
342	PA	Design, engineering, ROW acquisition, & construction of a connector road between Pennsylvania Rt. 93 & Pennsylvania Rt. 309 in Hazle Township	$600,000
343	GA	South Tifton Bypass from US 82/SR 520 west to US 319/SR 35 east, Tift County	$500,000
344	NJ	Streetscape and Traffic Improvement Project to Downtown West Orange	$1,000,000
345	NJ	Bergen County, NJ—On Route 17, address congestion, safety, drainage, maintenance, signing, access, pedestrian circulation and transit access	$4,500,000
346	CA	Road widening, construct bike path, lighting, and safety improvements on road leading to Hansen Dam Recreation Area, Los Angeles	$6,500,000
347	TX	Construct additional 2 lanes to Loop 335 in Amarillo from .3 miles West of Western street to .5 miles West of Broadway	$2,000,000
348	NY	Reconstruct a historic bridge crossing Maxwell Creek in the Town of Sodus, NY	$580,000
349	NJ	Safety and operation improvements on Route 73 in Berlin, Voorhees and Evesham	$1,200,000
350	NJ	Study and preliminary engineering designs for a boulevard on State Route 440 and U.S. Highway Route 1 & 9, Jersey City	$1,000,000
351	VA	Construction of Route 17—Dominion Boulevard, Chesapeake, VA	$6,000,000
352	LA	Installation of proper lighting standards to illuminate inbound and outbound ramps of I 10 and portions of HWY 95	$200,000
353	IN	Cyntheanne Rd. Interchange and Corridor Improvements, Town of Fishers, Indiana	$500,000
354	ME	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements	$4,000,000
355	TN	Plan and construct a bicycle and pedestrian trail, LaVergne	$1,500,000
356	TX	Build Arkansas Street Grade Separation in Laredo	$1,000,000
357	CA	Construct new left turn lane at State Route 19 and Telstar in El Monte	$700,000
358	NY	Meadow Drive Extension—North Tonawanda, New York	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
359	CA	Reconstruct I-880 & Coleman Avenue Interchange & implement other I-880 Corridor operational improvements in Santa Clara County	$8,000,000
360	OR	Improve Millican, West Butte Road which connects U.S. Highway 20 with U.S. Highway 126	$2,000,000
361	VA	Metropolitan Washington, D.C. Regional Transportation Coordination Program	$2,000,000
362	NY	Brooks Landing Transportation Improvements and Enhancement project, Rochester	$500,000
363	NJ	Construct CR 538 Coles Mill Road Bridge over Scotland Run, Gloucester County	$500,000
364	TX	Convert discontinuous two-way frontage roads to continuous one-way frontage roads on IH 30 in Texarkana, TX	$5,000,000
365	TX	Regional bicycle routes on existing highways in Austin, TX	$1,000,000
366	IN	Construct Interchange at I-65 and 109th Avenue, Crown Point	$7,454,219
367	GA	Intersection improvement at Harris Drive at SR 42	$600,000
368	IL	Engineering and construction of the East Branch DuPage River Greenway Trail in central DuPage County, IL	$100,000
369	NY	Rehabilitate a historic transporation-related warehouse on the Erie Canal in the Town of Lyons, NY	$600,000
370	NY	Relocating Miller Highway W 59th-72 St. Manhattan under future expansion of Riverside Park; demolishing existing elevated road over park	$2,500,000
371	MI	Allen Road under the CN Railroad Grade Separation, Woodhaven	$4,450,000
372	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Larksville Borough, Luzerne County	$200,000
373	AR	Northeast Arkansas Connector (relocation of Highway 226)	$3,000,000
374	NJ	Reconstruct Route 168 from Route 41 to 6th Avenue in Runnemede	$658,000
375	NY	Renovation of Metropolitian Avenue center islands	$1,700,000
376	PA	Rt 60 Millennium Park Interchange, construct new interchange on Rt 60 to provide access to new Lawrence County Industrial Park	$800,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
377	AR	Bentonville, Arkansas—widen Arkansas Highway 102 between U.S. 71B and the west city limits	$1,500,000
378	PA	Purchase of right-of-way, utilities and construction for Northern Access to Altoona from Interstate 99, Blair County, PA	$3,000,000
379	CA	Construct Class I bike and pedestrian path from San Luis Obispo to Avila Beach	$400,000
380	MN	Reconstruct CSAH 61 from south county line to TH 73, Moose Lake	$316,000
381	AZ	Improving Lone Pine Dam Road in Navajo County	$1,500,000
382	MI	Construct Road Improvements to North Henry St. from Vermont Ave. to Wilder Rd. Bay City	$2,700,000
383	TX	Reconstruct I-35E Trinity River Bridge, Dallas	$15,000,000
384	NY	Town of Greenville rehabilitation of Grahamtown Rd. & Burnt Corners Rd	$125,000
385	NJ	Completion of Hudson River Waterfront Walkway through Stevens Institute of Technology in Hoboken	$1,000,000
386	NC	Construct US 74 Bypass, Shelby, NC	$3,000,000
387	WA	Tukwila Urban Access Improvement Project—address necessary improvements to Southcenter Parkway in Tukwila to relieve congestion	$1,000,000
388	CA	Construction of a traffic signal at the intersection of Independence Avenue and Sherman Way	$125,000
389	NH	Design and construction of intersection of Rte 101A and Rte 13 in Milford	$1,000,000
390	NJ	Construct Rte 30—Pomona Road Intersection Improvements, Atlantic County	$5,000,000
391	CA	I-10 and Indian Ave Interchange, Palm Springs, CA	$2,750,000
392	NY	Reconstruction of street, sidewalks and curbs outside of Museum of Modern Art (MOMA)	$500,000
393	KY	Right of way for and construction of Pennyrile Parkway Extension from 41A S. to I-24	$3,200,000
394	TN	Sevier County, Tennessee SR-66 widening	$1,750,000
395	TN	Plan and construct interchange improvements, I-65 at Highland Road	$400,000
396	IA	Reconstruction of NW Madrid Dr, Polk Co	$500,000
397	NH	Relocation and Reconstruction of intersection at Route 103 and North Street in Claremont	$1,300,000
398	IL	To construct a new 2-lane road extending 1650 feet north from intersection with University Park Drive, Edwardsville	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
399	NY	Town of Highlands reconstruction of bridge on School Street	$225,000
400	AK	Unalaska, AK Construction of AMHW ferry terminal including approach, staging, and upland improvements	$7,500,000
401	PA	Design and construct interchange and related improvements to I-83 Exit 4	$3,500,000
402	OR	U.S. 101 Improvements, Bandon	$3,300,000
403	MI	Northwestern Highway Extension projects in Oakland County	$5,000,000
404	PA	PA Route 61 safety improvements, Leesport Borough and Ontelaunee and Muhlenburg Townships	$2,468,300
405	OH	Improve Rt 62 (Main and Town Streets) Bridges over Scioto River, Columbus	$3,000,000
406	AK	Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan	$3,000,000
407	MN	U.S. Trunk Highway 14 from Waseca to Owatonna, Minnesota	$12,000,000
408	TX	Construct Mission Trails Project Packages 4 & 5 in San Antonio	$5,500,000
409	MS	Upgrade Roads in Carthage, Leake County	$200,000
410	MI	Construct access road at intersection of Doerr Road and Schell Street to Develop 65-Acre of Municipal Tract of Industrial Land. Village of Cass City, Tuscola County	$26,000
411	MS	Upgrade roads in Humphreys County Districts 1 and 5 and Isola	$850,000
412	IN	126th Street Project, Town of Fishers, Indiana	$1,250,000
413	HI	Construct Puanaiko Street	$1,000,000
414	AZ	Burro Creek section between Wikieup and the Santa Maria River	$1,000,000
415	PA	Conduct Environmental Impact Statement study for Parkway West corridor	$1,000,000
416	SC	Build Railroad Avenue Extension in Berkeley County, SC-SCDOT	$2,000,000
417	MD	Construct a visitors center and related roads serving Ft. McHenry	$4,700,000
418	OH	Construction of Gracemont Street Exchange Interstate 77-Bethlehem Township and Pike Township, Ohio	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
419	MI	Design, Right-of-Way and Construction of the I-196 Chicago Drive (Baldwin Street) Interchange Modification, Michigan	$21,400,000
420	CA	Folsom Blvd. Transportation Enhancements, City of Rancho Cordova	$7,000,000
421	TN	Improve streetscape and pavement repair, Monroe County, TN	$300,000
422	TX	IH37 frontage roads in Mathis	$2,000,000
423	WV	Construct New River Parkway	$4,500,000
424	NY	Construct sidewalk and improvements on Broadway in the Town of Cortlandt	$330,000
425	PA	Erie, PA Powell Avenue Bridge Replacement, Asbury Road Improvement Project	$3,000,000
426	VA	Liberty Street Construction in Martinsville, Virginia	$1,000,000
427	CA	Implement streetscape project on Central Avenue from 103rd Street to Watts/103rd Street Station, Watts	$3,000,000
428	MA	Realignments and reconstruction of a section of Route 32 in Palmer to the Ware town line	$3,200,000
429	CA	Seismic retrofit of the Golden Gate Bridge	$10,000,000
430	CA	Upgrade and extend Commerce Avenue, City of Concord	$1,750,000
431	MA	Somerville Roadway Improvements	$2,000,000
432	LA	Replace Almonaster Bridge, New Orleans	$500,000
433	IN	Upgrade Traffic Signals Phase III in the City of Muncie, Indiana	$640,000
434	FL	Sharpes Ferry Bridge replacement in Marion County	$800,000
435	IA	US 34 Missouri River bridge relocation and replacement	$2,500,000
436	NY	Village of Highland Falls repaving and sidewalk construction of Oak Avenue	$150,000
437	MN	Interchange Reconstruction at CSAH4 and US169	$1,000,000
438	IL	Development and construction of an interchange at Brisbin Rd and Interstate 80	$6,000,000
439	NE	Design, right-of-way and construction of rail-grade separations throughout Nebraska as identified by Nebraska Dept. of Roads	$15,000,000
440	MO	Redesign & Reconstruction of the I-270 Dorsett Road Interchange Complex in the City of Maryland Heights	$2,000,000
441	SC	Build Berlin Myers Extension in Summerville, SC	$8,000,000
442	IN	Improve 100 South, Porter County	$1,000,000
443	NY	Improve safety measures at the railroad grade crossings on the West Short River Line, Rockland County	$1,600,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
444	NJ	Street Improvements and Traffic Signal Replacement in Union City Central Business District	$800,000
445	GA	Streetscape project to replace sidewalks in downtown Forsyth	$300,000
446	AK	Westside development Williamsport-Pile Bay Road	$5,000,000
447	NV	Construct Interstate 15—Las Vegas Beltway Interchange	$9,000,000
448	NY	Palisades Trailway Phase 2—Rockland County, New York	$200,000
449	PA	Replace a Highway Rail Grade crossing in Jeanette, PA at Wegleys Road	$500,000
450	CA	Conduct project design and environmental analysis of Heritage Bridge on Heritage Road linking Chula Vista to Otay Mesa	$2,500,000
451	MA	Assabet River National Wildlife Refuge, MA, Design and Construction of parking areas	$500,000
452	NY	Reconstruct Main Street in the Town of Lewisboro	$90,000
453	MA	Study and analysis of Lowell Westford St.-Wood St. Rourke Bridge Corridor, Lowell	$600,000
454	OR	Highway 20, Lincoln County	$7,000,000
455	MN	Construction of 8th Street North: Stearns C.R. 120 to T.H. 15 in St. Cloud, MN	$2,000,000
456	IL	Construction of a pedestrian sidewalk along S. Chicago Street in Geneseo, IL	$145,000
457	OH	Construct Bike and Walking Path from West 210 St to Metroparks Fairview Park	$450,000
458	NY	Improve Bronx River Greenway 180th St Park Link to Bronx Park	$800,000
459	MN	City of East Grand Forks Construct 13th St SE Extension	$1,200,000
460	NY	Improvements to Clark Pl and Cherry Ln-Rt. 6 and 6N in Putnam County	$370,000
461	NJ	Construct Garden State Parkway Grade Separation, Cape May County	$40,000,000
462	VA	High Knob Horse Trails—construction of horse riding trails and associated facilities in High Knob area of Jefferson National Forest	$750,000
463	TN	Plan and construct a bicycle and pedestrian trail, Cookeville	$2,500,000
464	UT	Provo, Utah Westside Connector from I-15 to Provo Municipal Airport	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
465	CA	I-5 Santa Clarita-Los Angeles Gateway Improvement Project	$1,500,000
466	NY	Project will revitalize staircases used as streets due to steep grade of terrain in areas in which they are located, the Bronx	$1,000,000
467	TX	Construct and rehabilitate pedestrian walkways along the Main Street Corridor to improve transit-related accessibility	$1,000,000
468	MD	Reconstruct East North Avenue (US Route 1) in Baltimore	$3,200,000
469	CT	Reconstructoin of Lakeville Center to improve pedestrian and vehicle safety at the intersection of Routes 41 and 44	$895,000
470	NY	Rehabilition of Bay Ridge 86th Street Subway Station, Brooklyn, NY	$2,000,000
471	CA	San Gabriel Blvd Rehabilitation Project—Mission Rd to Broadway, San Gabriel	$300,000
472	NC	To plan, design, and construct the 10th Street Connector Project in Greenville, NC	$8,000,000
473	OH	To widen Western Reserve Road from SR 7 to Hitchcock Road, Mahoning Co	$2,500,000
474	NY	Binghamton, Improve Front Street	$5,000,000
475	FL	U.S. Highway 19 Bayside Segment	$2,000,000
476	MI	Arenac County, Upgrade Maple Ridge Road from Briggs Road east to M-65	$1,646,000
477	NY	Village of Highland Falls repaving and sidewalk construction of Mearns Ave	$225,000
478	NY	Village of Nelsonville improvements, paving & sidewalk installation to North Pearl St, Crown St, Pine St, & Wood Ave	$250,000
479	CA	Widen Firestone Blvd between Ryerson Blvd and Stewart and Gray Road in Downey	$2,000,000
480	CA	Construct Air Cargo Access Road to Oakland International Airport.	$900,000
481	MD	Peer review study of conflicts between road system and light rail operations in Linthicum, MD	$100,000
482	GA	Resurface and widen Jac-Art Road as part of the Bleckley County Development Authority project	$200,000
483	VA	Construction of Virginia Blue Ridge Trail in Amherst County, VA	$300,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
484	FL	Implement NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement Project, City of Ft. Lauderdale	$1,000,000
485	CA	Widen Lakewood Blvd between Telegraph Rd and Fifth St in Downey	$2,000,000
486	TX	Widen Motor Street thoroughfare in Dallas to improve accessibility to Southwestern Medical District	$2,500,000
487	MN	Construction of Gitchi-Gami State Trail, Lutsen Phase, CR 34 to Lockport store	$500,000
488	PA	Widen of SR 309 through the Borough of Coopersburg to create left-turn lanes and complete the Rt. 309 Corridor Improvement Project	$3,000,000
489	CA	Pasadena Ave/Monterey Rd Partial Grade Separation—Preliminary Engineering—Feasibility, South Pasadena	$300,000
490	OH	Intermodal Bikeway, Independence	$500,000
491	MO	Widen shoulder and resurface US 136 and replace 2 deficient bridges between Rock Port and Bethany, Missouri	$2,000,000
492	FL	S.R.43 (U.S.301) Improvement Project—Ellentown to Parrish, Florida	$3,000,000
493	GA	Bike and pedestrian paths and other transportation enhancements at Georgia Veterans Memorial Park	$800,000
494	AK	Citywide pavement rehabilitation in City of North Pole	$1,000,000
495	GA	Replace and upgrade sidewalks, Glenwood	$50,000
496	NY	Bruckner blvd along Bronx River Ave, Story Ave to Soundview Park Greenway	$1,600,000
497	GA	Widen SR 133 from Spence Field to SR 35 in Colquitt County, Georgia	$2,000,000
498	CA	Mariposa County, CA Improve 16 roads, bridge and one bike path	$2,500,000
499	LA	Upgrade highway-rail crossings at Madison Street, City of Gretna	$200,000
500	PA	Two-lane Extension of Bristol Road, Bucks County	$1,000,000
501	TN	Widen SR30 From Athens to Etowah, Tennessee	$5,758,000
502	MI	Iosco County, Reconstruct Bissonette Road from Lorenz Road to Chambers Road	$322,500
503	TX	Development of one-story 300-vehicle parking facility	$1,200,000
504	WA	Design and construct improved I-182 interchange ramps at Broadmoor Blvd. in Pasco, WA	$2,000,000
505	NY	Erie Canalway National Heritage Corridor in Lockport, NY- Transportation Enhancements	$3,250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
506	MI	M-6 Paul Henry Freeway trail design and construction	$2,780,000
507	CT	Reconstruction and conversion of Union Station in North Canaan to establish a transportation museum	$1,705,000
508	OR	Construct passing lanes on U.S. 199, Josephine County	$1,107,000
509	CA	Scenic preservation and run-off mitigation in the Santa Monica Mountains National Recreation Area near PCH and US101	$1,500,000
510	IL	South Shore Drive and 67th Underpass	$1,300,000
511	CA	Mission Boulevard / State Route 71 Interchange—Corridor Improvements	$4,200,000
512	OR	For purchase of right of way, planning, design and construction of a highway, Newberg	$11,000,000
513	VA	Smith River Trail—construction of trail along Smith River in Henry County	$500,000
514	IL	Resurface Clifton Park Ave. and S. Louis Ave., Village of Evergreen	$400,000
515	NJ	University Heights Connector for improvements to First Street in Newark from Sussex Street to West Market Street	$637,000
516	GA	Broad Avenue Bridge: Albany	$500,000
517	CA	Caelsbad, CA Construction of Poinsettia Lane	$2,000,000
518	CA	Construct pedestrian enhancements on Broadway in Los Angeles	$2,500,000
519	NJ	Construct Rt 56 Maurice River Bridge Replacement, Salem & Cumberland Counties	$2,000,000
520	WA	Conduct route analysis for community pathway through Chehalis	$50,000
521	WA	Construct a multi-jurisdictional non-motorized transportation project parallel to SR99 called the Interurban Trail	$2,000,000
522	FL	Construct Downtown Bypass Roadway Connector, Lake Mary, Florida	$500,000
523	NY	To study, design and construct transportation enhancements on the Brooklyn Waterfront Greenway in Red Hook, Greenpoint, and the Navy Yard in Brooklyn	$5,800,000
524	NY	Update all county and town traffic signage in Wayne County, NY	$75,000
525	CA	Construct Route 101 Auxiliary Lanes 3rd Ave in the City of San Mateo to Millbrae Ave in Millbrae	$5,000,000
526	CA	Undertake Cordelia Hill Sky Valley transportation enhancement project, including upgrade of pedestrian and bicycle corridors, Solano County	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
527	MS	Construct I-20 Interchange at Hawkins Crossing, Lauderdale County	$2,000,000
528	TN	Sevier, Jefferson, Cocke Counties, Tennessee SR-35&US411 widening	$1,750,000
529	GA	Upgrade Safety of Bicycle and Pedestrian Access to Public Schools, Dekalb County	$3,000,000
530	OH	Construction of Safety and related improvements on Rutlege Transfer Road in Vernon Township, OH	$120,000
531	WI	Reconstruct USH 45 in Antigo	$2,020,000
532	WA	SR 2/Main Street/Old Owen Road Intersection in Monroe	$480,000
533	GA	Install landscaping and upgrade lighting on Fall Line Freeway, Reynolds	$350,000
534	WA	Congestion relief on I-405 with added lanes from SR520-SR522 including 2 lanes each way from NE 85th-NE 124th	$1,000,000
535	NY	Conduct NYS 5 construction study	$80,000
536	PA	Widen lanes, add left turn lanes and update & install traffic signals at SR309, SR 4010 interchange in North Whitehall Township	$1,500,000
537	KY	Reconstruct I-64-KY 180 Interchange, Boyd County, Kentucky	$2,000,000
538	TX	Widen US 271 from a 2-lane facility to a 4-lane divided facility from Paris, TX to Pattonville, TX	$1,500,000
539	TN	Carter County, Tennessee SR-362 reconstruction	$500,000
540	OH	Construct Ohio River Trail, Anderson Township	$150,000
541	MI	Delta County, CR 515 from US 2 and US 41 in Rapid River to County Road 446 at Days River Road-Bituminous overlay and joint repair	$320,000
542	FL	Fund design phase for widening US 41 north of Dunnellon to four lanes	$1,000,000
543	TN	Construction of Elizabethton Connector in Carter County, Tennessee	$500,000
544	NJ	Newark Waterfront Pedestrian and Bicycle Access project	$1,500,000
545	ME	Plan and construct Lewiston/Auburn Downtown Connector	$5,800,000
546	OH	Conduct Miami St along SR Route 53 safety enhancement project to improve access to railroad crossing	$1,000,000
547	AK	Planning, design, and construction of Juneau access roads in Juneau, Alaska	$15,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
548	TN	Construction of an intersection/interchange in the City of Cleveland along I-75	$2,400,000
549	FL	Construct Flagler Avenue Improvements, City of Key West, Florida	$1,000,000
550	CA	Rehabilitate street surface of Cedros Avenue between Burbank Blvd. and Magnolia Blvd	$43,000
551	VA	Engineering and Right of Way to widen Route 221 in Forest, Virginia	$1,000,000
552	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 200	$250,000
553	TX	SH146 grade separation over Red Bluff Rd	$17,000,000
554	TN	construction of park access road and adjacent trails at the Athens Regional Park in Athens, TN	$300,000
555	IL	State Street Road Improvements from 43rd Street to IL Rt 157, East St. Louis	$2,945,000
556	GA	Streetscape-Dawson	$200,000
557	SC	Build Carolina Bays Parkway Segment from SC544 to US 17 in Myrtle Beach, SC	$3,000,000
558	GA	US 341 US 41 SR 7 from Barnesville to SR 3, Georgia	$4,000,000
559	OH	Reconstruct and widen State Route 82 in North Royalton	$1,000,000
560	FL	Acquisition, engineering, and construction of West Avenue Connector Bridge, City of Miami Beach, FL	$1,500,000
561	ME	Safety Enhancements on Routes 11, 6, and 16 for Piscataquis County Industrial Development	$400,000
562	IL	Study, design, and construction of a designated truck route through the City of Monticello	$1,132,000
563	CA	Improvement of intersection at Aviation Blvd. and Rosecrans Ave. to reduce congestion	$2,000,000
564	WI	Preliminary engineering for upgrading I94 between Illinois State Line and Mitchell Interchange in SE Wisconsin	$9,000,000
565	MI	Cogshall Road Crossing Improvement and Life Safety Access Project in Holly, MI	$1,200,000
566	MI	Ontonagon County, Improve Fed Forest Hwy 16 from M-38 to Houghton County Line	$500,000
567	UT	Forest Street Improvements, Brigham City, UT	$2,000,000
568	NC	I40 Union Cross Road Interchange in Forsyth County, NC	$1,000,000
569	NJ	Construct Sea Isle Boulevard Reconstruction from Garden State Parkway to Ludlams Thoroughfare, Cape May County	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
570	CA	I-5 HOV Improvements from Route 134 to Route 170 ...	$500,000
571	NY	Reconfiguration of intersection and redesign of traffic signal timing at Mohegan Ave and Lakeland St	$475,000
572	CA	Shoal Creek Pedestrian Bridge (San Diego)	$1,000,000
573	GA	Streetscape-Cordele	$250,000
574	CA	Construct I-605 Interchange Capacity Improvements in Irwindale	$2,000,000
575	SC	Construction of interchange at I-385 and SC 14, Exit 19, in Laurens County, South Carolina	$2,200,000
576	NE	Design, right-of-way and construction of Nebraska Highway 35 between Norfolk and South Sioux City ...	$4,000,000
577	MO	Complete impact study for North Oak Highway corridor redevelopment	$500,000
578	MA	Design and construct the 1.5 mile East Longmeadow Redstone rail Trail bike path	$1,500,000
579	NY	Improve bicycle and pedestrian safety on Main Street, Holbrook	$100,000
580	CA	Tuolumne, Stanislaus and Merced Counties Upgrade existing county highway, J59	$2,500,000
581	FL	U.S. 19 Continuous right turn lanes in Pasco County ...	$7,000,000
582	NJ	Union Boulevard Revitalization and Streetscape Enhancements, Totowa	$500,000
583	IL	Improve roads, The Village of Westchester	$1,000,000
584	IN	Reconstruct 45th Avenue from Colfax Street to Grant Street, Lake County	$2,700,000
585	IN	Construct Grade Separation Underpass on Main Street in Mishawaka, Indiana	$1,000,000
586	UT	Construct two-lane divided highway from the Atkinville Interchange to the new replacement airport access road in St. George	$4,000,000
587	CA	Diamond Bar On-Off Ramp at Lemon Ave on SR-60	$12,000,000
588	NY	Harlem Hospital Parking Garage	$10,000,000
589	MA	Downtown revitalization for Pleasant Street, Malden	$1,900,000
590	NY	Install Improvements for Pedestrian Safety in the vicinity of Prospect Park Yeshiva	$250,000
591	NY	Emergency vehicle preemption system at traffic signals, Smithtown	$500,000
592	CA	Reconstruct interchange for south-bound traffic entering I-80 from Central Avenue, City of Richmond	$3,000,000
593	KY	Reconstruct KY 393, Oldham County, Kentucky	$2,000,000
594	CA	Reduce Orange County Congestion Program	$250,000
595	CA	Street Closure at Chevy Chase Drive, Glendale	$800,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
596	PA	Allegheny City Urban Runoff Mitigation-eliminate urban highway runoff and the discharge of culverted streams into municipal combined sewers	$1,000,000
597	SC	Construct Briggs-Pearson-DeLaine Connector	$25,000,000
598	NM	Construct an interchange on I-25 to provide access to Mesa del Sol in Albuquerque	$4,000,000
599	OR	Short Haul Intermodal Pilot Project, Eugene	$2,500,000
600	VA	Rivermont Ave. (Lynchburg) Bridge improvements	$1,700,000
601	MA	Construct new interchange on I-95 between existing Route 1A ramp to the north and Route 123 ramp to the south, Attleboro	$500,000
602	OH	Construct Waverly, Ohio South Connector from US 23 to SR 104 to SR 220	$3,200,000
603	VA	Craig County Trail—improvements to trail in Craig County	$150,000
604	CO	US 160, State Highway 3 to East of the Florida River	$6,000,000
605	AS	Village road improvements for Ta'u, Ofu, and Olosega-Sili counties in Manu'a district	$1,400,000
606	PR	Construction of 4 lane connector serving PR 9922, PR 9939 and PR 183	$1,950,000
607	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking, garage & roadway re-design in Duryea Borough, Luzerne County	$200,000
608	OK	SH-33, Widen SH-33 from the Cimarron River East to US-177 Payne County, OK	$8,000,000
609	TX	Washington Boulevard Improvements in Beaumont, Texas	$2,600,000
610	FL	Widen Midway Road from South 25th Street to U.S. 1 in St. Lucie County	$2,000,000
611	NY	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City	$5,000,000
612	LA	Construct Kansas-Garrett Connector and I-20 Interchange Improvements	$5,000,000
613	PA	Construct the SR 1058 Connector between PA 309 and the Pennsylvania Turnpike Northeast Extension in Montgomery County	$1,600,000
614	OK	Reconstruct the Interstate 44 193rd street interchange	$3,000,000
615	NY	Roadway improvements to Woodbury Rd at intersection with Syosset-Woodbury Rd	$2,000,000
616	RI	Construct a handicapped accessible trail and platform at Kettle Pond Visitor Center Administrative Facility	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
617	NJ	Construct Great Swamp National Wildlife Refuge Road	$250,000
618	CA	Grade Separation at 32nd Street between I-15 and Harbor Drive, San Diego	$1,000,000
619	IN	Widen Old Meridian Street from 2 to 4 lanes, City of Carmel, Indiana	$1,000,000
620	WI	Construct a bicycle/pedestrian path, City of Portage	$2,200,000
621	VA	Widen Route 17 in Stafford	$4,000,000
622	VA	Widen Route 820 in Bergton, Virginia	$1,200,000
623	IL	Construction of 2 North/South Blvds. and 2 East/West Blvds. in the vicinity of Northern Illinois University	$7,500,000
624	CA	Begin construction of road from US-395 west towards SR-14	$1,000,000
625	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Old Forge Borough, Lackawanna County	$200,000
626	PA	Improvements to Amtrak Keystone Corridor grade crossings at Irishtown Rd., New Comer Rd., and a new bridge at Ebychiques Rd	$500,000
627	TN	Acquire and construct trail and bikeway along S. Chickamauga Creek in Chattanooga, TN	$1,600,000
628	TX	Interchange improvements IH-30 Arlington at FM 157 (Collins Street) and Center Street	$2,000,000
629	MO	Highway 350 Access Management Study from I435 to I470	$1,000,000
630	TX	Mile 6 W from US83 to SH 107, Hidalgo County	$1,000,000
631	NJ	Pedestrian facilities and street lighting on Haddon Avenue from Albertson Avenue to Glenwood Avenue, Haddon Township	$433,000
632	NY	Rehabilitate highway bridges—Ithaca secondary line	$2,500,000
633	WA	Buckley, WA; New Road alignments on 112th Street Corridor	$2,000,000
634	ID	Construct Washington Street North from Addison Avenue to Pole Line Road	$4,500,000
635	SC	Construction of the US-15/SC-341 connector parallel to I-20, Lee County	$4,500,000
636	PA	Construct Recreational Trail from Oil City to Rynd Farm (Venango County)	$1,000,000
637	TX	FM 1637 from FM 3051 to FM 185, Waco	$2,000,000
638	VA	Green Cove Station—improvements to existing Forest Service facility located at trailhead of Virginia Creeper Trail	$100,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
639	NJ	South Essex Street Bridge Pedestrian Access Improvements, Orange	$578,000
640	TX	FM 3391 (East Renfro St.) from I-35W to CR 602, Burleson	$1,500,000
641	WI	Replace Wisconsin Street Bridge (STH 44) in Oshkosh, Wisconsin	$10,000,000
642	CT	Construct Route 11 Extension and Greenway from Salem to Waterford	$16,000,000
643	TX	Drainage Study and Engineering for US 83 in Starr County	$1,000,000
644	TN	widen SR-62 in Knox County, TN	$6,500,000
645	GA	Widen US 17 SR 25 from Yacht Drive to Harry Driggers Boulevard, Glynn County, Georgia	$2,000,000
646	KY	Widen US 25 from US 421 North to KY 876, Madison County	$1,000,000
647	GA	Widen US 280/SR 30 from east of Flint River to SR 300 Connector west of Cordele	$1,000,000
648	MS	Upgrade roads in Gunnison, Mound Bayou, Beulah, Benoit, and Shaw, Bolivar County	$2,000,000
649	NY	Construct and enhance Fillmore Avenue and traffic down-grade and infrastructure improvements to Humboldt Parkway, Buffalo	$1,500,000
650	NJ	Construct Route 46 & Main Street intersection in Lodi	$2,000,000
651	MN	Phase III construction of Trunk Highway 610-10 Minnesota	$5,000,000
652	NM	NM 128 JCT NM 31 East to Texas State Line	$3,000,000
653	NJ	Replacement of Prospect Avenue Culvert, City of Summit, County of Union	$400,000
654	FL	US 441 Traffic Improvements—Road surface, road access, curb, gutter, and right of way, Miami Gardens	$900,000
655	MN	Environmental studies and right of way acquisition for Trunk Highway 55 Corridor Protection Project	$5,000,000
656	NY	Roadway improvements on Woodbine Avenue between 5th Avenue and Beach Avenue	$800,000
657	NY	Saugerties, Improve downtown streets	$1,200,000
658	IN	Widen US 31 Hamilton County, Indiana	$1,000,000
659	GA	Build a bridge across Big Indian Creek, Perry	$1,500,000
660	MI	Carpenter Road Reconstruction—700 feet South of Textile Road to I-94, Washtenaw County	$2,000,000
661	IN	Resurface and widen Shelby County Indiana 400 North Phases IV and V	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
662	SC	Widen West Georgia Road from Neely Ferry Road to Fork Shoals Road	$2,000,000
663	TX	Construct Phase II of City of Killeen SH-201	$4,000,000
664	MN	Interchange improvements at I-94 and CSAH 19 and at CSAH 37 in the city of Albertville, MN	$1,000,000
665	KY	Construction of bypass between KY 55 and US 68 at Lebanon in Marion County	$1,000,000
666	NY	Peruville Road. Creating overpass to address intersection safety issue	$2,000,000
667	OR	Add a southbound lane to section of I-5 through Portland, OR between Delta Park and Lombard	$5,000,000
668	MN	10th Street Bridge Expansion in St. Cloud, MN	$1,000,000
669	NJ	Intermodal Access Improvements to the Peninsula at Bayonne Harbor	$2,000,000
670	TX	Nolana Loop from FM 1426 to FM 88, Hidalgo County	$2,000,000
671	OH	Perry Park Road Improvements and Pedestrian Trail Expansion at Call Road in the Village of Perry, OH	$67,000
672	NV	Implement Regional Transportation of Southern Nevada FAST system	$3,000,000
673	NY	Bronx River Greenway 233rd Street Connection	$1,000,000
674	PA	Construction of turn lanes, increase curve radius at the intersection of SR 3041 and Industrial Park Road, Somerset, Pa	$435,000
675	FL	Planning and design for development of future highway connections to the Southwest Florida International Airport	$500,000
676	WI	Reconstruct and rebuild St. Croix River Crossing, connecting Wisconsin State Highway 64 in Houlton, Wisconsin to Minnesota State Highway 36 in Stillwater Minnesota	$7,000,000
677	TN	Conduct study for SR45 to SR386 Connector	$500,000
678	IN	Reconstruct and widen Shelby County Indiana 500 East from 1200 N to US 52	$1,000,000
679	MO	Removal and Replacement of the Grand Avenue Bridge in the City of St. Louis	$3,500,000
680	TX	Conduct reconstruction and managed lanes project on Airport Freeway (SH 183–SH 121) from IH 820 to the Dallas County Line	$5,000,000
681	FL	Reconstruction of Hanford Boulevard, North Miami Beach	$2,750,000
682	MA	Commonwealth Ave/Kenmore Sq. Roadway & Pedestrian Improvements	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
683	NY	Pedestrian walkway and bikeway improvements along the NYC Greenway System in Coney Island	$3,200,000
684	PA	Restore Route 222 in Maxatawny and Richmond Townships, Berks County, PA	$2,500,000
685	OH	Study and design of modifications to I-75 interchanges at M.L. King-Hopple, I-74, and Mitchell in Cincinnati	$1,500,000
686	VA	Widen Route 10 to six lanes from Route 1 to Meadowville Road, Chesterfield	$1,000,000
687	GA	Rebuild sidewalks, install sidewalks, and add speed monitoring system, Alamo	$250,000
688	CA	Widen Wilmington Ave from 223rd street including ramp modifications, Carson	$3,000,000
689	WI	Construct STH 32 (Claude Allouez) bridge in DePere, Wisconsin (Brown County, Wisconsin)	$500,000
690	NY	Construction of drainage improvements and aesthetic enhancements to Oak Beach Road in the Town of Babylon, NY	$430,000
691	WI	Construct an alternative connection to divert local traffic from I-90, a major highway, and allow movement through the Gateway commercial development project	$4,000,000
692	WA	East Marine View Drive Widening in Everett	$3,500,000
693	OH	Construction of safety improvements at intersection of US 422 and SR 700 in Geauga County, OH	$300,000
694	WV	Upgrade Route 10, Logan Co	$5,000,000
695	TX	Conduct Preliminary Engineering for Funnel Project on SH 114 from BS 114L to Dallas County Line and on SH 121 from SH 360 to Dallas Co Line	$4,000,000
696	NC	Install ITS on US70 Clayton Bypass	$1,000,000
697	PA	Brighton Road Extension—add new street to N Shore roadway network to facilitate access to amphitheater	$1,000,000
698	NJ	Broad Street Streetscape Project in Elizabeth to provide physical improvements and to enhance transportation flow and efficiency	$700,000
699	FL	Construction of 4 lane highway around Jacksonville connecting US1 to Route 9A	$3,000,000
700	WA	510–507 Loop—Conduct engineering, design, and ROW acquisition for alternative route to two existing highways that bisect Yelm, WA	$2,500,000
701	CA	Develop and implement traffic calming measures for traffic exiting the I-710 into Long Beach	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
702	CA	San Diego, CA Construction of the I-5 and SR-56 Connectors	$4,000,000
703	IL	Upgrade Ridge Avenue, Evanston	$3,000,000
704	SC	Widening and Improvements for Highway 901, York County	$2,000,000
705	IA	Widening and Reconstruction, I-235, Des Moines	$6,500,000
706	CA	Bay Road improvements between University Avenue to Fordham, and from Clarke Avenue to Cooley Landing. Northern access improvements between University and Illinois Avenues, East Palo Alto	$6,000,000
707	NC	Project to widen US 501 from NC 49 in Roxboro to the VA state line with part on new location	$4,000,000
708	NY	Congestion reduction, traffic flow improvement and intermodal transfer study at Roosevelt Avenue/74th Street in Queens	$640,000
709	CA	Construct bicycle and pedestian bridge between Oyster Bay Regional Park in San Leandro and Metropolitan Golf Course in Oakland	$750,000
710	TX	For construction of Seg 5 and 6 of SH 130 from 183 to Seguin, TX	$5,000,000
711	NJ	Construct the Airport Circle Elimination at Tilton and Delilah Roads, Atlantic County	$1,000,000
712	KY	Construct North Somerset Bypass in Pulaski County from Nunn Parkway to KY 80	$7,000,000
713	NV	Construct US Highway 95—Las Vegas Beltway Interchange	$8,000,000
714	NY	Repair and repave the north side of the Mineola train station	$150,000
715	IL	Repair of CH 29 and reconstruction of CH 8 at interchanges with Interstate 55 at Towanda and Lexington Illinois	$1,000,000
716	CA	Conduct a Project Study Report for new Highway 99 interchange between SR 165 and Bradbury Road, serving Turlock/Hilmar region	$500,000
717	PA	Construction of US-22 to I-79 Section of Southern Beltway, Pittsburgh, Pennsylvania	$1,000,000
718	MN	Construction of new highway between the bridge over Partridge River on CR 565 in Hoyt Lakes to the intersection of CSAH 21 and 70, Babbitt	$3,000,000
719	CA	State Route 1 improvements between Soquel and Morrissey Blvd including merge lanes and the La Fonda overpass, Santa Cruz	$3,670,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
720	WA	The West Corridor Coalition in Washington state	$500,000
721	WA	North Sound Connecting Communities Transportation Project Planning	$1,000,000
722	FL	West Relief Bridge Rehabilitation, Bay Harbor Islands	$1,500,000
723	NE	Western Douglas County Trails Project, Nebraska	$5,500,000
724	TN	Bristol, Tennessee highway-RR grade Crossing improvement—Hazelwood Street	$100,000
725	GA	Extend East Greene Street, install street lights, utilities, and landscaping, Milledgeville	$400,000
726	CA	Grade Separation at Vanowen and Cliveborne, Burbank	$1,000,000
727	MA	Improve traffic signal operations, pavement markings & regulatory signage, Milton-Boston City Line	$1,500,000
728	NY	Port Jervis, NY downtown pedestrian mall and promenade	$650,000
729	MN	Construct Soo Line Trail from north of Bowlus to the east side of Mississippi River	$495,000
730	WI	Construct traffic mitigation signals, signs, and other upgrades for Howard Ave, St. Francis	$400,000
731	NH	Reconstruction of NH 11 and NH 28 Intersection in Alton	$700,000
732	CA	Riverside Drive Improvements, Los Angeles	$400,000
733	CA	Upgrade CA SR 4 East from the vicinity of Loveridge Road to G Street, Contra Costa County	$15,000,000
734	TX	Widen SH 24 from a 2-lane facility to 4-lane divided facility from SH 19 to Cooper, TX	$1,500,000
735	PA	Rail crossing signalization upgrade, Willow Street, Fleetwood, Berks	$325,400
736	IL	25th Avenue Grade Separation, Melrose Park	$500,000
737	SC	Construct Hub City Connector Passage (12.5 miles of bicycle-pedestrian improvements, 176-SC 56), part of state-wide Palmetto Trail Project	$1,000,000
738	FL	Construct US 1/SR 100 Connector, Bunnell, Florida	$2,500,000
739	MN	Construction of Gitchi-Gami State Trail from Gooseberry Falls State Park Trail Head parking lot to 2.3 miles east	$700,000
740	CA	Design and environmental analysis for State Route 11 connecting State Route 905 to the new East Otay Mesa Port of Entry, San Diego	$1,000,000
741	NY	Improve North Fork Trail, Southold	$200,000
742	HI	Interstate Route H1 Deck Repair, Airport Viaduct	$4,770,000
743	OH	Replace Grade Separation at Eastland and Sheldon Road, Berea	$750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
744	WA	Widen I-5 through Lewis County	$3,500,000
745	SC	Engineering design and construction of I-73 from the North Carolina State Line to I-95	$10,000,000
746	OH	Planning and construction of a bicycle trail adjacent to the I-90 and SR 615 Interchange in Lake County, OH	$2,500,000
747	SC	Widening of Boiling Springs 9 from Rainbow Lake Rd. to SC 292	$5,000,000
748	IL	Construct Streetscape Project, Orland Hills	$400,000
749	IL	Widening of Lake Cook Road ITS in Deerfield, IL	$500,000
750	OR	Widening of Oregon Hwy 217 between Tualatin Valley Hwy and the US 26 interchange, Beaverton	$10,000,000
751	PR	Widening of PR 111 at the intersections of PR-444 through PR-423	$6,000,000
752	MI	Widen M-72 from US-31 easterly 7.2 miles to Old M-72	$2,500,000
753	PA	Widening of Rt.22 and SR.26 in Huntingdon. Upgrades to the interchange at US RT 22 and SR26	$3,375,000
754	MN	Widening of US Highway 61 at Frontenac Station, MN	$800,000
755	KS	Construction and reconstruction of four interchanges on I-435, I-35 and US-69 in Johnson Co	$4,000,000
756	MA	Melnea Cass Blvd Reconstruction	$2,000,000
757	NH	Improve Meredith Village Traffic Rotary	$1,000,000
758	FL	Implement Blue Heron Boulevard Streetscape Improvements, City of Riviera Beach	$2,500,000
759	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 114	$250,000
760	WI	Reconstruct STH 181 between Florist Ave and North Milwaukee County Line	$4,500,000
761	LA	Replace the Prospect Street Bridge (LA 3087), Houma	$3,000,000
762	GA	Streetscape improvements along LaVista Road in the Northlake business district of DeKalb County, Georgia	$200,000
763	MD	Study Greater Towson Area traffic flow and future needs	$200,000
764	FL	Construct US 1 Improvements, Cities of Holly Hill and Ormond Beach, Florida	$400,000
765	OH	Transportation Enhancements to the downtown area of the Village of Chagrin Falls, OH	$700,000
766	MA	Pedestrian Walkway for the Town of Norwood	$780,000
767	NJ	Restoration of Route 35 in Ocean County, New Jersey	$1,500,000
768	PA	Extension of Third Street from Interstate 83 to Chestnut Street, Harrisburg	$4,800,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
769	TX	Carlton road grade separation, Laredo, TX	$5,000,000
770	OH	Construct connector roadway between SR13 13 and Horns Hill Road in north Newark	$250,000
771	TN	Construct new lighting on Veterans Memorial Bridge, Loudon County, Tennessee	$250,000
772	NY	Roadway improvements on CR3 between Ruland Rd and I-495	$2,220,000
773	TN	Construct State Route 385 (North and East) around the city of Memphis	$3,150,000
774	NY	Waterloo, NY by-pass project	$7,000,000
775	IN	Extend Everbrook Drive from SR 332 to Bethel Avenue in the City of Muncie, Indiana	$640,000
776	TN	Construct Proposed SR397 extension from SR96 West to US 431 North to Franklin WIlliamson County	$2,225,000
777	AK	Construct linking road from airport to port in Akutan	$1,500,000
778	PA	Uniontown to Brownsville section of Pennsylvania Mon/ Fayette Expressway	$5,000,000
779	NY	Ashburton Avenue Reconstruction, Yonkers, New York	$1,000,000
780	OR	Highway 22, Polk County	$1,000,000
781	FL	I-75 Widening and Improvements in Collier and Lee County, Florida	$45,000,000
782	WI	Pioneer Road Rail Grade Separation (Fond du Lac, Wisconsin)	$4,000,000
783	FL	Design and construction of double-deck roadway system exiting FLL airport connecting Y.S. 1 and I-595	$4,000,000
784	MI	Wayne, Reconstruct one quarter of a mile stretch of Laurenwood	$125,000
785	GA	Construct the West Cleveland Bypass from US 129SR 11 near Hope Road extending west of Cleveland, on new and existing locations to SR75	$2,900,000
786	IL	Eliminate Highway-Railway crossing over US 14 and realignment of US 14, Des Plaines	$2,000,000
787	OR	Highway 22-Cascade Highway interchange improvements, Marion County	$500,000
788	VA	Widen Route 29 between Eaton Place and Route 123 in Fairfax City, VA	$3,000,000
789	WI	Reroute State Hwy 11 near Burlington, WI (Kenosha County, WI)	$2,000,000
790	IL	East Peoria, Illinois Technology Blvd. upgrades	$1,000,000
791	DC	Metro Branch Trail Construction	$2,000,000
792	MA	Study and design I-93 / Mystic Ave. Interchange at Assembly Sq	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
793	NM	Widening of US 491 from Navajo 9 to Colorado state border	$2,000,000
794	FL	Construct access road to link Jacksonville International Airport to I-95	$5,000,000
795	FL	Widening of SR 60 from 66th Avenue to I-95 in Indian River County, FL	$1,000,000
796	GA	Widening of SR 133: Colquitt Co./Daughtery Co	$1,000,000
797	PA	Rail Bridge Removal and intersection improvements, Cameron and Paxton Streets, Harrisburg	$1,300,000
798	PA	Widening of SR 1001 Section 601 in Clinton County	$1,000,000
799	PA	Widening of Route 40 in Wharton Township, Fayette County, Pa	$2,000,000
800	NJ	Widening of Route 1 and intersection improvements in South Brunswick	$1,000,000
801	PA	Construct PA 706 Wyalusing Bypass Bradford County, Pennsylvania	$1,000,000
802	IL	Construct four lane extension of IL RT29 from Rochester to Taylorville	$600,000
803	IL	Widening of Old Madison Road, St. Clair County	$2,000,000
804	NY	Construction of Bicycle Path and Pedestrian Trail in City of Dunkirk	$500,000
805	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Plains Township, Luzerne County	$200,000
806	CA	Replace I-880 overpass at Davis St in San Leandro	$750,000
807	PA	DuBois-Jefferson County Airport Access Road Construction	$1,000,000
808	GA	Streetscape project to improve accessibility and safety for pedestrians, Mount Vernon	$500,000
809	IL	Replacement of Fullerton Avenue Bridge and Pedestrian Walkway	$4,800,000
810	NH	Construct intersection at US 3 and Pembroke Hill Road in Pembroke	$700,000
811	FL	A new interchange with the Pineda Causeway Extension and I-95	$11,000,000
812	CT	Make Improvements to Groton Bicycle and Pedestrian Trails and Facilities	$380,000
813	MN	TH36—Stillwater Bridge; cut-and-cover approach to river crossing	$500,000
814	NM	US 54 Reconstruction, Tularosa to Santa Rosa	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
815	VA	Daniel Boone Wilderness Trail Corridor—acquire site; design and construction of interpretative center, enhancement of trail corridor	$3,200,000
816	MI	Widening of M-24 from two lanes to four lanes with a boulevard from I-69 to the county line	$1,000,000
817	IN	Construct US 231 in Spencer and Dubois Counties in Indiana	$6,000,000
818	TN	Construct overpass at Highway 321 and Highway 11 Loudon County, Tennessee	$6,500,000
819	SD	Improve the SD Advanced Traveler Information System	$1,400,000
820	NV	Construct I-15 Widening—US 95–I-515 Interchange to Apex Road	$6,000,000
821	NY	Implement ITS system and apparatus to enhance city-wide truck route system on Avenue P between Coney Island Avenue and Ocean Avenue in the 9th District of New York	$100,000
822	GA	Install sidewalks, trails, lighting, and amenities in Balls Ferry Park, Wilkinson County	$500,000
823	CA	Construct Inland Empire Transportation Management Center in Fontana to better regulate traffic and dispatch personnel to incidents	$1,500,000
824	IL	Reconstruct Milwaukee Avenue, including Six Corners	$17,000,000
825	TX	Implementation and quantification of benefits of large-scale landscaping along freeways and interchanges in the Houston region	$18,496,000
826	PA	Design, engineering, ROW acquisition & construction of a connector road between PA 115 & Interstate 81 in Luzerne County	$250,000
827	AL	Pedestrian Improvements for Homewood, AL	$100,000
828	TN	Plan and construct a bicycle and pedestrian trail, Gallatin	$665,000
829	MA	Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/ Fairhaven bridge	$2,000,000
830	IA	Iowa City, IA Construction of arterial extension project connecting Coralville to west and south Iowa City	$2,500,000
831	NJ	Rehabilitate Route 139 in Jersey City—Portway	$2,000,000
832	NJ	Route 605 extension to US–206	$1,000,000
833	OH	Widen SR 170 Calcutta	$2,500,000
834	IA	Widening of Hwy 44, Grimes	$500,000
835	VA	Widening of Highway 15 in Farmville, Virginia	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
836	MA	Design and construct intersection improvements at Memorial Park II on Roosevelt Ave from Bay St to Page Boulevard, Springfield	$1,000,000
837	SC	Widening of Frontage Road from US 72 to US 56, Laurens, SC	$2,800,000
838	NY	Mill Road: NY Rte 261 to North Avenue in the Town of Greece	$2,500,000
839	NC	Widening of Beckford Drive, City of Henderson	$960,000
840	NY	Realignment of Clove Road and Rt 208, access management improvements in Orange County	$1,200,000
841	NY	City of Peeskill, NY Street Resurfacing Program. Brown Street	$52,000
842	FL	Fund advanced Right-of-Way Acquisition along SR 52 in Pasco County, Florida	$3,700,000
843	MA	Design, engineer, permit, and construct ''Border to Boston Bikeway'' rails-trails project, from Salisbury to Danvers	$1,000,000
844	FL	Soutel Drive Road Enhancements, Jacksonville	$1,500,000
845	NJ	Bicycle facilities in West Deptford Township	$115,000
846	PA	Create a direct connection between State Road 29 and State Route 113	$3,000,000
847	MA	Design and construction of the north and southbound ramps on Interstate 91 at Exit 19	$1,500,000
848	IA	NW 70th Ave reconstruction, Johnston	$4,500,000
849	NY	Town of Minisink South Plank Road	$275,000
850	VA	Town of St. Paul—restoration of historic Hillman House to serve as trail system information center and construction of stations on trails	$150,000
851	PA	Conduct environmental review and acquire right of way for preferred alternative to improve PA 41	$4,000,000
852	FL	Acquire Right-of-Way for Ludlam Trail, Miami, Florida	$750,000
853	NY	Construct Safe Routes to Schools projects in New York City	$3,000,000
854	CO	Construction of US 24—Tennessee Pass, Colorado	$6,000,000
855	CA	Implement Riverside Avenue Railroad Bridge improvements, south of Interstate 10 in Rialto	$500,000
856	MA	Longwood Ave/Urban Ring Tunnel Study	$450,000
857	IL	Traffic Signal Coordination at US 45 at IL 132 (Grand Avenue) and IL 132 at Rollins Road and US 45 at Rollins Road	$100,000
858	IA	US 63 improvement near New Hampton, Iowa	$8,700,000
859	NY	Village of Unionville reconstruction of Main Street	$80,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
860	TX	Widening from two lanes to four of SH 36 from Bellville, TX to Sealy, TX	$7,000,000
861	KY	Comprehensive Traffic Study for intersection of Main Street and Berea College Campus, Berea	$600,000
862	TN	Improve State Route 62 in Morgan County near US 27 in Wartburg to Petit Lane from existing two lane highway to four lanes	$2,000,000
863	IL	Construct West Corbin Overpass over Illinois 255, Bethalto	$5,000,000
864	OR	Improvements for intersections heavily traveled through which include Beaverton Hillsdale Hwy Scholls Ferry and Oleson, Beaverton	$250,000
865	FL	Improvements to I-75 in the City of Pembroke Pines, Florida	$9,750,000
866	CA	Planning, design, engineering and construction of Naval Air Station, North Island access tunnel on SR 75-282 corridor, San Diego	$5,000,000
867	CA	Construct road from Mace Blvd in Yolo County to federally supported Pacific Flyway wildlife area	$1,000,000
868	PA	Construction of ramps on I-95 and US 322, widening of streets and intersections	$3,000,000
869	NY	Construct and restore pedestrian and residential roadways in downtown business district in Rockville Centre	$1,000,000
870	LA	Plan, design and construct Pointe Clair Expressway in Iberville Parish	$3,000,000
871	MA	Construction of East Milton Parking Deck over Interstate/Rt. 93	$1,000,000
872	PA	Reconstruction of I-176 in Cumru and Robeson Townships, Berks County	$5,000,000
873	MI	Resurfacing of Masonic Boulevard in Fraser	$1,160,000
874	OH	Construct Ohio River Trail from Downtown Cincinnati, Ohio to Salem Road	$1,400,000
875	PA	Realignment and reconstruction of SR60 interchange with US 22-30 and reconstruct adjacent Tonidale-Bayer intersection	$1,000,000
876	NY	Construction and rehabilitation of East and West John Streets in the Village of Lindenhurst, NY	$930,000
877	NY	Construct Northern State Parkway and Long Island Expressway access at Marcus Avenue and Lakeville Road and associated Park and Ride	$6,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
878	PA	Deployment of an Intelligent Transportation System along I-476 Pa Tpke NE Ext/Pa-309 and I-76 Schuylkill Exwy in Montgomery County	$2,500,000
879	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 153	$250,000
880	TX	Build 36th Street Extension in San Antonio	$2,000,000
881	CA	North Atlantic Pedestrian Bridge, Monterey Park	$600,000
882	CA	Reconstruct Eastern Ave from Muller St to Watcher St in Bell Gardens	$1,000,000
883	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in West Pittston, Luzerne County	$200,000
884	CA	Design Traffic Flow Improvements Azusa and Amar, City of West Covina	$1,250,000
885	MI	Reconstruction of Nine Mile Road in Eastpointe	$1,120,000
886	WA	Redmond, WA City-wide ITS	$1,000,000
887	IL	Reconstruction and realignment of Baseline Rd, Montgomery, IL	$2,080,000
888	NY	Transportation Enhancements to support Development of Erie Canal in Niagra and Orleans Counties	$750,000
889	CO	US 160, East of Wolf Creek Pass	$7,500,000
890	MA	Design, engineering and construction at I-93 The Junction Interchange, Andover, Tewksbury and Wilmington	$2,500,000
891	CA	Rosemead Boulevard/Highway 19 Renovation Project, Pico Rivera	$100,000
892	PA	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township	$500,000
893	TX	Improvements to FM 1979 in Caldwell County	$300,000
894	HI	Interstate Route H1 guard rail and shoulder improvements, Waikele Bridge to Airport Interchange, Honolulu	$3,800,000
895	MI	M-168 Reconstruction in the village of Elberta	$2,200,000
896	CA	Colima Road at Fullerton Road Intersection Improvements	$1,000,000
897	OH	Design and construct Youngstown State University Roadway and Pedestrian Safety Improvements, Youngstown	$2,500,000
898	MO	Reconstruct Interstate 44 and Highway 39 Interchange	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
899	WA	Complete final Columbia River crossing Environmental Impact Statement for SR-35 in Klickitat County	$800,000
900	KY	Reconstruct US 127 at Bellows Road, Mercer County	$600,000
901	NY	Roadway and Pedestrian Improvements for Times and Duffy Squares in New York City	$2,000,000
902	FL	Six lane expansion of State Road 200 (A1A) from Interstate 95 east to Amelia Island	$4,000,000
903	MI	Widen and reconstruct Tienken Road in Rochester Hills from Livernois to Sheldon	$4,000,000
904	NV	Design and Construct I-580 Meadowood Complex Improvements, Washoe County	$2,000,000
905	NY	Town of Chester reconstruction of 13 independent town roads	$200,000
906	NY	Implement ITS system and apparatus to enhance citywide truck route system at 9th Street and 3rd Avenue intersection in Kings County	$100,000
907	TX	Construction of highway infrastructure to provide flood protection for Nueces County	$1,000,000
908	FL	Widen State Road 80, Hendry County	$3,500,000
909	NE	Construction of the Columbus, Nebraska North Arterial Road	$4,500,000
910	KY	Extension of Newtown Pike from West Main Street to South Limestone Street, Lexington	$16,500,000
911	OH	Road construction and related improvements in the Village of Gates Mills, OH	$500,000
912	IL	Widening and Reconstruction of 55th Street from Holmes Avenue to Williams Street in Westmont and Clarendon Hills	$1,000,000
913	IL	Road upgrades for the Village of Oreana, IL	$884,000
914	ID	Widen Amity Road from Chestnut Street to Robinson Road in Nampa, Idaho	$2,000,000
915	TX	Widening FM 60 (University Drive) from SH6 to FM 158, College Station	$3,000,000
916	GA	Widening Cedarcrest Road from Paulding County line to Governors Towne	$3,150,000
917	CA	Widening Avenue 416 in Dinuba California	$1,500,000
918	MA	Design and construction of streetscape improvements on Main and Maywood Streets, Worcester	$600,000
919	TX	Extend Munn Street from Demaree Ln to Gellhorn Drive	$1,000,000
920	MN	City of Moorhead SE Main GSI, 34th St. and I94 Interchange and Moorhead Comprehensive Rail Safety Program	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
921	AL	Widening and safety improvements to SR-216 between SR-215 and I-59, I-20	$3,000,000
922	WA	Improve 13.5 mile section of Klickitat bicycle and pedestrian trail between Lyle and Klickitat	$250,000
923	IL	Improve safety of culvert replacement on 250th Rd between 460th St and Cty Hwy 20 in Grandview Township, Edgar County, IL	$320,000
924	NY	Kingston, Improve uptown streets	$1,000,000
925	PA	Replace Blair Creek Bridge over the Little Lehigh Creek, just west of the Maple Grove Bridge, in Longswamp Township, Berks County	$1,600,000
926	CA	Construct highway connecting State Route 78/86 and State Route 111, Brawley	$9,500,000
927	GA	Widening and improvements on Colerain Road in St. Marys, Georgia	$1,000,000
928	MD	Implement Pedestrian and Roadway Improvements Contained in the Druid Hill Park Neighborhood Access Program in Baltimore	$2,000,000
929	AZ	Kabba Wash project between I-40 and Wikieup	$2,000,000
930	ME	Route 2 Improvements from Bethel to Gilead	$500,000
931	FL	Widening and Improvements for I-75 in Collier and Lee County	$27,000,000
932	TX	Widening 349 Dawson and Martin County	$2,000,000
933	WI	Widen Wisconsin State Highway 64 between Houlton and New Richmond	$4,000,000
934	IN	Widen Wheeling Avenue from Centennial to McGalliard Road in the City of Muncie, Indiana	$960,000
935	MN	Construct a bike trail along the north side of TH 11 to the Voyageurs National Park Visitor Center on Black Bay of Rainy Lake	$540,000
936	FL	Construct pedestrian underpass and safety improvements at SR-A1A and Castillo Drive, City of St. Augustine	$1,600,000
937	CA	Rehabilitate street surfaces in Sherman Oaks	$124,000
938	CA	Repair and realignment of Brahma Dr. and Winnetka Ave	$300,000
939	NJ	Riverwalk in Millburn along the West Branch of the Rahway River	$750,000
940	AL	I-20 widening and safety improvements in St. Clair County	$4,000,000
941	TN	Plan and construct Rutherford County visitor's center/transportation information hub	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
942	UT	Streetscape a two-lane road and add turning lanes at key intersections on Santa Clara Drive in Santa Clara	$500,000
943	CA	US 101 Operational Improvements, San Jose	$5,000,000
944	IL	Upgrade traffic signal system on 87th Street, Chicago	$500,000
945	LA	Water Well Road Gateway Cooridor (LA 478)—Design, Right of Way, and Construction of 3.6 miles from I-49 to LA 1	$5,650,000
946	CO	East 104th and US 85 Intersection: Study, design and construction of needed improvements to intersection	$1,000,000
947	FL	Widen West Virginia Drive from Floresta Drive to US 1 in St. Lucie	$3,000,000
948	ID	Widen US 95 in Idaho from Jct. SH-1 to Canadian Border	$3,000,000
949	IL	Engineering of the Willow Creek Trail Extension from Rock Cut State Park to the Long Prairie Trail	$200,000
950	CA	Widen Interstate 8 overpass at Dogwood Road, Imperial County	$2,122,500
951	CA	Improve bridge 58-7 on SR-115 that crosses the Alamo River in Holtville and also project design and environmental analysis of a new bridge over the same river	$1,000,000
952	ID	Widen US 95 from Worley to Mica Creek, Idaho	$3,000,000
953	MI	Complete the 2 segments of US 127 from Ithaca to St. Johns to a limited access freeway	$5,000,000
954	CA	Construct a new interchange where I-15 meets Cajalco Road in Corona, CA	$10,000,000
955	OH	Construct interchange at CR 80 on IR 77 near Dover	$5,000,000
956	TX	US 67, widening from Nolan River to West Buffalo Creek, Cleburne	$3,000,000
957	NC	Widen and improve I–85 through Cabarrus County from US 29–49 to 29–601	$8,000,000
958	NC	US 401 from Raleigh to Fayetteville	$4,000,000
959	GA	Construct and Improve Westside Parkway, Northern Section, in Fulton County	$4,000,000
960	NY	City of Peeskill, NY Street Resurfacing Program. Hudson Avenue	$130,000
961	CA	Construction of CA 101 Auxiliary Lanes, Marsh Rd. to Santa Clara County Line	$2,250,000
962	NY	For the acquisition of ferry boats and ferry terminal facilities and operation of ferry service from Rockland County-Yonkers-Manhattan	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
963	IL	For engineering, right-of-way acquisition and reconstruction of two existing lanes on Arsenal Road from Baseline Rd to Rt 53	$1,750,000
964	PA	For the Scranton City Redevelopment Authority to design, engineer, acquire ROW & construct streetscapping enhancements, paving, lighting & safety improvements, parking & roadway redesign	$2,500,000
965	FL	Construct landscaped sidewalks, bus lanes, pedestrian/bicycle paths, vehicular lanes, City of Plantation	$1,536,041
966	NY	Improve Route 17—Access Control, Elmira to Chemung	$2,500,000
967	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Plymouth Borough, Luzerne County	$200,000
968	ID	Improve SH-75 from Timmerman to Ketchum	$5,000,000
969	OR	Improve U.S. 97 from Modoc Point to Algoma	$2,000,000
970	SD	Construct an interchange on I-90 at Marion Road west of Sioux Falls	$1,400,000
971	CA	Realign First St between Mission Rd and Clarence St in Los Angeles	$1,250,000
972	MO	Relocation of Route 13 Branson West Bypass	$5,200,000
973	IL	Resurfacing Congress Parkway, The Illinois Department of Transportation	$500,000
974	RI	Establish interchange between Route 4 and Interstate 95	$6,000,000
975	TX	Improvements to FM 676 in Alton	$500,000
976	MA	Reconstruction of Goddard Memorial Drive from State Route 9 to Airport Drive, Worcester	$2,000,000
977	FL	Homestead, FL Widening of SW 320 Street (Mowry Drive) from Flagler Avenue to SW 187 Avenue	$2,500,000
978	CT	Broad Street Reconstruction Project in New Britain	$1,800,000
979	PA	Construct Johnsonburg Bypass	$4,400,000
980	CT	Construct Valley Service Road Extension, North Haven	$2,000,000
981	VA	Construction of transportation related enhancements and infrastructure of the VMFA project	$1,000,000
982	MI	Reconstruct and Widen I-94 in Kalamazoo, MI	$14,000,000
983	MD	Land Acquistion for Highway Mitigation in Cecil and Worcester Conties, MD	$19,500,000
984	CA	Construct overpass on Central Ave at the railroad crossing in Newark	$750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
985	IL	City of Bartonville, Street widening and improvements and sidewalk improvements	$952,572
986	OH	Construct Williamsburg, Ohio to Batavia, Ohio Hike & Bike Trail	$250,000
987	IL	The continuation of US Route 12 from the Wisconsin state line to the intersection of Tryon Grove Road, Route 12 and Illinois State Route 31	$3,000,000
988	FL	US17-92 and French Ave. Roundabout, Sanford	$500,000
989	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Hanover Township, Luzerne County	$200,000
990	MI	Reduction from 3.5 miles of travel to 1.0 miles of travel crossing over the Tittabawassee River on Meridian Road	$3,000,000
991	ID	Widen US-95 from Top of Lewiston Hill to Moscow, Idaho	$2,000,000
992	TX	Construct a pedestrian/bicycle trail in the Sunnyside area of Houston	$750,000
993	TX	Construct remaining 800-foot 4-lane divided thoroughfare for Preston Rd segment between Beltway 8 and Genoa Red Bluff Rd	$1,160,000
994	AS	Shoreline protection and drainage mitigation for Aua village roads	$1,000,000
995	SC	Medical University of South Carolina Roadway Enhancement	$4,000,000
996	PR	Replacement ferries on Culebra and Vieques routes	$2,000,000
997	MI	Livonia, reconstruct Stark Rd. between Plymouth Rd. and I-96	$1,000,000
998	PA	PA Route 309 roadway construction and signalization improvements in Tamaqua Borough	$2,000,000
999	MA	Union Square Roadway & Streetscape Improvements	$500,000
1000	TX	Improvements to South McColl Road in Hidalgo County	$2,400,000
1001	MS	Widen US Hwy 61 and improve major intersections, Natchez	$2,000,000
1002	TX	Widen US 82 from 2-lane facility to 4-lane facility from FM 1417 in Sherman, TX to US 69 in Bells, TX	$4,000,000
1003	TX	Widen US 79, from FM 1512 near Jewett to IH-45 to a four-lane divided highway	$2,000,000
1004	TN	Construct shoulder and turn lane on SR 35 in Seymour, Tennessee	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1005	NE	Construction of Heartland Expressway between Alliance and Minatare, NE	$7,500,000
1006	WA	Pedestrian Sidewalk Construction in Snohomish	$175,000
1007	TN	North Second Street Corridor Upgrade, Memphis	$2,000,000
1008	OH	Purchase High Speed Ferries for Black River Excursion Boat Service, Lorain	$750,000
1009	MD	MD4 at Suitland Parkway	$4,000,000
1010	OK	Widen US 60 from approximately 2 miles east of the US 60-US 75 interchange east approximately 5.5 miles	$1,000,000
1011	NC	Widen US 401 from Wake County to Louisburg	$3,000,000
1012	PA	CUPSS, Pennsylvania, Urban Maglev Demonstration Test Project	$5,000,000
1013	TX	Widen US 287 Bypass at Ennis from two to four lanes	$7,000,000
1014	KY	Widen US 27 from KY 34 to US 150 Bypass, Garrard County and Lincoln County	$2,000,000
1015	MN	Right of way acquisition for Mississippi River Bridge connecting I94 and US10 between US169 and TH101	$1,000,000
1016	WI	Rehabilitate Highway 53 between Chippewa Falls and New Auburn	$4,000,000
1017	IL	Widen U.S. Route 67 from Macomb to Illinois 101	$2,000,000
1018	IL	Widen U.S. Route 51 from Pana to Vandalia	$3,000,000
1019	IL	Widen U.S. Route 34 from U.S. 67 to Carmen Road	$4,000,000
1020	WA	Alaskan Way Viaduct and Seawall	$14,000,000
1021	NJ	East Coast Greenway bicycle and pedestrian path from New Brunswick to Hudson River	$1,000,000
1022	FL	Construct bicycle and pedestrian undperpass and park under I-95, Miami	$1,500,000
1023	CA	Implement Van Nuys Road and Safety Improvements	$500,000
1024	FL	New systems interchange ramps at SR 417 and Boggy Creek Road in Orange County, FL	$6,000,000
1025	NY	Reconstruction of Tappan Street Bridge in Town of Newark Valley	$1,000,000
1026	IL	Widen Rakow Road from Ackman Road to IL Rt 31 in McHenry County, Illinois	$6,400,000
1027	IL	Widen U.S. Route 30 from Rock Falls to Round Grove, Whiteside County	$500,000
1028	TN	Bristol, Tennessee highway-RR grade crossing improvement—Cedar Street	$50,000
1029	IL	Perform Broadway and Sheridan Road signal interconnect project, Chicago	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1030	IL	Widen U.S. Highway 30 in Whiteside County, Illinois	$1,000,000
1031	WI	Rehabilitate existing bridge and construct new bridge on Michigan Street in Sturgeon Bay, Wisconsin	$5,000,000
1032	ME	Replacement of the Route 201-A ''covered'' bridge, Norridgewock	$1,000,000
1033	AR	Widen to four lanes, improvement, and other development to U.S. Highway 167 from LA state line north to I-530	$5,000,000
1034	PA	Widen the Route 412 corridor from I-76 into the City of Bethlehem	$10,000,000
1035	HI	Construct access road for Kahului Airport	$1,000,000
1036	IL	Improve Highway-Railroad Crossings, Galesburg	$750,000
1037	MN	Sauk Rapids Bridge and Roadway Replacement in Sauk Rapids, MN	$6,000,000
1038	TN	Construct Transportation and Heritage Museum in Townsend, Tennessee	$1,000,000
1039	CA	Widen State Route 98, including storm drain developments, from Kloke Road to State Route 111, Calexico	$3,000,000
1040	CA	Widen State Route 98 from Route 111 to State Route 7, Calexico	$5,000,000
1041	GA	Construction of bypass around town of Hiram, from SR 92 to US 278, Paulding County, Georgia	$2,500,000
1042	TX	Construction of the interchanges at BI20 and IH20 for JBS Parkway	$2,500,000
1043	CA	Widen State Route 46 between Airport Road and the Shandon Rest Stop in San Luis Obispo County	$33,461,000
1044	TN	Widen State Route 4 (US-78) from Mississippi State Line to Getwell Road (SR-176) in Memphis, Shelby County	$1,000,000
1045	MI	Baraga County, Reconstruction of county primary road on Bayshore Drive from Haanpaa Road northerly 1.7 miles to Whirligig Road	$750,000
1046	NY	Town of Warwick, NY walking and biking trail	$500,000
1047	AK	Bridge over Fish Creek in Matanuska-Susitna Borough	$1,000,000
1048	GA	GA 400 and McGinnis Ferry Road Interchange, Forsyth County, GA	$3,900,000
1049	NY	Implement Improvements for Pedestrian Safety in Kings County	$1,000,000
1050	NY	Reconfigure road through FDR VA Hospital to provide access to Battery Place in Town of Cortlandt	$395,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1051	CA	Widen State Route 262, replace two railroad overpass structures, and rebuild on and off ramps between SR 262 and Kato Rd in Fremont	$4,000,000
1052	TN	Widen State Route 101 in Cumberland County from two lane highway to five lanes between State Routes 282 (Dunbar Road) and 392 in Crossville	$8,000,000
1053	FL	Widen State Road 50 in Lake County, Florida	$7,000,000
1054	AZ	Widen SR 95 through Lake Havasu City	$2,000,000
1055	GA	Widen SR 85 from SR 74 to County Route 126 Bernhard Road, Fayette County, Georgia	$3,000,000
1056	CT	Construct New arterial roadway from Boston Avenue north to proposed Lake Success Business Park in Bridgeport, CT	$10,000,000
1057	MI	M-13 Washington Avenue Streetscape Project. Phase II of High Priority Project 192 in PL 105-550. City of Saginaw	$1,500,000
1058	TX	Improvements to FM 716 in Duval County	$1,000,000
1059	NY	Town of Chester Surrey Meadow subdivision road improvements	$300,000
1060	PA	Cresheim Valley Drive Revitalization project involving scenic enhancements & pedestrian safety improvements from Lincoln Drive to Navajo Street	$1,100,000
1061	NC	Transportation Improvements at Piedmont Triad Research Park, Winston-Salem, NC	$2,000,000
1062	MO	Upgrade and partially relocate MO Rt 141 from I-64 to Rt 340	$2,600,000
1063	NY	Construct Millennium Parkway in the Towns of Dunkirk and Sheridan	$10,500,000
1064	AZ	Construct the Rio Salado Parkway to connect I-10 and Loop 202 freeways to 7th Street in downtown Phoenix	$8,000,000
1065	TN	Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Lenoir City, TN	$104,000
1066	NJ	Replacement of Monmouth County bridges W-7, W-8, and W-9	$2,000,000
1067	OK	US-54, Widen US-54 from North of Optima Northeast to Kansas State Line, Texas County, OK	$1,000,000
1068	FL	Widen Palm Coast Parkway and I-95 interchange and overpass, Flagler County, Florida	$2,900,000
1069	FL	Delray Beach Federal Highway pedestrian improvements SE 4th Street to NE 4th Street	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1070	WI	Expand Highway 10 between Marshfield and Stevens Point	$20,000,000
1071	NY	Install Improvements for Pedestrian Safety in the vicinity of IS 72/PS 69	$250,000
1072	TN	Upgrade roads for Slack Water Port facility and industrial park Lake County	$1,875,000
1073	AK	Emergency evacuation road at Point Hope in North Slope Borough	$3,000,000
1074	MI	Construct railroad grade separation on M-85 (Fort Street) North of Van Horn Road, Trenton	$2,000,000
1075	IL	Land acquisition, engineering, and construction for the initial 2-lane segments of the Corridor between IL31 to IL25 and other segments of the Corridor as appropriate	$1,000,000
1076	PA	Modernize traffic signals, complete minor roadway realignment, and improve channelization at US322 and PA10 intersection	$480,000
1077	KS	Construction of a four-lane access controlled improvement for 4 miles on US-54/400 in Pratt County	$10,686,000
1078	IN	Upgrade rail crossing at 93rd Avenue, St. John	$200,000
1079	FL	Widen SR 710 by 2 lanes from Congress Avenue to US-1	$3,000,000
1080	GA	Widen SR 234/Gillionville Road from Eight Mile Road to Lockett Station, Dougherty County	$1,000,000
1081	CA	Widen SR 12 to four lanes through Jamieson Canyon (between I-80 and SR 29) for safety concerns and economic growth	$5,000,000
1082	GA	Widen SR 104 from SR 383/Belaire Road to CR 515/ Cumberland Drive (including bridges) in Columbia County	$4,000,000
1083	IN	Study Traffic on Muncie By-Pass from Centennial Avenue to McGalliard Road in the City of Muncie and Delaware County, Indiana	$120,000
1084	FL	Construct US 17-92 improvements, Maitland, Florida	$1,500,000
1085	CA	Widen South Main St.-Soda Bay Rd. between CR 400A (mile marker 0.0-miler marker and 0.7) and CR 502 (mile marker 0.0 and 0.9)	$3,000,000
1086	VA	Replacement of the 635 Bridge in Orange County, VA	$500,000
1087	TX	construct Loop 20 in Laredo	$16,000,000
1088	IA	Construct SE Connector/MLK Pkwy, Des Moines	$7,500,000
1089	FL	Construction and Design of Miami River Greenway Road Improvements and 5th Street Improvements	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1090	TX	Widen SH 317 from two lanes to four lane divided facility	$2,000,000
1091	TX	Widen SH 205 from two lanes to a six lane urban divided highway from North of SH 66 to proposed SH 276	$1,000,000
1092	CA	Widen Santa Maria River Bridge on U.S. Highway 101 between Santa Barbara County and San Luis Obispo County	$3,400,000
1093	CA	Widen San Fernando Road North, including streetscape projects, Sylmar	$1,060,000
1094	PA	Central Susquehanna Valley Transportation Project US 15: $5 million for the final design	$4,100,000
1095	NJ	Construct Rt 49 Cohansey River Bridge Replacement, Cumberland County	$3,000,000
1096	ME	Construction and snowmobile safety accommodations for Route 116 Bridge, Medway	$4,000,000
1097	MI	Construct pedestrian trail and bridge in Kearsley Park in Flint	$100,000
1098	IA	Coralville, IA Implementation of final phase of Safety Improvements Project from 12th Ave to 22nd Ave	$900,000
1099	IL	Expand and improve Illinois Route 47 Roadway from Reed Road to Kreutzer Road in Huntley, Illinois	$6,400,000
1100	NY	Build Route 15, Pennsylvania to Presho	$10,000,000
1101	GA	I-285 Riverside interchange reconstruction, Fulton County, Georgia	$1,500,000
1102	MN	Construct 3 segments of Cuyuna Lakes Trails, Crow Wing County	$1,200,000
1103	WA	Improve I-5 interchange at 134th Street in Clark County	$11,350,000
1104	GA	Construct Pedestrian Safety Improvements on Buford Hwy (SR-13), Dekalb County	$3,000,000
1105	DC	11th St. Bridges, Rehabilitation of structures as well as new ramps to provide for traffic at Navy Yard, Southeast Federal Ctr., and Gateway Government Ctr	$32,000,000
1106	MO	Improve U.S. 36 to divided four lane expressway from Macon to Route 24	$8,000,000
1107	VA	Mill Road Slip Ramp	$500,000
1108	NY	Construct sidewalks and curbing on Tate Avenue in Village of Buchanan	$375,000
1109	MI	Delta County, Widen, pulverize, improve drainage at County Rd 497 from US 2 at Nahma Junction southerly 4.75 miles to the village of Nahma	$575,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1110	UT	Construction of 200 North Street highway-rail graded crossing separation, Kaysville, Utah	$4,000,000
1111	FL	Kennedy Blvd. Reconstruction, Eatonville	$2,000,000
1112	VA	Improvements to public roadways within the campus boundaries of the Virginia Biotechnology Park, Richmond, VA	$2,000,000
1113	VA	Install Transporation Critical Incident Mobile Data Collection Device in Charlottesville	$400,000
1114	NY	Ithaca, Design and construct pedestrian and bicycle path	$544,000
1115	AZ	Navajo Mountain Road on the Navajo Nation	$1,000,000
1116	PA	Expansion of existing PA Turnpike ITS System	$4,100,000
1117	TX	Construction of ferryboat for City of Port Aransas	$400,000
1118	NY	Project will rehabilitate and reopen historic High Bridge, which crosses the Harlem River between Manhattan and the Bronx	$5,000,000
1119	NJ	Route 17 Congestion Improvements and Widening, from Williams Avenue to the Garden State Parkway and Route 4 in Bergen County	$12,000,000
1120	IN	Design and construct Tanner Creek Bridge on US50, Dearborn County Indiana	$1,240,000
1121	NC	Environmental studies and construction of US 74 Monroe Bypass Extension	$5,000,000
1122	OH	Construct Pedestrian Bridge from east of Dock 32 to Voinovich Park southwest corner, Cleveland	$2,140,000
1123	GA	Extension of Sugarloaf Parkway, Gwinnett County	$1,000,000
1124	ME	Construct bicycle and pedestrian bridge over Stillwater River, Orono	$1,000,000
1125	IL	For widening from two to four lanes, the Brookmont Boulevard Viaduct in Kankakee, IL and adjusting approach grades	$750,000
1126	GA	I-285 SR 400 interchange reconstruction and HOV interchange, Fulton County, Georgia	$1,000,000
1127	MN	Construct a road between Highway 332 and TH 11 including a signalized rail road crossing, Koochiching County	$300,000
1128	MO	Hanley Road from I-64 to south of State Route 100, St. Louis County	$4,000,000
1129	AL	Expand SR-167 from Troy, AL to Enterprise, AL	$3,000,000
1130	MN	Construction of primary and secondary access roadways to the Duluth Air National Guard Base, City of Duluth	$4,250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1131	CT	Construct high-speed rail crossing to bike and pedestrian trails—Enfield, CT	$2,300,000
1132	TX	Expansion of Port Rd at Northbound Frontage Rd of SH146 east to intersection with Cruise Terminal Rd to 6-lane section with raised median	$7,340,000
1133	TN	Constuct Western Bipass from Zinc Plant Road to Dotsonville Road, Montgomery County	$3,400,000
1134	CA	Improvements to SR-67, Mapleview to Dye Road (San Diego)	$5,000,000
1135	TN	Plan and construct a bicycle and pedestrian trail, Springfield	$250,000
1136	TX	Expansion of Daniel McCall Dr., Lufkin, TX	$3,220,000
1137	NY	Rehabilitate the Pines Bridge Road and Lake Avenue and Ryder Road, in Ossining, Yorktown, and New Castle	$2,765,000
1138	CA	Construct Valley Boulevard Drainage Improvements, El Monte	$750,000
1139	NJ	Route 82 Union County Streetscape and Intersection Improvements	$1,000,000
1140	NY	Short Clove Road Rail Overpass, Haverstraw	$1,000,000
1141	FL	Construct Atlantic Boulevard Improvements, Key West, Florida	$1,000,000
1142	CA	Implement intelligent management & logistics measures to improve freight movement, Gateway Cities	$3,000,000
1143	WI	Expand USH 45 between CTH G and Winchester, Winnebago County, WI	$5,000,000
1144	NY	Implement ITS system and apparatus to enhance citywide truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Eliot Ave from 6	$100,000
1145	IA	Construct IA-32 Arterial from US 20 in Dubuque Co, IA to US 61 and US 151	$19,000,000
1146	HI	Kapolei Transportation Improvements, Island of Oahu	$1,000,000
1147	MA	Quincy Avenue Bridge Replacement	$900,000
1148	CA	Los Angeles Regional Diesel Emissions Reduction Program For Engine Retrofit, Gateway Cities	$500,000
1149	IL	Reconstruct intersection of Wood Dale and Irving Park roads in DuPage County, IL	$12,300,000
1150	GA	Social Circle bypass completion, from Stanford Road to SR 11, Social Circle	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1151	GA	Streetscape Project to install sidewalks and bicycle trails, Gray	$500,000
1152	MO	Reconstruction of the Tucker Street Bridge in the City of St. Louis	$7,000,000
1153	PA	Bethlehem Pike improvements from Valley Green Road to South of Gordon Lane, Springfield Township	$1,000,000
1154	GA	Construct I-75 I-575 HOV interchange, Cobb County, Georgia	$600,000
1155	IL	Construct multi-use pedestrian path between Oakton St. and Dempster St., Skokie	$250,000
1156	AZ	Construct link from Twin Peaks Road to I-10 and Linda Vista Blvd. including bridge over Santa Cruz River and overpass of Union Pacific Rail Road	$5,000,000
1157	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Newport Township, Luzerne County	$200,000
1158	VA	Fries Train Station and Trail—restoration of former train station for use as visitors center and construction of trail along New River	$1,000,000
1159	PA	Construction SR 3024, Middle Creek Bridge II, South Canaan, Wayne County	$700,000
1160	WI	Expand USH 141 between STH 22 and STH 64 (Oconto and Marinette Counties, Wisconsin)	$2,000,000
1161	IL	Development of a coordinated trail system, parking and trial systems in Dixon, IL	$3,200,000
1162	PA	Installation of comprehensive signage system across 1700 acres of urban parks in Pittsburgh	$900,000
1163	GA	Interstate 75/Windy Hill Road Interchange	$2,000,000
1164	NJ	Bridge replacement and SR31 widening over the Raritan Valley Line in Glen Garnder, Hampton, Hunterdon County	$1,000,000
1165	VA	Bristol Train Station—historic preservation and rehabilitation of former Bristol, VA train station	$500,000
1166	CO	I-25 Improvements—Douglas–Arapahoe County Line to El Paso County Line	$4,000,000
1167	TN	Reconstruct connection with Hermitage Avenue to Cumberland River Bluff in Nashville	$500,000
1168	IL	For Village of Lemont to construct a bridge over Chicago Ship and Sanitary Canal linking Centennial Trail to I&M Canal Trail	$100,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1169	OH	Construct roadway improvement along State Route 62 in Berlin	$100,000
1170	NY	Reconstruction and improvements of University Avenue and the extension of the ARTWalk project, Rochester	$2,000,000
1171	NH	Reconstruction and Improvements to NH Route 110 in Berlin	$2,000,000
1172	PA	Route 6 Resurfacing from Mansfield Borough in Richmond Township to the Village of Mainesburg in Sullivan Township	$1,000,000
1173	WA	SR 167—Right of way acquisition for a new freeway connecting SR 509 to SR 161	$2,500,000
1174	MD	I-70: Frederick	$3,000,000
1175	NY	Planning and Construction of Fort Drum Connector Rd	$6,000,000
1176	CA	Study and construct highway alternatives between Orange and Riverside Counties, directed by RCTC, working with local transp. authorities, and guided by the current MIS	$10,000,000
1177	CA	Fresno County, CA Widen Friant Road to four lanes with class II bicycle lanes	$1,500,000
1178	MO	Study for Highway 160 & Kansas Expressway Corridor	$2,000,000
1179	FL	Construct Route 9B from US 1 to Route 9A (I-295) to the Duval County line	$5,000,000
1180	PA	Design, const. widening of PA 94 from York-Adams County line to Elm Street in Hanover, PA	$3,000,000
1181	CA	Improvement of intersection at Burbank Blvd. and Woodley Ave	$160,000
1182	NY	I-81 Corridor Improvements in Syracuse, NY	$2,000,000
1183	WA	Perform final interchange design and property acqusition at Fleshman Way where it crosses SR 129, that enhances safety and passenger and freight mobility and reduces congestion	$1,050,000
1184	WA	Roosevelt Extension at Urban Avenue to Cameron Way in Mount Vernon	$4,000,000
1185	NJ	Hazel Street reconstruction, Passaic County	$2,250,000
1186	FL	Improvements to Eller Drive including right-of-way acquisition and construction of return loop connector	$1,000,000
1187	MO	Study Highway 37-60 Entire Corridor	$2,500,000
1188	TX	The District-Tyler Outer Loop 49 Construction	$5,880,000
1189	PA	Tidal Schuylkill Riverfront project consists of an eight mile bike and pedestrian recreation trail from Locust Street to Historic Bartram's Gardens	$1,680,000
1190	NY	Town of Fishkill reconstruct Maple Ave	$24,500

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1191	IL	For IDOT to expedite pre-construction and construction to widen I-55 from Naperville Road south to I-80	$3,500,000
1192	UT	200 East Minor Arterial, Logan City, Utah	$900,000
1193	NJ	Construct I-287, I-80, Route 202 Interchange	$1,000,000
1194	NY	Design and construction of Fulton Street from Clinton Avenue to Bedford Avenue in Brooklyn, New York	$5,600,000
1195	TX	Port of Corpus Christi Joe Fulton International Trade Corridor for congestion and safety enhancements	$500,000
1196	MO	Renovations and Enhancements on the Bicycle Pedestrian Facility on the Old Chain of Rocks Bridge spanning the Mississippi River	$800,000
1197	CT	Construct Shoreline Transportation Enhancement Projects, Guilford, Branford, East Haven	$2,000,000
1198	NJ	Highway Improvements in Liberty Corridor	$5,000,000
1199	OH	Construct SR 104 into a 4 lane facility with a turning lane in Ross County	$6,000,000
1200	MO	Construct 2 lanes on Hwy 45 from Hwy 9 to Graden Road in Platte County	$3,000,000
1201	MS	Plan and Construct Highway 45 Bypass in Columbus ...	$4,000,000
1202	PA	Reconstruct hwy & replace of bridge on US 422 between the Berks County Line and the Schuylkill River in Montgomery and Chester Counties	$1,500,000
1203	FL	Construct SR 20 connection to SR 100 via CR 309-C, Putnam County, Florida	$4,300,000
1204	OH	Road and related pedestrian improvements at SR 283 in the Village of Grand River, OH	$100,000
1205	NY	Road infrastracture projects to improve commercial access in the Towns of Malta and Stillwater and the Village of Round Lake, Saratoga County, New York ..	$8,150,000
1206	NY	Replace structurally deficient bridge over the Pocantico River, the Village of Pleasantville	$1,000,000
1207	IL	Complete Heavy Truck Loop for DuQuoin Industrial Park	$625,000
1208	MD	Construction and dualization of US 113	$15,000,000
1209	GA	Streetscape-Quitman	$200,000
1210	NY	Town of New Windsor Toleman & Station Roads Reconstruction and area Improvements	$715,000
1211	IL	Turning lanes to US Rt. 14 (Northwest Highway) at the Arthur Ave Union Pacific Grade in Arlington Heights	$700,000
1212	WA	Design and construct pedestrian land bridge spanning SR14	$1,354,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1213	MI	Construction of Greenways in Pittsfield Charter Township—2.5 miles to existing Ann Arbor Greenways, Pittsfield Charter Township	$299,000
1214	CA	Golden Gate National Parks Conservancy—Plan and Implement Trails & Bikeways Plan for the Golden Gate National Recreation Area and Presidio	$5,200,000
1215	NY	State of NY Village of Kiryas Joel sidewalk project	$750,000
1216	OH	Tuscarawas Township, Stark County, Ohio. Improvements to Alabama Ave	$800,000
1217	NE	Resurfacing of Bellevue Bridge, City of Bellevue, Nebraska	$500,000
1218	CA	Upgrade and reconstruct I-580/ Vasco Road Interchange, City of Livermore	$2,500,000
1219	TX	Build Bike Trail at Chacon Creek in Laredo	$3,300,000
1220	UT	3200 South Project, Nibley, Utah	$1,000,000
1221	NJ	Expand Route 440—State Street Interchange in Perth Amboy	$5,000,000
1222	GA	Improvement and construction of SR 40 from east of St. Marys cutoff at mile post 5.0, Charlton County to County Route 61, Camden County, Georgia	$2,000,000
1223	PA	Erie, PA Regional upgrades to urban-rural corridors	$800,000
1224	GA	Georgia Construct Three Greenway Trail Project, Dekalb County	$2,000,000
1225	FL	Croos Creek Boulevard Widening	$1,000,000
1226	MD	Implement Intelligent Transportation System in Baltimore	$500,000
1227	OH	Construct an access road into the industrial park near SR 209 and CR 345 in Guernsey County	$800,000
1228	CA	Improve the Rosecrans Ave and Alondra Blvd bridges over the San Gabriel River in Bellflower	$50,000
1229	PA	Independence National Historic Park scenic enhancement and pedestrian walkways improvement project in conjunction with the park's Executive Mansion Exhibit	$4,500,000
1230	CA	Modesto, Riverbank & Oakdale, CA Improve SR219 to 4-lanes	$2,000,000
1231	ME	Modifications to Exit 7/I-295 and to Franklin Arterial, Portland	$3,380,000
1232	KY	Replace Bridge and Approaches on Searcy School Road over Beaver Creek, Anderson County	$875,000
1233	NJ	Route 22 Sustainable Corridor Plan	$5,750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1234	NY	Conduct studies, if necessary, and construct the High Line Trail Project, New York City	$5,000,000
1235	WA	Install dual left turn lanes and intersection signal modifications at SR432 and Columbia Blvd	$1,750,000
1236	OK	Transportaion enhancements for Highway 19 from Ada to Stratford	$3,000,000
1237	CA	Interstate 15-Base Line Road Interchange Project, Rancho Cucamonga, California	$5,000,000
1238	SC	Build Interchange at US 17 and Bowman Road in Mount Pleasant, SC	$6,000,000
1239	CA	Complete Monterey Bay Sanctuary Scenic Trail between Monterey and Santa Cruz counties	$6,000,000
1240	NY	Improve Hospital Road Bridge between CR99 and CR101, Patchogue	$6,000,000
1241	NV	Construct Martin Luther King Blvd.—Industrial Rd. Connector	$6,000,000
1242	MI	I-96 Beck, Wixom Road Interchange, design, ROW, and construction	$1,000,000
1243	IA	Muscatine, IA Construction of 4.2 mile multi-purpose trail from Musser Park to Weggens Road	$500,000
1244	GA	Historic preservation of a city bus station in downtown Eastman	$134,917
1245	TX	Construction of internal roads at Port of Brownsville to make roads safer with less wear and tear	$1,000,000
1246	NY	NYSDOT Route 55 turning lane at Gardner Hollow Road	$400,000
1247	TN	Plan and construct a bicycle and pedestrian trail, Lewisburg	$100,000
1248	TX	Reconstruct Danieldale Rd from I-35E to Houston School Rd in Lancaster	$2,000,000
1249	CT	Relocation of Edmond Road in Newtown and construction of additional turning lanes at Rte 6 and Commerce and Edmond Rds	$600,000
1250	OH	Construction of Interchange at State Route 8 and Seasons Road, Stow, OH	$3,000,000
1251	NJ	North Avenue—Route 1 Elizabeth Pedestrian and Bicycle Project	$75,000
1252	AL	Pedestrian Improvements for Morris, AL	$100,000
1253	NY	Preliminary design and environmental impact study for a collector-distributor road along I-95 from Westchester Ave. to Bartow Ave	$7,360,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1254	NJ	Replacement of Signals at the Intersections of Centennial Ave @ Lincoln Ave and Walnut Ave @ Lincoln Ave, Cranford, NJ	$490,000
1255	KS	Replacement or rehabilitation of the Amelia Earhart US-59 Bridge in Atchison County, Kansas	$2,000,000
1256	CA	San Diego, CA Interstate 15 Managed Lanes	$1,000,000
1257	CA	Central Galt & State Route 99 Interchange and Access Improvements	$3,000,000
1258	OH	Springfield, OH Relocation of North Street	$2,500,000
1259	KY	Reconstruct KY 89 from Irvine Bypass to 2000 Feet North of Estill County High School, Estill County	$750,000
1260	NY	Town of East Fishkill new construction Bypass road	$800,000
1261	CA	Establish new grade separation at Sunset Ave in Banning	$2,000,000
1262	CT	Construct and Widen Stamford Rail Underpass & Road Realignment Project	$1,000,000
1263	TN	Hamblen County, Tennessee US11E (SR34) interchange improvements	$1,000,000
1264	IL	Implement ITS and congestion Mitigation Project on I-294 and I-90	$4,000,000
1265	AZ	Bridge at 59Th Ave and Glendale Ave	$2,000,000
1266	TX	Hike and bike trail will tie into the Gellhorn Dr. project providing an improved multi-modal transportation facility	$1,000,000
1267	OH	Jackson Township, Ohio—Hill and Dales Road widening	$2,000,000
1268	SC	Build 701 Connector (Southern Conway Bypass) in SC	$5,000,000
1269	MN	Reconstruct I-694 White Bear Avenue (CSAH 65) Interchange in White Bear Lake	$500,000
1270	WI	Replace 17th Street Lift Bridge, Two Rivers, Wisconsin	$6,000,000
1271	MA	Route 116 and Bay Road Intersection Improvements—Amherst	$4,000,000
1272	IL	Streetscape improvements on Blue Island from 19th -21st St, Chicago	$1,000,000
1273	TN	Construct and improves intersections in Niota, Tennessee	$100,000
1274	CA	Upgrade Bellflower intersections at Alondra Blvd and at Rosecrans Ave in Bellflower	$350,000
1275	NJ	Construct Riverbank Park Bike Trail, Kearny	$2,500,000
1276	NC	Install ITS on US 52 in Forsyth County	$400,000
1277	MD	Construction and dualization of MD 404 in Queen Anne, Talbot and Caroline Counties	$7,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1278	NY	Dutchess County, NY Replace County Bridge BIN 3358440 on DeGarmo Road CR43, Town of Poughkeepsie	$250,000
1279	IL	Upgrade connector road from IL Rt I-255 to IL Rt 3, Sauget	$2,400,000
1280	NJ	Reconstruction of Route 46/Route 3/Valley Rd/Notch Rd Interchange	$12,000,000
1281	MS	Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 3 (U.S. Hwy 16), and Ethel (U.S. Hwy 12), Attala County	$1,000,000
1282	TX	Construction of streets in the White Heather area of Houston	$9,250,000
1283	MS	Upgrade roads in Canton (U.S. Hwy 51, 22, 16 and I-55), Madison County	$400,000
1284	IA	Reconstruction of the Neal Smith Trail, bicycle and pedestrian, Polk Co	$1,000,000
1285	CA	Rehabilitate pavement on Azusa Avenue and San Gabriel Avenue in Azusa	$500,000
1286	CA	South Bay Cities COG Coastal Corridor Transportation Initiative, Phase 3, El Segundo	$2,000,000
1287	MS	Upgrade roads in Terry, Edwards, Utica and Bolton, Hinds County	$1,250,000
1288	FL	US 1 six laning from St. Lucie County line to south of 4th St in Indian River County, FL	$1,000,000
1289	MD	Expand Route 29 in Howard County	$5,000,000
1290	WA	Issaquah SE Bypass	$5,000,000
1291	NY	Town of Patterson Couch Road project	$75,000
1292	MD	US 220 MD 53 North South Corridor	$1,000,000
1293	NJ	Improvements to Clove Road and Long Hill Road in Little Falls and Upper Mountain Ave. in Montclair	$2,750,000
1294	HI	Study of East Hawaii Alternative Road, Island of Hawaii	$200,000
1295	FL	Town of Southwest Ranches Urban Interchange	$2,000,000
1296	CA	Long Beach Intelligent Transportation System: Integrate functioning traffic management center that includes the port, transit, airport as well as the city's police and fire departments, Long Beach	$2,000,000
1297	CA	Almaden Expressway Improvements between Branham Lane and Blossom Road, San Jose	$3,500,000
1298	AR	Construct and rehabilitate University of Arkansas Technology Corridor Enhancement Project	$1,200,000
1299	CO	US 550, New Mexico State Line to Durango	$6,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1300	TX	Construct bicycle and pedestrian trails in Houston's historic Third Ward	$750,000
1301	NY	Village of Cold Spring Main St. sidewalk and lighting improvements	$250,000
1302	NY	Village of Goshen Hatfield Lane reconstruction	$250,000
1303	SC	Plan and build Interstate 73 from NC line to Myrtle Beach, SC	$10,000,000
1304	TX	IH-35E Bridge Reconstruction over Lake Lewisville	$1,000,000
1305	FL	Construct College Road Improvements, Key West, Florida	$500,000
1306	NY	West Harlem Waterfront-ferry, intermodal and street improvements	$14,000,000
1307	CA	Construct sound barriers at the I-805/S.R. 54 Interchange, National City	$850,000
1308	NY	Road projects that develop Access to Port Byron and Erie Canal	$1,250,000
1309	FL	West Palm Beach, Florida, Flagler Drive Reconfiguration	$1,000,000
1310	AL	Construct extension of I-565 westward from existing interchange to existing Tennessee River bridges at Decatur, AL	$5,000,000
1311	CT	Construct Farmington Canal Greenway enhancements, New Haven and Hamden	$2,500,000
1312	GA	Replace sidewalks, upgrade lighting, and install landscaping, Helena	$400,000
1313	IA	Upgrade US 30 ''Liberty Square'' in City of Clinton, Iowa	$9,500,000
1314	HI	Study of Waianae Coast Emergency Access Road	$500,000
1315	NY	Westchester County, NY Rehabilitation of Lexington Ave, Mt. Kisco	$500,000
1316	CA	Widen and Improve County Line Road in Calimesa	$2,000,000
1317	OH	Construct turn lane, install traffic light, and reorient traffic on SR 146 near Bussemer Lane in Muskingum County	$600,000
1318	RI	Restore and Expand Maritime Heritage site in Bristol	$1,000,000
1319	OH	City of Green, Ohio. Lauby Road exit improvements	$1,500,000
1320	NY	Construct Bicycle Path in Town of Bedford	$500,000
1321	CA	Compton Arterial Reconstruction and Improvement Program, Compton	$4,000,000
1322	MT	Construction of S. 323 from Alzada to Ekalaka in Carter County	$12,000,000
1323	IL	Improve Great River Road, Mercer County	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1324	FL	Normandy Blvd. & Cassat Ave. Transportation Enhancements, Jacksonville	$500,000
1325	OH	North Canton, OH Applegrove St. road widening	$3,000,000
1326	MA	Design & Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities & heavily visited national sites	$4,000,000
1327	TN	Plan and construct N. Tennessee Boulevard enhancements	$500,000
1328	NJ	Quinn Road realignment, Clifton	$3,000,000
1329	MO	Reconstruct Interstate 44 and Highway 65 Interchange	$16,300,000
1330	MN	Reconstruct TH61 from Beaver Bay to Silver Bay. Construction of Gitchi-Gami Spur Trail between main trail and Silver Bay Marina along TH61 roadway segment	$6,800,000
1331	KY	Reconstruction of KY259 in Edmonson County from Green River Bridge at Brownsville to Kyrock Elementary School	$1,000,000
1332	LA	Construction of a merge lane at the intersection of I-10 and US 190	$500,000
1333	AL	Expand SR-210 (Ross Clark Circle) from US231 North to US231 South in Dothan, AL	$3,000,000
1334	MD	Construct interchange at MD Route 355 at Montrose and Randolph Roads in Montgomery County	$2,000,000
1335	CA	Construct new interchange and related road improvements on US101 near Airport Blvd, Salinas	$3,670,000
1336	PA	Construct the French Creek Parkway in Phoenixville, PA	$5,000,000
1337	MN	Capacity and safety improvements to TH 8, west of 306th St. to eastern city limits, Lindstrom	$7,200,000
1338	VA	Eastern Seaboard Intermodal Transportation Applications Center (ESITAC) in Hampton Roads	$1,500,000
1339	IL	Construct underpass at intersection of Damen/Fullerton/Elston Avenues, Chicago	$5,500,000
1340	AR	Highway 165: Railroad Overpass	$2,000,000
1341	FL	Implement Snake Road (BIA Route 1281) Widening and Improvements	$1,000,000
1342	CA	Construction of freeway between I-15 and US-395	$5,000,000
1343	OH	Lake Township, Ohio. Market Avenue-Lake Center intersections improvement	$2,200,000
1344	CT	Construct Quinnipiac Linear Trail, Wallingford	$1,000,000
1345	MI	Construction of a hike and bike path from Riverbends Park, 22 Mile Road, to Stony Creek Park, 25 Mile Road in Shelby Township	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1346	IN	Reconstruct Boston Street, from State Road 2 to Bach St., Larson-Whirlpool St. in LaPorte, Indiana	$500,000
1347	OR	Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane	$4,200,000
1348	VA	Conduct study of Route 460 Corridor, Virginia	$2,000,000
1349	NJ	Construct Sparta Stanhope Road Bridge (AKA Bridge K-07)	$1,000,000
1350	KY	Reconstruct Turkeyfoot Road, Kenton County, Kentucky	$3,000,000
1351	OH	Construct additional lane to alleviate traffic congestion on US 40 in and adjacent to St. Clairsville	$800,000
1352	CO	56th Avenue & Quebec Street Improvements Phase I, Denver	$6,500,000
1353	OH	Construct Truck Bypass—Orville, Ohio	$6,004,400
1354	PA	Conversion of Penn and Park Bridges located over Spring Run in Altoona, Pa into pedestrian bridges	$50,000
1355	CA	Coyote Creek Trail Project—Story Road to Montague Expressway	$2,500,000
1356	PA	Construct Cameron Street Bridge Northumberland County, Pennsylvania	$1,000,000
1357	OH	Construct upgrade of SR 16 to 4 lanes from SR 60 to SR 16 in Coschocton County	$3,000,000
1358	OH	Medina, Ohio. Guilford Avenue urban road collector pavement reconstruction	$1,960,000
1359	TN	Improvements to I-40 interchange at I-240 East of Memphis (Phase II)	$3,000,000
1360	WY	Casper Bypass: Reconstruct Old Yellowstone Hwy and 2nd St	$5,000,000
1361	NY	Construct sidewalks and roadway improvements on Oscawana Lake Road in the Town of Putnam Valley	$600,000
1362	LA	Engineering and right of way acquisition for I-49 Corridor	$10,000,000
1363	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Edwardsville Borough, Luzerne County	$200,000
1364	IL	Foster Avenue at Kedzie Avenue Streetscape	$2,000,000
1365	WV	Construct I-73/74 High Priority Corridor, Mercer Co	$11,200,000
1366	NY	Improve Long and Short Beach Road, Southampton	$2,100,000
1367	CA	Modify I-880 & Stevens Creek Boulevard Interchange to ease traffic congestion in San Jose	$12,000,000
1368	NY	Improve road and streetscape along Prospect Avenue in North Hempstead	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1369	CA	Palm Drive & Interstate 10 interchange project	$2,750,000
1370	MN	Reconstruct TH 36 from expressway to freeway in North St. Paul	$6,000,000
1371	CA	Construct I-580 Interchange Improvements in Castro Valley	$1,200,000
1372	AL	Expand US331 from Luverne, AL to Montgomery, AL	$3,000,000
1373	TX	Construction of highway medians, pedestrian walkways for City of South Padre Island	$500,000
1374	NY	Construct Rt. 12 intersection between Pamela Drive-River Road—Located in the Town of Chenango	$2,400,000
1375	IL	Construct Streetscape Project, Village of Robbins	$800,000
1376	GA	Effingham Parkway to Connect SR119 to SR30	$3,000,000
1377	MD	Construct Phase 2 of the Jones Falls Trail from Baltimore Penn Station to the Maryland Science Center on the Inner Harbor	$4,000,000
1378	IL	For Will County for engineering and right-of-way acquisition to extend 95th Street from Plainfield-Naperville Road east to Boughton Road	$500,000
1379	PA	Construct Valley Business Park Access Road C, Bradford County	$2,700,000
1380	LA	Improve by widening, realigning, & resurfacing 3.2 miles of LA Hwy 820 btwn LA Hwy 145 & LA Hwy 821	$2,000,000
1381	IN	45th Street Improvements, Munster	$500,000
1382	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 124	$250,000
1383	VT	Construction and engineering for the Vermont Smugglers Notch Scenic Highway Corridor Southern Gateway and Notch Proper Facilities	$1,085,514
1384	OH	Planning and construction of a network of recreational trails in Perry Township	$950,000
1385	GA	Construction of the Truman Linear Park Trail—Phase II	$1,260,000
1386	NJ	Pedestrian and bicycle facilities, and street lighting in Haddon Heights/Barrington	$750,000
1387	CA	Reconstruct interchange at I-10 and Riverside Avenue to improve traffic in Rialto	$2,000,000
1388	CA	Reconstruct Bloomfield Av. with medians from Carson St. to north city limits in Hawaiian Gardens	$400,000
1389	SC	Extension of Wells Highway, Oconee County, South Carolina	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1390	CA	Reconstruct Paramount Bl. with medians and improve drainage from Artesia Bl. to Candlewood St. in Long Beach	$600,000
1391	IL	Reconstruction of 5th Street Road (FAS 569) in Logan County, IL	$952,570
1392	WA	Reconstruction of SR99 (Aurora Ave N) between N 145th St and N 205th St	$2,000,000
1393	NY	Page Green—Phase III—Reconstruction of 2.6 miles. Town of Virgil, Cortland County	$3,600,000
1394	MI	Gogebic County, Reconstruct Lake Road in Ironwood from Margaret Street to Airport Road	$805,000
1395	GU	Piti, GU Construct Cabras Island Intermodal Facility	$6,000,000
1396	IN	Redevelop and Complete the Cardinal Greenway and Starr-Gennett Area in the City of Richmond, Indiana	$3,000,000
1397	NY	Rehabilitate and redesign Erie Canal Museum in Syracuse, NY through the Erie Canalway National Heritage Corridor Commission	$400,000
1398	OH	Construction of 6.25 mile bicycle project in Mahoning County	$500,000
1399	NM	I-40/Munoz Reconstruction in the City of Gallup	$1,500,000
1400	TX	Rehabilitate Yale Street between IH10 to IH610	$1,000,000
1401	CA	Reconstruct Long Beach Bl. with medians and improve drainage from Palm Av. to Tweedy Bl. in Lynwood	$3,000,000
1402	CA	Expand carsharing pilot program to serve low- and moderate-income neighborhoods in the City and County of San Francisco	$2,000,000
1403	FL	Implement Kennedy Boulevard corridor improvements to improve safety in Tampa	$2,500,000
1404	MD	Construct Broadneck Peninsula Trail, Anne Arundel County, Maryland	$1,500,000
1405	MO	Relocation and reconstruction of Rt MM from Rt 21 to Rt 30	$15,680,000
1406	MN	Replace three at-grade highway-railroad crossings with grade-separated crossings adjacent to Winona State University	$2,000,000
1407	CA	Construct Traffic flow improvements Vincent and Lakes Drive, West Covina	$750,000
1408	CA	Construction of an interchange located at the intersection of future State Route 65 and Ferrari Ranch Road-Westwood in Placer County	$3,000,000
1409	KS	Construct highway-rail grade separation from Douglas Avenue to 17th Street North in Wichita, KS	$14,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1410	OH	Conduct Phase II of U.S. Route 68 bypass project in Urbana	$2,300,000
1411	GA	Construct sidewalks and install landscaping, Vienna	$500,000
1412	TX	Extension of FM 1427 in Penitas	$700,000
1413	MD	MD 124, Woodfield Road, from Midcounty Highway to Warfield Road	$2,000,000
1414	CA	Rio Vista Bridge Realignment Study & Street Sign Safety Program	$700,000
1415	CO	SH 121—Bowles Ave Intersection and Roadway Improvements, Jefferson County, Colorado	$2,000,000
1416	NY	Implement Improvements for Pedestrian Safety in Queens County	$1,000,000
1417	NY	Repair and improve Jericho Turnpike (NYS HWY 25) and construct streetscapes along the Turnpike in New Hyde Park	$2,000,000
1418	GA	SR 316/SR 20 interchange construction Gwinnett, County	$500,000
1419	IL	Construct Pedestrian walkways and streetscaping projects in the Village of Western Springs	$4,210,000
1420	WA	SR 518 corridor—Improvements to SR 518-509 interchange and addition of eastbound travel lane on a portion of the corridor	$1,000,000
1421	CA	Development and construction of improvements to State Route 79 in the San Jacinto Valley	$3,000,000
1422	MN	Construct roadway improvements on the Great River Road on CSAH 10 and CSAH 21, Aitkin County	$6,960,000
1423	WA	Conduct preliminary engineering and EIS for Columbia River Crossing in WA and OR	$10,000,000
1424	NC	Greensboro Signal System Replacement ITS Enhancement Project	$12,500,000
1425	MN	Reconstruction of 1 mile of CR 107 from CSAH 2 to Highway 11 and 71, Koochiching County	$500,000
1426	OH	Plain Township, Ohio. Market Avenue widening	$5,000,000
1427	LA	Construct right of way improvements from Third St. at James St. to LA. Hwy. One at Broadway St. Acquire property at Third St. and Winn St	$2,000,000
1428	PA	State Street Bridge Rehabilitation, Hamburg	$1,500,000
1429	OH	Construct Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave	$4,150,000
1430	NY	Construct/reconstruct Lincoln Road: Commercial Street to Route 31F in the Town-Village of East Rochester	$900,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1431	OH	Acquire land and construct Portage Bike and Hike Trail, Portage Co	$1,000,000
1432	NC	Continued development of Cary, NC pedestrian bike paths	$1,500,000
1433	TX	Cottonflat Road overpass at Interstate 20	$1,500,000
1434	NY	Improve Rt. 17M access, safety and traffic management	$750,000
1435	OH	Safety improvements to Paris Avenue intersections and Meese Rd. and Easton St.—Nimishillen Township, Ohio	$1,500,000
1436	CA	Alameda Corridor-East Construction Authority, San Gabriel Valley	$300,000
1437	WA	Construct a tunnel as part of the Bremerton Pedestrian-Bremerton Transportation Center Access Improvement project	$21,000,000
1438	NC	Expand Derita Road	$2,000,000
1439	NJ	Hoboken Observer Highway Operational and Safety Improvements	$2,500,000
1440	CA	Reconfigure San Fernando Road from Fletcher Drive to I-5 Fwy, Los Angeles	$7,000,000
1441	NY	Construction of an access road, drainage improvements, and aesthetic enhancements adjacent to Ocean Parkway in the Town of Babylon, NY	$2,430,000
1442	TX	Construct highway improvements on E. Tidwell, Ley Rd, and E. Little York Rd	$2,800,000
1443	AZ	Construct pedestrian and bicycle overpass at McDowell Road & 35th Avenue in Phoenix	$3,000,000
1444	TX	Reconstruct I-30 Trinity River Bridge, Dallas	$20,000,000
1445	PA	Armstrong and Indiana County, Pennsylvania, U.S. 422 Improvements	$2,000,000
1446	TX	Bicycle and Pedestrian Trail Network in East Austin	$9,600,000
1447	NV	Construct I-15 Cactus Avenue	$10,000,000
1448	AL	I-65 Widening from U.S. 31 in Alabaster (Exit 238) to AL 25 in Calera (Exit 228)	$8,000,000
1449	NY	Improve Route 4 Streetscape and replace waterlines, Town and Village of Fort Edward, Washington County	$4,350,000
1450	OH	Planning and construction on bike paths and trails as part of Phases III-VI in Ashtabula Metroparks Western Reserve Greenway	$1,000,000
1451	CO	Construction of Powers Boulevard and Woodman Road interchange, Colorado Springs	$8,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1452	MN	Environmental review for TH8 upgrade, Forest Lake to Chisago City	$600,000
1453	MD	Construct Pedestrian Bridge and Garage at Coppin State University in Baltimore	$2,100,000
1454	MD	Historic Preservation and Traffic Improvements along Liberty Heights Ave. and in Druid Hill Park in Baltimore	$1,800,000
1455	NC	I-85 in Vance County	$1,000,000
1456	PA	Design and construct interchange and related improvements at I 83 Exit 19	$6,000,000
1457	IL	Preconstruction and Construction at IL 31 from Bull Valley Road to IL 176	$2,420,000
1458	MS	Replace Popps Ferry Road Bridge, Biloxi	$4,000,000
1459	IL	Reconstruct Lakeshore Drive Overpass over Wilson avenue, Chicago	$1,500,000
1460	AL	Pedestrian Improvements for Moody, AL	$100,000
1461	MA	Design and construct Canal and Union Street Corridor improvements, Lawrence	$800,000
1462	OH	Construct new two lane road to Sycamore Street in Gallia County	$1,250,000
1463	AL	Construct interchange on Interstate 85 at Beehive Road in Auburn, AL	$500,000
1464	ME	Improvements to the Interconnecting Trail System for bike/pedestrian trails near Baxter State Park	$500,000
1465	TX	ROW acquisition for 87 Relief Route	$1,500,000
1466	WA	Restore and construct historic Naches Depot and Trail project	$500,000
1467	GA	S.R. 20 widening from I-575 to S.R. 369, Cherokee County	$1,000,000
1468	IL	Road Construction and reconstruction in the Village of Hampshire: Keyes Ave., Industrial Drive Overlay, and Mill Avenue	$2,300,000
1469	IL	Conduct study and design of Chicago North lakefront path expansion project	$1,000,000
1470	MS	I-59 interchange at US 84 and SR 15, Laurel	$2,000,000
1471	TX	Improvements to IH-35E from US 77 North of Waxahachie to US 77 South of Waxahachie	$3,000,000
1472	MO	Scudder Road and I-170 Interchange Improvements, St. Louis County	$2,000,000
1473	GA	Construct and Improve Cobb County Trails	$1,500,000
1474	MS	Extend SR 590 from US 11 to SR 29 near Ellisville	$3,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1475	IN	Improve Intersection at Jackson Street and Morrison Road in the City of Muncie, Delaware County, Indiana	$560,000
1476	CO	Construction of McCaslin Boulevard US 36 Interchange in Superior	$1,000,000
1477	MA	Route 128 Improvements—Route 114 in Peabody to Route 62 in Danvers	$2,000,000
1478	TX	Lubbock, Texas Construction for Marsha Sharp Freeway main lanes between Chicago and Salem Avenues	$5,600,000
1479	NH	South Road Mitigation in Londonderry	$1,000,000
1480	NY	Paul Road—Fisher Road Improvements, Town of Chili, Monroe County	$4,000,000
1481	CA	Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County	$2,500,000
1482	MS	Construct East Metropolitan Corridor linking I-20 at Brandon to Hwy 25 at Flowood	$5,000,000
1483	LA	Leeville Bridge, Port Fourchon to Golden Meadow	$5,000,000
1484	GA	National Infantry Museum Transporation Network	$3,000,000
1485	AL	Interchange at I-65 and Limestone County Road 24 Constuction	$1,000,000
1486	PA	Project to realign intersection of King of Prussia Road and Upper Gulph Road to provide turning lanes and signalization	$1,649,000
1487	MO	Construct diamond interchange at US 71 and Business 71 in Maryville	$2,000,000
1488	SD	Construction of four-lane highway on US 79 between Maverick Junction, and the Nebraska border	$7,500,000
1489	IL	130th and Torrance Avenue Intersection Improvement, Chicago	$9,000,000
1490	OK	Improvements to Hereford Lane and US 69 Interchange, McAlester	$1,000,000
1491	GA	Athens-Clarke County Bike Trail Project	$1,400,000
1492	CT	Construct UCONN Storrs Campus-Hillside Road	$5,000,000
1493	NM	I-25, Tramway North to Bernalillo, Reconstruction	$2,000,000
1494	NJ	Planning for Liberty Corridor	$500,000
1495	OR	Sellwood Bridge Replacement—Multnomah County	$2,000,000
1496	NM	Statewide ITS Deployment	$200,000
1497	FL	Acquire Land and Construct the Englewood Interstate Connector in Sarasota County, Florida	$3,000,000
1498	NY	Elevate and construct drainage improvements to Beach Road, Canal Road, and Sea Breeze Road in Massapequa, New York	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1499	TX	Design and construction streetscape improvements in Midtown, enhance pedestrian access	$1,000,000
1500	NY	Replace sidewalk along Route 9A in Hamlet of Montrose, Town of Cortlandt	$330,000
1501	MN	Construction and widening of TH241 in the city of St. Michael, MN	$2,000,000
1502	GA	I-75 lanes from Aviation Boulevard to SR 54, Clayton County	$1,500,000
1503	VT	Construction and rehabilitation of the Cross Vermont Trail for the Cross Vermont Trail Association	$1,386,000
1504	NY	Construction of a new ramp from 9A Southbound to Taconic State Parkway Southbound, Westchester County	$1,775,000
1505	NY	Restore vehicular traffic to Main Street in Downtown Buffalo	$5,000,000
1506	MI	Construction of 5 lane concrete pavement with curb, gutter and sewer on Romeo Plank Road from M-59 to 23 Mile Road in Macomb Township	$8,000,000
1507	NY	Enhance road and transportation facilities in the vicinity of the Brooklyn Children's Museum	$50,000
1508	IL	Construct and expand Northwest Illinois US Rte 20 from Freeport to Galena, IL	$3,000,000
1509	CA	Construction of new roadway lighting on major transportation corridors in the Southwest San Fernando Valley	$1,000,000
1510	MO	Construct Interstate flyover at Hughes Road and Liberty Drive to 76th Street. Part of Liberty Parkway Project	$18,000,000
1511	CA	Freeway 180 Improvements Fresno	$9,500,000
1512	NY	Construct sidewalks and curbs on Valley Road in Town of Bedford	$450,000
1513	OK	Construction of rail crossing in Claremore at Blue Star Drive and SH66	$2,000,000
1514	IL	Improve U.S. Route 34 from Kewanee to Kentville Road	$500,000
1515	IL	For Naperville Township to fund improvements to North Aurora Road	$200,000
1516	WA	Kent—Construct a single point urban interchange (SPUI) under I-5 at South 272nd St	$1,000,000
1517	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1518	GA	Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development	$2,000,000
1519	PA	Design, engineering, ROW acquisition, & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Dunmore Borough, Lackawanna County	$400,000
1520	PA	Add turn lane, modify signals and install pavement markings at intersection of PA422 and PA662 in Amity Township	$2,430,000
1521	WI	Construct bicycle/pedestrian path and facilities in the Central park area of Madison	$3,500,000
1522	VA	Expand Route 15 29 in Culpeper, Virginia	$2,000,000
1523	WV	Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I-79 in the vicinity of Fairmont	$22,000,000
1524	OR	Construct Barber Street extension, Wilsonville	$3,000,000
1525	FL	Four-laning SR 281 (Avalon Boulevard) in Santa Rosa County from Interstate 10 to north of CSX RR Bridge	$12,500,000
1526	OR	Interstate 5 Interchange at City of Coburg	$9,000,000
1527	IL	Construction of a bridge at Stearns Road in Kane County, Illinois	$2,000,000
1528	TX	East 7th Street Improvements in Austin	$525,000
1529	GA	Rebuild SR-10 Memorial Drive for bicycle and pedestrian safety, from Mountain Drive to Goldsmith Road, Dekalb County	$2,000,000
1530	NJ	Provide an alternative route for traffic passing though congested SR 31 corridor in Flemington NJ	$2,000,000
1531	CA	Construction of a smart crosswalk system at the intersection of Arminta St. and Mason Ave	$50,000
1532	WI	Reconstruct U.S. Highway 41 north of Lake Butte des Morts Bridge, Wisconsin	$15,400,000
1533	PA	Improvements to 8th and 9th Street bridges between Pleasant Valley Blvd. and Valley View Blvd, Altoona, PA	$490,000
1534	LA	Construction of a direct intermodal truck access road from Interstate 210 to the City Docks of the Port of Lake Charles	$13,000,000
1535	TX	Construct Links Hike & Bike Trail Project. 2.2 mile trail project connecting Gaylord Texan to Grapevine Mills Mall, Grapevine, TX	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1536	GA	Construct sidewalks between Marion Middle School, City Park, and Community Center, Buena Vista	$300,000
1537	IL	Construct a four lane connection between Rt. 13 and Rt. 45	$1,000,000
1538	MI	Plymouth, Haggerty Road from Plymouth Rd. to Schoolcraft Rd	$500,000
1539	TN	Provide streetscape improvements and pavement repair, Greenback, Tennessee	$250,000
1540	IA	Reconstruction of NE 56th St, eastern Polk Co	$1,000,000
1541	IL	Relocate Pocket Road for Access to Racehorse Business Park, Alorton	$500,000
1542	CT	Construct roadway on East Commerce Drive, Oxford, CT	$500,000
1543	TN	Niota, TN Improve vehicle efficiencies at highway At-Grade Railroad Crossing	$57,000
1544	FL	Plan and Construct 17th Street connector in the City of Sarasota, FL	$2,000,000
1545	VT	Reconstruction and widening of U.S. Route 5 for the Town of Hartford	$1,500,000
1546	MO	Relocate the entrance to the Shaw Nature Reserve that is being altered due to a redesign of the Gray Summit I-44 interchange project	$500,000
1547	DC	Replace and reconstruct South Capitol Street/Frederick Douglass Memorial Bridge	$30,000,000
1548	MI	Complete 13.8 miles of nonmotorized pedestian Fred Meijer Heartland Trail of 30.1 miles	$2,000,000
1549	MO	Roadway improvements on U.S. 60 from Willow Springs to the Van Buren Area	$10,000,000
1550	UT	Construct Parley's Creek Trail	$5,000,000
1551	ME	Construction of Calais/St. Stephen Border Crossing Project	$5,000,000
1552	FL	Alleviate congestion at Atlantic Corridor Greenway Network, City of Miami Beach, FL	$2,000,000
1553	MD	Construction of MD 331 Dover Bridge	$4,318,000
1554	NY	Improve Traffic Flow on Noel Road between Church and Crossbay Boulevard Including Work Necessary to Demolish and Reconstruct the Firehouse Facility	$1,000,000
1555	PA	Construct 9th and 10th Street bridges over Norfolk Southern Tracks, Lebanon	$7,000,000
1556	AS	Drainage mitigation in Malaeloa-Leone village roads	$1,400,000
1557	CA	Improve I-8 off ramp at Ocotillo to the Imperial Valley College Desert Museum/Regional Traveler Visitor Center, Imperial County	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1558	CA	Install new grade separation at Ranchero Road in Hesperia	$5,000,000
1559	NY	Bartow Ave Ramp and Reconstruction at the Hutchinson Parkway	$1,600,000
1560	FL	Airport Access Rd., Gainesville	$1,000,000
1561	WA	Intersection project at South Access-522 beginning and ending at the UWB-CCC campus to improve access and alleviate congestion	$3,000,000
1562	NJ	Reconstruction of CR 530 from RT 206 to CR 644. Construct shoulders, travel lanes, center turn lane, drainage improvements & traffic signal	$10,000,000
1563	NY	Improve SCCC roads, Fallsburg	$1,500,000
1564	CA	Add turn lane and adaptive traffic control system at intersection of San Tomas Expressway and Hamilton Avenue in Campbell	$1,600,000
1565	CA	Interchange improvements at Rice Avenue and U.S. Highway 101 in the City of Oxnard	$3,300,000
1566	GA	Northside Drive Multi Modal Corridor	$2,000,000
1567	GA	Replace sidewalks, meet ADA guidelines, and install a crosswalk, McRae	$400,000
1568	TX	Ritchie Road from FM 1695 to US 84, Waco	$3,000,000
1569	AR	Maumelle Interchange—for third entrance into Maumelle	$500,000
1570	CT	Construct bike/pedestrian path, Shelton	$1,000,000
1571	MD	Rehabilitate Roadways Around East Baltimore Life Science Park in Baltimore	$5,500,000
1572	AL	City of Vestavia Hills Pedestrian Walkway to Cross U.S. 31	$1,000,000
1573	IN	Replace Samuelson Road Underpass, Portage	$3,162,890
1574	IL	Construct Commuter Parking Structure in the Central Business District in the vicinity of La Grange Road	$3,700,000
1575	PA	Design and construct inner loop roadway around Shippensburg Boro	$500,000
1576	WV	Construct I-73/74 High Priority Corridor, Mingo Co	$12,000,000
1577	NY	Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue	$2,250,000
1578	OR	Rogue River Bikeway/Pedestrian Path, Curry County	$600,000
1579	CA	San Gabriel Blvd Intersection Improvements at Broadway and at Las Tunas, San Gabriel	$200,000
1580	NY	Improvements to Erie Station Road, Town of Henrietta, Monroe County	$1,000,000
1581	IA	Sioux City, Iowa Hoeven Corridor—Outer Drive Project	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1582	KY	Study & rehabilitate the I-471 corridor, Campbell County, Kentucky	$2,000,000
1583	WA	Construct railroad overpass spanning three mile section of SR501 from MP 0 and MP 3	$1,000,000
1584	NY	Construction and rehabilitation of North and South Delaware Avenues in the Village of Lindenhurst, NY	$780,000
1585	NY	Study on extending Rt. 5 to Auburn	$150,000
1586	AL	Expand US-84 from Andalusia, AL to Enterprise, AL	$3,000,000
1587	NJ	Susse County, NJ Safety and Operational Improvements on Route 23 in Hardyston Township and Franklin Borough	$3,800,000
1588	PA	State Street and Mulberry Street Bridge Lighting project, Harrisburg	$4,000,000
1589	AS	To upgrade, repair and continue construction of Ta'u harbor/ferry terminal facility on Manu'a island	$1,600,000
1590	CA	Interstate 15 and State Route 79 South Freeway Interchange and Ramp Improvement Project	$2,000,000
1591	OH	Road Improvements, streetscapes, and pedestrian safety additions in Ashtabula Harbor	$1,000,000
1592	NY	Town of East Fishkill improvements to Robinson La & Lake Walton Road at NYS Route 376	$500,000
1593	WI	Construct a bicycle/pedestrian path, Wisconsin Dells	$2,000,000
1594	NY	Construct improvements in Sight Distance at Road Grade and Trail Corssings in Oneida and Herkimer Counties	$200,000
1595	NY	Repair Silver Mine Bridge in the Town of Lewisboro	$150,000
1596	IL	River walk Reconstruction, City of Chicago	$600,000
1597	AR	Rogers, Arkansas—Construct new interchange on I-540 near the existing Perry Road overpass	$4,400,000
1598	IN	Design and construct Indiana Ohio River Bridges Project on I-65 and 265	$20,000,000
1599	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor	$500,000
1600	TX	Reconstruction of US 79 from FM 1460 to Williamson County Road 195	$2,000,000
1601	CA	Transportation enhancements to Children's Museum of Los Angeles	$1,200,000
1602	IN	Construct Shelby County Indiana Shelbyville Parkway	$500,000
1603	NY	Reconstruct the Niagara Street culvert/bridge which crosses over Two Mile Creek, City of Tonawanda	$400,000
1604	MA	Reconstruction of Main Street and Lebanon Street in Melrose	$700,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1605	OH	Construct the existing IR 70 interchange at US 40, SR 331 west of St. Clairsville	$11,550,000
1606	GA	Install traffic lights and pedestrian walkways on Highway 441 at MLK, Jr. Boulevard, Dublin	$500,000
1607	OH	Pike County, OH Fog Road Upgrade	$1,000,000
1608	CA	Project design, environmental assessment, and roadway construction of Lonestar Road from Alta Road to Enrico Fermi Drive San Diego County	$500,000
1609	CA	Project Study Reports for I-105 and I-405 Interchanges at Los Angeles International Airport	$400,000
1610	CA	Reconstruct Whittier Blvd. and improve parkway drainage from Philadelphia Av. to Five Points in Whittier	$1,700,000
1611	NY	Rockland County Railroad Grade Crossings Safety Study	$1,400,000
1612	TX	San Angelo Ports-to-Plains Route Loop 306 at F.M. 388	$1,500,000
1613	MN	City of Hutchinson School Road Underpass of TH7 and TH22 Improvements	$1,000,000
1614	TN	Construct and widen SR-33 in Monroe County, TN	$5,000,000
1615	PA	Construct the realignment of Cool Creek Road in York County, PA	$1,000,000
1616	NJ	Construct Waterfront Walkway from North Sinatra Drive and 12th St. south to Sinatra Drive in Hoboken	$2,000,000
1617	TX	Add shoulders to FM 156 from Ponder, Texas to Krum, Texas	$1,000,000
1618	NJ	Bridge replacement on Section 6V of Route 1 from Ryders Lane to Milltown Road, North Brunswick	$2,000,000
1619	MN	Construct Two Harbors High School Trail connecting Two Harbors High School to Two Harbors City	$891,600
1620	SC	Construct I-85 Brockman-McClimon Interchange between Greenville Spartanburg Airport and SC Highway 101 interchanges	$1,000,000
1621	IA	Fort Madison, IA Construction of US 61 bypass around Fort Madison to create a safer and faster route	$2,500,000
1622	PA	Germantown Avenue Revitalization with Mt. Airy USA for landscaping, scenic enhancements and pedestrian safety improvements along the heavily traveled thoroughfare	$2,320,000
1623	NM	I-10 Reconstruction , Las Cruces to Texas State Line	$3,000,000
1624	TX	IH 820 Widening Project	$2,000,000
1625	IL	For Naperville Township to fund improvements to Diehl Road between Eola Road and Route 59	$600,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1626	KS	Remove and Replace Topeka Blvd. Bridge over the Kansas River	$6,000,000
1627	VA	Clifton, VA Main Street parking and sidewalk improvements	$250,000
1628	SC	Replace Milford Road Bridge, Anderson, SC	$500,000
1629	LA	Improvements to Essen Lane at I-12; and to Perkins Rd.; and to Central Thruway; and to O'Neal Lane; an to Burbank Dr.; and to Essen Park Extension; and for LA408 study	$30,000,000
1630	GA	Streetscape project for lighting and landscaping on Main Street along Georgia Highway 231, Davisboro	$300,000
1631	IA	City of Council Bluffs and Pottawattamie county East Beltway Roadway and Connectors Project	$1,000,000
1632	OR	U.S. 199/Laurel Road Intersection	$2,000,000
1633	CA	Conduct project report study on Old River School Rd—Firestone Blvd intersection reconfiguration	$500,000
1634	FL	Conduct study for Port of Miami Tunnel, Miami, FL	$2,000,000
1635	NY	Ithaca, Design and construct pedestrian and bicycle path (Cayuga Waterfront Trail)	$1,200,000
1636	NC	Rails to Trails Project, Elizabeth City	$640,000
1637	IL	Reconstruct Lakeshore Drive overpass over Lawrence Avenue	$1,500,000
1638	SC	Replace Murphy Road West Bridge, Anderson, SC	$235,000
1639	CA	Resurface and construct truck lane at CA Hwy 94 and Interstate 8 interchange, Boulevard	$3,000,000
1640	CT	Undertake road improvements associated with Coltsville Area Redevelopment, Hartford	$2,000,000
1641	AZ	Upgrade and Re-opening of Main Street in Yuma	$1,200,000
1642	NJ	Pedestrian facilities, street lighting and streetscaping improvements in downtown Laurel Springs	$596,324
1643	MS	Upgrade Blue Cane Road in Tallahatchie County, and roads in Webb and Tutwiler	$750,000
1644	OH	Upgrade circuitry on vehicle protection device at Sheldon Road rail crossing in Berea	$140,000
1645	NY	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton	$500,000
1646	NY	Construct sidewalks and curbing on Westchester Avenue in Village of Buchanan	$275,000
1647	NC	Downtown Redevelopment Project, City of Rocky Mount	$6,336,000
1648	TX	Construction of divided four lane concrete arterial with drainage improvements—Sandy Lake Road: Denton Tap Rd to North Coppell Road	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1649	IL	Preconstruction and Construction at IL 120 at Bacon Road and Cedar Lake Road	$1,365,000
1650	GA	Revitalization project will extend and resurface the Roberta Walking Trail, Roberta	$500,000
1651	KY	Construct Westbound Access to Mountain Parkway from Exit 18 (KY 1057), Powell County	$2,900,000
1652	NC	Development of 2 miles of road parallel to I-95 located approximately between the I-95/NC-125 interchange and I-95/US-158 interchange	$1,500,000
1653	CA	Engineering, right of way and construction of HOV lanes on I-580 in the Livermore Valley, California	$5,000,000
1654	IL	Construct Streetscape Project, City of Markham	$500,000
1655	CA	Landscape south side of the 91 fwy at Bellflower Blvd in Bellflower	$250,000
1656	MA	Southwick and Westfield Rail Trail, Design & Construction	$5,000,000
1657	VA	Upgrade DOT crossing #467665M to constant warning time devices	$194,600
1658	TX	Reconstruct and add two lanes to US 287 from the Oklahoma State line to US 54 in Stratford	$3,000,000
1659	WY	Casper West Belt Loop	$2,000,000
1660	MN	Munger Trail extension, City of Duluth	$3,200,000
1661	AK	Bogard/Sheldon Extension in Matanuska-Susitna Borough	$4,000,000
1662	CA	City of Redondo Beach Esplanade Improvement Project	$1,000,000
1663	MN	Kandiyohi and Meeker Counties Hwy 7 between TH 71 and TH 22	$2,000,000
1664	NJ	Construction of Rowan Boulevard from US Route 322 to Main Street, Glassboro	$600,000
1665	CA	Conduct Study of SR 130 Realignment Project, San Joaquin County & Santa Clara County, CA	$2,000,000
1666	CA	Passons Grade Separation in the City of Pico Rivera	$3,700,000
1667	MD	Construct South Shore Trail, Anne Arundel County, MD	$1,000,000
1668	NJ	Realignment of the Routes 35/36 intersection in Eatontown	$2,000,000
1669	IN	Construct Hoosier Heartland Highway in Cass and Carroll County, Indiana	$2,000,000
1670	MI	Oscoda County, Reconstruction and surfacing of Valley Road from M-33 west to Mapes Road	$960,000
1671	TX	Reconstruct Precinct Line Road 2-lane bridge as 4-lane bridge and widen Precinct Line Road to 4-lane roadway from SH 10 to Trammel Davis Rd	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1672	CT	Reconstruct Waterfront Street Corridor, New Haven	$1,500,000
1673	TN	Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Philadelphia, Tn	$99,000
1674	TX	Mile 2 W from Mile 12 N to US83, Hidalgo County	$1,000,000
1675	NY	Reconstruction of West Neck Road from Huntington-Lloyd Harbor boundary to the end of the Village-maintained road	$3,000,000
1676	GA	Rehabilitate sidewalks and replace street lights, Swainsboro	$500,000
1677	SC	Replace Murphy Road East Bridge, Anderson, SC	$265,000
1678	MO	Access improvements and safety and mobility upgrades along US 7 as part of the Highway 7 Corridor Development Plan in Blue Springs	$5,000,000
1679	OH	Construct Stearns Road Grade Separation, Olmsted Township	$3,750,000
1680	CA	Implement Grove Avenue Corridor Interstate 10 interchange improvements in Ontario	$3,000,000
1681	MA	Construct & Replace West Corner Bridge & Culvert, Rte 228, spanning Weir River Estuary & Straits Pond Inlet	$1,000,000
1682	OK	Complete Reconstruction of the I-35–SH 9 West Interchange	$4,000,000
1683	NJ	Construct Rte 50 Tuckahoe River Bridge Replacement, Cape May and Atlantic Counties	$4,000,000
1684	NY	Rt. 12 reconstruction- Town and Village of Greene	$4,110,000
1685	MN	Becker County CR 143 and CR 124 Improvements	$960,000
1686	NY	Construct and extend existing pedestrian streetscape areas in Valley Stream	$1,350,000
1687	MI	Construct Interchange at I-675 and M-13 (Washington Avenue). Northbound Exit. Phase I of Construction. City of Saginaw	$2,300,000
1688	OH	Construct Cleveland Towpath Trail. 6-mile extension towards downtown. Cleveland	$4,000,000
1689	FL	Construct widening of US 17 to 4 lanes from San Mateo to Volusia County line, Putnam County, Florida	$16,300,000
1690	MD	Construct Phase 1 of the South Shore Trail in Anne Arundel County from Maryland Route 3 at Millersville Road to I-97 at Waterbury Road	$1,000,000
1691	MI	Construction of 5 lane concrete pavement with curb, gutter and storm sewer on Van Dyke Ave. from 23 Mile Road to 26 Mile Road, Macomb Co	$2,079,500

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1692	FL	Design and construct replacement for A. Max Brewer Bridge, Titusville	$10,000,000
1693	NY	Implement ITS system and apparatus to enhance city-wide truck route system on Victory Blvd Between Travis Ave and West Shore Expressway Travis Section of SI	$100,000
1694	MI	Purchase and implementation of various Intelligent Transportation System technologies in the Grand Rapids metro region	$12,430,000
1695	WI	Recondition USH 45 between New London and Clintonville, Wisconsin (Waupaca County, Wisconsin)	$2,000,000
1696	CA	Reconstruction of The Strand in the City of Manhattan Beach to improve beach access and accommodate increased pedestrian traffic	$2,000,000
1697	CA	Construction of new roadway lighting on major transportation corridors in the Northeast San Fernando Valley	$500,000
1698	MD	Rehabilitate Hanover Street Bridge in Baltimore	$1,500,000
1699	NY	Rehabilitation of Hornbeck Road in the Town of Poughkeepsie	$426,000
1700	CA	Rehabilitation of Tulare County Farm to Market road system	$4,000,000
1701	GA	Riverside Drive Streetscape Project, Macon	$500,000
1702	GA	South Lumpkin Road Trail-Columbus	$500,000
1703	CA	Implement Northeast San Fernando Valley Road and Safety Improvements	$200,000
1704	NY	Big Ridge Road: Spencerport Village Line to Gillet Road in the Town of Ogden	$2,500,000
1705	TX	Build south bound ramp from east bound I-20 to Clark Road at the southern terminus of Spur 408. Duncanville, TX	$5,000,000
1706	MS	Plan and construct intermodal connector linking I-20 to Hwy 49, Pearl-Richland	$1,000,000
1707	TN	Reconstruct US 64 from west of Bolivar to the Lawrence County Line in Hardemant, McNairy, Hardin, Wayne Counties	$5,225,000
1708	PA	Improve safety of Route 145 in Whitehall Township	$2,225,000
1709	GA	Construct Stone Mountain-Lithonia road Bike Lane and Sidewalks, Dekalb County	$1,000,000
1710	OK	Texanna Road improvements around Lake Eufaula	$1,000,000
1711	PR	To build an extension of PR-53 between Yabucoa and Maunabo	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1712	IL	To contruct a new intersection of a public road and US Route 50 and a new street	$550,000
1713	NC	To plan, design and construct the Northwest Corridor—Western Blvd. Project in Jacksonville, NC	$1,000,000
1714	CT	Upgrade Mark Twain Drive, Hartford	$2,000,000
1715	CO	CO I-70 East Multimodal Corridor (Highway Expansion), Denver	$2,500,000
1716	MS	Upgrade roads in Indianola, Ruleville, Moorehead, Doddsville, Sunflower and Drew, Sunflower County	$2,000,000
1717	MS	Upgrade roads in North Carrollton (U.S. Hwy 35 and 82) McCain Street, South Street, Love Street, and Colver Street, Carroll County	$400,000
1718	NJ	Passaic-Bergen intermodal transportation deployment initiative	$10,000,000
1719	IL	Upgrade roads, The Village of Maywood	$1,000,000
1720	PA	Upgrade Route 30 Corridor and Airport Access	$1,000,000
1721	GA	Upgrade sidewalks and lighting, Lyons	$500,000
1722	CA	State Route 88—Pine Grove Corridor Improvement Project	$500,000
1723	WA	Tacoma—Lincoln Avenue Grade Separation	$1,000,000
1724	NY	Improve NY112 from Old Town Road to NY347	$10,000,000
1725	NJ	Construct I-195 Noise Barrier, Hamilton Twp, Mercer County	$750,000
1726	AR	Highway 77 Rail Grade Separation	$1,000,000
1727	WA	Kent, WA Willis Street BNSF Railroad Grade Separation Project	$500,000
1728	MI	Menominee, Ogden Street Bridge rehabilitation project-replacement of deck, expansion joints, sidewalks, railing and all other joints	$200,000
1729	VA	Pochantas Trail—development and construction of trail from Bluestone Junction to Pochantas adjacent to abandoned rail line	$500,000
1730	NY	Suffolk County ITS arterial monitoring and performance measures	$1,500,000
1731	LA	Conduct study for Highway 25 in Washington Parish	$500,000
1732	IL	Construction of the 43rd Street Bicycle Pedestrian Bridge over Lake Shore Drive, City of Chicago	$600,000
1733	NY	To design and reconstruct Nassau Avenue, improve sidewalks and include pedestrian amenities in Greenpoint, Brooklyn	$2,400,000
1734	OH	Upgrade the I-480 and Tiedman Road interchange, Brooklyn	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1735	NJ	Interchange improvements and bridge replacement, Route 46, Passaic County	$5,000,000
1736	PR	Construction of community bridge at Los López Sector, Quebrada Arenas Community	$500,000
1737	IA	Construction of a Four Lane U.S. Highway 20 between Moville in Woodbury County, through Ida County and Sac County to U.S. 71 at Early, IA	$9,000,000
1738	AZ	Paving of Navajo Route 9010 -off of I-40 at Houck, AZ (Exit 348) to Pine Springs Day School	$2,000,000
1739	OH	Red Bank Road Improvements from I-71 to Fair Lane in Eastern Hamilton County, Ohio	$3,600,000
1740	CA	Construct earthen berm along Esperanza Road from Yorba Linda Blvd. to the west city limits to mitigate noise	$2,000,000
1741	TX	Construct 6 mainlines from east of Mercury to east of Wallisville	$2,000,000
1742	NY	Town of Chester Trout Brook road improvements and reconstruction	$70,000
1743	OR	Upgrade the I-5 Fern Valley Interchange (Exit 24)	$3,000,000
1744	CA	Construct I-80 Gilman Street interchange improvements in Berkeley	$1,500,000
1745	NJ	Construct Vineland Boulevard and Sherman Avenue Intersection Improvements, Vineland, Cumberland County	$1,750,000
1746	WA	Terry's Corner Park and Ride on Camano Island	$1,400,000
1747	OR	Upgrade U.S. 101 and Utility Relocation, Gold Beach	$200,000
1748	WI	Upgrade USH 41 from DePere to Suamico, Wisconsin (Brown County, Wisconsin)	$2,500,000
1749	IL	Upgrade Veterans Drive in Pekin Illinois	$1,000,000
1750	NY	Saugerties, Improve Tissle Road-Old Kings Highway intersection	$500,000
1751	TX	Design and Construct the Cottonwood Trail pedestrian-bicycle connection	$1,000,000
1752	NY	Rehabilitation of the Ashford Ave. bridge over I-87 in the Villages of Dobbs Ferry and Ardsley	$2,600,000
1753	OH	Streetscape completion along US 40 in Bridgeport	$100,000
1754	SD	Design and construct new Meridian Bridge across the Missouri River at Yankton	$4,500,000
1755	MD	Upgrade MD 210 from MD 228 to I-495	$5,000,000
1756	IL	For DuPage County to construct certain segments of Southern DuPage County Regional Trail	$100,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1757	IA	US 20 relocated, Webster, Sac and Calhoun Counties, Iowa	$3,000,000
1758	NJ	Construction of new access roads along Route 42/ Blackhorse Pike in Washington Township	$1,000,000
1759	CA	Highways 152–156 Intersection improvements, CA	$1,000,000
1760	AK	Coffman Cove IFA ferry terminal	$3,200,000
1761	MA	Acquisition, engineering design, and construction of the Assabet River Rail Trail, Acton, Hudson, Maynard, and Stow	$2,000,000
1762	MI	Conduct Feasibility Study to Extend I-475 to US 23 in Genesee County	$800,000
1763	TX	Construct a reliever route on US 287 South of Dumas to US 287 North of Dumas	$3,000,000
1764	TN	construct new exit on I-75 and connect US-11, US-411, and SR-30	$4,500,000
1765	PA	Design, engineering, ROW acquisition & construction of street improvements, parking, safety enhancements & roadway redesign in Pittston	$1,750,000
1766	TX	Dowlen Road Improvements for Beaumont, Texas	$3,456,000
1767	CA	Construct Hwy 101 bicycle-pedestrian project in Marin and Sonoma Counties from north of Atherton Ave to south of Petaluma River bridge	$500,000
1768	TX	Construct raised median from Loop 224 to Sradley St. in Nacogdoches, TX	$3,220,000
1769	OH	Construction of bicycle trail extension in Geauga Park District in Chardon, OH	$500,000
1770	CA	Extension of a regional Class I bikeway from the West City limits to the East City limits along leased railroad right-of-away	$400,000
1771	AR	For rail grade separations identified by the MPO for the Little Rock/North Little Rock metropolitan area, (which may include: Edison Ave.; Springer Blvd; Hwy 89 Extension; McCain/Fairfax; Salem Road;	$10,000,000
1772	NY	Court Street & Smith Street Shopping District Enhancements	$800,000
1773	MA	Hampshire County Bike Paths, Design & Construction	$5,500,000
1774	NV	Construct I-15 Starr Interchange	$10,000,000
1775	CA	Construct full-access interchange at SR 120–McKinley Avenue, with the necessary SR120 auxiliary lanes, Manteca, CA	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1776	CA	Install emergency vehicle preemption equipment along major arterials in the I-880 corridor, Alameda County	$500,000
1777	OH	Construct a proposed relocation of US 22 and SR 93 from the current IR 70, US 40 west of Zanesville	$10,000,000
1778	CA	Conduct Study and Construct I 205 Chrisman Road Interchange Project, Tracy, CA	$1,000,000
1779	IL	Construction of part of a 230 mile corridor extending from I-280at Rock Island to I-270 south of Alton	$1,700,000
1780	CA	Construction of Campus Parkway from State Route 99 to Yosemite Ave., Merced County	$500,000
1781	MI	Construction of Superior Road Roundabout, Superior Township	$750,000
1782	OR	Construction and preliminary engineering of a railroad crossing at the intersection of Havlik Road and Hwy 30, Scappoose	$200,000
1783	FL	Clark Road Clover Leaf at I95, Jacksonville	$5,500,000
1784	PA	Construct and widen PA 94 from the Adams and York County line north to Appler Road	$1,500,000
1785	IL	For the reconstruction and realignment of 2 miles of Evergreen Ave. located west of the City of Effingham	$2,000,000
1786	IN	Improve State Road 332 and Nebo Road Intersection in Delaware County, Indiana	$2,930,000
1787	LA	LA 18 Widening (Avondale to US 90), Jefferson Parish, Louisiana	$800,000
1788	WI	Construct Lake Butte des Morts Bridge, US Highway 41, Winnebago County, Wisconsin	$25,600,000
1789	MA	North Worcester County Bike Paths, Design & Construction	$5,000,000
1790	TX	Old Reliance Road Overpass at SH6 (Earl Rudder Freeway)—widening project in Brazos Co	$2,500,000
1791	IA	Phase III of Main St project, Amana	$1,000,000
1792	MN	Re-align Vadnais Boulevard at interchange of I-694/ Highway 49, Ramsey County	$1,000,000
1793	CA	Reconfigure intersection at Highways 152 and 156 in Santa Clara County	$10,650,000
1794	KY	Construct Georgetown Northwest Bypass from US 460 West to I-75 North, Scott County	$3,000,000
1795	AZ	Grand Canyon Greenway Trails	$1,500,000
1796	NY	Remediate road runoff in vicinity of Peconic Estuary watershed	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1797	MS	Construct I-55 Interchange at Madison-Ridgeland, Madison County	$5,000,000
1798	OH	Construction of road improvements from Richmond Road to new Cuyahoga Community College in Warrensville Heights, OH	$150,000
1799	MI	Construction of the I-696 and Northwestern Highway Interchange Freeway Ramps at Franklin Road in Southfield	$2,000,000
1800	OH	Construct access improvements to I-680 and internal roadways for Corridor of Opportunity, Mahoning Co	$2,000,000
1801	NY	Mount Vernon Railroad Cut	$2,250,000
1802	TX	Reconstruct and add two lanes to IH 27 from Western Street in Amarillo to Loop 335	$3,000,000
1803	CO	SH83-SH88 Interchange Reconstruction—Arapahoe County, CO	$4,000,000
1804	NY	Town of Pawling Old Rt 55	$500,000
1805	IL	Upgrade Curtis Road in conjunction with state plan for I-57 interchange; from Duncan Rd to 1st Street in Champaign	$7,000,000
1806	MO	Upgrade Rt. 249 [Range Line] from Rt. 171 to I-44	$10,000,000
1807	VA	Bland County Trails and Visitor Center—establishment of multi-use trail network, associated facilities and begin work on visitors center	$1,000,000
1808	NH	Upgrade Sewalls Falls Road bridge over Merrimack River in Concord	$1,000,000
1809	IL	Perform Old Orchard Road Expansion and improvement project between harms road and US 41, Cook County	$1,000,000
1810	MN	Design engineering and ROW acquisition to reconstruct TH 95 bridge, North Branch	$1,000,000
1811	NY	Tappan Zee Bridge to I287 Transportation Corridor	$1,000,000
1812	CA	Upgrade and reconstruct the I-80/I-680/SR12 Interchange, Solano County	$21,000,000
1813	MD	US 219 Oakland Bypass	$1,000,000
1814	NC	US 221 widening from US 421 to Jefferson, NC	$2,000,000
1815	IL	Complete 80,000lb truck route between CH2 (Burma Rd) and IL Rte 130 in Cumberland County	$3,000,000
1816	CA	Improvement of intersection at Burbank Blvd. and Hayvenhurst Ave	$400,000
1817	OH	Construct pedestrain bridge over I77; tunnel underneath railroad; bridge over Tuscarawas River along OH and Erie Canal in Tuscarawas County	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1818	MN	Lake Street Access to I-35W, Minneapolis	$6,000,000
1819	WI	Upgrade USH 2 in Ashland County	$4,000,000
1820	OR	Construct an urban arterial street between NE Weidler and NE Washington on NE 102nd, Portland	$3,700,000
1821	CA	Construct an Interchange on Highway 70 at Georgia Pacific Road in Oroville	$2,000,000
1822	AZ	Construct or Modify Railroad Grade Separations on 6th St. and 22nd St. and Reconstruct Speedway Blvd. Underpass in Tucson	$13,300,000
1823	FL	Construct North Ormond Beach Business Park Interchange at I-95 between U.S. 1 and SR 40, Volusia County	$1,100,000
1824	MN	Environmental review for improvement along the entire US 10 corridor	$1,300,000
1825	NY	Construct visitor center, access road, and parking at Sam's Point Preserve, Ellenville	$750,000
1826	OH	Installation of road improvements on Old State Road-SR 608 in Middlefield, OH	$100,000
1827	WA	To replace BNSF trestle, Sammamish River bridge and reconstruct SR202/127th Pl NE and SR202/180th Ave NE intersections	$2,000,000
1828	PA	Completion of beltway interchanges along Business Route 60 in Moon Township, Allegheny County	$1,000,000
1829	TX	US 290 Improvements in Austin, TX	$3,000,000
1830	CA	City of Madera, CA Improve SR99-SR145 Interchange	$2,000,000
1831	AL	Construct a new interchange on I-65 at Cullman, AL County Road 222	$1,000,000
1832	VA	Improve transportation projects for Jamestown 2007	$3,750,000
1833	MI	Design and construction of West Michigan Regional Trail Network connector to link two trail systems together and to Grand Rapids	$3,000,000
1834	TN	Plan and construct a bicycle and pedestrian trail including enhancements, Murfreesboro	$9,000,000
1835	AZ	Replacement of Safford Bridge which crosses the Gila River directly north of Safford, AZ on North 8th Avenue	$3,500,000
1836	TX	Design & construct streetscape improvements to Old Spanish Trail—SH 288 to Griggs, Griggs to Mykawa	$1,000,000
1837	TN	For each rail-highway crossing: Improve circuitry on vehicle protection device installed at crossing in Knoxville, TN	$57,000
1838	OH	Reconstruct Broadway Ave in Lorain	$750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1839	OH	Road Widening and related improvements to SR 82 in Macedonia OH	$3,410,000
1840	MN	Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay	$1,740,000
1841	CA	Ramona Avenue Grade Separation, Montclair, California	$2,000,000
1842	MN	Roadway improvements, City of Federal Dam	$1,000,000
1843	VA	Rocky Knob Heritage Center— planning, design, site acquisition and construction for trail system and visitors center on Blue Ridge Parkway	$1,500,000
1844	FL	Design and construct capacity and safety improvements for State Road 426—County Road 419 in Oviedo from Pine St to west of Lockwood Blvd	$2,000,000
1845	FL	Coordinated Regional Transportation Study of US 98 from Pensacola Bay Bridge, Escambia County to Hathaway Bridge, Walton County, Florida	$1,500,000
1846	PA	Paving and reconstruction in the townships: North and South Eldorado, North Altoona, Fairview, Juniata, East End, Pleasant Valley, South Tracks, Lyswen-Altoona, PA	$2,000,000
1847	AK	Construct access road connection from Seward Highway to rail and airport facilities in Seward	$3,000,000
1848	AZ	Realign Davis Road from State Route 80 to State Route 191	$3,300,000
1849	PA	Reesdale Street roadway reconfiguration to allow HOV access to new parking facility	$1,000,000
1850	WA	SR 538 (College Way) and North 26th St. Signal in Mount Vernon	$175,000
1851	TX	Acquisition of right of way and environmental preservation from I-45 to U.S. 59 for Grand Parkway	$12,000,000
1852	ID	Reconstruct Grangemont Road (Idaho Forest Highway 67) from Orofino to Milepost 9.3	$2,000,000
1853	VA	Expansion of South Airport Connector Road (Clarkson Road to Charles City)	$7,000,000
1854	NY	Design and Construction of bicycle and pedestrian facilities in the area of the Roosevelt Avenue Bridge	$480,000
1855	NC	Construct Endor Iron Furnace Greenway enhancements from Deep River to Sanford	$1,000,000
1856	CO	Improve and widen State Highway 44 from Colorado Boulevard to State Highway 2	$4,000,000
1857	FL	Fund improvement of US 301 corridor in Sumter and Marion Counties	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1858	TN	complete construction and landscaping of visitor center on Cherohala Skyway in Monroe County, TN	$100,000
1859	OR	Construction of the East Burnside Street improvements, Portland	$3,700,000
1860	AL	Expand to 4 lanes US Highway 278 from Sulligent to Guin	$1,000,000
1861	IL	Francis Cabrini/W. Green Homes CHA Street Construction, City of Chicago	$600,000
1862	NY	Plan and construct bicycle path, esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn	$10,000,000
1863	PA	Construct Dubois Regional Medical Center Access Road	$600,000
1864	NY	To design and construct safe route to school projects in Brooklyn, Queens and Manhattan, NY	$550,000
1865	PA	US 30 corridor improvements from PA 896 to PA 897. Connects PA 41	$3,000,000
1866	MD	US 40 Alternate, Middletown Bypass	$5,000,000
1867	CA	Construction of a smart crosswalk system at the intersection of Topanga Canyon Blvd. and Gault St	$50,000
1868	WI	Expand USH 51 & STH 29 in Marathon County	$8,000,000
1869	PA	Construct 2 flyover ramps and S Linden St ext for access to industrial sites in the cities of McKeesport and Duquesne	$7,000,000
1870	NY	Construct 4-lane bypass roadway along US Route 6 in Lake Mohegan parallel to Strawberry Road in Yorktown ending in Town of Cortlandt Manor	$130,000
1871	NY	Construct pedestrian walkway along Route 9A in Hudson River Park, New York City	$5,000,000
1872	IN	Design engineering, right-of-way acquistion, and construction for the Grant County Economic Corridor	$2,000,000
1873	MN	City of Marshall TH 23 4-Lane Extension	$3,288,000
1874	IL	Henry Horner Homes CHA Street Construction, City of Chicago	$1,000,000
1875	TN	Improve circuitry on vehicle protection device installed at highway-RR crossing in Knoxville, TN	$158,000
1876	NJ	Construct Intersection at Route 46 and Little Ferry Circle in Little Ferry	$1,500,000
1877	AR	Improve State Highway 88 (Higdon Ferry Road) in Hot Springs	$4,000,000
1878	MD	Improve US 1, Washington Boulevard Corridor in Howard County	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1879	NY	Downtown Flushing Traffic and Pedestrian Improvements	$1,000,000
1880	FL	Arlington Expressway Access Rd., Jacksonville	$1,500,000
1881	CO	Construct arterial on W side of Montrose to ease traffic congestion on SH 550 between Grand Avenue, N/S of city	$7,500,000
1882	CO	North I-25: Denver to Fort Collins Colorado	$8,000,000
1883	CA	Planning for Orange Line Mag Lev from downtown Los Angeles to central Orange County	$350,000
1884	NJ	Rahway Streetscape Replacement Project	$500,000
1885	CT	Reconstruct I-95/I-91 interchange and construct pedestrian walkway, New Haven	$2,000,000
1886	VA	Blue Ridge Music Center—install lighting/steps, upgrade existing trail system and equip interpretative center with visitor information	$1,500,000
1887	VA	Ceres Recreation Trail and Center—design and construct pedestrian/bicycle trail in community of Ceres and establish trail center	$150,000
1888	ME	Construction of trails within the Eastern Trail Management District	$1,000,000
1889	GA	1-75 interchanges from north of Tifton to Turner County line	$1,000,000
1890	GA	City of Savannah, Construct bike and pedestrian paths along Heritage Rail	$200,000
1891	FL	Implementation of the Advanced Traffic Managament System, Boca Raton, FL	$2,000,000
1892	TX	Construct reliever route on US 287 South of Stratford to US 287 North of Stratford	$3,000,000
1893	WI	Construct HSH 151 between CTH D and STH 175, Fond du Lac County, WI	$3,000,000
1894	OH	Construct transportation enhancement projects, Toledo	$10,500,000
1895	TX	Contruct grade separation at US59 and SH99. Replace the proposed interim cloverleaf ramps at the intersection	$5,000,000
1896	MS	Gateways Transportation Enhancement Project, Hancock County	$250,000
1897	NY	Install Improvements for Pedestrian Safety in the vicinity of IS 194	$250,000
1898	OK	Improvements to SH412P at I-44 Interchange	$4,500,000
1899	FL	Acquire right-of-way and construct East-West Connector from SR 37 to SR 563 in Lakeland, FL	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1900	WA	Design Valley Mall Blvd for Main St to I-82 and two I-82 interchanges at Mileposts 36 and 38 in Union Gap, WA	$6,400,000
1901	WA	Extension of Waaga Way west to Old Frontier Rd and construction of a ramp from SR3 to SR303	$500,000
1902	ME	Plan and construct highway access between US Route 161 and US Route 1 in Madawaska	$1,000,000
1903	CA	Randolph St improvements between Wilmington Ave and Fishburn Ave in Huntington Park	$1,200,000
1904	CA	Reconstruct Azusa Ave and San Gabriel Ave for two-way traffic in Azusa	$2,500,000
1905	KS	Construction of a 1.5 mile alternate truck route in Downs, Kansas	$500,000
1906	AL	Pedestrian Improvements for Columbiana, AL	$100,000
1907	MN	Reconstruct CSAH 91 from the D.M. and I.R. Railroad crossing at 8th Street in Duluth to CSAH 56, St Louis County	$5,000,000
1908	NY	Construct Wayne County, NY rails to trails initiative	$345,000
1909	MA	Design and construct signal crossing and other safety improvements to Bicycle/ Pedestrian Path	$750,000
1910	MI	Construction of Nonmotorized Pathway, City of Rockwood	$300,000
1911	WA	Purchase of scenic easement at I-90 and Highway 18	$600,000
1912	PA	Reconstruct the SR 33, 512 interchange in the Borough of Wind Gap	$2,500,000
1913	NY	Access improvements for terminal located on 12th Ave between W. 44th and W. 54th St in Manhattan	$4,000,000
1914	IL	Completion of the Grand Illinois Trail, Cook County	$1,292,500
1915	CA	Construct and improve medians and drainage on Imperial Highway from west border to east border of city in La Mirada	$1,700,000
1916	CT	Construct Pomfret Pedestrian Bridge	$120,000
1917	NV	Construct Laughlin Bullhead City Bridge	$2,000,000
1918	PA	Design, engineering, ROW acquisition, & construction of the widening of Pennsylvania Rt. 443 Corridor in Carbon County	$1,000,000
1919	NY	Palisades Interstate Parkway Mitigation Measures for New Square	$600,000
1920	CA	Reconstruct and widen Del Amo Blvd to four lanes between Normandie Ave and New Hampshire Ave, Los Angeles County	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1921	MN	Reconstruct Unorganized Township Road 488 from CSAH 138, Koochiching County	$1,025,000
1922	NY	Reconstruction of Empire Boulevard	$6,400,000
1923	PA	Reconstruction of PA 309 from Greenwood Avenue to Welsh Road	$2,500,000
1924	TN	Construction of I-69 in Obion, Dyer, Lauderdale & Tipton Counties	$14,125,000
1925	IL	Design, land acquistion, and construction of South Main St (IL 2) Corridor from Beltline Rd to Cedar Street in Rockford, IL	$2,000,000
1926	OH	Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport	$12,500,000
1927	MA	Reconstruction of Pleasant Street, Watertown	$2,000,000
1928	MN	Lake Wobegon Trail corridor from Sauk Centre to the Stearns County line	$352,000
1929	RI	Replace Sakonnet Bridge	$2,000,000
1930	CA	Conduct study and construct CA State Route 239 from State Route 4 in Brentwood area to I-205 in Tracy area	$5,000,000
1931	MA	Geometric improvements, safety enhancements and signal upgrades at Rt. 28 & Rt. 106, intersection West Bridgewater	$1,500,000
1932	WA	Fife—Widen 70th Ave. East and Valley Ave. East	$1,000,000
1933	CA	Construct two right hand turn for Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles	$400,000
1934	WA	I-90 Two-Way Transit-HOV Project	$4,000,000
1935	AL	Construct Talladega Mountains Natural Resource Center—an educational center and hub for hikers, bicyclists, and automobiles	$500,000
1936	MD	Gaithersburg, MD Extension of Teachers Way—Olde Towne Gaithersburg Revitalization	$1,400,000
1937	IL	Intersection Reconstruction and Bridge Rehabilitation at IL 60 and Peterson Road	$2,500,000
1938	AK	Planning, design, and EIS of Bradfield Canal Road	$2,300,000
1939	TX	Reconstruct Clinton Dr. from Federal Rd. to N. Wayside Dr	$14,000,000
1940	GA	Pave portions of CR 345, CR 44, and CR 45, Hancock County	$370,000
1941	NY	Deer Avoidance System, to deter deer from milepost marker 494.5, Ripley, PA, to 304.2., Weedsport, NY along I-90	$250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1942	CA	El Camino Real Grand Blvd Initiative in San Mateo County	$3,500,000
1943	CA	Construct Guadalupe River Trail from I-880 to Highway 237 in Santa Clara County	$7,000,000
1944	TN	Cocke County, Tennessee SR-32 reconstruction	$500,000
1945	IL	Construct I-80, Ridgeland Ave. Improvements, Tinley Park	$1,000,000
1946	KY	Construct Pedestrian Mall and Streetscape Improvements, Wilmore	$3,905,000
1947	PA	PA 23 corridor improvements from US 30 to US 322	$2,450,000
1948	NJ	Replacement and realignment of Amwell Road Bridge over Neshanic River	$555,000
1949	FL	City of Wilton Manors Powerline Road Streetscape Enhancement Project	$375,000
1950	TX	Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River in Fort Worth	$7,000,000
1951	IN	Construction of multi-use paths, Town of Fishers, Indiana	$250,000
1952	OH	Construct White Pond Dr. project in Akron	$1,000,000
1953	MN	Design and right of way acquisition for I-35E-CSAH 14 Main Street Interchange, city of Lino Lakes, Minnesota	$1,000,000
1954	OR	Expand storage facilities in Eugene to support transportation enhancement activities throughout the state	$2,500,000
1955	CA	Improvements to US-101 ramps between Winnetka Ave. and Van Nuys Blvd	$400,000
1956	IN	Acquire right of way for and construct University Parkway from Upper Mt. Vernon Road to SR 66	$3,000,000
1957	CA	Pine Avenue extension from Route 71 to Euclid Avenue in the City of Chino, California	$8,500,000
1958	MO	Confluence Greenway Land Acquisition for Riverfront Trail development in St. Louis	$700,000
1959	TN	Retrofit noise abatement walls in Davidson County	$2,500,000
1960	MA	Road Improvements between Museum Road & Forsyth Way	$4,000,000
1961	MI	Commerce, Haggerty Road from 14 Mile to Richardson	$1,500,000
1962	WI	Expand STH 23, County Highway OJ to US Highway 41, WI	$15,000,000
1963	FL	Construct interchange at I-95 and Matanzas Woods Parkway, Flagler County	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1964	IL	Miller Road Widening and Improvement, McHenry	$7,955,000
1965	NC	Construct Neuse River Trail in Johnston County	$2,000,000
1966	TX	Construct landscaping and other pedestrian amenities in segments of the Old Spanish Trail and Griggs Road rights-of-way	$2,000,000
1967	NY	Construction of and improvements to Union Road and Walden Avenue in Cheektowaga	$1,000,000
1968	LA	Construction of West Covington Bypass—LA 21 Widening	$4,000,000
1969	MS	Construct Byrd Parkway Extension, Petal	$1,000,000
1970	NY	Intermodal transportation improvements in Coney Island	$3,300,000
1971	MN	Construct one mile of new roadway and a bridge crossing the DM&IR railroad tracks, and construct connector between CSAH 14 and CSAH 284, Proctor	$3,280,000
1972	NH	Construct Park and Ride, Exit 5 on I-93—Londonderry, NH	$2,000,000
1973	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Exeter Borough, Luzerne County	$200,000
1974	PA	Extension of River Road in Reading, PA to provide access to major industial and brownfields sites	$1,500,000
1975	AK	Point MacKenzie in Matanuska-Susitna Borough plan and design road access	$1,000,000
1976	TX	Repair 4.35 miles of Lake Ridge Parkway. Widen roadway along with 2 bridges from 4 lanes to 6 across Joe Poole Lake in Grand Prairie, TX	$6,000,000
1977	IL	Robert Taylor Homes CHA Street Construction, City of Chicago	$550,000
1978	OR	Rockwood Town Center for Stark Street from 190th to 197th for pedestrian, bicycle and transit facilities and safety mitigation	$1,750,000
1979	PA	Route 89 Curve Realignment one mile north of Titusville on Route 89	$300,000
1980	FL	Sand Lake Road Improvements between Presidents Drive and I-4	$6,000,000
1981	MI	Sault Ste. Marie, Reconstruct East Spruce Street with drainage, curb, gutter, pavement, traffic control devices	$950,000
1982	MI	Study and construct I-96/US31-Sternberg Road area improvements	$6,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1983	PA	Provide access to HOV ramp from Reedsdale Street with traffic signals, pavement markings, lane control and fast acting gates	$2,000,000
1984	IL	The extension of MacArthur Blvd. from Wabash to Iron Bridge Road. Springfield	$1,500,000
1985	IL	Construct Cedar Creek Linear Park Trail, Quincy	$500,000
1986	IN	Conduct study for US50 Corridor Improvements, Dearborn County Indiana	$300,000
1987	IL	Design, land acquisition, and construct West State St (US Business 20) from Meridan Rd to Rockton Ave in Rockford, IL	$2,000,000
1988	CA	The Foothill South Project, construct 16 miles of a six-lane limited access highway system	$10,000,000
1989	MI	Construct Road Improvements to Miller Rd. from I-75 to Linden Rd. Flint Township	$3,000,000
1990	CA	State Route 99 improvements at Sheldon Road	$4,000,000
1991	KY	The Kentucky Multi-Highway Preservation Project	$1,600,000
1992	NY	Town of Warwick, NY. Bridge replacement on Buttermilk Falls Rd	$175,000
1993	TN	Improve existing two lane highway to a four lane facility along the US-412 Corridor west of Natchez Trace to US-43 at Mt. Pleasant	$5,500,000
1994	NY	Town of Warwick, NY East Shore Road reconstruction	$800,000
1995	FL	Traffic Reconfiguration of SR 934 and US 1 Route, Miami	$1,000,000
1996	PA	For design, engineering, ROW acquisition, and construction of the third phase of the Marshalls Creek Bypass Project in Monroe County, Pennsylvania	$300,000
1997	MI	Construct North Central Muskegon County Corridor Improvements at US 31 and Russell Road	$2,300,000
1998	OH	Reconstruct I-75/I-475 Interchange, Toledo	$3,000,000
1999	NY	College Point 20th Avenue Streetscapes Improvements Project in Queens	$700,000
2000	OH	Construct a 4 lane limited access road to link Newcomerstown and Cadiz	$750,000
2001	CO	Construct trail to extend the Pequonnock Valley railtrail through Trumbull and into Bridgeport, CT	$500,000
2002	MS	Plan and Construct Star Landing Corridor from US 78 to US 61	$2,000,000
2003	TX	I Road Between Nolana Loop and FM 495 in Hidalgo County	$1,900,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2004	NC	North Carolina. Add passing lanes and safety improvements to US Hwy. 64 in Transylvania County	$2,000,000
2005	TN	Improve streetscape and pavement repair, Blount County, TN	$300,000
2006	CT	Reconstruction of State Route 111 from Purdy Hill Road to Fan Hill Road, Monroe, CT	$1,500,000
2007	IL	Resurface Trumbull Ave. and Homan Ave., Evergreen Park	$400,000
2008	GA	HWY 78 Corridor Improvement Gwinnett County	$500,000
2009	TX	Construct Southwest Bypass in Georgetown, Texas, between SH29 and Ranch Road 2243	$4,000,000
2010	MO	To improve U.S. 54 to a four lane highway from the Osage River to MO Route KK	$1,000,000
2011	MS	Upgrade roads in Mayersville (U.S. Hwy 14 and 1), Issaquena County	$200,000
2012	MA	Gainsborough St. & St. Botolph St. Improvements	$750,000
2013	IN	Construct US 31 Kokomo Corridor Project for Kokomo Howard County, Indiana	$1,000,000
2014	OH	Construction of Tri-State Outer Belt in Lawrence County	$2,000,000
2015	PA	Completion of I-79-Kirwin Heights Interchange and construction of retaining walls, bridge and new ramps	$2,000,000
2016	OH	Construction of the Carroll Area Interchange in Fairfield County	$3,000,000
2017	CA	Construct the Silicon Valley Transportation Incident Management Center in San Jose	$2,500,000
2018	CA	Design and Construction Camino Tassajara Crown Canyon to East Town Project, Danville, CA	$1,000,000
2019	NY	Dutchess County, Replace County Bridge BIN 3343110 over Fishkill Creek, Philips Road, Town of East Fishkill	$400,000
2020	WI	North 28th Street Phase 2 roadway safety improvements from Weeks Avenue to Hill Avenue in Superior	$1,280,000
2021	NC	Upgrade US 74 in Columbus County	$7,000,000
2022	MS	Upgrade US 78 to Interstate Standards from the MS–TN state line to the MS–AL state line	$4,000,000
2023	IN	Improve Bailie Street, Kentland	$320,000
2024	CA	Realignment of La Brea Avenue to reduce congestion	$3,640,000
2025	IL	Resurface Elston Avenue from Milwaukee to Pulaski, Chicago	$2,000,000
2026	TN	Sullivan, Washington Counties, Tennessee SR-75 widening	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2027	GA	US 17/SR 404 Spur, Back River bridge replacement, Savannah	$4,000,000
2028	MS	US 98 access improvements & new I-59 interchange, Lamar County	$4,000,000
2029	VA	Construct South Airport Connector, Richmond International Airport	$500,000
2030	NY	City of Peeskill, NY Street Resurfacing Program. Riverview Avenue	$130,000
2031	GA	SR 400 at SR 120 Old Milton Parkway intersection improvement Fulton County Georgia	$1,000,000
2032	MA	East Boston Haul Road Construction	$6,000,000
2033	NY	Town of Goshen Orzeck Road reconstruction	$400,000
2034	VA	Revitalize Main Street in Dumfries	$725,000
2035	FL	Replace Platt Street Bridge	$3,000,000
2036	FL	Access Rd. Streetscaping, Sanford Airport	$500,000
2037	NY	Rockland County and City of Yonkers to Lower-Manhattan Ferry Boat project	$1,000,000
2038	SC	Complete construction of Palmetto Parkway (I-520) Extension (Phase II) to I-20	$6,000,000
2039	NM	US 62-180 Reconstruction, Texas State Line to Carlsbad	$5,000,000
2040	IL	US Rt 30 between Williams Street and IL Rt 43 for signals, turn & or deceleration lanes at 80th Ave, Wolf Rd, Lincoln Way HS and Locust St	$6,000,000
2041	OH	Construct Orchard Lane to Factory Road Connector, Greene County	$500,000
2042	TX	Construction of vessel impact protection system for TXDOT	$500,000
2043	NC	Design and construction of the Airport Area Roadway Network, High Point, North Carolina	$5,000,000
2044	VA	Repair Colorado Street bridge in Salem, Virginia	$1,500,000
2045	CA	Project to evaluate air quality and congestion mitigation benefits of a Hybrid Utility Vehicle in Santa Barbara County	$100,000
2046	PA	Mill Street improvements, Borough of Lansdale	$900,000
2047	MN	Construction of County State Aid Highway 21, Scott County, MN	$3,200,000
2048	PA	Safety improvement to Chesnuts Turn—SR 475, Fulton County, PA	$2,600,000
2049	TX	Two direct connectors in Houston, Texas between IH 10 and SH 99, The Grand Parkway	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2050	MO	Upgrade of Rt. 71 from Pineville to Arkansas State Line	$15,000,000
2051	CA	Improve interstates and roads part of the Inland Empire Goods Movement Gateway project in and around the former Norton Air Force Base	$25,000,000
2052	IL	Preconstruction activities for Sangamon Valley Bicycle Trail (IL)	$500,000
2053	MI	St. Clair County Parks is working with 13 local units to develop the 54-mile Bridge-to-Bay trail	$500,000
2054	NJ	New Jersey Underground Railroad for preservation, enhancement and promotion of sites in New Jersey	$320,000
2055	CA	Construction of an interchange at Lammers Road and I-205, Tracy, CA	$1,000,000
2056	MN	Right of way acquisition for St. Cloud Metro Area Project Development Studies	$3,000,000
2057	NY	Improve CR39 from NY27 to NY27A, Suffolk County	$3,000,000
2058	PA	Street improvements, Borough of Ambler	$650,000
2059	KY	Reconstruction of KY61 from Greensburg in Green County to Columbia in Adair County	$1,000,000
2060	TX	Construct Loop 12-IH 35E and SH 183 west extension to MacArthur, Irving, Texas	$1,000,000
2061	NC	To plan, design, and construct the segment of Berkeley Blvd. from Royal Avenue to Hew Hope Rd (SR 1003) in Goldsboro, NC	$1,000,000
2062	OH	Upgrade Manchester Rd. in Akron	$4,000,000
2063	IL	St. Charles Road, The Village of Bellwood	$1,000,000
2064	TN	Engineer, design & construction of connector rd from I-75 interchange across Enterprise South Industrial Park to Hwy 58 in Hamilton County	$9,000,000
2065	TX	Construct 4 lane divided roadway along SH 71 from the Perdernales River to Bee Creek	$1,000,000
2066	CT	I-84 Danbury Exits 1-11 Upgrade Interchanges	$1,500,000
2067	CA	Complete the engineering design and acquire the right-of-way needed for the Arch-Sperry project in San Joaquin County	$5,000,000
2068	UT	Increase lane capacity on bridge over Virgin River on Washington Fields Road in Washington	$3,000,000
2069	NY	Installation of Utica Traffic Signal System	$3,000,000
2070	NC	To construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County, NC	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2071	WA	US 12 Burbank to Walla Walla: Construct new four lane highway for portion of US 12	$3,300,000
2072	TX	Construct direct connectors on US 59 Intersection of US 59, Business 59 and US 77 (previously Loop 463)	$1,500,000
2073	OH	Structural improvements to two bridges over the Zimber Ditch between 38th St. and Whipple Ave. in Canton, Ohio	$500,000
2074	OK	US 281, Widen US 281 from the new US 281 Spur North to Geary Canadian County, OK	$1,000,000
2075	MI	City of Negaunee, Croix Street reconstruction-Streetscape and resurfacing from US 41 to Maas Street	$1,125,000
2076	KS	Construct I-35 and Lone Elm Road interchange and widen I-35 from 51st St. to 59th St., Olathe	$5,000,000
2077	MI	Integrated highway realignment and grade separations at Port Huron, MI to eliminate road blockages from NAFTA rail traffic	$500,000
2078	OK	US-60, Widen US-60 between Bartlesville and Pawhuska, Osage County, OK	$3,000,000
2079	WA	Construct an off-ramp from I-5 to the intersection of Alderwood Mall Blvd and Alderwood Mall Pkwy	$500,000
2080	CA	Reduce congestion and boost economies through safer access to the coast by realigning Hwy 299 between Trinity and Shasta Counties	$5,000,000
2081	IL	Pre-construction and construction activities on US 45/ LaGrange Road from 131st Street to 179th Street	$1,000,000
2082	AR	Van Buren, Arkansas—Widen and reconstruct Rena Road	$3,000,000
2083	GA	Construction of infrastructure for inter-parcel access, median upgrades, lighting, and beautification along Highway 78 corridor	$6,500,000
2084	CA	Construct Alviso Bay Trail from Gold Street in historic Alviso to San Tomas Aquino Creek in San Jose	$1,000,000
2085	MS	Construct bicycle and trolley path, Hattiesburg	$850,000
2086	WI	Construct a bike and pedestrian bridge across STH 100 at the 1800 block of S. 108th Street, West Allis	$300,000
2087	IL	Increasing the height on the IL Rt. 82 Railroad Under-pass in Geneseo, IL	$3,000,000
2088	NC	US-70 Goldsboro Bypass	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2089	CA	Vasco Road Safety Improvements, Contra Costa Transportation Authority and the County of Alameda Public Works, California	$1,000,000
2090	NY	Downtown Flushing Multi-Modal Connection Project, Queens	$1,100,000
2091	MD	Construct Safety and Operations Improvements at MLK Jr. Blvd. and W. Baltimore Street in Baltimore	$1,700,000
2092	NY	Rehabilitate Riis Park Boardwalk	$300,000
2093	TX	Construct 25 mile stretch of the 177-mile loop, between IH-45 south and SH-288	$11,500,000
2094	UT	Construction of Midvalley Highway, Tooele County, Utah	$1,000,000
2095	WA	Improve Willapa Hills bicycle and pedestrian trail between Rainbow Falls State Park and Adna	$200,000
2096	PA	Design and construct interchange and related improvements at I 83 Exit 18	$6,000,000
2097	VA	Northern Virginia Potomac Heritage National Scenic Trail	$1,000,000
2098	NC	Construct new traffic path to receive and dispatch trucks from US 74, US 76, US 421, and US 17S	$3,000,000
2099	OK	Construction of Midwest City Pedestrian Walkway	$1,000,000
2100	TX	Construct parallel bridge for SH 35 over Capano Bay	$1,000,000
2101	GA	Construct access roads on Airport Loop road in Hapeville	$2,000,000
2102	TN	Construct 2nd Creek Greenway, Knoxville, Tennessee	$685,700
2103	NE	Design, right-of-way and construction for the Louisville Bypass, Nebraska	$1,000,000
2104	HI	Construct Honoapiilani Highway Realignment	$3,000,000
2105	TN	Hamblen County, Tennessee US25E interchange improvements	$1,000,000
2106	IL	Construction of a new bicycle-pedestrian bridge in Wayne, IL	$1,200,000
2107	PA	David Lawrence Convention Center Phase IV-reconstruction of roadways assoc. with HQ hotel project	$1,200,000
2108	CO	I-70 and SH58 Interchange: Reconstruction of existing ramps, building of missing ramps and ROW acquisition	$4,000,000
2109	OH	Reconstruct U.S. Route 6 (Lake Road). Rocky River	$2,000,000
2110	WA	Construct .6 mile span over I-5 in Thurston County to connect Chehalis Western Trail	$4,300,000
2111	IL	Extend Frank Scott Parkway East Road to Scott AFB, St. Clair County	$2,800,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2112	OH	Reconfigure I-480 and Transportation Blvd. Interchange, Garfield Heights	$750,000
2113	NY	Rehabilitation of Route 100 from Virginia Road to Westchester Community College	$1,100,000
2114	TN	Restoration of historic L&N Depot, McMinn County, Tennessee	$20,000
2115	SD	Resurface 10 miles of US18 from Okreek to Carter on the Rosebud Indian Reservation	$2,300,000
2116	CA	Route 198 Expansion, from SR 99 to SR43	$3,000,000
2117	WA	SR 543 Interstate 5 to International Boundary Enhancement in Blaine	$2,500,000
2118	MD	Rockville, MD Construction of Maryland Avenue and Market Street Intermodal Access Project	$4,000,000
2119	MN	US Highway 212 expansion from Carver Cnty Rd 147 to Cologne and from Cologne to Norwood Young America	$1,000,000
2120	VA	Vienna, VA Maple Avenue improvement project	$1,650,000
2121	IL	Village of South Jacksonville—West Vandalia Road upgrades	$952,572
2122	AS	Village road improvements for Launiusaelua and Ituau counties in the Central district	$3,000,000
2123	AS	Village road improvements for Tualauta, Tualatai, Aitulagi, Fofo, and Alataua counties in the Western district	$3,000,000
2124	FL	Destiny Rd Reconstruction, Eatonville	$1,000,000
2125	KY	Construct New Technology Triangle Access Road, Campbell County, Kentucky	$2,000,000
2126	NY	Town of Wawayanda reconstruction of McVeigh Road	$400,000
2127	VA	Virginia Creeper Trail—trail needs, including construction of restroom facilities at Watauga and Alvarado and parking expansion at Watauga	$850,000
2128	CA	Construct grade separation on State College Blvd. at the Burlington Northern Santa Fe railroad, Fullerton	$14,000,000
2129	MA	Warren Street—Blue Hill Avenue	$2,000,000
2130	FL	Design and construct Dunn Avenue Extension, Volusia County	$2,000,000
2131	CA	Construct operational and safety improvements to I-880 N at 29th Ave in Oakland	$2,500,000
2132	WA	U.S. 395, North Spokane Corridor Improvements	$3,300,000
2133	NY	Route 531 Expansion Spencerport-Brockport, 4-lane Highway is a project to extend Rt. 531	$7,400,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2134	OR	Columbia Intermodal Corridor for rail congestion relief, improved intersections and access to Interstate-5 for trucks, and grade-separate road from rail, Portland	$11,150,000
2135	OH	Interchange and related road improvements to SR 44 in Painesville, OH	$3,000,000
2136	GA	Greene County, Georgia conversion of I-20 and Carey Station Road overpass to full interchange	$1,200,000
2137	IL	Pioneer Parkway upgrade in Peoria—Extension from Allen Road to Route 91	$2,000,000
2138	MS	Construct historic bicycle path, Pascagoula	$150,000
2139	PA	Crows Run Relocation from SR 65 to Freedom Crider Road	$2,350,000
2140	OH	Replace the Edward N. Waldvogel Viaduct in Cincinnati	$6,000,000
2141	NC	Construct I-540 from NC 55 South to NC 55 North	$11,000,000
2142	NY	Roadway, streetscape, pedestrian, and parking improvements to the Buffalo Niagara Medical Campus, Buffalo	$4,000,000
2143	VA	Upgrade DOT crossing #470515H to constant warning devices in Halifax	$150,000
2144	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Avoca Borough, Luzerne County	$200,000
2145	WA	Bridge Modification and Interstate Highway Protection Project, Skagit River, in Skagit County	$4,000,000
2146	TN	Construct welcome center, Macon County	$200,000
2147	CA	Construction of new roadway lighting on major transportation corridors in the Northwest San Fernando Valley	$1,000,000
2148	MO	Interchange design and construction for the Main Street Extension at I-55, Cape Girardeau County	$1,000,000
2149	CA	Replace SR22 interchanges, construct HOV lanes, and lengthen bridges in Garden Gove	$6,000,000
2150	IL	Construct I290, The Village of Oak Park	$1,000,000
2151	RI	Rehabilitation of Bridge Number 550 In Pawtucket	$5,500,000
2152	WA	Complete analysis, permitting and right of way procurement for I-5/SR501 Interchange replacement in Ridgefield	$500,000
2153	CA	Design and construct new interchange at Potrero Blvd and State Route 60 in Beaumont	$2,000,000
2154	TN	Construction of a pedestrian bridge in Alcoa, TN	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2155	WV	Construct 4 lane improvements on U.S. Route 35 in Mason County	$14,000,000
2156	OH	Construct Grade Separation at Front Street, Berea	$500,000
2157	CA	Crenshaw Blvd. Rehabilitation, 182nd St.-190th St.; and Crenshaw Blvd. at 182nd St. Fwy on-off Ramp Capacity Enhancement, City of Torrance	$800,000
2158	CA	Construct Interchange at Intersection of SR 44 and Stillwater Road	$8,000,000
2159	MN	CSAH 61 improvements, City of Coleraine	$490,000
2160	KY	Expansion to four lanes of Hwy 55 and Hwy 555 Heartland Parkway in Taylor County	$10,000,000
2161	KS	Interchange improvement at K-7 and 55th St. in Johnson Co	$5,000,000
2162	CA	Construct truck lane on Baughman Road from State Route 78/86 to Forrester Road, Westmorland	$550,000
2163	AZ	Construct bridges at Aspen St., at Birch St., at Cherry St., at Bonito St., at Thorpe St	$1,500,000
2164	CT	Construct Putnam curb cuts	$50,000
2165	OH	Canton, OH Cleveland Ave. bridge replacement over the Nimishilen Creek	$400,000
2166	MN	Design and right of way acquisition for I-35 and CSAH2 interchange in Forest Lake, MN	$3,000,000
2167	PA	Complete the connection of the American Parkway between the east and west sides of the Lehigh River with bridge and interchanges	$10,000,000
2168	PA	Design, engineering, ROW acquisition & construction of street improvements, parking & safety enhancements Main & Parsonage Streets in Pittston	$250,000
2169	TX	Grade separation bridges at Wintergreen Rd. and Millers Ferry Rd. in Hutchins and Pleasant Run Rd. and Millers Ferry Rd. in Wilmer	$8,200,000
2170	GA	I-20 HOV lanes from Evans Mill Road to Salem Road, Dekalb and Rockdale Counties	$1,500,000
2171	NV	Improve Las Vegas Beltway-Airport Connector Interchange	$4,000,000
2172	CA	Oregon-Page Mill expressway Improvements between US101 and SR 82, Palo Alto	$4,000,000
2173	MA	Design and construct the Quinebaug River Rail Trail Bikeway	$1,000,000
2174	CA	Park Boulevard-Harbor Drive Rail Grade Separation, San Diego	$1,000,000
2175	MN	Paul Bunyan Trail, Walker to Bemidji segment	$700,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2176	CA	Construct road surface improvements, and improve road safety from Brawley Water plant to HWY 86 to 9th Street to 18th Street, Brawley	$1,400,000
2177	TX	Improvements to FM 1017 in Hebbronville	$500,000
2178	CA	Alameda Corridor East Gateway to America Trade Corridor Project, Highway-Railgrade separation along 35 mile corridor from Alameda Corridor (Hobart Junction) to Los Angeles/San Bernardino County Line	$15,500,000
2179	GA	Phase III Streetscape-Columbus	$1,000,000
2180	IL	Pre-construction and construction IL 15 over Wabash River at Mt. Carmel	$6,960,000
2181	NY	Queens and Brooklyn County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue	$4,000,000
2182	IA	Improvements at the IA 146 and I 80 interchange, Grinnell	$1,000,000
2183	TX	Construct Grade separation at US 277 in Eagle Pass	$5,000,000
2184	LA	Plan, design, land acquisition, and construction for improved access to I-10 and US61/River Road in St. John the Baptist and in Ascension Parish on the LA22 Corridor	$2,750,000
2185	KS	Construction of a two-lane on a four-lane right of way bypass with controlled access on US-400 at Dodge City	$12,800,000
2186	MN	Reconstruct CR 203 between US 10 and CSAH 1, Morrison County	$336,000
2187	NY	Reconstruction of York Street Industrial Corridor Project, Auburn, NY	$3,500,000
2188	NY	Construction of and improvements to Route 62 in the Village of Hamburg	$1,000,000
2189	IN	Downtown road improvements, Indianapolis	$10,000,000
2190	AL	Construct pedestrian urban-edge riverwalk in Montgomery, AL	$500,000
2191	PA	Johnstown, Pennsylvania, West End bypass safety improvements	$5,000,000
2192	CA	Construction of traffic and pedestrian safety improvements in Yucca Valley	$2,000,000
2193	CA	710 Freeway Study to Evaluate Technical Feasibility and Impacts of a Tunnel Alternative to Close 710 Freeway Gap	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2194	CA	Greenleaf Right of Way Community Enhancement Project-design and construct bikeways, pedestrian walkways and upgrade signalization Compton	$3,000,000
2195	KY	Improve Prospect Street Pedestrian Access, Berea	$2,750,000
2196	OH	Construct Crocker Stearns Connection, North Olmsted and Westlake	$700,000
2197	NY	Construction of and improvements to Seneca Street in Buffalo	$600,000
2198	CA	Avalon Boulevard/I-405 Interchange modification project, Carson	$4,000,000
2199	IL	Construct Illinois Route 336 from Macomb to Peoria	$2,000,000
2200	NC	North Carolina. Pack Square Pedestrian and Roadway Improvements, Asheville	$4,000,000
2201	PA	Provide pedestrian and water access to Convention Center from surrounding neighborhoods	$1,100,000
2202	NY	Reconstruction of Times and Duffy Squares in New York City	$1,500,000
2203	LA	Construction of I-10 Access Road (Crowley)	$1,100,000
2204	NY	Repaving of I-86 in towns of Coldspring, Randolph, Allegany, and Olean; City of Olean; Village of Randolph in Cattaraugus County	$10,000,000
2205	PA	Replace Bridge, S.R. 106, Tunkhannock Creek Bridge 2, Clifford Township, Susquehanna County	$800,000
2206	NJ	Replace Route 7-Wittpen Bridge, Hudson County	$1,000,000
2207	MN	Right-of-Way acquisition for 8th Street North & Pinecone Road	$4,000,000
2208	IL	For Village of Lemont to modernize and improve the intersection of McCarthy Road, Derby Road, and Archer Avenue	$350,000
2209	CA	Construct I-80 HOV lanes and interchange in Vallejo ...	$1,000,000
2210	PA	Rail Crossing signalization upgrade, East Wesner Road, Maidencreek Twp, Berks County	$206,300
2211	OH	Construct road projects and transportation enhancements as part of RiverScape Phase III, Montgomery County, Ohio	$4,480,000
2212	TN	Riverside Drive Cobblestone Restoration and Walkway, Memphis	$1,000,000
2213	TX	Road grade separation at Fairmont Parkway over Southern Pacific Railroad	$5,000,000
2214	PA	Construct additional northbound lane on Rte 28 between Harmar and Creighton Interchange	$1,650,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2215	NJ	Roadway and intersection modifications on New Jersey Route 82	$1,000,000
2216	OH	Jackson Township, Ohio. Intersection improvements at Fulton Dr. and Wales	$2,000,000
2217	GA	Rockdale County Veteran's Park— create park trails	$500,000
2218	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA	$2,000,000
2219	OH	Improvements to SR 91 in City of Twinsburg, OH	$1,950,000
2220	TX	Completion of US 77 relief route around City of Robstown	$2,000,000
2221	NY	Improve Maple Avenue, Smithtown	$1,000,000
2222	HI	Replace and Rehabilitate Kamehameha Highway Bridges, Island of Oahu	$1,000,000
2223	TX	SH71 from W of FM 20 to Loop 150, Bastrop County	$2,000,000
2224	IN	Construct US 31 Plymouth to South Bend Freeway Project in Marshall and St. Joseph Counties, Indiana	$8,000,000
2225	LA	Plan and develop a four-lane roadway, Jeanerette to US 90 connection	$200,000
2226	LA	Construct I-12 and LA 1088 Interchange	$3,000,000
2227	CA	4 lane widening/safety improvements on State Route 25 from Hollister to Gilroy	$3,660,000
2228	NY	Comprehensive traffic congestion mitigation study of Hauppauge Industrial Park and surrounding area	$750,000
2229	NY	Develop an identity and signage program for the Erie Canalway National Heritage Corridor	$1,000,000
2230	CO	Dillon Drive Overpass at Interstate 25 in Pueblo	$4,000,000
2231	NY	Improvements at highway-rail crossings along the Southern Tier Extension Railroad in Allegany, Cattaraugus, and Steuben Counties	$1,000,000
2232	FL	Depot Ave. Enhancements, Gainesville	$6,000,000
2233	CA	Interstate 15 and Winchester Road Interchange Project	$1,000,000
2234	PA	Construct the Eastern Inner Loop in Centre County around State College, PA	$1,000,000
2235	NJ	Streetscape Improvements along Berlin Road between Gibbsboro Road and White Horse Road in Lindenwold Borough	$1,000,000
2236	FL	Conduct planning and engineering for SR 70 widening in Hardee, DeSoto and Okeechobee	$2,000,000
2237	GA	Streetscape-Albany	$500,000
2238	GA	Streetscape-Richland	$200,000
2239	MO	Construct four lanes for Route 5 in Camden County	$10,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2240	IL	Improve Cottage Grove intersection, South Chicago Avenue and 71st Street	$1,000,000
2241	NY	Study, design and reconstruction of pedestrian walkways, the Bronx	$1,000,000
2242	MS	Upgrade roads in Anguilla and Rolling Fork, Sharkey County	$750,000
2243	TX	For center to center communication link between highway traffic transportation management centers	$1,000,000
2244	OH	Upgrade the interchange of Interstates 270 and 71 in Franklin County, Ohio	$2,000,000
2245	CA	US 101 Corridor Improvements—Route 280 to the Capitol-Yerba Buena Interchange	$5,000,000
2246	CA	Rancho Vista Blvd Widening Project	$3,000,000
2247	NJ	Newark Access Variable Message Signage System	$500,000
2248	IA	Construct SW Connector, West Des Moines	$2,000,000
2249	IA	US 30 reconstruction, near Tama	$4,000,000
2250	GA	Construction of interchange on I-985 north of SR-13, Hall County, Georgia	$5,000,000
2251	MI	Marquette County, Realignment of 3200 feet of County Road 492 from US-41 north to County Road HD	$500,000
2252	WI	Realign USH 8 near Cameron, Barron County	$2,000,000
2253	PA	Restoration of PA422, in Berks County, including slab repair and diamond grinding	$1,000,000
2254	CA	Monte Vista Avenue Grade Separation, Montclair, California	$2,000,000
2255	NY	Deploy intermodal chassis ITS project in New York	$2,000,000
2256	NY	Reconstruction of Route 590 in the Town of Irondequoit, NY	$5,000,000
2257	NY	Design and Construction of Downtown Jamestown Connector Trail	$2,000,000
2258	LA	Further construction to improve draining at Clearview Parkway (LA 3152) and Earhart Expressway (LA 3139)	$3,300,000
2259	MI	Houghton County, Rehabilitate 2 piers and remove old bridge caissons for Sturgeon River Bridge	$270,000
2260	AK	Make necessary improvements to Indian River Road in City and Borough of Sitka	$2,000,000
2261	MN	Reconstruct CSAH 61 from Barnum to TH 210 at Carlton, and improve Munger Trail	$1,680,000
2262	TX	Build I-30 Trinity River Bridge, Dallas, Texas	$1,000,000
2263	AK	Realign rail track to eliminate highway-rail crossings and improve highway safety and transit times	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2264	MS	Relocate SR 44 from SR 198 to Pierce Road, Columbia	$3,500,000
2265	AL	Interstate 565 west extension towards Decatur	$2,000,000
2266	MO	Roadway Improvements on Rte. 21 from Hayden Road to Lake Lorraine	$5,000,000
2267	IL	Halsted Bridge over North Branch Canal Reconstruction, City of Chicago	$600,000
2268	VA	Town of Pound Riverwalk—construction of pedestrian riverwalk in Town of Pound	$100,000
2269	IL	US 67 west of Jacksonville, IL Bypass to east of IL 100	$2,000,000
2270	NY	Village of Wappingers Falls North Mesier Ave	$750,000
2271	AR	War Eagle Bridge Rehabilitation—Benton County, Arkansas	$640,000
2272	WI	Build additional staircases, landscape, and other improvements to the municipal bridge at the Holton St. Viaduct in Milwaukee	$800,000
2273	TN	Washington County, Tennessee SR-36 widening	$1,000,000
2274	MI	Westland, Ann Arbor Trail between Farmington and Merriman	$3,150,000
2275	MI	White Lake, pave Cooley Lake Road Between Hix and Newburgh Roads	$500,000
2276	GA	Bridge replacement on County Road 183-FAS Route 1509, Peach County	$425,000
2277	NC	I40 I-77 Interchange in Iredell County, NC	$4,000,000
2278	CA	Construct safe routes to school in Cherryland and Ashland	$1,000,000
2279	CA	Install Central Ave Historic Corridor comprehensive streetscape improvements thus improving traffic, ped safety, and economic development, Los Angeles	$2,000,000
2280	VA	Whitetop Station—completion of renovation of Whitetop Station (which serves as trailhead facility) including construction of trail	$100,000
2281	CT	Make Improvements to Montville-Preston Mohegan Bridge	$3,000,000
2282	IL	Widen and improve Pulaski Road, Alsip	$700,000
2283	AK	For Completion of the Shotgun Cove Road, from Whittier, Alaska to the area of Decision Point, Alaska	$4,000,000
2284	NY	Study and Implement Intelligent Transportation System Sensor Technology to Improve Safety at Bridges and Tunnels in Metropolitan New York City	$1,000,000
2285	NY	Warburton Avenue Bridge over Factory Lane, Hastings-on-Hudson, New York	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2286	NY	Improve intersection of Old Dock and Church Street, Kings Park	$500,000
2287	TN	Widen and improve State Route 33, Knox County, Tennessee	$6,500,000
2288	CA	Reconstruct Paramount Bl. with medians and improve drainage from north border to south border of city in Lakewood	$1,350,000
2289	NY	Upgrade Metro North stations in the Bronx and construct station at Yankee Stadium	$3,000,000
2290	OH	Construct the existing industrial park road from local to state standards near Cadiz	$4,100,000
2291	LA	Upgrade LA 28 to four lanes from LA 121 to LA 465	$2,000,000
2292	NY	Reconstruction of Historic Eastern Parkway	$2,400,000
2293	CA	Widen and make ITS improvements on Paramount Blvd between Telegraph Rd and Gardendale St in Downey	$1,000,000
2294	VA	Conduct planning and engineering for Hampton Roads Third Crossing and Interconnected Roadways	$3,000,000
2295	IL	Widen Annie Glidden Road to five lanes with intersection improvements. DeKalb, IL	$4,000,000
2296	CA	Widen California State Route 132 from California State Route 99 west to Dakota Avenue	$18,000,000
2297	NC	Widen Derita Road from Poplar Tent Road in Concord to the Cabarrus Mecklenburg County line	$2,000,000
2298	TX	Widen from 4 to 6 lanes Interstate 35 East from Lake Lewisville to Loop 288	$6,000,000
2299	CA	Widen Haskell Avenue between Chase St. and Roscoe Blvd	$200,000
2300	TX	Widen Hempstead Highway from 12th Street to Washington Avenue from four lanes to six lanes	$1,000,000
2301	NH	Reconstruction and relocation of the intersection of Maple Avenue and Charleston Road in Claremont	$500,000
2302	OH	Construct highway-rail crossing safety upgrades at 3 grade crossings in Madison Village, OH	$300,000
2303	WA	Rebuild Yakima Valley Highway within city limits of Sunnyside, WA	$1,600,000
2304	NY	Implement Improvements for Pedestrian Safety in New York County	$1,000,000
2305	NY	Construction of and improvements to Main Street in the Town of Eden	$400,000
2306	GA	SR 85 widening from Adams DR to I-75 and reconstruct the Forest Parkway interchange, Clayton County	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2307	GA	Jogging, and Bicycle Trails around CSU, Columbus	$500,000
2308	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Throop Borough, Lackawanna County	$200,000
2309	IL	Reconstruct Winter Ave, existing 1 lane RR subway, and 1 lane bridge to provide access to Winter Park in Danville	$5,400,000
2310	OR	Construct highway and pedestrian access to Macadam Ave and street improvements as part of the South Waterfront development, Portland	$9,000,000
2311	TX	Relocation of 10th Street near McAllen-Miller International Airport	$750,000
2312	IL	Construct pedestrian tunnel at railroad crossing in Winfield, IL	$1,000,000
2313	IN	Construct Margaret Avenue Safety and Capacity Enhancement Project	$3,000,000
2314	TX	Construct Loop 574 from BU77 to I-35 in McLennan Co	$2,000,000
2315	NY	Construction of a bicycle/pedestrian off road scenic pathway from the Niagara Falls City Line to the southerly Lewiston Town/Village Line along the Niagara Gorge, Town of Lewiston, Village of Lewi	$2,300,000
2316	FL	Construct new bridge from West—Florida Turnpike to CR 714 to 36th Street—Cross S. Fork of St. Lucie River—Indian Street to US 1 on east side	$5,000,000
2317	WI	Recondition STH 16 from Columbus to STH 26 (Dodge County, Wisconsin)	$4,000,000
2318	VI	Christiansted By-Pass Highway, St. Croix	$8,000,000
2319	NY	Riverwalk in Irvington development	$200,000
2320	OH	Road resurfacing and improvements in the Village of Bentleyville, OH	$700,000
2321	PA	Improvements to Stella Street rail-highway crossing in Wormleysburg, PA	$750,000
2322	CT	Construct Entrance Ramp at Route 8 Exit 11, Shelton, CT	$1,000,000
2323	AL	Pedestrian Improvements for Leeds, AL	$100,000
2324	WA	Federal Way Triangle—Conduct final engineering work for the reconstruction of the I-5—SR 18 interchange	$2,000,000
2325	MI	Garden City, Reconstruct Maplewood between Inkster and Merriman	$1,225,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2326	OR	Lake Road Reconstruction and Safety Improvements, Milwaukie	$2,850,000
2327	NY	Resurface Grade Crossing at Old State Road	$250,000
2328	MN	Construction of Cedar Avenue Busway, MN	$6,000,000
2329	IL	Resurfacing of approx 30 miles of roadway in Village of Oak Lawn	$7,000,000
2330	GA	Streetscape-Thomasville	$300,000
2331	PR	To build the missing central segment of PR-10, to complete one of only two highways crossing Puerto Rico North to South	$5,000,000
2332	PA	To enhance existing directional markers & increase wayfinding signage infrastructure in Monroe County	$500,000
2333	CA	Construct and repair lining in four tunnels on Kanan, Kanan Dume, and Malibu Canyon Roads between US 1 and US 101	$3,000,000
2334	GA	Sidewalk revitalization project in downtown Eastman	$500,000
2335	TX	Port of Corpus Christi Up River Road for upgrade of roadway to and from docks & IH 37	$500,000
2336	GA	Construct US 411 Connector from US 41 to I-75, Bartow County, Georgia	$21,350,000
2337	NY	Construction of US Route 219 Expressway: Sections V and VI	$8,000,000
2338	PA	Engineering, design and construction of an extension of Park Avenue north to Lakemont Park in Altoona	$2,000,000
2339	MN	Reconstruct I-35E from I-94 to Maryland Avenue in St. Paul	$3,500,000
2340	CA	Construct truck ramp linking Interstate 5 to the National City Marine Cargo Terminal, National City	$1,500,000
2341	GA	Reconstruct the interchange at Interstate 185 and Victory Drive (SR 520), Columbus, GA Victory Drive (SR 520), Columbus, GA	$1,806,000
2342	OH	Streetscaping, bicycle trails, and related improvements to the I-90—SR 615 Interchange in Mentor, OH	$3,500,000
2343	IN	Preliminary engineering, right-of-way, and construction for Perimeter Parkway-West Lafayette/Purdue University, Indiana	$10,000,000
2344	TN	Reconstruct Interchange 55 at Mallory Avenue, Memphis, Shelby County	$1,000,000
2345	CA	Upgrade first responders signal pre-emption hardware, Culver City	$32,000
2346	IN	Construction of Maplecrest Rd Extension—Allen County, Indiana	$11,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2347	MS	Upgrade roads in Arcola, Greenville, and Hollandale (U.S. Highway 61 and 18), Washington County	$1,750,000
2348	MS	Canal Road Intermodal Connector, Gulfport	$5,000,000
2349	PR	Construction of community bridge for Los Navarros Sector, Quebrada Arenas Community	$500,000
2350	NY	Construct the Auburn Connector Road Corridor, Auburn, NY	$1,000,000
2351	MA	Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 146 and Millbury Street, Worcester	$6,400,000
2352	CA	Improve I-8 off ramp to the Desert Farming Institute, Imperial County	$1,000,000
2353	KS	Construct bike and pedestrian path along K-10 between Douglas and Johnson Counties	$500,000
2354	HI	Construct Bike Lanes on Kalanianaole Highway, vicinity of Makapuu to Keolu Drive	$300,000
2355	TX	Donna/Rio Bravo International Bridge	$2,000,000
2356	IL	Improve Sheridan Road, Evanston	$2,000,000
2357	MD	Intercounty Connector	$4,000,000
2358	MI	Resurfacing of Ten Mile Road in St. Clair Shores	$896,000
2359	NY	Conduct studies to consider transportation planning and community involvement for infrastructure projects that address congestion relief in New York City	$1,000,000
2360	MO	Construct an extension of MO 740 from U.S. 63 to the 1-70 Lake of the Woods Interchange	$2,500,000
2361	LA	Improvements for LA 1148 in Iberville Parish; and LA/I-10 Connector Study; and improvements to LA 10/Zachary Taylor Parkway	$4,000,000
2362	NY	Monroe County ITS project	$900,000
2363	MO	Roadway improvement on I-44 in Phelps County Missouri	$1,000,000
2364	MA	Rt 128/95 ramp Northbound to Kendrick Street, Needham	$2,000,000
2365	IN	Realign State Road 312, Hammond	$4,162,891
2366	PA	Design, engineering, ROW acquisition & construction of surface improvements to the area adjacent to Exit 168 of Interstate 81 at the Wachovia Arena in Wilkes-Barre Township	$250,000
2367	GA	SR 92 relocation from Durelee Road to SR 92 at Malone, including grade separation, Douglas County, Georgia	$8,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2368	IN	Construct I-69 Evansville to Indianapolis, Indiana	$14,000,000
2369	CA	Construct fourth bore of Caldecott Tunnel on SR 24, California	$1,000,000
2370	TN	Construct interchange on I-40 in Wilson County	$1,000,000
2371	IN	Construct service road parallel to I-69 in the City of Anderson, Indiana	$3,000,000
2372	NY	Croton-on-Hudson, NY Restoration of Van Cortlandt Manor entrance road	$2,500,000
2373	OH	Construction and repair of pedestrian walkways along Lake Shore Blvd. in Lakeline Village, OH	$289,000
2374	MD	Reconstruct MD 32 from MD 108 to I-70 in Howard County	$2,000,000
2375	NY	Reconstruct Streets and Sidewalks in Middle Village	$1,000,000
2376	MI	Reconstruct two bridges over Black Creek Drain in Sanilac County	$712,500
2377	FL	Construction of Little Venice Road, Marathon, FL	$1,000,000
2378	CA	Make traffic and safety improvements to Atlantic Blvd in Maywood	$500,000
2379	MN	Stearns County Bridge no. 73501 Improvements	$400,000
2380	LA	Construct LA 16 Interchange at I-12 and improvements, and Cook Road improvements	$13,000,000
2381	MO	Reconstruct Highway 60 and Highway 65 Interchange	$2,000,000
2382	CO	I-70, Havana, Yosemite Street Interchange Reconstruction Project, Denver	$1,500,000
2383	CO	Reconstruct C470-US85 Interchange	$4,000,000
2384	VA	Reconstruction of the entranceway to Montpelier on Orange County, Virginia	$1,000,000
2385	TN	Construct and widen underpass at intersection of Boydstation, Harvey, and McFee Roads, Knox County, TN	$494,300
2386	GA	Extend sidewalks, upgrade landscaping in downtown Hawkinsville	$500,000
2387	OH	Conduct Sarah St along SR 18 and 101 enhancement project to calm traffic in the City of Tiffin	$2,600,000
2388	LA	Improvements to Zachary Taylor Parkway	$2,000,000
2389	CA	Las Tunas Drive Pedestrian Enhancement, San Gabriel	$150,000
2390	OH	Reconstruction, widening, and bicycle improvements to Pettibone Road in the City of Solon, OH	$3,000,000
2391	NH	Replacement of Ash Street and Pillsbury Road Bridge	$1,400,000
2392	PA	Swamp Road Corridor Safety and Roadway Improvements, Bucks County	$1,000,000
2393	FL	Construct St. Augustine to Palatka Rail Trail, Florida	$2,900,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2394	IL	Construction of a traffic circle to reduce traffic congestion, Museum Campus Chicago	$2,000,000
2395	AL	Pedestrian Improvements for Gardendale, AL	$100,000
2396	PA	Extension of Second Street from Race to the intersection of Lehigh and Poplar Street in the Borough of Catasauqua	$1,100,000
2397	NE	Cuming Street Transportation Improvement Project, Omaha, Nebraska	$4,000,000
2398	TN	Construct State Route 1 (US-70) to a four lane divided highway on new alignment from Centertown to McMinnville in Warren County	$11,500,000
2399	CA	Improve access to I-80 at Eureka Road Interchange	$2,000,000
2400	LA	Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems	$1,800,000
2401	IL	Install traffic control devices on traffic signals in Village of Oak Lawn	$240,000
2402	CA	Interstate 15, California Oaks Road Interchange Project	$2,000,000
2403	TX	Choate Road overpass to eliminate at-grade intersection between Choate Rd and SH146	$9,800,000
2404	OH	Construction of I-75 Austin Road Interchange, Montgomery County, Ohio	$7,500,000
2405	CA	Acquire lands adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project	$250,000
2406	TX	Construct US Business 287 through the Trinity Uptown Project from 7th St. NE to 11th St. NE in Fort Worth	$7,000,000
2407	KS	Construct K-10 and Lone Elm Road interchange, Lenexa	$5,000,000
2408	OH	Construct connector road between SR 79 and Thornwood Drive in Licking County	$5,000,000
2409	NH	Construct Pedestrian, Bicycle bridge in Keene	$800,000
2410	FL	Coral Way, SR 972 Highway Beautification, Phase One, Miami, Florida	$1,000,000
2411	TN	Develop historic preservation transportation enhancement project, Sumner Co. and surrounding counties	$135,000
2412	NY	Develop terminal facilities for water taxi projects in New York City	$3,000,000
2413	WI	Expand USH 151 between Dickeyville and Belmont	$2,000,000
2414	NY	Improve bicycle and pedestrian safety, NY25, Jamesport	$300,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2415	PA	PA Route 183 widening and ramp enhancement, Bern Township	$1,600,000
2416	IN	Reconstruct Hoosier Heartland Highway, Wabash, Huntington and Miami County Indiana segments	$750,000
2417	GA	Replace sidewalks, upgrade lighting, and install landscaping, Soperton	$500,000
2418	LA	Lafayette, LA Implementation of Intelligent Transportation System	$11,000,000
2419	NY	Conduct improvements to I87—Exit 18 Interchange	$2,500,000
2420	IL	To construct an extension of US-51 from .9 miles south of Moweaqua to 4.6 miles south of Moweaqua	$2,000,000
2421	IL	Upgrade roads, The Village of Hillside	$1,000,000
2422	MS	Upgrade safety devices at Front Street rail crossing, Ellisville	$50,000
2423	CO	US 287—Ports-to-Plains Corridor in Colorado	$3,000,000
2424	OH	Deconstruct the Bellaire Highway Bridge which connects Bellaire, Ohio and Benwood, WV	$1,700,000
2425	VA	Construct I-95 Interchange at Temple Ave, Colonial Heights	$5,000,000
2426	KS	Route designation, environmental clearance, final design and right-of-way acquisition for Crawford County, KS corridor of U.S. Highway 69	$4,000,000
2427	CA	US-395 Realignment and Widening Project	$500,000
2428	IL	To connect about a two-mile segment through Collinsville at two or three lanes	$1,500,000
2429	IL	Construct Parking Facility and pedestrian walkways at 94th and S. Oak Park Ave, Oak Lawn	$200,000
2430	UT	I-15 Freeway Reconstruction—Springville 200 South Interchange	$4,500,000
2431	MA	Washington St. from High St. to Water St., Walpole	$2,000,000
2432	VA	White's Mill Trail and Renovation—design and construction of recreational trail and preservation of watermill for use as visitors center	$500,000
2433	CA	Implement San Francisco Street Improvements Program	$8,000,000
2434	MA	Design, engineering and construction of Methuen Rotary alternative at I-93 and Routes 110 and 113, Methuen	$1,000,000
2435	IL	Improve Mill Street, Rock Island	$500,000
2436	PA	For the Nanticoke City Redevelopment Authority to design, acquire land, and construct a parking garage, streetscapping enhancements, paving, lighting & safety improvements, & roadway redesign in Nanti	$7,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2437	MI	Widen and reconstruct Walton Boulevard Bridge in Auburn Hills between Opdyke and Squirrel Road	$5,000,000
2438	OR	Widen Delaura Beach Lane and add a bike lane both directions, Warrenton	$150,000
2439	MA	Design and construct the 3½ mile long Grand Trunk Trail bikeway from Sturbridge to Southbridge	$700,000
2440	TN	Develop trails, bike paths and recreational facilities on the Crest of Black Mountain, Cumberland County for Cumberland Trail State Park	$250,000
2441	NY	Study and Improve Traffic Flow Improvement at Atlantic Yard/ NETS Arena Development	$3,000,000
2442	MD	Upgrade and widen MD237 from Pegg Road to MD235	$10,000,000
2443	PA	Main Street improvements from Broad Street to Richardson Avenue and Main Street to Madison Avenue, Borough of Lansdale	$700,000
2444	CA	Widen Highway 101 in Marin and Sonoma Counties from Hwy 37 in Novato to Old Redwood Highway in Petaluma	$15,000,000
2445	NY	Road and pedestrian safety improvements Main Street, Village of Patchogue	$1,400,000
2446	UT	Widen Highway 92 from Lehi to Highland	$5,000,000
2447	AZ	Widen I-10 to 3 lanes in each direction north of Tucson from Marana Interchange to Cortato Interchange	$1,700,000
2448	CA	Widen I-238 between I-580 & I-880 in Alameda County	$1,000,000
2449	VA	Widen I-66 westbound inside the Capital Beltway from the Rosslyn Tunnel to the Dulles Connector Road	$7,000,000
2450	NC	Construction of I-74 between I-40 and US 220, High Point, North Carolina	$5,000,000
2451	MD	Widen I-695, Baltimore Beltway, Southwest	$3,000,000
2452	GA	Replace sidewalks, upgrade lighting in downtown Vidalia	$500,000
2453	MN	Construct bicycle and pedestrian trails in Cuyuna Recreation Area	$700,000
2454	HI	Construct Kapaa Bypass	$3,000,000
2455	FL	Temple Terrace Highway Modification	$3,000,000
2456	TN	Widen Interstate 240 from Poplar Avenue (SR-57) to near Walnut Grove Road (SR-23) East of Memphis, Shelby County	$1,000,000
2457	IL	For the Village of Woodridge to resurface Internationale Parkway	$100,000
2458	OR	I-5 Trade Corridor, Portland, Oregon to Vancouver, Washington segment	$5,700,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2459	GA	Streetscape, Pedestrian Improvements in City Center, City of Clarkston	$5,000,000
2460	KY	Widen KY 1991 from Maysville Road to Midland Trail Industrial Park, Montgomery County	$1,250,000
2461	NC	Construct new Route from Beach Drive (SR 1104) to NC 211 in Brunswick County	$4,000,000
2462	NJ	International Trade and Logistics Center Roadway Improvements at Exit 12 of the New Jersey Turnpike, Carteret	$1,000,000
2463	IL	Interstate 41 and Route 176 Interchange replacement	$500,000
2464	MA	Northern Avenue Bridge rehabilitation, Boston	$3,000,000
2465	AK	Planning, design, and construction of Knik Arm Bridge	$3,000,000
2466	IN	North Calumet Avenue Improvements, Valparaiso	$1,200,000
2467	OR	I-205-Highway 213 interchange improvements	$1,000,000
2468	TN	Improving Vehicle Efficiencies at highway At-Grade Railroad Crossing in Loudon, TN	$57,000
2469	AZ	Construct I 10 Collector Distributor Roadway from 40th Street to Baseline, Maricopa County, Arizona	$4,000,000
2470	LA	Improvements to LA 42 in Ascension Parish; and LA 73 improvements in Ascension Parish	$10,000,000
2471	MN	Construct Paul Bunyan trail from Mississippi River Bridge Trail to Crow Wing State Park	$775,000
2472	MN	Construct Mesabi Trail from Grand Rapids to City of Ely	$2,700,000
2473	GA	Install sidewalks on Highway 23 from Dykes Street to Sarah Street, Cochran	$300,000
2474	AK	Kodiak, AK Construction of AMHW ferry terminal and approach	$7,500,000
2475	OK	Reconstruction of SH66 from Craig and Rogers Counties to SH66 and US60 intersection	$1,000,000
2476	CA	Enhance pedestrian environment and increase safety along Olympic Blvd between Vermont and Western Avenues, Los Angeles	$2,000,000
2477	NY	Enhancement of the Michigan Avenue Corridor, Buffalo	$2,000,000
2478	NJ	Kapkowski Road Area Improvements in Elizabeth	$4,500,000
2479	CA	Construct landscape medians along Skyline Drive from Sears Avenue to 58th Street, San Diego	$1,000,000
2480	NY	Jamaica Air Train Station Area Infrastructure Improvements	$5,000,000
2481	MO	Construct Highway 465 to Highway 376 south from HWY 76 to HWY 376	$6,000,000
2482	WA	New Country Road on Whidbey Island	$1,200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2483	NM	Chaco Wash Bridge and Road Improvements on Navajo Route 46	$2,000,000
2484	CA	Reconstruct Interstate 880-Route 92 interchange in Hayward	$1,750,000
2485	MA	Relocate Rt. 79 in Fall River to create 4-lane urban boulevard with landscaped median and developable waterfront	$5,000,000
2486	IL	Road extension for Highway 22 in Macon County, IL	$668,000
2487	NY	Portageville Bridge—purchase existing bridge to convert to pedestrian bridge	$1,500,000
2488	PA	Rt. 422 complete preliminary engineering and four lane expansion from Ebensburg to Kittanning	$3,000,000
2489	CA	Upgrade essential road arterials, connectors, bridges and other road infrastructure improvements in the Town of Desert Hot Springs, CA	$2,000,000
2490	KY	Construct the Heartland Parkway in Adair County	$1,200,000
2491	NV	Horse-US-95 Interchange Project	$6,000,000
2492	CT	Make Improvements to Plainfield Moosup Pond Road	$300,000
2493	FL	Construction design ROW US 27 from SR 540 to SR 544 & from I-4 to US 192 in Polk County, FL	$10,000,000
2494	IA	Construction of approaches and viaduct on Edgewood Rd SW over the UP Railroad, Prairie Creek, and the CRANDIC railroad	$1,600,000
2495	NJ	Construct Hackensack River Walkway in Bergen County	$2,000,000
2496	TX	Hwy 80/123 Overpass at Hwy 181 in Karnes County	$300,000
2497	NM	Improvements to U.S. Highway 87 from Clayton, NM to Raton, NM	$2,000,000
2498	VA	Route 11 Interchange improvements in Lexington, Virginia	$1,000,000
2499	CA	Improvements to Ben Maddox Way Bridge	$2,000,000
2500	WA	SR 18 Widening, Maple Valley to I-90	$7,500,000
2501	NY	City of Beacon construction of pedestrian & Bicycle trail	$315,000
2502	TX	FM 544, widen 2-lane roadway to 6-lane roadway from SH 121 to Dozier-Parker Road	$2,000,000
2503	TX	Construct an alternate truck route to Interstate 35 in Buda	$500,000
2504	NY	Improvements on the Cross Island Bridge Overpass/ 212th Street and vicinity, Queens	$4,220,000
2505	MI	Novi, Reconstruct Grand River between Novi and Haggerty	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2506	SD	Resurface US Hwy 18 from Lake Andes to US Hwy 50 on Yankton Sioux Reservation	$1,200,000
2507	PR	To revitalize Old San Juan Historic District streets	$3,000,000
2508	WY	U.S. 85 Passing Lanes	$2,000,000
2509	MA	Construct Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester	$2,000,000
2510	NY	Little Falls Access: Repair and reconstruct High School and Lower School Road	$240,000
2511	FL	Replace Columbus Drive Bridge	$4,000,000
2512	AS	Village road improvements for Sua and Vaifanua counties in the Eastern district	$2,600,000
2513	MI	Construction of two railroad-highway grade separations on Farm Lane north of Mount Hope Road	$2,300,000
2514	CA	Widen Atlantic Bl bridge over the Los Angeles River in Vernon	$1,000,000
2515	CA	Widen Bundy Drive between Wilshire and Santa Monica Boulevards in the City of Los Angeles	$4,250,000
2516	AL	To provide four lanes on US-80, Perry County, Marengo County, and Sumter County	$14,000,000
2517	CA	Widen Maine Avenue in Baldwin Park	$375,000
2518	NM	Ease traffic congestion and improve intersection safety by identifying alternative alignment to US 84/285 and NM 68 through Espanola.	$2,000,000
2519	MS	Widen MS Hwy 19 between Philadelphia and Collinsville, MS	$10,000,000
2520	NY	Construct the Fire Island ferry terminal facility, Patchogue	$2,000,000
2521	IL	IL 8 from East Peoria to Washington, IL	$952,570
2522	NJ	Preliminary engineering for missing connections of NJ 23 and I-80	$1,500,000
2523	ME	Penobscot Riverfront Development for bicycle trails, amenities, and traffic circulation improvements, Bangor and Brewer	$2,000,000
2524	IL	Restoration and reconstruction of the central business district street. Cambridge, IL	$1,200,000
2525	NC	Widen NC 150 from Cherryville to Lincolnton	$1,000,000
2526	NY	Second phase of the Grand Concourse improvements from East 166th St. to East 171st St	$10,000,000
2527	VT	U.S. Route 7 and U.S. Route 4 road improvements for the City of Rutland	$3,560,000
2528	IL	Improve 63rd Street, Chicago	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2529	MI	Alcona County, Reconstruction of Ritchie Road from Village of Lincoln to Hubbard Lake road	$813,000
2530	SC	Construct roadway btwn I-26 and US 1 in Lexington County. Intermodal connector from US 1 to I-26 and I-77. SC 302 and SC 602 improvements	$2,000,000
2531	OR	Agness Road, Curry County	$1,000,000
2532	NY	Rehabilitation of Sharon Drive in the Town of Poughkeepsie	$325,000
2533	TX	Conduct study of I-10 and U.S. 190 with a focus on congestion relief and the need for a military & emergency relief transportation corridor	$200,000
2534	MD	MD 85 at I270	$6,000,000
2535	GA	SR 36 passing lanes north of Jackson to Newton County line, Butts County, Georgia	$3,050,000
2536	VA	I-66 and Route 29 Gainesville Interchange Project	$9,000,000
2537	NY	Construct and extend existing pedestrian streetscape areas in Lynbrook	$1,000,000
2538	CA	Construct traffic intersection island improvements on North side of Olympic Blvd where Irolo St. and Normandie Ave. split in Koreatown, Los Angeles	$200,000
2539	WA	Improvements in the SR9 corridor in Snohomish County	$1,500,000
2540	PA	Replace a highway railcrossing in Osborne Borough, PA	$2,150,000
2541	AL	Pedestrian Improvements for Centerpoint, AL	$100,000
2542	CA	Replace twin 2 lane bridge with single 4 lane bridge on SR 138 over Big Rock Wash	$500,000
2543	CA	State Route 86S and Ave 50 highway safety grade separation	$1,000,000
2544	TX	Construct Fredericksburg Road-Medical Drive grade separation in San Antonio	$3,800,000
2545	PA	For design, engineering, ROW acquisition, & construction of a connector road between the Valmont Industrial Park & Pennsylvania Rt. 924 at Cranberry Creek	$500,000
2546	AR	Interstates 30/440/530 Interchanges—for interchange improvements, Little Rock	$1,500,000
2547	NJ	Rehabilitation of Benigno Boulevard from I-295 to Route 168 in Bellmawr	$400,000
2548	PA	Preconstruction studies for improvement to US 22	$1,000,000
2549	IL	Establish transportation museum on Navy Pier, Chicago	$540,000
2550	WA	Continuing construction of I 90, Spokane to Idaho State Line	$3,300,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2551	VA	Improve transportation infrastructure for visitors to Jamestown 2007	$531,900
2552	AR	Highway 67: Kiehl Avenue—Vandenberg Boulevard: rehabilitating and widening Highway 67 from four to six lanes from Kiehl Ave. to Vandenberg Blvd	$2,000,000
2553	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 81	$250,000
2554	GA	Memorial Drive Corridor	$2,000,000
2555	VA	Route 11 improvements in Maurertown, Virginia	$1,000,000
2556	PA	Street improvements, Whitemarsh Township	$1,500,000
2557	VT	Construction of the Lamoille Valley Rail Trail for the Vermont Association of Snow Travelers	$7,268,486
2558	CO	I-76: Colorados Northeast Gateway	$3,000,000
2559	VA	Construct Maersk Terminal interchange in Portsmouth	$2,000,000
2560	GA	I-75 Welcome Project	$250,000
2561	PA	Improve handicapped accessibility and provide pedestrian overpass in Villanova	$3,000,000
2562	NY	Install Two Permanent Variable Message Signs (VMS) on Belt Parkway	$500,000
2563	MI	Re-surfacing Sebewaing Road in Huron County	$416,000
2564	IN	Complete construction of paths at Hamilton County Riverwalk, Noblesville, Indiana	$375,000
2565	NY	Study and Implement Safety Enhancement to Avenue U from Mill Avenue to East 38th Street and Flatbush Avenue from Avenue T to Avenue V	$500,000
2566	PA	Upgrade circuit for gates and lights at Sixth Street in Emmaus, PA USDOT crossing number 592402P to constant warning time devices	$275,000
2567	TN	Plan and construct a bicycle and pedestrian trail, Eagleville	$200,000
2568	NY	Improvements for pedestrian and vehicular access to Baychester Avenue and Bartow Avenue	$600,000
2569	GA	SR 400 reconstruction from I-285 to McFarland Road, Fulton and Forsyth Counties	$1,000,000
2570	MI	Construct pedestrian and bicycle pathway at Chippewa Landing River Park in the Village of Caro	$80,000
2571	GA	Upgrade sidewalks, replace street lights, and landscaping, Metter	$500,000
2572	AR	Highway 412: Baxter Co. to Ash Flat	$2,000,000
2573	NY	Town of North Salem improvements and repaving to Hawley Road	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2574	IA	US 20 Mississippi River Bridge and approaches, Dubuque Co, IA	$25,000,000
2575	NY	Construct access road and exit lanes for Center for Advanced Medicine: North Shore LIJ Health System	$1,500,000
2576	NY	Improve key intersections and highway segments along Rt. 32 between Route 17-6-NYS Thruway interchange in Harriman and Highland Mills	$750,000
2577	CA	Widen I-5 to 10 Lanes and Improve Corridor Arterials, SR 91 to I-710	$5,200,000
2578	IL	For the construction of the Grand Avenue Underpass, Village of Franklin Park	$1,160,000
2579	NY	Rehabilitation of North and South Ridge Street and Wappanocca Avenue in the Village of Rye Brook and City of Rye	$2,160,000
2580	NY	NYSDOT Route 55 construction over Fishkill Creek and left turn lane construction	$1,400,000
2581	AL	Alabama Hwy 36 Extension and Widening-Phase II	$1,000,000
2582	OH	Construct Eagle Avenue Viaduct-Demolition bridge, realignment of roadway to replace bridge and reconstruction of two other bridges, Cleveland	$500,000
2583	NV	Construct US 93 Corridor—Boulder City	$10,000,000
2584	NY	Reconstruction of NYS 5, 8, 12. Viaduct and Rt 5A and 5S: City of Utica	$1,000,000
2585	CT	Street and streetscape improvements along Campbell Ave., West Haven	$1,500,000
2586	MA	Reconstruct North Washington Street Bridge to connect Boston and Charlestown	$6,000,000
2587	MS	Upgrade roads in Fayette (U.S. Hwy 61 and 33), Jefferson County	$400,000
2588	MN	Heritage Center at the Grand Portage National Monument	$1,400,000
2589	NY	Redesign and reconstruction of the Putnam Rail-Trail, Bronx	$650,000
2590	OR	Highway 34/Corvallis Bypass Intersection	$2,100,000
2591	CA	Install traffic signal on Balboa Blvd. at Knollwood Shopping Center	$120,000
2592	MA	Chelsea Street Bridge Reconstruction	$8,000,000
2593	AL	Pedestrian Improvements for Northport, AL	$100,000
2594	NV	Construct widening of US-50A from Fernley to Leeteville Junction	$5,000,000
2595	WA	Rebuild & widen Cemetery Road bridge over US Bureau of Reclamation canal near Othello, WA	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2596	FL	Roadway construction of SW 62–SW 24 Avenue in Gainesville	$2,000,000
2597	WA	SR 2/Kelsey Street Intersection Improvements in Monroe	$1,040,000
2598	NY	Town of Southeast construction and repaving of town roads	$300,000
2599	MI	Reconstruct Third Ave. from Saginaw St. to Flint River, City of Flint	$3,000,000
2600	PA	Upgrade circuit for gates and lights at 31st Street in Allentown, PA USDOT crossing number 592410G to constant warning time devices	$275,000
2601	NV	Construct US 95 Widening from Rainbow Blvd to Kyle Canyon	$4,750,000
2602	IN	Improve campus streets to increase pedestrian safety and ease vehicular congestion in the City of Anderson, Indiana	$2,000,000
2603	PA	Schaefferstown Bypass, PA Route 501, Lebanon	$1,000,000
2604	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Dupont Borough, Luzerne County	$200,000
2605	GA	Intersection improvement at Lake Dow Road and SR 81 Harris Dr at SR 42	$600,000
2606	CA	Replace South Access to the Golden Gate Bridge—Doyle Drive	$6,000,000
2607	IL	Resurface Yellow Banks Road, Franklin County	$400,000
2608	AL	Widen CR-52 from Helena to US-31	$15,000,000
2609	IL	Intersection Reconstruction at US 12-IL31-Tryon Grove Road	$900,000
2610	NY	Streetscape of Herald and Greeley Squares in New York City	$500,000
2611	NJ	Construct Cape May and Supawna Meadows National Wildlife Refuges Roadway and Parking Improvements	$750,000
2612	TX	Del Rio-Laughlin Air Force Base Relief Route	$4,000,000
2613	NC	Study feasibility of widening US 221-NC 226 from Woodlawn to Spruce Pine, start planning and design, and make upgrades to improve safety	$3,000,000
2614	NY	Transportation improvements to the Far Rockaway Business District, Queens, New York	$2,400,000
2615	VI	Upgrade West-East Corridor through Charlotte Amalie, St. Thomas	$8,000,000
2616	NH	Hampton Bridge Rehabilitation-Hampton, NH	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2617	CA	Gale Avenue widening between Fullerton Road and Nogales Street, and Nogales Street widening at Gale Avenue	$100,000
2618	CA	Grade Separation at Cesar Chavez Parkway and Harbor Drive, San Diego	$500,000
2619	MO	Improve access to I-55 at River Des Peres	$10,000,000
2620	PA	PA Route 61 enhancements, Schuylkill Haven	$10,000,000
2621	MO	Kansas City SmartPort ITS for highways	$5,000,000
2622	PA	City of Philadelphia in conjunction with American Cities Foundation for neighborhood transportation enhancement and pedestrian safety projects	$4,000,000
2623	DE	Reconstructing I-95/SR-1 interchange, adding a fifth lane, and replacing toll plaza on Delaware's portion of I-95 corridor	$5,000,000
2624	OH	Study possible road upgrades in Tuscarawas County due to flood issues based on dams in Muskingum Watershed District	$100,000
2625	OR	Sunrise Corridor, Clackamas County	$2,850,000
2626	CA	Construct Cabot-Camino Capistrano Bridge Project and related roadway improvements in Cities of Mission Viejo and Laguna Niguel, California	$838,690
2627	TX	Construction of mainlanes and interchanges on SH 121 from Hillcrest to US 75	$14,000,000
2628	WA	Enumclaw, WA Welcome Center	$1,500,000
2629	PA	Upgrade narrow existing roads, Plank, Otts, Meyers, Seitz Roads, along 1 mile corridor to 2 lane road with shoulders, improve intersections	$1,000,000
2630	GA	Widen Old Petersburg Road-Old Evans Road from Baston Road to Washington Road, Columbia County, Georgia	$4,000,000
2631	CA	Widen Peyton Dr. from Grand Ave. to Chino Hills Pky., construct Eucalyptus Ave. from Peyton Dr. to Galloping Hills, improve English Channel	$7,036,110
2632	TX	New construction for the SH 349 Reliever Route beginning at the SH 191 intersection in Midland	$2,500,000
2633	PA	Widen Route 22 between Export and Delmont	$1,450,000
2634	CA	Construction of a traffic signal at the intersection of Hamlin St. and Corbin Ave	$125,000
2635	NY	Design/Environmental work on the Inner Loop from Clinton Avenue to East Main Street, Rochester	$2,400,000
2636	MO	I-35 Access Modification Planning, City of Kearney	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2637	PR	Construction of community bridge at Los Olvidados Sector, Quebrada Arenas Community	$425,000
2638	MN	North-South Corridor with Railroad Overpass, City of Staples	$1,500,000
2639	CA	Port of Hueneme Intermodal Access Improvement Project, including grade separation at Rice Avenue and State Route 34; widen Hueneme Road	$4,700,000
2640	CA	Reconstruct and deep-lift asphalt on various roads throughout the district in Ventura County	$4,856,000
2641	GA	Upgrade sidewalks, parking, street lighting, and landscaping, Claxton	$500,000
2642	MS	Upgrade roads in Itta Bena (U.S. Hwy 82 and 7) and in vicinity of Viking Range Corp. (U.S. Hwy 7 and 49), Leflore County	$1,500,000
2643	VA	Widen Route 262 in Augusta County	$1,000,000
2644	CA	Forest Highway 171 Upper Skyway Improvement	$7,250,000
2645	NV	Rehabilitate Lake Mead Parkway	$3,000,000
2646	IL	Construct Bridge Overpass, DuSable Museum-Chicago	$1,000,000
2647	WA	Expand size and improve safety Lewis and Clark Discovery Trailhead and Scenic Overlook	$146,000
2648	PA	Construction of access improvement at the I-79 SR 228 interchange in vicinity of Cranberry Town Center	$650,000
2649	PA	Development of bicycle and pedestrian trails and access links along North Delaware Riverfront	$10,000,000
2650	OH	Highway—railroad grade separation over the Norfolk Southern Rail Line for the Hines Hill Road—Milford Connector project in Hudson, Ohio	$300,000
2651	CA	Construct crosswalk bump-outs and related streetscape improvements on Temple St between Hoover St and Glendale Blvd, Los Angeles	$400,000
2652	NC	Improve SR1023 from US70 Business to US301 in Smithfield	$5,000,000
2653	MA	Improvements to Mass. Ave, Andover Street, Osgood Street, Salem Street, and Johnson Street in the Old Town Center of North Andover	$1,000,000
2654	KY	Reconstruct US 127 at US 127 South, Mercer County	$600,000
2655	CA	Construct truck lane from Britannia Blvd. to the Otay Mesa Port of Entry, San Diego County	$4,000,000
2656	PA	Beford, Pa—Relocation of Old Route 220 and Sweet Road. Complete preliminary engineering, purchase right-of-way, construction	$9,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2657	GA	Design and construction of 2.2 miles of multi-use trail in the City of Douglas, Georgia	$200,000
2658	IL	Entry Road to SIU Research Park	$1,600,000
2659	NY	Kingston, Construct pedestrian waterfront walkway	$1,600,000
2660	MN	Reconstruct TH 61 north of Split Rock River to Chapins Curve, bridges number 8285 and 8286, Lake County	$5,280,000
2661	KS	Replacement of US-169 bridge in Kansas City	$8,500,000
2662	PA	Route 313 Turning Lanes and Truck Climbing Lanes, Bucks County	$1,000,000
2663	CA	Purchase of Rosemead Blvd ROW, Temple City	$1,000,000
2664	NY	Reconfiguration of Bay Avenue and Polaris Street in Newark, NJ	$8,000,000
2665	MI	Reconstruct highway under a railroad bridge, Wyoming Ave. from Eagle Pass to Michigan Avenue, Wayne County	$1,000,000
2666	OK	Construct vehicular bridge over the Burlington Northern RR at War Bonnet Crossing, Mannford, OK	$1,000,000
2667	UT	Construction and Rehabilitation of 13th East in Sandy City	$6,300,000
2668	VA	Construct 3.6 miles of Interstate 73 near Martinsville	$2,000,000
2669	WA	Maple Valley SR 169 and SR 516 improvements	$1,000,000
2670	FL	Construct access road to entrances to Opa-Locka Airport at Opa-Locka Airport at N.W. 135th Street and N.W. 47th Avenue, including improvements to N.W. 47th Avenue with median strip, City of Opa-Locka	$2,000,000
2671	UT	Expand Redhills Parkway from 2 to 5 lanes and improve alignment within rights-of-way in St. George	$6,000,000
2672	OH	Bethlehem Township, Ohio. Riverland Avenue Bridge Replacement	$1,300,000
2673	MD	MD295, BWI Access Improvements	$4,740,000
2674	OR	Connect Boeckman Road to Tooze Road, Wilsonville	$1,000,000
2675	LA	Construct I-20 interchanges at US 167 and Tarbutton Rd. Construct East West frontage roads along I-20	$5,000,000
2676	TX	FM 937 from SH164 to FM 3371, Limestone Co	$2,000,000
2677	MO	Construct additional exit ramp access lane from I-44 to Kingshighway and enhance Shaw Ave. corridor	$4,820,000
2678	IN	Construction of I-64 Interchange, Harrison County, Indiana	$5,310,000
2679	OH	Bridge Replacement at SR 84 and I-90 on Bishop Road in Willougby Hills, OH	$500,000
2680	TN	Continue Shelby Avenue—Demonbreun Street project in Nashville.	$6,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2681	WI	Construct a bicycle/pedestrian path from Waunakee to Westport	$2,000,000
2682	CT	Construct bike and pedestrian paths along Salem Greenway—Salem, CT	$100,000
2683	TX	Construct I-635/35E Interchange in Dallas, TX	$5,500,000
2684	CA	Hwy 199 Narrow Enhancement to reduce active slides that cause significant road closures on primary connecting route from US 101 to I-5	$2,000,000
2685	MD	Construction of New Interchange at MD5, MD373, and Brandywine Road	$10,000,000
2686	GA	I-20 West from SR 5 Bill Arp to SR 6—HOV Lanes	$7,250,000
2687	PA	Install and construct signals, calming devices and signs in Mechanicsburg and surrounding municipalities	$450,000
2688	FL	44th St. Extension to Golfair Blvd, Jacksonville	$1,500,000
2689	NJ	Passaic River-Newark Bay Restoration and Pollution Abatement Project, Route 21, River Road, CR 510	$1,000,000
2690	CA	San Gabriel Blvd and Mission Road Intersection Improvements, San Gabriel	$200,000
2691	NY	Rehabilitate 125th Street Corridor from Old Broadway to Marginal Street/Waterfront	$2,000,000
2692	MI	Repair M-10 corridor from I-696 to downtown Detroit	$1,000,000
2693	FL	Capital Circle Northwest, Tallahassee	$10,000,000
2694	TN	Installation of Intelligent Transportation System on various major routes in Memphis	$2,000,000
2695	MI	Planning and Engineering for The American Road, The Henry Ford Museum, Dearborn	$1,500,000
2696	TX	Reconstruct Ella/Wheatley from Little York to West Gulf Bank	$1,250,000
2697	NY	Implement Improvements for Pedestrian Safety in Richmond County	$1,000,000
2698	FL	Palm Bay Parkway from Emerson Drive to US 192, Palm Bay, FL	$1,000,000
2699	CA	Construct the Los Angeles River bicycle and pedestrian path in the San Fernando Valley	$575,000
2700	TX	Construct Santa Fe Trail DART LR overpass from Hill St. to Commerce St. along abandoned Santa Fe Rail right-of-way in Dallas	$1,400,000
2701	CA	Construct Route 101 bicycle/pedestrian overpass at Millbrae Ave for the San Francisco Bay Trail	$1,000,000
2702	GU	Guam Mass Transit Authority Acquisition of transit vehicles for disabled persons	$400,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2703	LA	New Iberia Rail Grade Separation	$2,000,000
2704	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Ashley Borough, Luzerne County	$200,000
2705	MN	Reconstruct Grand Avenue (from Central Ave to 59 Ave W), Central Ave (from Grand Ave to I-35) and Bristol Street (from Central Ave to Grand Ave), Duluth	$750,000
2706	TN	Plan and construct a bicycle and pedestrian trail, Cannon County	$100,000
2707	TX	Develop, deploy and integrate municipal ITS in San Antonio	$3,200,000
2708	TN	Jefferson, Hamblen Counties, Tennessee SR-66 relocation	$2,000,000
2709	MD	Rehabilitate Pennington Avenue Drawbridge in Baltimore	$1,500,000
2710	PA	Construction of I-79 to Mon-Fayette Section of Southern Beltway, Pittsburgh, Pennsylvania	$1,000,000
2711	FL	Springfield Rd. Improvements, Jacksonville	$1,500,000
2712	LA	Elimination of highway-rail grade crossings along Louisiana and Delta railroad	$1,000,000
2713	CA	Conduct necessary planning and engineering and implement comprehensive Corridor Management Plan for Arroyo Seco Historic Parkway, Los Angeles	$1,400,000
2714	FL	Plant City Traffic Management System	$2,000,000
2715	GA	SR 347 widen-new construction from I-985 to SR 211, Hall County, Georgia	$10,000,000
2716	WA	SR28 and SR285 Sellar Bridge Improvements: ramp & roadway network improvements at the west end and a new lane on the Sellar Bridge	$5,000,000
2717	NY	Stabilize Poughkeepsie Railroad Bridge and construct a pedestrian walkway linking the two sides of the Hudson River, Poughkeepsie	$1,092,500
2718	WA	International Mobility and Trade Corridor Project for Whatcom County	$1,100,000
2719	CA	State Route 76 Road Widening, Melrose Drive to Interstate 15	$5,000,000
2720	NJ	Streetscape Improvements to Clements Bridge Road from Newton Avenue to New Jersey Turnpike, Barrington	$500,000
2721	FL	Construct Eastern Connector from SR 417 to I-95, Volusia & Seminole Counties Florida	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2722	GA	Construction of the McIntosh Path on SR 99, 7.15 miles between Darien, Georgia and the Sapelo Island Visitor Center	$200,000
2723	AL	Construction of Sulphur Springs Road Bypass in City of Hoover, Alabama	$5,000,000
2724	AZ	Pliocene Cliffs reconstruction between Wikieup and the Santa Maria River	$1,000,000
2725	MN	Construct roadway improvements to CSAH 76, Little Falls	$1,064,000
2726	IN	Study alternatives along 2 miles of railroad to eliminate in-town highway-rail crossings to improve safety and reduce congestion in Delaware County	$150,000
2727	NV	Design and construct separation of rail-highway crossings in downtown Reno	$1,000,000
2728	NJ	Maple Shade Township Streetscape Improvements of Mill Road, Rudderow Ave., North & South Coles Ave. and Schoolhouse Lane	$1,000,000
2729	WA	Conduct study for I-5 and SR 503 interchange	$300,000
2730	WA	Construct Webber Canyon Road realignment at I-82 Kiona-Benton interchange	$3,500,000
2731	TX	Downtown Streetscape Improvements in Beaumont, Texas	$640,000
2732	NY	Improve Traffic Flow on Lefferts Boulevard by Rehabilitating Facilities Surrounding LIRR/Kew Gardens Eastbound Station	$500,000
2733	NM	Perform highway beautification to the recently reconstructed Interstate 40 Interstate 25 Interchange	$800,000
2734	TX	Reconstruct interchange at IH 10 and FM 364, Chambers County, Texas	$1,000,000
2735	CA	SR 52 East Improvements (San Diego)	$6,000,000
2736	OR	Study to evaluate alternatives in support of an eventual Astoria bypass, Astoria	$250,000
2737	GA	Commission a study and report regarding the construction and designation of a new Interstate linking Savannah, Augusta, & Knoxville	$400,000
2738	VT	Construction of the St. Albans, Vermont intermodal connector roadway with I-89 for the City of St. Albans	$1,200,000
2739	OR	I-5–Highway 214 interchange improvements, Woodburn	$1,000,000
2740	OR	Construction of transportation facilities at the Tualatin River Wildlife Refuge	$800,000
2741	WY	I-80 Rock Springs Marginal	$1,900,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2742	PA	Improvements to Route 11 and access to I-81	$1,000,000
2743	IL	Improve safety of a horizontal curve on Clarksville St. .25 mile north of 275th Road in Grandview Township, Edgar County, Illinois	$88,000
2744	UT	Provo Reservoir Canal Trail, Utah	$1,000,000
2745	MO	South County Riverfront Access and Trails Project, Lemay	$4,000,000
2746	AK	Road improvements in the City of Fairbanks	$5,000,000
2747	MD	Construct Ferry Terminal, Somerset County, Maryland	$1,000,000
2748	MS	Plan and Construct two lanes to SR-6 from SR 342 to Alabama state line	$4,000,000
2749	CA	Construct bypass along Hwy 101 around Willits, CA to reduce congestion, improve air quality and enhance economic lifeline of No. Coast	$5,000,000
2750	CA	Engineering support to I-5 Joint Powers Authority to widen I-5 freeway and improve corridor arterials from I-710 to Orange County line	$150,000
2751	LA	Kerner Bridge, Bayou Barataria	$2,100,000
2752	WA	Renton, WA SR 167 HOV, Strander Boulevard Connection	$1,000,000
2753	NJ	Sussex County, NJ Vernon Township, Mountain Creek Rt. 94 Traffic Calming, Ped. Safety and Traffic Congestion, Circulation Improvement	$3,000,000
2754	PA	Linglestown Square, roadway and intersection improvements, Lower Paxton Township	$2,800,000
2755	MD	Rehabilitate road including bridges over CSX tracks in Baltimore	$3,000,000
2756	WA	Extend 18th Street between 87th Avenue and NE 192nd Avenue in Vancouver	$1,000,000
2757	TX	Implement repairs on Old Pleasanton Road Bridge in Atascosa County	$403,000
2758	CA	Hazel Avenue Improvements, U.S. Highway 50 to Madison Avenue	$3,000,000
2759	MI	Menominee County, County Road 557 Bridge Replacement over the Big Cedar River	$280,000
2760	OH	Massillon, Ohio. Tremont Avenue Bridge Rehabilitation	$720,000
2761	MI	Montmorency County, Reconstruction of County Road 612 from W. County Line to County Road 491	$800,000
2762	CA	Conduct traffic study of proposed realignment of Nutwood Ave in Fullerton	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2763	NM	Planning, design and construction of bikeways and walkway at the City of Santa Fe's downtown railyard redevelopment project	$2,000,000
2764	GA	Streetscape-Bainbridge	$250,000
2765	PA	Construct SR 706 Corridor, Susquehanna County, Pennsylvania	$2,000,000
2766	NY	Town of North Salem reconstruction and repaving of Keeler Lane	$150,000
2767	FL	Conduct planning and engineering for US 17 widening and improvements in Hardee County, Florida	$3,000,000
2768	IL	Traffic Signalization, Matteson	$907,500
2769	MS	Upgrade roads in Kilmichael, Montgomery County	$400,000
2770	NC	Upgrade US-220 to I-73-74 interstate standards in Montgomery County	$2,000,000
2771	WA	US-2/Sultan Basin Road Improvements in Sultan	$600,000
2772	TX	Add 2 lanes to existing facility from Victoria County Line to 1.9 miles west of SH 35 in Port Lavaca	$1,000,000
2773	FL	A1A Transportation Enhancements, Daytona Beach	$1,000,000
2774	MI	City of Menominee, Resurface Hattie Street Bridge deck 250 feet from 9th Avenue in Menominee to Riverside Avenue in Marinette, WI	$225,000
2775	TN	Eliminate blockage of two lanes on Gay Street in Knoxville, TN, to accommodate loading dock	$2,000,000
2776	MI	Emmet County, ultra thin demonstration project resurfacing of Mitchell Road from the City of Petoskey limits east to Division	$60,000
2777	NY	Gowanus Expressway Project	$500,000
2778	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Moosic Borough, Lackawanna County	$200,000
2779	AL	Expand to 4 lanes on US-278 from I-65 to US-231	$3,000,000
2780	IL	Preconstruction and construction McCarthy Road, Bell Road to US-45 and 123rd Street US 45 to 86th Avenue in Palos Park	$600,000
2781	WY	Riverton: Reconstruct Hwy 26–Main St	$1,100,000
2782	MA	Somerville Bicycle Path Improvements—Cedar Street to Central Street	$1,000,000
2783	MI	US-31 improvements and relocation between Holland and Grand Haven	$9,450,000
2784	PA	Replace Messinger Street Bridge in the Borough of Bangor	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2785	NY	Oswego, construct pedestrian waterfront walkway	$1,250,000
2786	KY	Reconstruct US 127 from Hustonville Road to the Mercer County Line, Boyle County	$1,500,000
2787	PA	Construction of an intermodal facility in Altoona, PA	$1,500,000
2788	CA	Design and construct access improvements in North Central Business District, Sacramento	$8,000,000
2789	NC	Construction of the southbound lane of US-321 bridge replacement over the Catawba River	$6,000,000
2790	FL	Grand Lagoon Bridge Replacement Project. The replacement of a two-lane bridge with a four-lane bridge	$6,500,000
2791	FL	Construct SR 9B Extension, St. Johns County, Florida ...	$4,400,000
2792	AL	Design and construct a 4-lane highway from Muscle Shoals, AL to I-10	$1,000,000
2793	IN	Improve SR 9 Greenfield Corridor, Indiana	$500,000
2794	NJ	Interstate 280 Interchange Improvements, Harrison	$9,000,000
2795	KY	Construct I-66 east of Somerset, Kentucky in Pulaski County to I-75 at London, Kentucky	$7,000,000
2796	VA	Plan, design, and construct improvements to Virginia Beach Blvd in Virginia Beach and Norfolk	$500,000
2797	PA	Fayette County, Pennsylvania, State Road 21 Improvements	$2,000,000
2798	ME	Replacement of Waldo-Hancock Bridge	$16,000,000
2799	CT	Reconstruct and widen Homer St and Chase Ave in Waterbury from Waterville Ave to Nottingham Terrace	$1,500,000
2800	FL	Construct new east-west road from the intersection of Beeline Highway and PGA Boulevard west to Seminole Pratt Whitney Road	$1,000,000
2801	WI	Enhance West Silver Spring Ave with lighting enhancement, crosswalk improvements, signage, landscaping, Milwaukee	$400,000
2802	NY	Completion of 1.6 mi trail network in the Utica Marsh, NY	$124,000
2803	TX	Construct I-635–I-30 Interchange, Dallas, Texas	$12,000,000
2804	IL	Establish transportation museum on Navy Pier, Chicago	$500,000
2805	CA	Establish I-15 Interchange at Nisqualli and Mojave River crossing in San Bernardino County	$1,500,000
2806	MA	Massachusetts Bay Transportation Authority Secure Station, Boston	$1,000,000
2807	FL	Construct bridges on SR 710 in Palm Beach County	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2808	PA	Reconstruct intersection of SR 51 and Franklin Ave, Beaver County	$2,150,000
2809	NJ	Rehabilitation of existing structure at the Bridge Street bridge over the CSX Railroad Trenton Line in Manville, NJ	$500,000
2810	OR	Repair and recoat logging bridge over Highway 99E, Canby	$150,000
2811	CA	San Gabriel Blvd Rehabilitation Project—Broadway to Las Tunas, San Gabriel	$200,000
2812	CA	Signal upgrades on Avenida de las Flores, Melinda Road, Avenida de las Banderas, and Alma Aldea, Rancho Santa Margarita, California	$125,200
2813	CA	Construct State Route 905 to connect the Otay Mesa Port of Entry to Interstate 805, San Diego	$9,000,000
2814	MA	Crosby Drive Improvement Project	$1,000,000
2815	WI	Construct North Shore Extension of Friendship State Trail, Calumet and Winnebago Counties, Wisconsin	$350,000
2816	AR	Construct and rehabilitate Fayetteville Expressway Economic Development Corridor	$5,000,000
2817	PA	Armstrong County, Pennsylvania, construction of the Freeport Bridge	$2,000,000
2818	IL	Road extension for Redco Drive to Skyline Dr, Williamson County	$1,000,000
2819	CA	Rosecrans Avenue and Bridge Arterial Reconstruction Project, Compton	$3,000,000
2820	MA	Canalside Rail Trail Construction of the Canalside Rail Trail, Deerfield & Montague	$1,000,000
2821	CA	Conduct study and construct Daggett Road, Port of Stockton, CA, Access Project	$5,000,000
2822	WI	Construct a bicycle/pedestrian path, and two bridges across Starkweather Creek, Madison	$2,000,000
2823	GA	Construct City of Fayetteville, GA School Access Bike Ped Project	$625,000
2824	TN	Sevier County, Tennessee SR 449 extension	$500,000
2825	GA	SR 133 southbound lane bridge replacement over the Georgia–Florida Railnet line, Dougherty County	$1,000,000
2826	CA	Construct grade separation on State Street and Cajon Boulevard along BNSF tracks in San Bernardino	$2,000,000
2827	WA	Construct SR 9 Pedestrian Overpass in Arlington	$800,000
2828	CA	Implement streetscape improvements along Wilbur Avenue to enhance traffic and pedestrian safety	$100,000
2829	MD	I-95, I-495, MD-5 Branch Avenue Metro Access	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2830	TN	Improving vehicle efficiencies at at-grade highway-railroad crossing in Loudon, TN	$57,000
2831	MO	I-470, I-435 & Rt 71 Completion of Interstate realignment	$3,000,000
2832	PA	Ridge Avenue revitalization project in conjunction with Roxborough Dev. Corp. for scenic enhancements & pedestrian safety improvements along a heavily traveled thoroughfare	$1,000,000
2833	PA	Corridor improvements for PA 72 from PA 283 to PA Turnpike	$600,000
2834	AR	Construction of I-49, Highway 71: Highway 22 to Highway 71 near Jenny Lind	$5,000,000
2835	CA	Provide landscape enhancement of an existing open culvert on Atherton Street, Long Beach	$500,000
2836	NY	Rehabilitate Guy Lombardo Avenue and construct drainage improvements and new sidewalks and curb cuts in Freeport, NY	$1,000,000
2837	IA	I-35 interchange improvements, Ankeny	$4,500,000
2838	PA	Improve Freemansburg Avenue and its intersections at Route 33	$2,000,000
2839	NJ	Pedestrian facilities and street lighting on Route 551 from Route 130 to Chestnut Street, Brooklawn	$400,000
2840	IL	I-57 and I-294 Interchange	$3,000,000
2841	FL	New Kings Rd. Pedestrian Overpass & Enhancements, Jacksonville	$1,000,000
2842	TX	Grimes Co., TX Bridge Improvement Project	$500,000
2843	CA	Crenshaw Blvd. Rehabilitation, Maricopa St. to Sepulveda Blvd., City of Torrance	$1,000,000
2844	VA	Engineering and Right of Way for Interstate 73 in Roanoke County	$1,500,000
2845	GA	Johnson Ferry Road Glenridge Drive Widening, Abernathy Road to Hammond Drive	$2,000,000
2846	GA	Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park	$6,020,083
2847	OH	Intersection improvements and related road improvements in the City of Chardon, OH	$612,000
2848	WV	Construct Coalfields Expressway	$7,200,000
2849	CA	Improve pedestrian and biking trails within East Bay Regional Park District, Contra Costa County	$1,000,000
2850	MA	Berkshire County Bike Paths, Design & Construction	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2851	MI	Ogemaw County, Overlay of Fairview Road to improve network of all-season truck routes	$369,600
2852	VA	Old Mill Road Extension	$1,000,000
2853	PA	Construct Campbelltown Connector, Lebanon County	$2,000,000
2854	NJ	Construct Rt 40 Reconstruction from Rt 77 to Elmer Lake, Elmer, Salem County	$3,000,000
2855	OH	Design and construct riverwalk and adjacent facilities, Warren, Trumbull Co	$1,500,000
2856	CA	Realign SR-4 within the City of Oakley	$2,000,000
2857	IL	Construct recreational trail from Spring Creek Forest Preserve to Greene Valley Forest Preserve in DuPage County, IL	$400,000
2858	MN	Construct trail link between Bruce Vento Regional Trail and Mississippi River Corridor in St. Paul	$1,500,000
2859	FL	Construct Interstate-4/Crosstown Connector	$1,000,000
2860	UT	Add lights to road from Halchita to Mexican Hat on Navajo Mountain	$200,000
2861	CA	Construct off ramp at Interstate 8/Imperial Avenue Interchange, El Centro	$3,000,000
2862	VA	Cranesnest Trail—construction of hiking, biking, horse trail from Route 83 to Cranesnest Campground	$650,000
2863	NC	Durham and Chatham Counties, NC Completion of American Tobacco Trail	$2,000,000
2864	TX	Austin to Manor Rail Trail, Texas	$2,000,000
2865	PA	Eliminate existing rail line in Indian, PA to eliminate 37 at-grade crossings and reconstruct the line outside the town from Glenn Lock to Middletown	$4,000,000
2866	MN	Extend Cuyuna Range and Great River Road Trails, Aitkin	$400,000
2867	NY	Conduct planning, engineering, and eventual construction of Rte. 5 in City of Oneida, from Seneca St. to county line	$500,000
2868	NY	Great Neck Road Traffic Calming Project	$400,000
2869	NJ	Design and construct new streetscape through Irvington Center	$1,000,000
2870	IL	Construct connector road between Collinsville Rd to IL3/North 1st St, St. Clair County	$6,000,000
2871	NJ	Carteret, NJ Ferry Service Terminal	$2,100,000
2872	AL	Construct I-10–US-231 Connector from Dothan, AL to Florida	$2,000,000
2873	OH	Bicycle paths for the Magic Mile in Willoughby, OH	$800,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2874	NC	Construct Interstate 73-74 in Montgomery County and Richmond County, North Carolina	$18,000,000
2875	NY	Construct Phase II I-90 Connector ITS Laboratory in Rensselaer County	$6,000,000
2876	NC	Design and construct Airport Area Roadway Network	$2,800,000
2877	WA	Engineering and construction of the Centennial Trail in Snohomish	$1,000,000
2878	OR	I-5 Beltline Interchange	$20,000,000
2879	IL	Extension North from Rt. 30 to Wheeler Road and Galena Boulevard extension west of Rt. 47 in Sugar Grove, IL	$4,760,000
2880	NY	Newburgh, Improve East End Roads	$1,863,500
2881	ME	Construction of the Kennebec River Rail Trail	$400,000
2882	CA	Construct Bristol Street multi-modal corridor in Santa Ana	$3,000,000
2883	CA	Construct pedestrian sidewalk enhancements in Bellflower	$500,000
2884	KS	Improvement and expansion for 2.7 miles of K-18 in Geary County	$14,500,000
2885	CA	I-110/SR 47/Harbor Blvd. Interchange Improvements, San Pedro	$5,000,000
2886	MA	Oxbow National Wildlife Refuge, Design and construction of a Visitor Contact Station	$2,000,000
2887	AL	Pedestrian Improvements for Pell City, AL	$200,000
2888	WI	Rehabilitate Highway 51 between CTH S and USH 8 in Lincoln County	$2,000,000
2889	OH	Rehabilitate tunnel and bridge on National Road Bikeway in St. Clairsville	$700,000
2890	MD	Pennington Ave Drawbridge, Baltimore	$1,000,000
2891	MA	Rehabilitation and paving of Parker River Road	$250,000
2892	MN	Reconstruct CSAH 17 between Itasca CR 341 and the Scenic State Park entrance to improve safety and structural integrity	$3,200,000
2893	OH	Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport	$5,000,000
2894	PA	Relocation of PA 52 at Longwood Gardens	$1,000,000
2895	TX	Construct Interstate 35 improvements in Buda	$1,000,000
2896	TN	Improve streetscape and signage, McMinn County, TN	$300,000
2897	OR	Culvert Replacement, Sweet Home	$130,000
2898	AL	AL 5 Widening in Bibb County	$3,000,000
2899	CO	Design and build a multimodal corridor on US 36	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2900	WA	Development of highway-rail crossings in Spokane County, WA and Kootenai County, ID	$1,000,000
2901	OH	Acquire right of way land along US 24, Lucas County	$1,000,000
2902	IL	Improve Streets, Westchester	$150,000
2903	NY	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City	$3,000,000
2904	TN	Construction of Knob Creek Road in Washington County, Tennessee	$500,000
2905	TN	Improve streetscape and pavement repair, Loudon County, TN	$300,000
2906	CA	Improvement of intersection at Inglewood Ave and Marine Ave to reduce congestion	$3,600,000
2907	HI	Interstate Route H1 rehabilitation, Kaahumanu Street to Kaimakani Street	$7,430,000
2908	ID	Construct Interchange on I-84 at Ten Mile Rd, Meridian, Idaho	$2,000,000
2909	NJ	Pedestrian facilities and street lighting on Haddon Avenue from Voorhees Township Line to Bate Avenue, Berlin Township	$347,120
2910	WA	267th Street NW Pedestrian Path in Stanwood	$400,000
2911	KY	Replace US 68 and US 150 Bridge over Chaplin River, Perryville	$750,000
2912	UT	Geveva Rd-Provo Center Street, Orem 1600 North to I-15 FWY, Provo-widen from 2 to 4 lanes	$7,500,000
2913	IL	Construction of a new roadway and grade separation of the UP West Line east of Elburn	$7,000,000
2914	VA	Haymarket, VA. Washington Street improvements	$500,000
2915	NJ	Improvements to implement the Readington Tewksbury Transportation Improvement District	$500,000
2916	IL	Allow IDOT to proceed with engineering and construction of Airport-Lockport Rd and Illinois Route 126 interchanges on I-55	$1,750,000
2917	AR	Caraway Bridge Overpass	$7,000,000
2918	OH	Construction of an Intermodal Facility at University Circle in the City of Cleveland	$500,000
2919	PA	Jeannette Truck Route	$500,000
2920	MD	MD 45, Cavan to Ridgley Roads	$5,520,000
2921	MD	MD 30 Hampstead Bypass	$1,000,000
2922	MI	Monroe Area Highway-Railway Crossing Improvements, City of Monroe	$6,400,000
2923	OH	Obtain right-of-way and construct the 161,37 widening project in Franklin and Licking Counties, Ohio	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2924	CT	Enfield, Connecticut Make improvements to South Maple Street Bridge	$1,910,000
2925	NY	Conduct studies, if necessary, and construct infrastructure projects for Governor's Island	$2,000,000
2926	NY	Harlem River Park and Bikeway	$1,000,000
2927	CT	Make Improvements to Plainfield Cemetary Road	$300,000
2928	SC	Construct grade separation and interchange improvements at U.S. 521, Lancaster County	$1,000,000
2929	NJ	Replacement of the Magnolia Avenue Bridge over Route 1 & 9	$1,000,000
2930	IL	Resurfacing and restriping Euclid Ave between Walnut Ave and Douglas Ave in Arlington Heights	$300,000
2931	MI	Resurfacing of Frazho Road in Roseville	$1,280,000
2932	CA	Construct 213th Street pedestrian bridge to provide safe passage for pedestrians and wheelchairs, Carson	$1,000,000
2933	MO	Conduct impact studies for Missouri River Bridge siting in Kansas City, MO	$5,000,000
2934	CA	Construction of Lenwood Road Grade Separation in Barstow, CA	$1,500,000
2935	PA	Improvements to Frankford Avenue from Cottman Avenue to Harbison Avenue	$1,250,000
2936	IN	Revelop Hazeldell Road, Hamilton County, Indiana	$500,000
2937	AK	Road Improvements and upgrades to service road areas and miscellaneous projects within Northstar Borough	$5,000,000
2938	OH	Rehabilitation or replacement of highway-rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties	$610,000
2939	MI	Otsego County, Resurfacing and widening of Parmater Rd	$368,000
2940	WA	Realign West Main Street through Kelso	$2,000,000
2941	TN	Reconstruct State Route 109 from I-40 in Wilson County to Portland in Sumner County	$1,000,000
2942	PA	Redesigning the intersection of US322/High Street and Rosedale Ave	$1,000,000
2943	DE	Replacement of the Indian River Inlet Bridge, Sussex County Delaware	$4,000,000
2944	FL	Construct link from I-95 to I-10 through Clay County with terminus points SR23 to CAR739B	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2945	MN	Construct ramps and new bridge over Interstate 35 at CSAH 17, and reconstruct CSAH 17 from west County Line to CSAH 30, Chisago County	$900,000
2946	CT	Conduct multi-modal study of Route 8 corridor between Beacon Falls-Seymour town line and exit 40	$1,000,000
2947	AR	Hwy 65 improvements in Van Buren County, including construction of passing lanes, bridge improvements, intersection improvements and other roadway improvements	$1,200,000
2948	AZ	Construct sidewalks along White Spar Road -Prescott, AZ	$500,000
2949	NY	Construction of Pedestrian and Bike Trail campus access & improvements, St. Bonaventure, NY	$500,000
2950	NY	Eastern Laurelton Area Improvements, Queens, New York	$8,600,000
2951	NY	Bicycle and pedestrian safety improvements, Main Street, Riverhead	$1,200,000
2952	AL	Construct County Road 83 corridor from Foley Beach Express to I-10	$10,000,000
2953	PA	Design and construct improvements to PA 465 from Walnut Bottom Rd. to PA 641 and at I 81 Exit 44	$3,870,500
2954	IL	Reconstruct and Widen Route 60 Bridge over I-94 in Lake Forest	$8,000,000
2955	VA	Improve Downtown Staunton, Virginia, Streetscape	$1,500,000
2956	PA	Route 322 Halls Run Upgrades from the intersection of Horsecreek Road to Mapleshade Road -Venango County	$1,700,000
2957	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Wilkes-Barre	$2,500,000
2958	IN	SR56 Reconstruction, Aurora, Indiana	$5,120,000
2959	MI	Study and implement transportation system alternatives in the vicinity of US31/M46	$4,000,000
2960	MA	Longfellow Bridge Rehabilitation	$2,500,000
2961	IL	For Village of Bolingbrook to construct Remington Blvd. extension	$500,000
2962	AZ	Construction of Rio Salado Pedestrian Bridge in Tempe, AZ	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2963	MI	Study to determine replacement options for obsolete and structurally deteriorating bridge (Trenton-Grosse Ile Bridge) including approach roadways, Charter County of Wayne	$4,000,000
2964	PA	Mount Joy Bridge Replacement on Route 230	$250,000
2965	CA	Modifies 9 traffic signals between Willow Road and Middlefield Road and Hamilton Avenue, Menlo Park	$300,000
2966	OH	Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park	$500,000
2967	OR	To study the feasibility of widening Hwy 26 from the Hwy 217 interchange to the Cornelius Pass exit	$1,000,000
2968	GA	Athens-Clarke County Greenway Enhancement Project	$2,320,000
2969	WA	Improve Wahkiakum County Ferry landing	$200,000
2970	IL	Irving Park Bridge over the Chicago River	$4,000,000
2971	MI	Design, right-of-way and construction of passing relief lanes and improvements necessary on M-55, between M-37 and M-115	$2,200,000
2972	NE	Design, right-of-way and construction of South and West Beltway in Lincoln, Nebraska	$3,000,000
2973	TX	Tower 55 CMAQ Congestion and Preliminary Engineering Study	$2,000,000
2974	NY	Town of Chester Lake, Hill Farms subdivision road improvements	$150,000
2975	MN	Improvements on TH 169 east and west of East Two Rivers Crossing and TH 135 from Enterprise Drive to TH 169	$2,216,000
2976	IN	Reconstruct Standard Avenue, Whiting	$1,300,000
2977	TX	Barron Rd. Interchange at SH6 (Earl Rudder Freeway) College Station	$3,000,000
2978	CA	Develop conceptual master plan to improve the efficiency of transportation facilities, Covina	$215,000
2979	PA	Transportation enhancements along the Delaware Canal between Yardley, PA and Bristol, PA	$1,000,000
2980	VA	Upgrade DOT crossing #467661K to constant warning time devices	$171,700
2981	UT	Add lighting on Highway 262 on the Navajo Nation in Aneth	$175,000
2982	VA	Chestnut Mountain Road—feasibility study, design and construction start for road improvement on National Forest lands	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2983	MI	Construction of roads and trails Humbug Marsh Unit Linked Greenways System, Detroit International Wildlife Refuge	$1,100,000
2984	TX	Construct access road connecting Port of Beaumont property on east bank of Neches River to I-10 access road east of the Neches River	$3,120,000
2985	AR	Develop U.S. Highway 71 (I-49) to Interstate standards on new location between Mena, AR and LA state line	$3,160,000
2986	SC	Lexington County, widen US 1 and SC 6, and improve US 1, SC 6, and US 378	$2,000,000
2987	IL	Midlothian Road Signalization, Lake Zurich	$600,000
2988	VA	Glen Alton—design and construction of recreation trails, access and visitor information center	$1,000,000
2989	MI	Expansion of Cass Avenue in Clinton Township	$9,194,000
2990	CO	Bromley Lane and US 85 interchange feasibility study and construction of needed improvements	$1,000,000
2991	MD	Constructing Chestertown Trail, Chestertown, MD	$300,000
2992	IL	Eastern Peoria Bypass	$3,000,000
2993	VA	Conduct planning and engineering for Mayo Bridge in Richmond	$2,000,000
2994	NY	Elevation of road and construction of drainage improvements on Sequams Lane Center and Sequams Lane West in the Town of Islip, NY	$620,000
2995	NM	Improvements to San Juan County Road 7950	$1,000,000
2996	WA	116th St/Interstate 5 Interchange Reconstruction in Marysville	$1,000,000
2997	SC	Construction of public roads at the International Center for Automotive Research and reconstruction of Fairforest Way in Greenville, South Carolina	$5,000,000
2998	PA	Provide 4 through-lanes on PA100 by constructing two thru lanes to the east of Ludwigs Corner	$5,000,000
2999	PA	Completion of construction of final 2 ramps of I-79 interchange with Parkway West; widening of 1 mile of Parkway West leading to ramps	$2,000,000
3000	CA	Diamond Bar, CA Grand Avenue Rehabilitation	$1,600,000
3001	NY	Reconfigure intersection of Ridge Street and Hallocks Mill Road & install new traffic signal	$725,000
3002	WA	Guard Street Reconstruction Project in Friday Harbor	$800,000
3003	CO	Roadway widening and interchange rebuilding on I-225 from I-70 to Parker Road	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3004	PA	Roosevelt Boulevard improvements by the Pennsylvania Department of Transportation	$2,500,000
3005	MN	Construct Paul Bunyan Trail Walker to Bemidji Segment	$700,000
3006	HI	Upgrades to Farrington Highway	$1,000,000
3007	KY	US 41A Phase II Design and Right of Way	$3,000,000
3008	NM	US 54 Corona, Tularosa, and Vaughn Bridges Replacement and Rehabilitation	$1,000,000
3009	OH	Construction of access road along east side of SR 8 in Summit County, OH	$1,000,000
3010	TX	US281 from Brooks County Line to FM 3066, Brooks County	$2,000,000
3011	FL	Construction of an interchange at Florida's Turnpike & Stirling Rd. in Broward County	$5,538,959
3012	NY	Construction of the City of Watertown Streetscape Enhancement Project	$2,500,000
3013	IL	Install countdown devices on pedestrian crossing signals on US Routes 12/20 and 50 in Oak Lawn	$500,000
3014	NY	Install Improvements for Pedestrian Safety in the vicinity of St. Roberts Bellarmine	$250,000
3015	NY	Rebuild Queens Plaza, a 250-foot wide roadway on the eastern end of the Queensborough Bridge	$8,000,000
3016	PA	Upgrade circuit for gates and lights at Seventh Street in Emmaus, PA USDOT crossing number 592401H to constant warning time devices.	$275,000
3017	UT	SR-158 Improvements, Pine View Dam, Weber County, Utah	$1,100,000
3018	CA	Valley Boulevard Capacity Improvement between 710 Freeway and Marguerita Avenue, Alhambra	$2,000,000
3019	IL	Offramp and overpass from I-57 outside of Marion and necessary connector roads	$5,000,000
3020	AK	Construction of and improvements to roads at Alaska Pacific University	$3,000,000
3021	SC	Upgrade of the I-95/SC 327 Interchange near Florence	$7,500,000
3022	CA	Valley View/Stage Grade Separation Project, La Mirada and Santa Fe Springs, California	$900,000
3023	OR	Renewal of Wooden Bridge West of Albany	$8,000,000
3024	MI	Northville, Taft Road from 8 Mile North to city limits	$500,000
3025	NY	Village of Pawling Rehabilitation of Grandview Ave from Lakeside to end	$100,000
3026	SD	Regrade and resurface BIA Route #5 south of Dupree on the Cheyenne River Reservation	$1,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3027	FL	Church Street Improvements, Orlando	$13,000,000
3028	MI	Walled Lake, Widen Maple Road, west of Decker to Welch	$125,000
3029	AR	Washington County, Arkansas—replace and rebuild Tilly Willy Bridge	$800,000
3030	AR	Russellville Intermodal Facility construct access roads from AR Hwy 247, purchase Right-of-Way	$2,000,000
3031	TX	Construct IH 30 Monty Stratton Parkway Interchange in Greenville, TX	$1,000,000
3032	PA	Design and Construction of Portzer Road Connector, Bucks County	$2,000,000
3033	IL	For Plainfield Township Park District to construct DuPage River Bike & Pedestrian Trail linking Grand Illinois, Midewin, & I&M Canal Trails	$100,000
3034	TX	Pedestrian Path and Sidewalk Improvements along US 83 in Rio Grande City	$500,000
3035	MS	Upgrade roads at Tougaloo College	$500,000
3036	IL	Washington Street Widening, Gurnee	$3,360,000
3037	LA	Belle Chasse Tunnel	$500,000
3038	FL	Implement Busch Boulevard corridor improvements to improve safety in Tampa	$2,500,000
3039	MI	Construction of Pittsfield Greenways Bridge—non-motorized bridge enhancement onto existing Bemis Road Bridge, Pittsfield Charter Township	$201,000
3040	NC	North Carolina. Repair and improve safety features on US Hwy 19 from Maggie Valley to Cherokee	$8,000,000
3041	NC	Northern Loop Project, City of Wilson	$1,000,000
3042	OR	Weaver Road Extension and Bridge Project, Douglas County	$17,500,000
3043	MI	Complete 58 miles of White Pine Trail from Grand Rapids to Cadillac	$1,500,000
3044	NY	Elmira Congestion Mitigation	$2,000,000
3045	IL	Improve Roads and Bridges, Cicero	$1,500,000
3046	MI	John-Daly Road Reconstruction—2.5 miles from northern city limit to southern city limit, Inkster	$2,500,000
3047	UT	Construct pedestrian safety project on the Navajo Nation in Montezuma Creek	$325,000
3048	MD	Construct MD5, Hughesville Bypass	$10,000,000
3049	OH	Repair & Construct Rock Spring Bridge, Portage County	$500,000
3050	RI	Replace I-195 Washington Bridge Eastbound	$2,000,000
3051	UT	Bear River Migratory Bird Refuge Access Road Improvements, Box Elder County, UT	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3052	MA	Reconstruction of Union St. and Rt. 138W, Holbrook	$1,720,000
3053	MI	Replacement of the interchange at 44th Street and U.S. 131 in Grand Rapids	$9,000,000
3054	OH	Construct interchange improvements at SR 46 and 82 in Howland Township, Trumbull Co	$1,000,000
3055	GA	Widen and construct US 84 Connector Bypass from west of US 84 SR 119 west of Hinesville to US 84 SR 196 south of Flemington, Liberty County, Georgia	$2,000,000
3056	IL	Project is a stand-alone roadway improvement consisting of the complete reconstruction of the roadway, The Village of Forest Park	$1,000,000
3057	MI	Jackson Freeway Modernization Project. I-94 Modernization Project from Michigan State Route 60 [M60] easterly to Sargent Road	$15,000,000
3058	VA	Smart Travel and Traffic Management Systems in Salem and Staunton District, Virginia	$300,000
3059	OH	Construct Great Miami River Multi-Use Trail, Miami County, Ohio	$1,270,000
3060	DC	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail	$1,000,000
3061	MI	Study road runoff in Little Black Creek between U.S. 31 and Seaway Drive	$400,000
3062	CA	Conduct environmental review of proposed improvements related to the connection of Dumbarton Bridge to Highway 101	$500,000
3063	NY	Construction of and improvements to Union Road in West Seneca	$1,000,000
3064	WI	Upgrade I-43 between State Highway 140 and East County Line in Rock County, Wisconsin	$3,000,000
3065	NJ	Separation of the intersection of 13th Street and the Lehigh Rail Line through bridge or tunnel in Manville, NJ	$555,000
3066	CA	Construct parking facility and improve access to Imperial Valley Expo	$377,500
3067	CA	Develop bicycle paths and pedestrian access to Third Avenue, Chula Vista	$300,000
3068	IL	Upgrade County Highways 18 and 22 in conjunction with state I-57 interchange plan north of Mattoon ...	$2,000,000
3069	CA	Widen & Reconfigure Sepulveda & Culver Boulevards, Culver City	$2,740,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3070	OH	Construct interchange or other appropriate access on IR 70 west of existing mall road exit in Belmont County	$6,935,000
3071	AZ	Widen and expand the existing roadway and railroad overpass in the Houghton Road Corridor	$4,000,000
3072	OK	Construction of Duncan Bypass Grade Separation	$3,000,000
3073	SC	Pine Needles Widening & Bridge Replacement	$3,000,000
3074	CA	Olsen Road widening and roadway improvments in Simi Valley, California	$2,000,000
3075	GA	Streetscape project to upgrade sidewalks, lighting and streets, Jeffersonville	$500,000
3076	NY	Implement Diamond Grinding Measures on I-95, I-278, Mosholu Parkway, I-495, Grand Central Parkway, and Richmond Parkway	$700,000
3077	MD	Upgrade Conduit System for Traffic Signal Systems, Street Lighting, and Traffic-related Video Cameras for Baltimore	$1,300,000
3078	WA	5th Street/US 2 Signalization Improvements in Sultan	$100,000
3079	WI	Implementation of recommendations contained in 2005 Safe Routes to School in Superior plan	$600,000
3080	LA	Widen and improve LaPlaco Boulevard from Bayou Segnette to US90, Jefferson Parish	$4,000,000
3081	NY	Realign Kirk Lake Drive in Carmel	$110,000
3082	NY	Town of Somers road reconstruction	$500,000
3083	OH	Upgrade grade crossing safety devices in Elyria and North Ridgeville	$952,000
3084	MS	Widen and improve Martin Bluff Road, Gautier	$3,000,000
3085	CA	Widen and reconstruct Washington Blvd from westerly city boundary at Vernon to I-5 Fwy at Telegraph Rd in Commerce	$3,000,000
3086	CA	San Diego, CA Interstate 5, Sorrento Valley Road and Genesee Avenue Interchange Project	$2,000,000
3087	OR	Widen I-5 between Portland, Oregon and Vancouver, Washington	$4,750,000
3088	LA	North-South Corridor from Houma/Thibodaux to I-10	$5,000,000
3089	GA	Warren County I-20 Frontage Road	$3,000,000
3090	KY	Widen KY 11 from US 460 to the Mt. Sterling Bypass, Montgomery County	$2,500,000
3091	OH	Traffic and safety improvements to county roadways in Geauga County, OH	$1,070,000
3092	CA	Develop bicycle paths and public park space adjacent to the New River, Calexico	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3093	TN	Construction of the Foothills Parkway in the Great Smoky Mountains National Park	$7,500,000
3094	PA	Improvements to Torresdale Avenue from Harbison Avenue to Cottman Avenue	$1,250,000
3095	GA	Butner Road and Stonewall Tell Road, Fulton County	$1,000,000
3096	OH	Construction of highway-rail grade separations at intersections in Lima to improve motorist and pedestrian safety	$1,250,000
3097	OR	Siuslaw River Bridge, Florence	$4,250,000
3098	CA	Construct Cypress Avenue over-pass to separate Interstate 10 and Union Pacific Railroad tracks in Fontana	$3,000,000
3099	CA	Modify and reconfigure Kanan Road interchange along US101 in Agoura Hills	$5,000,000
3100	OH	Upgrade and widen intersection for SR 14 in Washingtonville	$1,000,000
3101	NM	Upgrade NM 434 from Mora north to Black Lake	$1,500,000
3102	NJ	Upgrade of Turnpike/Route 440 Interchange in Bayonne	$4,000,000
3103	LA	Widen LA 18 from Northrup Grumman/Avondale Shipyards to US 90, Jefferson Parish	$2,500,000
3104	PA	Widen PA 896 between Strasburg Borough and US 30	$1,000,000
3105	MI	Eliminate major roadway on Cleary University campus and establish a new roadway	$500,000
3106	PA	Reconstruction of 11 mile segment of the Lower Trail between Williamsport and Mt Edna, Blair County, Pa	$500,000
3107	KY	Construction of interchange connecting US31W to I65 at mile marker 32 in Warren County	$1,000,000
3108	AS	Drainage mitigation for Pago Pago village roads	$1,000,000
3109	NC	Install Sugar Creek Grade Separation	$3,000,000
3110	LA	Improvements to LA46 in St. Bernard Parish	$400,000
3111	IN	Construct Hoham Drive Extension in Plymouth, Indiana	$500,000
3112	OR	Construct turn lane on Gateway Boulevard, Cottage Grove	$90,000
3113	TN	Replace Unitia Bridge in Loudon County, TN	$900,000
3114	VA	Replacement of Robertson Bridge in Danville	$5,450,000
3115	MA	Public Improvements to Springfield Symphony Hall	$300,000
3116	NY	Realign Union Valley Road in Town of Carmel	$550,000
3117	NY	Village of Pawling Improvements to Reservoir Road from State Rt 22 to Prospect St	$125,000
3118	MS	Build connector between SR 609 and State Highway 15 near I-10, Jackson and Harrison Counties	$3,000,000
3119	CO	I-70 West Mountain Corridor, Denver to Garfield County	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3120	CA	Completion of Interstate 5 and Interstate 8 Connectors, San Diego	$6,000,000
3121	FL	Construct US 1 interchange at CR 210, St. Johns County, Florida	$6,600,000
3122	OH	Construct roadway improvement project along State Routes 37 and 78 through Fairfield, Perry, Morgan, Noble, Monroe Counties	$250,000
3123	IL	Construct I-57 Bridge Overpass, City of Markham	$600,000
3124	NJ	Design, plan and build a permanent pedestrian/bicycle path along the banks of the Elizabeth River	$500,000
3125	NJ	Improve the US Interstate 78 Interchange at exit 15 in Franklin Township, Union Township, and Town of Clinton	$1,000,000
3126	CA	Reconstruct Rosecrans Av. and construct bus pads from Garfield Av. to Century Bl. in Paramount	$400,000
3127	TN	Bristol, Tennessee highway-RR crossing grade improvement—USDOT#731120J	$100,000
3128	CO	Glenwood Springs South Bridge (new, off-system bridge)	$6,500,000
3129	NJ	Improvements of Newark and First Streets in Hoboken	$300,000
3130	OH	Construct I-70 interchange at Burnett Road, Springfield	$1,250,000
3131	MN	Construction of Gitchi-Gami State Trail from Silver Bay to Tettegouche State Park	$1,500,000
3132	CA	Improvements/Widening of SR 99 from Goshen to Kingsburg in Tulare County, California	$6,200,000
3133	CA	Design and implement Harbor Boulevard ITS in Garden Grove	$1,000,000
3134	WI	Complete the Glacial Drumlin Trail, from Madison to Waukesha	$300,000
3135	PA	Design and construct turn lanes, signal upgrades and improvements at PA 34 and 174 intersection	$580,000
3136	PA	Design, engineering, ROW acquisition & construction of streetscapping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Wright Township, Luzerne County	$200,000
3137	PA	I-70-I-79 South Interchange Redesign and Upgrade	$2,000,000
3138	PA	Chicora, PA Butler County, PA Rail Bridge Replacement Project	$1,200,000
3139	CA	Improve Access Road to Beale Air Force Base (Smartville Road)	$3,750,000
3140	CA	Interstate 215, Los Alamos Road Interchange Project	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3141	NE	Missouri River Bridges between US-34, I-29 in Iowa and US-75 in Nebraska	$4,200,000
3142	AL	Huntsville Southern Bypass planning and engineering	$3,000,000
3143	MO	Redesign and reconstruct I-170 interchange at Ladue Rd	$400,000
3144	NY	Construct Interstate 87 Exit 3 Airport Connector in Albany	$3,000,000
3145	CA	Citywide traffic signal upgrades requiring the installation of hardware and software at 9 major intersections, Palo Alto	$500,000
3146	OH	Construct replacement of Morgan Township Road 209 between SR 60 and SR 78 in Morgan County	$3,300,000
3147	GU	Construct Route 3A Extension, Municipality of Yigo	$3,000,000
3148	NY	Construct the Setauket/Port Jefferson Greenway Trail Project	$5,000,000
3149	AR	Develop a railroad overpass connecting U.S. Highway 67 and U.S. Highway 371 in Prescott	$2,640,000
3150	FL	Construct SR 312 Extension Bypass, St. Johns County, Florida	$5,300,000
3151	GA	Construct Welcome Center, and pedestrian trail, Abbeville	$500,000
3152	VA	Improve Erickson Avenue and Stone Spring Road connection	$750,000
3153	TX	Reconstruct Loop 12 IH 35E and SH 183 west extension to MacArthur, Irving, Texas	$5,000,000
3154	OR	Completion of the first of three phases of trails in the Regional Trails Program	$4,800,000
3155	MN	Construct bridge for Paul Bunyan Trail over Excelsior Road, Baxter	$1,500,000
3156	KY	Reconstruct US-127 at the US-127 and US-127 North Bypass, Mercer County	$600,000
3157	CA	Rehabilitate street surface of Addison St. between Kester Ave. and Lemona Ave	$47,000
3158	IL	City of Springfield, IL for improvements to Cockrell Lane	$952,572
3159	OH	Repair/Construct Mill Street Bridge, Akron	$1,800,000
3160	MI	Resurface Caseville Road in Huron County	$192,000
3161	PA	River Trail and Esplanade Development at the Southside Riverfront Park	$750,000
3162	IL	Construct access roads to National Great Rivers Research Center	$1,400,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3163	IL	Construct Roadway from Mississippi River Barge Dock to IL Rt 3-IL Rt 157, Cahokia	$1,750,000
3164	PA	Context Sensitive Design Elements for the Market Street Bridge, Lycoming County, PA	$1,000,000
3165	NY	Implement Pedestrian Safety Improvements on Queens Boulevard	$500,000
3166	NV	Design and construct interchange on I-15 from mile post 117.5 to mile post 118.5 in Mesquite	$1,000,000
3167	CA	Construct grade separations at Washington Ave & UPRR crossing east and Washington Ave & La Cadena Drive in Colton	$500,000
3168	MD	Intercounty Connector	$6,000,000
3169	MA	Charlemont Bridge, Route 2, Charlemont	$4,800,000
3170	MN	CSAH 47 rehabilitation from 165th Ave to TH 25, Morrison County	$440,000
3171	MS	Improve Old Augusta Road and construct Kaiser Road, Perry County	$3,500,000
3172	PA	Reconstruction of US30 from PA10 to Business US30 including travel lanes, shoulders, etc	$5,000,000
3173	NY	Route 78 (Transit Road), Genesee Street to Main Street, Towns of Amherst, Cheektowaga and Clarence in Erie County	$3,000,000
3174	NY	Southtowns Connector—Construct improvements to NY Route 5 from Coast Guard Base to Ohio Street, including Fuhrmann Boulevard	$10,000,000
3175	CA	SR 91 I 605 Needs Assessment Study, Whittier, CA	$16,000
3176	GA	SR70/Fulton Industrial Boulevard widening from Camp Creek Parkway to the SCL RR, Fulton County	$1,500,000
3177	MO	Ste. Genevieve Co., Missouri Rt. 61 bridge replacement over Establishment Creek	$1,500,000
3178	MN	Construction of intersection at County Road 5 and TH13 in City of Burnsville	$1,000,000
3179	GA	SR 307 overpass over Georgia Port Authority rail line, Savannah	$4,000,000
3180	MO	Study railroad reconfiguration to eliminate highway crossings in and around Springfield, MO	$1,000,000
3181	NC	Construct relocated NC 16 in Lincoln and Catawba Counties, NC	$1,000,000
3182	IL	Construction of highway approaches to the Sullivan Road bridge in Aurora, IL	$1,600,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3183	IL	Engineering and construction of 15.1 mile Alliance trail between Lock 14 in LaSalle and Lock 2 in Bureau Junction	$1,000,000
3184	CA	Construct parking facility and improve museum pedestrian access from trolley station, San Diego	$1,000,000
3185	PA	Relocation and upgrade of Beaner Hallow Rd, Beaver County, PA	$1,650,000
3186	MN	TH36-Stillwater Bridge; Acquisition of ROW	$5,000,000
3187	IL	To construct Veterans Memorial Drive Extension. Will link Mt. Vernon on the east side of I-57 with incorporated area lying west	$1,000,000
3188	MN	I-494 US169 Interchange Reconstruction, Twin Cities Metropolitan Area, Minnesota	$5,000,000
3189	AL	Jackson County Industrial Park Access Road, Hollywood	$1,000,000
3190	FL	4 lane Archer Road from SW 62nd to SW 24th Ave., Gainesville	$3,000,000
3191	AK	Construct access road and a bridge crossing the Naknek River terminus points in South Naknek-King Salmon Highway	$3,000,000
3192	NY	Route 303 Orangeburg Road and Route 340 and Erie Street intersection	$1,000,000
3193	MS	Upgrade roads in Port Gibson (U.S. Hwy 61), Claiborne County	$400,000
3194	GA	Construct Horsestamp Road Interchange on I-95 in Camden County, Georgia	$1,000,000
3195	MO	Upgrade Route 94 in St. Charles County from East of Harvester road to West of Mid-Rivers Drive	$11,000,000
3196	OH	Upgrade Rt. 665 Bridge over I-71 and widen I-71 between Rt. 665 and I-270 by one lane in each direction in Grove City, OH	$5,000,000
3197	NY	Village of Highland Falls repaving and sidewalk construction of Berry Hill Road	$75,000
3198	PA	Westmoreland County, Pennsylvania, four lane limited access facility connecting State Road 119 to the Pennsylvania Turnpike (Sony Connector)	$2,000,000
3199	NJ	Edison National Historic Site Traffic Improvement Project to improve traffic flow and promote safety	$240,000
3200	IL	Construction of Eldamain Road over the Fox River	$2,500,000
3201	CA	Construction of a traffic signal at the intersection of Oso Ave. and Vanowen St	$125,000
3202	OR	Reroute U.S. 97 at Redmond, OR and improve the intersection fo U.S. 97 and Oregon 126	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3203	CA	Widen & realign Cherry Avenue from 19th Street to one block south of Pacific Coast Highway, Signal Hill	$3,000,000
3204	AR	Ft. Smith, Arkansas: Improvements to Jenny Lind Rd. and Ingersoll Rd	$6,000,000
3205	OH	Widen Pearl Road in Strongsville	$1,000,000
3206	CA	Interstate 5 and State Route 78 Interchange Improvements	$4,000,000
3207	OK	Improvements to SH3 from Antlers to Broken Bow	$6,250,000
3208	KY	Construct the Albany Bypass in Clinton County	$5,000,000
3209	CA	Highway 74 and Interstate 215 Interchange Project	$1,000,000
3210	SC	Improve intersection and corridor on US 278 to improve safety. Poss build frontage roads widen road & change traffic controls	$10,000,000
3211	WA	Port of Bellingham Transportation Enhancement Projects	$2,500,000
3212	OH	Rehabilitation of SR 53 from Miami St to North city limits including approaches to the CSX railroad bridge, City of Tiffin	$1,000,000
3213	OH	Upgrade U.S. Route 30 between State Route 235 and Upper Sandusky in Hancock and Wyandot Counties ..	$10,090,000
3214	MN	Main Street streetscape reconstruction, 2nd Street from Ash Ave. to State Hwy 2, and Grand Utley Ave from 2nd Street to 6th Street N. across State Hwy 2, Cass Lake	$1,900,000
3215	NJ	Warren County, NJ Route 57 and County Route 519 Intersection Improvements	$2,700,000
3216	HI	Widen Queen Kaahumanu Highway	$3,000,000
3217	CT	Widen Route 34, Derby	$3,000,000
3218	IN	Construction of County Road 17—Elkhart, IN	$3,000,000
3219	PA	Widen Route 666 in Forest County	$1,000,000
3220	CA	Upgrade Jepson Parkway at North and South Gates of Travis Air Force Base and widen Vanden Road segment, Solano County	$2,000,000
3221	CT	Widen Route 67, Seymour	$1,000,000
3222	PR	Widen Route 835 to provide ready access to Guaynado and facilitate housing, industrial, commercial, & recreational development	$6,000,000
3223	CT	Widen Canal Street, Shelton, CT	$500,000
3224	NJ	Construct CR 521-Ocean Drive & Middle Thoroughfare Bridge Replacement, Cape May County	$2,000,000
3225	OR	I-205 widening, Clackamas County	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3226	OK	Construct interchange south of I-40 along Indian Nation Turnpike near Henryetta	$250,000
3227	MO	Complete upgrade of U.S. 40-61 to interstate status on two section, from I 70 to Lake St. Louis exit and Highway K to Highway DD	$2,000,000
3228	TX	Abilene, TX, Dyess Air Force Base North Entry Access Project with related improvements	$5,600,000
3229	CA	Construction and enhancements of trails in the Santa Monica Mountains National Recreation Area	$1,000,000
3230	KY	Construct South Airfield Road, Boone County, Kentucky	$3,000,000
3231	LA	Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor	$200,000
3232	NY	Construction of pedestrian walkways in Village of Northport	$100,000
3233	NV	Design and Construction of I-80 interchange in Fernley	$1,000,000
3234	OH	Eastgate Area Improvements,I-275 & SR 32, Clermont County	$3,600,000
3235	PA	Pennsylvania Turnpike-Interstate 95 Interchange Project, Bucks County, PA	$4,000,000
3236	GA	Commission a study & report regarding construction & desgnation of a new Interstate linking Augusta, Macon, Columbus, Montgomery, & Natchez	$400,000
3237	CT	Construct Shoreline Greenway Trail, Madison	$1,000,000
3238	NE	New roads and overpasses to relieve congestion and improve traffic flow -Antelope Valley --Lincoln, NE	$3,000,000
3239	CA	Reconstruct Atlantic Av. and improve drainage from Ardmore St. to Imperial Hwy. in South Gate	$3,250,000
3240	SD	Construct Railroad Underpass on Hwy 35 in Pierre	$1,100,000
3241	AR	I40-Highway 89 Interchange	$3,000,000
3242	WA	Kent, WA Willis Street UP Railroad Grade Separation Project	$500,000
3243	IL	Replace Interstate 74 Bridge, Moline	$4,000,000
3244	CA	Implement SFgo Van Ness Corridor Improvements	$5,000,000
3245	NC	Battleground Avenue Rail to Trail Project, Guilford County, NC	$1,000,000
3246	IL	Construction of an Extension of Atkinson Road to Intersect with IL 120 and IL 137	$6,000,000
3247	OH	I-70,I-71 Split reconfiguration, Columbus	$5,000,000
3248	MI	Delta County, CR 186 from M-35 at Brampton to US2 and US41-bituminous overlay with super elevation, correction, curb, and gutter	$240,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3249	TN	Niota, TN Improving Vehicle Effiecies at At-Grade highway-Railroad Crossings	$99,000
3250	NY	Construct access to the NYS Thruway—Montezuma National Wildlife Reserve	$1,500,000
3251	MN	Corridor design work, I-94 and Radio Drive, Woodbury, MN	$500,000
3252	TN	Develop trails, bike paths and recreational facilities on Brady Mountain, Cumberland County for Cumberland Trail State Park	$250,000
3253	WA	Access Downtown Phase II: I-405 Downtown Bellevue Circulation Improvements	$11,500,000
3254	PA	Reconstruct PA Route 274, at PA Route 11/15, Duncannon	$1,000,000
3255	PA	Road and pedestrian improvements and reallignment, through construction, in York City NW Triangle	$1,500,000
3256	NY	Rockland County highway railroad grade crossing safety improvements	$1,750,000
3257	OH	Calm traffic on Greenfield St in City of Tiffin and improve intersection of Greenfield St with Routes 18 and 101	$1,700,000
3258	IA	Construction of NW 26th St interchange on I 35, Polk Co	$1,000,000
3259	NY	To conduct scoping studies along proposed Northern Tier Expressway	$5,000,000
3260	IL	Undertake Traffic Mitigation and Circulation Enhancements on 57th and Lake Shore Drive, Chicago	$2,000,000
3261	IL	For the the construction of a highway on new alignment to create a cross town route across Godfrey	$1,250,000
3262	MI	Construct Industrial Park Service Road and Caine Road Bridge Replacement. Village of Millington, Tuscola County	$494,000
3263	TX	Loop 281 Mobility and Safety Improvements, Longview, TX	$1,680,000
3264	TX	Upgrade Fulghum Road Bridge on I-45 in Dallas County (TX) to provide safety and access for expanded intermodal traffic	$3,100,000
3265	MN	Edge of Wilderness Discovery Center, Marcell	$471,000
3266	IN	Construction of Star Hill Road, Clark County, Indiana	$2,215,000
3267	TN	Plan and construct a bicycle and pedestrian trail, Shelbyville	$400,000
3268	TX	Construct Park Row bypass from Texas State Highway 6 to the Eldridge Parkway in Houston, TX	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3269	CA	Implement Northwest San Fernando Valley Road and Safety Improvements	$3,056,000
3270	KY	Construct two bridges across the Ohio River from Louisville to southern Indiana	$14,000,000
3271	ME	Construction of the Gorham Village Bypass, Gorham	$11,220,000
3272	OK	Reconstruction of the I-40 Crosstown Expressway from I-44 to I-35 in downtown Oklahoma City, Oklahoma	$14,000,000
3273	MD	I-695, MD147 to I-695	$4,740,000
3274	SC	Upgrade Hwy. 21 Bypass Grade Crossings	$1,000,000
3275	MD	Upgrade MD 175 in Anne Arundel County between MD 170 and the Baltimore Washington Parkway	$1,000,000
3276	OK	Construct and widen six lanes on Interstate 44 from the Arkansas River extending east approximately 3.7 miles to Yale Avenue in Tulsa, OK	$10,000,000
3277	OR	North Bend Waterfront District Boardwalk Construction	$992,000
3278	CT	Make Improvements to North Stonington, CT Westerly, R.I. Pawcatuck River Bridge	$500,000
3279	VA	Construct improvements at I-264 Witchduck Road interchange in Virginia Beach	$10,750,000
3280	CA	Construct Western Placerville Interchanges on State Route 50	$3,000,000
3281	CT	Construction of Housatonic River Walk, Shelton, CT	$1,000,000
3282	NY	NYS Route 5, 8, 12 Interchange reconstruction: Town of New Hartford	$1,000,000
3283	NY	Implement Improvements for Pedestrian Safety in Bronx County	$1,000,000
3284	CA	Improve West Adams Blvd Streetscape in West Adams Historic District, Los Angeles	$200,000
3285	CA	Improve access from I-8 and construct parking lot for the Imperial Sand Dunes Recreation Area Visitor's Center, Imperial Valley	$1,000,000
3286	PA	Construction of low-impact, spine roadway serving the North Delaware Riverfront corridor, City of Philadelphia	$10,000,000
3287	AL	Construct interchange on I-59 between I-59 and 49th Street in Fort Payne, AL	$3,000,000
3288	FL	Coordinated Regional Transportation Study of US 98 from Pensacola Bay Bridge, Escambia County, to Hathaway Bridge, Walton County, Florida	$1,500,000
3289	GA	Leesburg North Bypass from US 19 to SR 195, Lee County	$500,000
3290	LA	Peters Road improvements in Plaquemines Parish	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3291	GA	Upgrade sidewalks, lighting, landscaping from Cherry Street to Hampton Street, Industrial Park to Dooly Street, Montezuma	$500,000
3292	NY	Intermodal transportation facility just off of the Bronx River Parkway's exit 6	$1,000,000
3293	GA	US 27 Reconstruction from Colquit to CR 279	$1,000,000
3294	TX	Loop 180 (Project code 1190-01-035) in Whitney, TX from FM 933/FM 1713 to FM 933S of Whitney	$1,000,000
3295	IA	US 30 widening, reconstruction in Story and Marshall Counties, Iowa	$2,300,000
3296	TX	US 377 interchange construction (at B377 and Hwy 144) Hood Co	$1,500,000
3297	NY	Construct and improve pedestrian streetscapes along Sunrise Highway in Freeport	$500,000
3298	IA	Construct Principal Riverwalk, Des Moines	$4,000,000
3299	NY	Construct access ramps to Rt. 32-6-17-CR 105 in Orange County	$8,000,000
3300	IL	Resurface Shawnee College Road, Pulaski County	$1,250,000
3301	MI	Canton, Pave Cherry Hill Rd. between Canton Ctr., and Haggerty	$2,000,000
3302	AR	Springdale, AR—Improvements to Johnson Road. From Hwy 412 to I-540 through Springdale and Johnson	$7,000,000
3303	NC	Environmental studies and construction of Garden Parkway	$5,000,000
3304	AZ	US 60 and US 93 connection on the eastern edge of central Wickenburg	$2,000,000
3305	GA	Construction of I-575 HOV Lanes from Sixes Road to S.R. 20, Cherokee County, Georgia	$1,000,000
3306	WA	I-405-SR 167 interchange—rebuild the interchange and add additional lanes to relieve congestion	$2,000,000
3307	MN	US10 corridor improvement between Blaine and St. Cloud: design and ROW acquisition	$2,500,000
3308	CA	Walnut Grove at Broadway Intersection Capacity Enhancements, San Gabriel	$250,000
3309	KY	Widen and Reconstruct KY 698 at Mason Gap Road, Lincoln County	$1,200,000
3310	OR	Medford, OR to construct sidewalks and improve storm drainage and gutters for the City's Safe Walk Plan	$1,000,000
3311	MN	Construct a pedestrian and bicycle bridge across TH 169, Onamia	$1,097,600
3312	NY	Improve Montauk Highway from CR46 to Barnes Road, Suffolk County	$8,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3313	CA	San Diego, CA Construction of North Coast Interstate 5	$1,000,000
3314	AR	Study and construction of 8th Street, in Bentonville, AR from Interstate 540, (including direct access to I-540) to SW Elm Tree Road	$3,000,000
3315	MN	Cedar Lake Regional Trail, Minneapolis	$3,000,000

Subtitle H—Miscellaneous Provisions

SEC. 1801. BUDGET JUSTIFICATION.

The Department of Transportation and each agency therein shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a budget justification concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code.

SEC. 1802. MOTORIST INFORMATION.

Section 124 of of title I of division F of the Consolidated Appropriations Act, 2004 (118 Stat. 296–297) is repealed.

SEC. 1803. MOTORIST INFORMATION CONCERNING FULL-SERVICE RESTAURANTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall initate a rulemaking to determine whether or not—

(1) full-service restaurants should be given priority on not more than 2 panels of the camping or attractions logo specific service signs in the Manual on Uniform Traffic Control Devices of the Department of Transportation when the food logo specific service sign is fully utilized; and

(2) full service restaurants should be given priority on not more than two panels of the food logo specific service signs in such Manual when the camping or attractions logo specific service signs are fully utilized.

SEC. 1804. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) in paragraph (23) by inserting before the period at the end the following: "and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I–135 from Wichita, Kansas to Salina, Kansas, United States Route 81 from Saline, Kansas, to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I–29 in Sioux City, Iowa";

(2) by striking paragraph (34) and inserting the following:

"(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line.";

(3) by adding at the end the following:

"(46) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 60.

"(47) Interstate Route 87 from the Quebec border to New York City.

"(48) The Route 50 High Plains Corridor along the United States Route 50 corridor from Newton, Kansas, to Pueblo, Colorado.

"(49) The Atlantic Commerce Corridor on Interstate Route 95 from Jacksonville, Florida, to Miami, Florida.

"(50) The East-West Corridor commencing in Watertown, New York, continuing northeast through New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.

"(51) The SPIRIT Corridor on United States Route 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas.

"(52) The route in Arkansas running south of and parallel to Arkansas State Highway 226 from the relocation of United States Route 67 to the vicinity of United States Route 49 and United States Route 63.

"(53) United States Highway Route 6 from Interstate Route 70 to Interstate Route 15, Utah.

"(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.

"(55) In Texas, Interstate Route 20 from Interstate Route 35E in Dallas County, east to the intersection of Interstate Route 635, north to the intersection of Interstate Route 30, northeast through Texarkana to Little Rock, Arkansas, Interstate Route 40 northeast from Little Rock east to the proposed Interstate Route 69 corridor.

"(56) In the State of Texas, the La Entrada al Pacifico Corridor consisting of the following highways and any portion of a highway in a corridor on 2 miles of either side of the center line of the highway:

"(A) State Route 349 from Lamesa to the point on that highway that is closest to 32 degrees, 7 minutes, north latitude, by 102 degrees, 6 minutes, west longitude.

"(B) The segment or any roadway extending from the point described by subparagraph (A) to the point on Farm-to-Market Road 1788 closest to 32 degrees, 0 minutes, north latitude, by 102 degrees, 16 minutes, west longitude.

"(C) Farm-to-Market Road 1788 from the point described by subparagraph (B) to its intersection with Interstate Route 20.

"(D) Interstate Route 20 from its intersection with Farm-to-Market Road 1788 to its intersection with United States Route 385.

"(E) United States Route 385 from Odessa to Fort Stockton, including those portions that parallel United States Route 67 and Interstate Route 10.

"(F) United States Route 67 from Fort Stockton to Presidio, including those portions that parallel Interstate Route 10 and United States Route 90.

"(57) United States Route 41 corridor between Interstate Route I–94 near Milwaukee and Interstate Route I–43 near Green Bay in the State of Wisconsin."; and

(4) by aligning paragraph (45) with paragraph (46).

SEC. 1805. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting "Nicholas," after "Morgan,"; and

(2) by inserting "Robertson," after "Pulaski,".

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting "Ashtabula," after "Adams,";

(2) by inserting "Fayette," after "Coshocton,";

(3) by inserting "Mahoning," after "Lawrence,"; and

(4) by inserting "Trumbull," after "Scioto,".

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting "Giles," after "Franklin,"; and

(2) by inserting "Lawrence, Lewis, Lincoln," after "Knox,".

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting "Henry," after "Grayson,"; and

(2) by inserting "Patrick," after "Montgomery,".

SEC. 1806. TRANSPORTATION ASSETS AND NEEDS OF DELTA REGION.

(a) AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the Delta Regional Authority (referred to in this section as the "DRA") to conduct a comprehensive study of transportation assets and needs for all modes of transportation (including passenger and freight transportation) in the 8 States comprising the Delta region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee).

(b) CONSULTATION.—Under the agreement, the DRA, in conducting the study, shall consult with the Department of Transportation, State transportation departments, local planning and development districts, local and regional governments, and metropolitan planning organizations.

(c) REPORT.—Under the agreement, the DRA, not later than 24 months after the date of entry into the agreement, shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the results of the study, together with such recommendation as the DRA considers appropriate.

(d) PLAN.—Under the agreement, the DRA, upon completion of the report, shall establish a regional strategic plan to implement the recommendations of the report.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for each of the fiscal years 2005 and 2006 to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended and shall not be transferable.

SEC. 1807. TOLL FACILITIES WORKPLACE SAFETY STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study on the safety of highway toll collection facilities, including toll booths, to determine the safety of the facilities for the toll collectors who work in and around the facilities, including consideration of—

(1) the effect of design or construction of the facilities on the likelihood of vehicle collisions with the facilities;

(2) the safety of crosswalks used by toll collectors in transit to and from toll booths;

(3) the extent of the enforcement of speed limits in the vicinity of the facilities;

(4) the use of warning devices, such as vibration and rumble strips, to alert drivers approaching the facilities;

(5) the use of cameras to record traffic violations in the vicinity of the facilities;

(6) the use of traffic control arms in the vicinity of the facilities;

(7) law enforcement practices and jurisdictional issues that affect safety in the vicinity of the facilities; and

(8) the incidence of accidents and injuries in the vicinity of toll booths.

(b) DATA COLLECTION.—As part of the study, the Secretary shall collect data regarding the incidence of accidents and injuries in the vicinity of highway toll collection facilities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, together with recommendations for improving toll facilities workplace safety.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for fiscal year 2005.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; expect that the Federal share of the cost of the project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1808. PAVEMENT MARKING SYSTEMS DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall conduct a demonstration project in the State of Alaska, and a demonstration project in the State of Tennessee, to study the safety impacts, environmental impacts, and cost effectiveness of different pavement marking systems and the effect of State bidding and procurement processes on the quality of pavement marking material employed in highway projects. The demonstration projects shall each include an evaluation of the impacts and effectiveness of increasing the width of pavement marking edge lines from 4 inches to 6 inches and an evaluation of advanced acrylic water-borne pavement markings.

(b) REPORT.—Not later than June 30, 2009, the Secretary shall transmit to Congress a report on the results of the demonstration projects, together with findings and recommendations on methods that will optimize the cost-benefit ratio of the use of Federal funds on pavement marking.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 per fiscal year for each of the fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States

Code; expect that the Federal share of the cost of the demonstration projects shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1809. WORK ZONE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary shall establish and implement a work zone safety grant program under which the Secretary may make grants to nonprofit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.

(b) ELIGIBLE ACTIVITIES.—Grants may be made under the program for the following purposes:

(1) Training for construction craft workers on the prevention of injuries and fatalities in highway and road construction.

(2) Development of guidelines for the prevention of highway work zone injuries and fatalities.

(3) Training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable.

(d) CONSTRUCTION WORK IN ALASKA.—Section 114 of title 23, United States Code, is amended by adding at the end the following:

"(c) CONSTRUCTION WORK IN ALASKA.—

"(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a highway or portion of a highway located on a Federal-aid system in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.

"(2) LODGING.—The lodging under paragraph (1) shall be in accordance with section 1910.142 of title 29, Code of Federal Regulations (relating to temporary labor camp requirements).

"(3) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) REMOTE.—The term 'remote', as used with respect to a project, means that the project is 75 miles or more from the United States Post Office in either Fairbanks, Anchorage, Juno, or Ketchikan, Alaska, or is inaccessible by road in a 2-wheel drive vehicle.

"(B) RESIDENT.—The term 'resident', as used with respect to a project, means a person living within 75 miles of the midpoint of the project for at least 12 months.".

SEC. 1810. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

(a) GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to a State that—

(1) (A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

(b) ELIGIBLE ACTIVITIES.—A grant received by a State under subsection (a) shall be used by the State—

(1) in the case of a State eligible under subsection (a)(1), for costs of—

(A) collecting and maintaining of data on traffic stops;

(B) evaluating the results of the data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

(2) in the case of a State eligible under subsection (a)(2), for costs of—

(A) activities to comply with the requirements of subsection (a)(1); and

(B) any eligible activity under paragraph (1).

(c) RACIAL PROFILING.—To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity

of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways. Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

(d) LIMITATIONS.—

(1) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants received by a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

(2) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1811. AMERICA'S BYWAYS RESOURCE CENTER.

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America's Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways and All-American Roads with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

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

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be 100 percent and such funds shall remain available until expended and shall not be transferable.

SEC. 1812. TECHNICAL ADJUSTMENT.

(a) IN GENERAL.—The donee of the vessel with the Unit Identification Code number 13862 is deemed to be the owner of that vessel free and clear as of September 1, 2000.

(b) FEDERAL CLAIMS.—All Federal claims arising from the donation or use of the vessel described in subsection (a) are permanently extinguished.

SEC. 1813. ROAD USER CHARGE EVALUATION PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall carry out a national evaluation pilot project to assess how intelligent transportation system technology can be applied to assess mileage-based road user charges for the purposes of collecting revenues for the Highway Trust Fund.

(b) MATTERS TO BE EVALUATED.—The following matters shall be evaluated under the pilot project:

(1) Technical feasibility of imposing mileage-based road user charges, including cost, reliability, and security of on-board and intelligent transportation systems.

(2) Compatibility of technology for imposing such charges with automobile and truck design.

(3) Design and testing of a collection system for such charges that is secure, low cost, and easy to use.

(4) Methods of ensuring privacy of road users and assessing public attitudes and views of motorists who participate in field tests of the equipment and system.

(c) REPORTS.—The Secretary shall transmit annual reports on the status of the pilot project and, not later than June 30, 2009, a final report on the results of the pilot project, together with findings and recommendations, to the Secretary of the Treasury, the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Finance of the Senate.

(d) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There is authorize from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2005 and 2006 and $3,500,000 for each of fiscal years 2007, 2008, and 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except the Federal share of the cost of the pilot project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1814. THOMAS P. "TIP" O'NEILL, JR. TUNNEL.

(a) DESIGNATION.—In honor of his service to the Commonwealth of Massachusetts and the United States of America, and in recognition of his contributions toward the construction of Central Artery Tunnel project in Boston, the northbound and southbound tunnel of Interstate Route 93, located in the city of Boston, which extends north of the intersection of Interstate Route 90 and Interstate Route 93 to the Leonard P. Zakim Bunker Hill Bridge, is designated as the "Thomas P. 'Tip' O'Neill, Jr. Tunnel".

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the tunnel referred to in subsection (a) shall be deemed to be a reference to the "Thomas P. 'Tip' O'Neill, Jr. Tunnel".

SEC. 1815. CONFORMING AMENDMENT FOR TRANSPORTATION PLANNING SECTIONS.

(a) METROPOLITAN PLANNING.—Section 134 of title 23, United States Code is amended to read as follows:

"§ 134. Metropolitan planning

"Metropolitan transportation planning programs funded under section 104(f) shall be carried out in accordance with the metropolitan planning provisions of chapter 52, title 49, United States Code.".

(b) STATEWIDE PLANNING.—Section 135 of such title is amended to read as follows:

"§ 135. Statewide planning

"Statewide transportation planning programs funded under section 104(f) shall be carried out in accordance with the statewide planning provisions of chapter 52, title 49, United States Code.".

SEC. 1816. DISTRIBUTION OF METROPOLITAN PLANNING FUNDS WITHIN STATES.

Section 104(f)(4) of title 23, United States Code, is amended by adding at the end the following: "Such distribution of funds to metropolitan planning organizations shall be made within 30 days of the date of receipt of such funds from the Secretary.".

SEC. 1817. TREATMENT OF OFF RAMP.

The Harbor Boulevard off ramp from Interstate Route 405 in Costa Mesa, California, is deemed to satisfy the requirements of title 23, United States Code, that govern the approval of the placement of ramps off of a Federal-aid highway.

SEC. 1818. LOAN FORGIVENESS.

Debt outstanding as of the date of enactment of this Act for project number Q–DPM–0013(001) carried out under section 108(c) of title 23, United States Code, is deemed satisfied.

SEC. 1819. LEAD AGENCY DESIGNATION.

The public entity established under California law in 1989 to acquire rights-of-way in northwestern California to maintain surface transportation infrastructure is hereby designated as the lead agency for the purpose of accepting Federal funds authorized under item 13 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2061).

SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

The project agreement for a Federal-aid highway project shall provide that any debris from demolition of a bridge or overpass that is on the Federal-aid highway must be made available for beneficial public use by Federal, State, and local governments. Any additional cost associated with making available the debris shall be borne by the recipient of the debris.

SEC. 1821. HUBZONE PROGRAM.

Section 3(p)(4)(B)(ii) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)) is amended—

(1) in subclause (I) by striking "or" at the end;

(2) in subclause (II) by striking the period at the end and inserting "; or" ; and

(3) by adding after subclause (II) the following:

"(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986, within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States.".

SEC. 1822. TECHNICAL AMENDMENTS TO TEA 21 PROJECTS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 35 by adding "and for other related purposes" after "Yard";

(2) in item number 78 by striking "Third" and all that follows through "Bridge" and inserting "Bayview Transportation Improvements Project";

(3) in item number 312 by inserting "through construction" after "engineering";

(4) in item number 800 by striking "Fairview Township" and inserting "or other projects selected by the York County, Pennsylvania MPO";

(5) in item number 820 by striking "Conduct" and all that follows through "interchange" and inserting "Conduct a transportation needs study and make improvements to I–75 interchanges in the Grayling area";

(6) in item number 897 by striking "Road upgrade" and all that follows through "Hills" and inserting "Engineering and construction of a new access road to a development near Interstate 57 and 167th Street in Country Club Hills";

(7) in item number 1121 by striking "Construct" and all that follows through "Douglaston Parkway" and inserting "Provide landscaping along both sides of the Grand Central Parkway from 188th Street to 172nd Street";

(8) in item 1225 by striking "Construct SR 9 bypass" and inserting "Study, design, and construct transportation solutions for SR 9 corridor"; and

(9) in item number 1375 by striking "Preliminary" and all that follows through "Emmet County" and inserting "Petoskey area transportation needs study and trunkline preservation and safety in the Petoskey area";

(10) in item number 1392 by striking "Construct" and all that follows through "multimodal center" and inserting "Improve the ramp configuration at the I–476 PA Turnpike Landsdale Interchange"; and

(11) in item number 1447 strike "Extend" and all that follows through "Valparaiso" and insert "Design and construction of interchange at I–65 and 109th Avenue, Crown Point".

SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.

(a) GRANTS.—The Secretary shall make grants for fiscal years 2005 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, authorized by section 358(b)(2) of Public Law 104–59, created for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2005 through 2009.

(c) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1824. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

"(E) The appropriate metropolitan planning organization shall redetermine conformity for existing transportation plans and programs not later than 2 years after the date on which the Administrator—

"(i) finds a motor vehicle emissions budget in a submitted implementation plan to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003); or

"(ii) approves an implementation plan under section 110(k) or promulgates an implementation plan under section 110(c) that establishes a motor vehicle emissions budget where there was no prior budget or that establishes a budget that significantly varies from any motor vehicle emissions budget in effect pursuant to an adequacy determination in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003) or as part of an implementation plan approved or promulgated under section 110.".

(b) FREQUENCY OF CONFORMITY DETERMINATION UPDATES.—Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4)) is amended follows:

(1) In subparagraph (A) by striking "one year after the date of enactment of the Clean Air Act Amendments of 1990" and inserting "one year after the date of enactment of the Transportation Equity Act: A Legacy for Users".

(2) In subparagraph (B) by amending clause (ii) to read as follows:

"(ii) provide that conformity determinations for transportation plans and programs be determined every 4 years in areas designated as nonattainment or redesignated to attainment (unless a metropolitan planning organization as designated in section 5213(b) of title 49, United States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E)).".

(c) TIME HORIZON FOR CONFORMITY DETERMINATIONS IN NONATTAINMENT AREAS.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraph at the end thereof:

"(7) TIME HORIZON FOR DETERMINATIONS.—Each conformity determination required under this section for a transportation plan under section 5213(g) of title 49 of the United States Code shall require a demonstration of conformity during the period ending on either the final year of the transportation plan or, at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling air pollution within the area covered by the transportation plan on the later of the following dates (hereinafter in this paragraph referred to as the 'final transportation conformity date'):

"(A) The tenth year of the transportation plan.

"(B) The attainment date set forth in the applicable implementation plan for the air pollutant concerned.

"(C) The year after the completion of a regionally significant project, if the project will be programmed in the transportation improvement program or requires approval before the subsequent conformity determination.

Such conformity determination shall be accompanied by a regional emissions analysis for any years of the transportation plan that extend beyond such final conformity date. In the case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect October 1, 2003), or has approved the revision, the demonstration of conformity (at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling pollution within the area covered by the transportation plan) and the metropolitan planning organization shall be required to extend only through the last year of the implementation plan required under section 175A(b).".

(d) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.—Subsection 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the end the following new paragraph:

"(8)(A) Transportation control measures that are specified in an implementation plan may be replaced in the implementation plan with substitute transportation control measures if—

"(i) the substitute measures achieve equivalent or greater emission reductions than the control measures to be replaced, as determined by the Administrator;

"(ii) the substitute measures utilize an emissions impact analysis that is consistent with the current methodology used for evaluating replaced control measures in the implementation plan;

"(iii) the substitute control measures are implemented not later than the date on which such emission reductions are necessary to achieve the purpose of the implementation plan;

"(iv) the substitute control measures were developed with reasonable public notice and the opportunity for comments; and

"(v) the metropolitan planning organization finds that adequate funding is included in the transportation improvement program to ensure timely implementation of the substitute control measures.

"(B) After the requirements of subparagraph (A) are met, a State may adopt the substitute measures in the applicable implementation plan within a reasonable period of time.

"(C) The substitution of a transportation control measure in accordance with this paragraph shall not be contingent on the existence of any provision in the applicable implementation plan that expressly permits such substitution.

"(D) The substitution of a transportation control measure in accordance with this paragraph shall not require—

"(i) a new conformity determination for the transportation plan, or

"(ii) a revision of the applicable implementation plan.

"(E) A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted.

"(F) Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.

Transportation control measures may be added to an implementation plan subject to subparagraphs (B), (C), and (D), on the same basis as if such measures were substitute transportation control measures if such measures do not increase emissions for which limitations have been established in an implementation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).".

(e) LAPSE OF CONFORMITY.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraphs at the end thereof:

"(9) LAPSE OF CONFORMITY.—If a conformity determination required under this subsection for a transportation plan under section 5213(g) of title 49 of the United States Code or a transportation improvement program under section 5213(h) of title 49 of the United States Code is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other measures sufficient to correct such failures, the transportation plan shall lapse.

"(10) LAPSE.—The term 'lapse' means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.".

SEC. 1825. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

A community is deemed to be eligible to participate in the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) if the community—

(1) is listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on March 8, 2004; or

(2) was determined to be eligible participate in such program by the National Marine Fisheries Service on April 19, 1999.

SEC. 1826. METROPOLITAN REGIONAL FREIGHT AND PASSENGER TRANSPORTATION STUDY.

(a) IN GENERAL.—The Secretary shall enter into an agreement with a partnership comprised of 2 institutions of higher learning to study metropolitan regional freight and passenger transportation and system-wide performance utilizing an interdisciplinary technique of supply chain management, geographic information systems, and urban/suburban planning and management.

(b) CONTENTS OF STUDY.—The study under this section shall include, at a minimum, evaluations of—

(1) best practices for regional transportation operations and management;

(2) relationships among truck trip generation and economic activities;

(3) spatial analysis of the distribution of economic activity and transportation investments;

(4) congestion mitigation and management of air quality through the concentration of modeling and technology;

(5) supply chain management and geographic information systems; and
(6) infrastructure management and renewal.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) FUNDING.—Of the amounts made available to carry out section 1305 for each of fiscal years 2005 through 2009, $1,800,000 shall be made available to carry out this section.

SEC. 1827. INTERMODAL TRANSPORTATION FACILITY EXPANSION.

Any Federal and non-Federal share provided for the Port of Anchorage for an intermodal transportation marine facility or for access to that facility shall be transferred to and administered by the Administrator of the Maritime Administration.

SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.

(a) DEFINITION.—Section 101(a) of title 23, United States Code, as amended by section 1202 of this Act, is further amended by adding at the end the following:

"(40) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term 'advanced truck stop electrification system' means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.".

(b) ELIGIBILITY UNDER STP.—Section 133(b)(6) of such title is amended by inserting ", including advanced truck stop electrification systems" before the period at the end.

SEC. 1829. TECHNOLOGY.

States are encouraged to consider using a non-destructive technology able to detect cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.

SEC. 1830. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 106 Stat. 1552) is amended by striking "2005" and inserting "2009".

SEC. 1831. MOTORCYCLIST ADVISORY COUNCIL.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;
(2) road design, construction, and maintenance practices; and
(3) the architecture and implementation of intelligent transportation system technologies.

(b) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

(1) at least—
(A) 1 member recommended by a national motorcyclist association;
(B) 1 member recommended by a national motorcycle riders foundation;
(C) 1 representative of the National Association of State Motorcycle Safety Administrators;
(D) 2 members of State motorcyclists' organizations;
(E) 1 member recommended by a national organization that represents the builders of highway infrastructure;
(F) 1 member recommended by a national association that represents the traffic safety systems industry; and
(G) 1 member of a national safety organization; and
(2) at least 1, and not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.

SEC. 1832. SHARING OF MONETARY RECOVERIES.

Notwithstanding any other provision of law, monetary judgments accruing to the Government from judgments in Federal criminal prosecutions and civil proceedings pertaining to fraud in Federally funded highway and public transportation projects and programs shall be treated as follows:

(1) Any amount less than or equal to the single damages incurred as the result of such fraud shall be credited to the Federal account from which the funds for the project or program that is at issue in the fraud came, except to the extent that such Federal account has been credited as the result of any judgment in favor of a grant recipient.

(2) Any amount in excess of the amount credited pursuant to paragraph (1) shall be shared with the State or other recipient involved if—

(A) the State or other recipient enters into a legally binding agreement with the Secretary to use the funds for a purpose eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code, as the case may be;

(B) the amount to be shared with the State or other recipient is determined by the Attorney General, in consultation with the Secretary; and

(C) the Attorney General, in consultation with the Secretary, determines that the fraud did not occur as a result of negligent oversight or actual involvement in the fraud by the State or other recipient or any senior official of the State or other recipient.

SEC. 1833. ELIGIBILITY UNDER CMAQ.

Section 149(b)(4) of title 23, United States Code is amended by inserting ", including advanced truck stop electrification systems," after "facility or program".

SEC. 1834. SENSE OF CONGRESS REGARDING BUY AMERICA.

It is the sense of Congress that—

(1) the Buy America test required by section 165 of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 101 note) needs to be applied to an entire bridge project and not only to component parts of such project;

(2) the law clearly states that domestic materials must be used in Federal highway projects unless there is a finding that the inclusion of domestic materials will increase the cost of the overall project by more than 25 percent;

(3) uncertainty regarding how to apply Buy America laws for major bridge projects threatens the domestic bridge industry;

(4) the Nation's unemployment rate continues to hover around 5.6 percent, steps are needed to protect American workers and the domestic bridge building industry; and

(5) the Buy American Act (41 U.S.C. 10a et seq.) was designed to ensure that, when taxpayer money is spent on direct Federal Government procurement and infrastructure projects, these expenditures stimulate United States production and job creation.

SEC. 1835. COMMUNITY ENHANCEMENT STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study on—

(1) the role of well-designed transportation projects in—

(A) promoting economic development;

(B) protecting public health, safety and the environment; and

(C) enhancing the architectural design and planning of communities; and

(2) the positive economic, cultural, aesthetic, scenic, architectural, and environmental benefits of such projects for communities.

(b) CONTENTS.—The study shall address the following:

(1) The degree to which well-designed transportation projects have positive economic, cultural, aesthetic, scenic, architectural, and environmental benefits for communities.

(2) The degree to which such projects protect and contribute to improvements in public health and safety.

(3) The degree to which such projects use inclusive public participation processes to achieve quicker, more certain, and better results.

(4) The degree to which positive results are achieved by linking transportation, design, and the implementation of community visions for the future.

(5) Facilitating the use of successful models or best practices in transportation investment or development to accomplish each of the following:

(A) Enhancement of community identity.

(B) Protection of public health and safety.

(C) Provision of a variety of choices in housing, shopping, transportation, employment, and recreation.

(D) Preservation and enhancement of existing infrastructure.

(E) Creation of a greater sense of community through public involvement.

(c) REPORT.—Not later than September 20, 2006, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

(d) ADMINISTRATION.—To carry out this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, a national organization representing architects who have expertise in the design of a wide range of transportation and infrastructure projects, which include the design of buildings, public facilities, and surrounding communities.

(e) AUTHORIZATION.—Of the amounts made available to carry out section 1221 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note), $1,000,000 shall be available for each of fiscal year 2005 and fiscal year 2006 to carry out this section; except that notwithstanding section 1221(e)(2) of such Act, the Federal share of the cost of the study shall be 100 percent.

SEC. 1836. TRANSPORTATION AND LOCAL WORKFORCE INVESTMENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal-aid highway programs provide State and local governments and other recipients substantial funds for projects that produce significant employment and job-training opportunities.

(2) Every $1,000,000,000 in Federal infrastructure investment creates an estimated 47,500 jobs.

(3) Jobs in transportation construction, including apprenticeship positions, typically pay more than twice the minimum wage, and include health and other benefits.

(4) Transportation projects provide the impetus for job training and employment opportunities for low income individuals residing in the area in which a transportation project is planned.

(5) Transportation projects can offer young people, particularly those who are economically disadvantaged, the opportunity to gain productive employment.

(6) The Alameda Corridor, a $2,400,000,000 transportation project, is an example of a transportation project that included a local hiring provision resulting in a full 30 percent of the project jobs being filled by locally hired and trained men and women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal transportation projects should facilitate and encourage the collaboration between interested persons, including State, Federal, and local governments, community colleges, apprentice programs, local high schools, and other community based organizations that have an interest in improving the job skills of low-income individuals, to help leverage scarce training and community resources and to help ensure local participation in the building of transportation projects.

SEC. 1837. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of this title, including an amendment made by this title, that is different than the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part V (Public Law 108–310), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

TITLE II—HIGHWAY SAFETY

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $164,027,000 for fiscal year 2004, $163,680,000 for fiscal year 2005, $229,000,000 for fiscal year 2006, $232,000,000 for fiscal year 2007, $238,000,000 for fiscal year 2008, and $245,000,000 for fiscal year 2009.

(2) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $19,882,000 for fiscal year 2004, $19,840,000 for fiscal year 2005, $136,000,000 for fiscal year 2006, $139,000,000 for fiscal year 2007, $143,000,000 for fiscal year 2008, and $150,000,000 for fiscal year 2009.

(3) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $39,764,000 for fiscal year 2004, $39,680,000 for fiscal year 2005, $129,000,000 for fiscal year 2006, $133,000,000 for fiscal year 2007, $138,000,000 for fiscal year 2008, and $144,000,000 for fiscal year 2009.

(4) STATE TRAFFIC SAFETY INFORMATION IMPROVEMENTS.—For carrying out section 412 of title 23, United States Code, $30,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, $40,000,000 for fiscal year 2008, and $40,000,000 for fiscal year 2009.

(5) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $3,976,000 for fiscal year 2004, $3,968,000 for fiscal year 2005, and $4,000,000 for each of fiscal years 2006 through 2009.

(6) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2005 of this title, $15,000,000 for each of fiscal years 2006 through 2009.

(b) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2004 through 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (2), (3), or (4) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 410, and 412 of title 23, United States Code.

SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended—

(1) in paragraph (2) by striking "Transportation Equity Act for the 21st Century" and inserting "Transportation Equity Act: A Legacy for Users";

(2) in paragraph (3) by striking "1997" and inserting "2003"; and

(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after "years" the following: "beginning after September 30, 2003,".

(b) GRANT ELIGIBILITY.—Section 405(b) of title 23, United States Code, is amended by striking "A State shall become eligible" and inserting the following: "A State shall be eligible for a grant under this section if the State has a seat belt usage rate of 85 percent or greater as of the date of the grant, as determined by the Secretary. A State shall also become eligible".

(c) GRANT AMOUNTS.—Section 405(c) of title 23, United States Code, is amended—

(1) by striking "25 percent" and inserting "100 percent"; and

(2) by striking "1997" and inserting "2003".

SEC. 2003. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) GENERAL AUTHORITY.—Section 410(a) of title 23, United States Code, is amended—

(1) in paragraph (2) by striking "Transportation Equity Act for the 21st Century" and inserting "Transportation Equity Act: A Legacy for Users";

(2) in paragraph (3) by striking "1997" and inserting "2003"; and

(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after "years" the following: "beginning after September 30, 2003,".

(b) BASIC GRANT A.—Section 410(b)(1) of title 23, United States Code, is amended—

(1) by striking "A State shall become eligible" and inserting the following: "A State shall be eligible for a grant under this paragraph if the State has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.5 or less as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration. A State shall also become eligible";

(2) by striking "at least 5 of the following" and inserting "at least 6 of the following for fiscal year 2005 and fiscal year 2006 and at least 7 of the following for each fiscal year thereafter";

(3) in subparagraph (A)—

(A) by striking "and" at the end of clause (i)(II);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) the suspension referred to under clause (i)(I) may allow an individual to operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

"(iv) the suspension and revocation referred to under clause (i)(II) may allow an individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual.";

(4) in subparagraph (B)—

(A) by striking "may include the issuance" and inserting the following: "may include—

"(i) the issuance"; and

(B) by striking the period at the end and inserting "; and" and the following:

"(ii) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum, the following:

"(I) the clinical effects of alcohol;

"(II) methods of preventing second party sales of alcohol;

"(III) recognizing signs of intoxication;

"(IV) methods to prevent underage drinking;

"(V) Federal, State, and local laws that are relevant to such personnel.";

(5) by striking subparagraph (F) and inserting the following:

"(F) OUTREACH PROGRAM.—A judicial and prosecutorial education, training, and outreach program that provides information on the appropriateness and effectiveness of sentencing options."; and

(6) by adding at the end the following:

"(H) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities that have comprehensive programs for the prevention of such operations of motor vehicles.

"(I) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders described in subparagraph (A)(i)(II).

"(J) PROGRAM FOR THE IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating that vehicle while under the influence of alcohol.".

(c) BASIC GRANT B.—Section 410(b) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph if the State—

"(A) has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.8 or more as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

"(B) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate and recommend changes to the State's drunk driving programs."; and

(2) in paragraph (3)—

(A) by striking "25 percent" and inserting "100 percent"; and

(B) by striking "1997" and inserting "2003".

(d) SUPPLEMENTAL GRANTS.—Section 410(c) of title 23, United States Code, is amended to read as follows:

"(c) ALLOCATION FOR BASIC GRANT B.—Not more than $20,000,000 per fiscal year of amounts made available to carry out this section shall be available for making grants under subsection (b)(2).".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2005.

SEC. 2004. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"§ 412. State traffic safety information system improvements

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

"(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

"(B) evaluate the effectiveness of efforts to make such improvements;

"(C) link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and

"(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

"(2) USE OF GRANTS.—A State may use a grant received under this section only to implement such programs.

"(3) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze State and national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall certify to the Secretary the State's adoption and use of such model data elements.

"(4) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require ensuring that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this section.

"(5) FEDERAL SHARE.—The Federal share of the cost of implementing in a fiscal year a program of a State pursuant to paragraph (1) shall not exceed 80 percent.

"(b) FIRST-YEAR GRANTS.—To be eligible for a first-year grant under this section, a State shall demonstrate to the satisfaction of the Secretary that the State has—

"(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

"(2) developed a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State's highway safety data and traffic records system and is approved by the highway safety data and traffic records coordinating committee and—

"(A) specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

"(B) prioritizes, based on the identified highway safety data and traffic records system deficiencies, the highway safety data and traffic records system needs and goals of the State, including the activities described in subsection (a)(1);

"(C) identifies performance-based measures by which progress toward those goals will be determined;

"(D) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan; and

"(E) includes a current report on the progress in implementing the multiyear plan that documents progress toward the specified goals.

"(c) SUCCEEDING-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

"(A) submits an updated multiyear plan that meets the requirements of subsection (b)(2);

"(B) certifies that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

"(C) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan;

"(D) demonstrates measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

"(E) includes a current report on the progress in implementing the multiyear plan.

"(d) GRANT AMOUNTS.—

"(1) IN GENERAL.—The amount of a grant made to a State for a fiscal year under this section shall equal an amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under section 402 for fiscal year 2003.

"(2) MINIMUM AMOUNT.—Notwithstanding subparagraph (A)—

"(A) a State eligible for a first-year grant under this section shall not receive less than $300,000; and

"(B) a State eligible for a succeeding-year grant under this section shall not receive less than $500,000.

"(e) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"412. State traffic safety information system improvements.".

SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGRAM.

The Secretary shall establish a program to support national impaired driving mobilization and enforcement efforts and national safety belt mobilization and enforcement, including the purchase of national paid advertisement (including production and placement) to support such efforts.

SEC. 2006. MOTORCYCLE CRASH CAUSATION STUDY.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, the Secretary shall conduct a study of the causes of motorcycle crashes.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 2007. CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that enact or have enacted and are enforcing a law requiring that children riding in passenger motor vehicles who are too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (116 Stat. 2772).

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child booster seat programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a law adopted by a State under subsection (a) shall not exceed—

(1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and

(2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(d) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible for a grant under this section if the State has in effect and enforces a law described in subsection (a).

(2) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 4 fiscal years beginning after September 30, 2005.

(e) ELIGIBLE USES OF FUNDS.—A State may use a grant under this section only to carry out child safety seat and child booster seat programs, including the following:

(1) A program to educate the public concerning the proper use and installation of child safety seats and child booster seats.

(2) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child safety seats and booster seats.

(3) A program to purchase and distribute child safety seats, child booster seats, and other appropriate passenger motor vehicle child restraints to families that cannot otherwise afford such seats or restraints.

(4) A program to support enforcement of child restraint laws.

(f) GRANT AMOUNT.—The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 2.5 percent for the necessary costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of title 23, United States Code, apply to this section.

(i) REPORT.—Each State to which a grant is made under this section shall transmit to the Secretary a report documenting the manner in which grant amounts were obligated and expended and identifying the specific programs carried out with or supported by grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) CHILD RESTRAINT.—The term "child restraint" means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) CHILD SAFETY SEAT.—The term "child safety seat" has the meaning such term has in section 405(f) of title 23, United States Code.

(3) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning such term has in such section 405(f).

(4) STATE.—The term "State" has the meaning such term has in section 101 (a) of such title.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Mass Transit Account) $6,000,000 for each of fiscal years 2006 through 2008 and $7,000,000 for fiscal year 2009.

SEC. 2008. MOTORCYCLIST SAFETY.

(a) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 4 fiscal years beginning after September 30, 2005.

(d) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State in accordance with subsection (a) shall not exceed—

(1) for the first 3 years for which a State receives a grant under this section, 75 percent; and

(2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(e) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary—

(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2);

(B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2); and

(C) for any subsequent fiscal years for which the State will receive a grant under this section, at least 3 of the 6 criteria listed in paragraph (2).

(2) CRITERIA.—The criteria for eligibility for a grant under this section are the following:

(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists, and may include innovative training opportunities to meet unique regional needs.

(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or

near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

(F) FEES COLLECTED FROM MOTORCYCLISTS.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are used for motorcycle training and safety programs.

(f) ELIGIBLE USES.—

(1) IN GENERAL.—A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including—

(A) improvements to motorcyclist safety training curricula;

(B) improvements in program delivery of motorcycle training to both urban and rural areas, including—

(i) procurement or repair of practice motorcycles;

(ii) instructional materials;

(iii) mobile training units; and

(iv) leasing or purchase of facilities for classroom instruction and closed-course skill training;

(C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(D) public awareness, public service announcements, and other outreach programs to enhance motorcyclist awareness.

(2) SUBALLOCATIONS OF FUNDS.—An agency that receives a grant under this section may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out under this section.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTORCYCLIST SAFETY TRAINING.—The term "motorcyclist safety training" means a formal program of instruction that—

(A) provides accident avoidance and other safety-oriented operational skills to motorcyclists; and

(B) is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues.

(2) MOTORCYCLIST AWARENESS.—The term "motorcyclist awareness" means individual or collective awareness of—

(A) the presence of motorcycles on or near roadways; and

(B) safe driving practices that avoid injury to motorcyclists.

(3) MOTORCYCLIST AWARENESS PROGRAM.—The term "motorcyclist awareness program" means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues.

(4) STATE.—The term "State" has the same meaning such term has in section 101(a) of title 23, United States Code.

(h) MAXIMUM GRANT AMOUNT.—The amount of a grant made to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(i) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction by the Secretary not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Mass Transit Account) $6,000,000 for each of fiscal years 2006 through 2008 and $7,000,000 for fiscal year 2009.

(k) APPLICABILITY OF TITLE 23.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable.

SEC. 2009. DRIVER FATIGUE.

Section 402(a) of title 23, United States Code, is amended—

(1) by striking "and" before "(6)"; and

(2) by inserting before the period the following: "; and (7) to reduce deaths and injuries resulting from persons driving motor vehicles while fatigued".

SEC. 2010. AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for carrying out section 403 of title 23, United States Code, $71,575,000 for fiscal year 2004, $71,424,000 for fiscal year 2005, and $75,000,000 for each of fiscal years 2006 through 2009.

(b) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2004 through 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 2011. SAFETY DATA.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on public and nonpublic roads and residential and commercial driveways and parking facilities.

(b) REPORT.—Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations regarding measures to be taken to reduce the number of such accidents and the resulting fatalities and injuries.

SEC. 2012. DRIVER PERFORMANCE STUDY.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2005, the Secretary shall make $1,000,000 available to conduct a study on the risks associated with glare to oncoming drivers, including increased risks to drivers on 2-lane highways, increased risks to drivers over the age of 50, and the overall effects of glare on driver performance.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and any recommendations regarding measures to reduce the risks associated with glare to oncoming drivers.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This title may be cited as the "Federal Public Transportation Act of 2005".

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3002. POLICIES, FINDINGS, AND PURPOSES.

(a) IN GENERAL.—Section 5301(a) is amended to read as follows:

"(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States to foster the development and revitalization of public transportation systems that—

"(1) maximize the safe, secure, and efficient mobility of individuals;

"(2) minimize environmental impacts; and

"(3) minimize transportation-related fuel consumption and reliance on foreign oil.".

(b) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(1) by striking "an urban" and inserting "a"; and

(2) by striking "under sections 5309 and 5310 of this title".

(c) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) in paragraph (1)—

(A) by striking "mass" the first place it appears and inserting "public"; and

(B) by striking "public and private mass transportation companies" and inserting "both public transportation companies and private companies engaged in public transportation";

(2) in paragraph (2)—

(A) by striking "urban mass" and inserting "public"; and

(B) by striking "public and private mass transportation companies" and inserting "both public transportation companies and private companies engaged in public transportation";

(3) in paragraph (3)—

(A) by striking "urban mass" and inserting "public"; and

(B) by striking "public or private mass transportation companies" and inserting "public transportation companies or private companies engaged in public transportation"; and

(4) in paragraph (5) by striking "urban mass" and inserting "public".

SEC. 3003. DEFINITIONS.

(a) LEAD-IN.—Section 5302(a) is amended in the matter preceding paragraph (1) by striking "In this chapter" and inserting "Except as otherwise specifically provided, in this chapter".

(b) CAPITAL PROJECT.—Section 5302(a)(1) is amended—

(1) in subparagraph (G) by inserting "construction, renovation, and improvement of intercity bus stations and terminals," before "and the renovation and improvement of historic transportation facilities,";

(2) in subparagraph (G)(ii) by inserting "(other than an intercity bus station or terminal)" after "commercial revenue-producing facility";

(3) by striking "or" at the end of subparagraph (H);

(4) by striking the period at the end of subparagraph (I) and inserting a semicolon; and

(5) by adding at the end the following:

"(J) crime prevention and security—

"(i) including—

"(I) projects to refine and develop security and emergency response plans;

"(II) projects aimed at detecting chemical and biological agents in public transportation;

"(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

"(IV) security training for public transportation employees; but

"(ii) excluding all expenses related to operations, other than such expenses incurred in conducting activities described in subclauses (III) and (IV);

"(K) establishment of a debt service reserve made up of deposits with a bondholders' trustee in a noninterest bearing account for the purpose of ensuring timely payment of principal and interest on bonds issued by a grant recipient for purposes of financing an eligible project under this chapter; or

"(L) mobility management—

"(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

"(ii) excluding operating public transportation services.".

(c) INDIVIDUAL WITH A DISABILITY.—Section 5302(a)(5) is amended—

(1) by striking "HANDICAPPED INDIVIDUAL" in the heading and inserting "INDIVIDUAL WITH A DISABILITY"; and

(2) by striking "handicapped individual" and inserting "individual with a disability".

(d) MASS TRANSPORTATION.—Section 5302(a)(7) is amended to read as follows:

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means public transportation.".

(e) PUBLIC TRANSPORTATION.—Section 5302(a)(10) is amended to read as follows:

"(10) PUBLIC TRANSPORTATION.—The term 'public transportation' means transportation by a conveyance that provides regular and continuing general or spe-

cial transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.".

(f) URBANIZED AREA.—Section 5302(a)(17) is amended to read as follows:

"(17) URBANIZED AREA.—The term 'urbanized area' means an area encompassing a population of at least 50,000 people that has been defined and designated in the latest decennial census as an urbanized area by the Secretary of Commerce.".

(g) AUTHORITY TO MODIFY DEFINITION.—Section 5302(b) is amended—

(1) by striking "HANDICAPPED INDIVIDUAL" in the heading and inserting "INDIVIDUAL WITH A DISABILITY"; and

(2) by striking "handicapped individual" and inserting "individual with a disability".

SEC. 3004. METROPOLITAN PLANNING.

Section 5303 is amended to read as follows:

"§ 5303. Metropolitan planning

"(a) IN GENERAL.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the metropolitan planning provisions of chapter 52.

"(b) CERTIFICATION.—

"(1) IN GENERAL.—The Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States. The Secretary may make the certification only if the organization is complying with chapter 52 and other applicable requirements of laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

"(2) LIMITATION ON WITHHOLDING CERTIFICATION.—The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) for deciding the feasibility of private enterprise participation.".

SEC. 3005. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 5304 is amended to read as follows:

"§ 5304. Statewide planning

"Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the statewide planning provisions of chapter 52.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5304 and inserting the following:

"5304. Statewide planning.".

SEC. 3006. PLANNING PROGRAMS.

(a) IN GENERAL.—Section 5305 is amended to read as follows:

"§ 5305. Planning programs

"(a) STATE DEFINED.—In this section the term 'State' means a State of the United States, the District of Columbia, and Puerto Rico.

"(b) GENERAL AUTHORITY.—

"(1) ASSISTANCE.—Under criteria to be established by the Secretary, the Secretary may provide assistance for—

"(A) the development of transportation plans and programs;

"(B) planning, engineering, designing, and evaluating a public transportation project; and

"(C) for other technical studies.

"(2) GRANTS, AGREEMENTS, AND CONTRACTS.—The Secretary may provide assistance under paragraph (1)—

"(A) by making grants to States, authorities of States, metropolitan planning organizations, and local governmental authorities; or

"(B) by making agreements with other departments, agencies, and instrumentalities of the Government.

"(3) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under paragraph (1) include the following:

"(A) Studies related to management, planning, operations, capital requirements, and economic feasibility.

"(B) Evaluating previously financed projects.

"(C) Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analyses among metropolitan planning organizations and other transportation planners.

"(D) Other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

"(c) PURPOSE.—To the extent practicable, the Secretary shall ensure that amounts appropriated or made available under section 5338 to carry out this section and sections 5303 and 5304 are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

"(d) METROPOLITAN PLANNING PROGRAM.—

"(1) APPORTIONMENT TO STATES.—

"(A) IN GENERAL.—The Secretary shall apportion 80 percent of the amounts made available under subsection (g)(1) among the States to carry out sections 5303 and 5306 in the ratio that—

"(i) the population of urbanized areas in each State, as shown by the latest available decennial census of population; bears to

"(ii) the total population of urbanized areas in all States, as shown by that census.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

"(2) ALLOCATION TO MPO'S.—Amounts apportioned to a State under paragraph (1) shall be made available within 30 days after allocation to metropolitan planning organizations in the State designated under this section under a formula that—

"(A) considers population of urbanized areas;

"(B) provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section;

"(C) the State develops in cooperation with the metropolitan planning organizations; and

"(D) the Secretary approves.

"(3) SUPPLEMENTAL AMOUNTS.—

"(A) IN GENERAL.—The Secretary shall apportion 20 percent of the amounts made available under subsection (g)(1) among the States to supplement allocations made under paragraph (1) for metropolitan planning organizations.

"(B) FORMULA.—The Secretary shall apportion amounts referred to in subparagraph (A) under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under sections 5303 and 5306 in certain urbanized areas.

"(e) STATE PLANNING AND RESEARCH PROGRAM.—

"(1) APPORTIONMENT TO STATES.—

"(A) IN GENERAL.—The Secretary shall apportion the amounts made available under subsection (g)(2) among the States for grants and contracts to carry out sections 5303 through 5306, 5312, 5315, and 5322 in the ratio that—

"(i) the population of urbanized areas in each State, as shown by the latest available decennial census; bears to

"(ii) the population of urbanized areas in all States, as shown by that census.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

"(2) SUPPLEMENTAL AMOUNTS.—A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts made available under subsection (d).

"(f) GOVERNMENT'S SHARE OF COSTS.—The Government's share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government not to require a State or local match.

"(g) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated to carry out this section under section 5338(c) for fiscal years 2004 through 2009—

"(1) 82.72 percent shall be available for the metropolitan planning program under subsection (d); and

"(2) 17.28 percent shall be available to carry out subsection (e).

"(h) AVAILABILITY OF FUNDS.—Funds apportioned under this section in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned that remain unobligated at the end of that period shall be reapportioned among the States.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5305 and inserting the following:

"5305. Planning programs.".

SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION.

(a) SECTION HEADING.—Section 5306 is amended by striking the section heading and inserting the following:

"§ 5306. Private enterprise participation in planning; relationship to other limitations".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5306 and inserting the following:

"5306. Private enterprise participation in planning; relationship to other limitations.".

SEC. 3008. URBANIZED AREA FORMULA GRANTS.

(a) TECHNICAL AMENDMENTS.—Section 5307 is amended—

(1) by striking subsections (h) and (k); and

(2) by redesignating subsections (i), (j), (l), (m), and (n) as subsections (h), (i), (j), (k), and (l), respectively.

(b) DEFINITIONS.—Section 5307(a)(2)(A) is amended—

(1) by striking "a person" and inserting "an entity"; and

(2) by striking "section 5305(a) of this title" and inserting "chapter 52".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

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

"(1) GRANTS.—The Secretary may make grants under this section for—

"(A) capital projects and associated capital maintenance items;

"(B) planning;

"(C) transit enhancements; and

"(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of less than 200,000.";

(2) in the heading to paragraph (2) by striking "FISCAL YEARS 2003 AND 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005" and inserting "FISCAL YEARS 2003 THROUGH 2005";

(3) in paragraph (2)(A) by striking "fiscal years 2003" and all that follows through "2005" and inserting "fiscal years 2003, 2004, and 2005";

(4) in paragraph (3) by striking "section 5305(a) of this title" and inserting "chapter 52"; and

(5) in paragraph (3)(A) by striking "section 5303 of this title" and inserting "chapter 52".

(d) GRANT RECIPIENT REQUIREMENTS.—Section 5307(d)(1) is amended—

(1) in subparagraph (A) by inserting ", including safety and security aspects of the program" after "program";

(2) in subparagraph (H) by striking "sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title" and inserting "subsections (a) and (d) of section 5301 and sections 5303 through 5306";

(3) in subparagraph (I) by striking "and" at the end; and

(4) by adding at the end the following:

"(K) in the case of a recipient for an urbanized area with a population of at least 200,000—

"(i) will expend one percent of the amount the recipient receives each fiscal year under this section for projects for transit enhancements, as defined in section 5302(a); and

"(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and".

(e) GOVERNMENT'S SHARE OF COSTS.—Section 5307(e) is amended to read as follows:

"(e) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project (including associated capital maintenance items) under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

"(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

"(3) REMAINDER.—The remainder of the net project cost shall be provided—

"(A) in cash from sources other than amounts of the Government or revenues from providing public transportation (excluding revenues derived from the sale of advertising and concessions);

"(B) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; and

"(C) from amounts received under a service agreement with a State or local social service agency or private social service organization.".

(f) REVIEWS, AUDITS, AND EVALUATIONS.—Section 5307(h)(1)(A) (as redesignated by subsection (a) of this section) is amended by striking "shall" and inserting "may".

(g) RELATIONSHIP TO OTHER LAWS.—Section 5307(l) (as redesignated by subsection (a) of this section) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting "This chapter.—" before "Sections 5302";

(4) by adding at the end the following:

"(2) CHAPTER 15 OF TITLE 5.—The provision of assistance under this chapter shall not be construed as bringing within the application of chapter 15 of title 5 any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to which such chapter is otherwise inapplicable."; and

(5) by aligning the left margin of paragraph (1) (as so redesignated) with paragraph (2) (as added by paragraph (4) of this subsection).

(h) TREATMENT.—At the end of section 5307, add the following:

"(m) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.".

SEC. 3009. CLEAN FUELS FORMULA GRANT PROGRAM.

Section 5308 is amended to read as follows:

"§ 5308. Clean fuels formula grant program

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) CLEAN FUEL BUS.—The term 'clean fuel bus' means a passenger vehicle used to provide public transportation that—

"(A) is powered by—

"(i) compressed natural gas;

"(ii) liquefied natural gas;

"(iii) biodiesel fuels;

"(iv) batteries;

"(v) alcohol-based fuels;

"(vi) hybrid electric;

"(vii) fuel cell;

"(viii) clean diesel, to the extent allowed under this section; or

"(ix) other low or zero emissions technology; and

"(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions.

"(2) ELIGIBLE PROJECT.—The term 'eligible project'—

"(A) means a project in a nonattainment or maintenance area described in paragraph (4)(A) for—

"(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

"(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment for such buses; or

"(iii) constructing new or improving existing public transportation facilities to accommodate clean fuel buses; and

"(B) at the discretion of the Secretary, may include a project located in a nonattainment or maintenance area described in paragraph (4)(A) relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

"(3) MAINTENANCE AREA.—The term 'maintenance area' has the meaning such term has under section 101 of title 23.

"(4) RECIPIENT.—

"(A) IN GENERAL.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) for an area that, and a recipient for an urbanized area with a population of less than 200,000 that—

"(i) is designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

"(ii) is a maintenance area for ozone or carbon monoxide.

"(B) SMALLER URBANIZED AREAS.—In the case of an urbanized area with a population of less than 200,000, the State in which the area is located shall act as the recipient for the area under this section.

"(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to recipients to finance eligible projects.

"(c) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—The Secretary shall apportion among recipients amounts made available to carry out this section for a fiscal year. Of such amounts—

"(A) two-thirds shall be apportioned to recipients serving urbanized areas with a population of at least 1,000,000, of which—

"(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

"(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

"(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

"(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

"(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

"(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients; and

"(B) one-third shall be apportioned to recipients serving urbanized areas with a population of less than 1,000,000, of which—

"(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

"(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

"(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

"(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

"(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

"(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients.

"(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the number of buses in the bus fleet, or the number of passenger miles, shall be multiplied by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;

"(ii) 1.1 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.2 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under subpart 2 of such part;

"(iv) 1.3 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under subpart 2 of such part;

"(v) 1.4 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under subpart 2 of such part; or

"(vi) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under subpart 2 of such part.

"(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone under subpart 2 of such part, the area was also classified under subpart 3 of such part as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the recipient, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

"(d) CLEAN DIESEL BUSES.—Not more than 35 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

"(e) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

"(2) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to projects carried out under this section.

"(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1) shall be added to the amount made available in the following fiscal year.".

SEC. 3010. CAPITAL INVESTMENT GRANTS.

(a) SECTION HEADING.—Section 5309 is amended by striking the section heading and inserting the following:

"§ 5309. Capital investment grants".

(b) LOANS FOR REAL PROPERTY INTERESTS.—Section 5309 is amended—

(1) in subsections (a)(1) and (a)(2) by striking "and loans";

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(c) PROJECT AS PART OF APPROVED PROGRAM OF PROJECTS.—Section 5309(b) (as redesignated by subsection (b) of this section) is amended—

(1) by striking "Except as provided in subsections (b)(2) and (e) of the section, the" and inserting "The"; and

(2) by striking "or loan".

(d) CRITERIA AND FUNDING.—Section 5309 is amended by striking subsections (e) through (p) and inserting the following:

"(c) MAJOR CAPITAL INVESTMENT GRANTS OF $75,000,000 OR MORE.—

"(1) FULL FUNDING GRANT AGREEMENT.—A major new fixed guideway capital project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(2) APPROVAL OF GRANTS.—The Secretary may approve a grant under this section for a major new fixed guideway capital project only if the Secretary, based upon evaluations and considerations set forth in paragraph (3), determines that the proposal is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, operating efficiencies, and transit supportive policies, and existing land use; and

"(C) supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain, and operate the system or extension.

"(3) CONSIDERATIONS.—

"(A) RESULTS OF ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(B) PROJECT JUSTIFICATION.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(B), the Secretary shall—

"(i) consider the direct and indirect costs of relevant alternatives;

"(ii) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed and recognize reductions in local infrastructure costs achieved through compact land use development;

"(iii) identify and consider public transportation supportive existing land use policies and future patterns and the cost of suburban sprawl;

"(iv) consider the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development;

"(v) consider population density and current transit ridership in the corridor;

"(vi) consider the technical capability of the grant recipient to construct the project;

"(vii) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(viii) consider other factors that the Secretary determines appropriate to carry out this chapter.

"(C) LOCAL FINANCIAL COMMITMENT.—In evaluating a proposed project under paragraph (2)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed public transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing public transportation services to operate the proposed project.

"(D) ASSESSMENT OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing under paragraph (2)(C), the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other public transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(4) EVALUATION AND RATING OF PROJECTS.—A proposed project under this subsection may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making the findings, the Secretary shall evaluate and rate the project as 'highly recommended', 'recommended', or 'not recommended' based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by regulation.

"(5) MAJOR DEFINED.—In this section, the term 'major', as used with respect to a new fixed guideway capital project, means the Federal assistance provided or to be provided under this section for the project is $75,000,000 or more.

"(d) CAPITAL INVESTMENT GRANTS LESS THAN $75,000,000.—

"(1) IN GENERAL.—Subject to the provisions of this subsection, if the Federal assistance provided or to be provided under this section with respect to a new fixed guideway capital project is less than $75,000,000, and not less than $25,000,000, the project shall be subject to the requirements in this subsection. A new fixed guideway capital project is not subject to the requirements of this subsection if the assistance provided under this section with respect to the project is less than $25,000,000.

"(2) SELECTION CRITERIA.—The Secretary may provide Federal assistance under this subsection with respect to a proposed project only if the Secretary finds that the project is—

"(A) based on the results of planning and alternatives analysis;

"(B) justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect on local economic development; and

"(C) supported by an acceptable degree of local financial commitment.

"(3) PLANNING AND ALTERNATIVES.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of planning and alternatives analysis for the project.

"(4) PROJECT JUSTIFICATION.—For purposes of making the finding under paragraph (2)(B), the Secretary shall—

"(A) determine the degree to which the project is consistent with local land use policies and is likely to achieve local developmental goals;

"(B) determine the cost effectiveness of the project at the time of the initiation of revenue service;

"(C) determine the degree to which the project will have a positive effect on local economic development;

"(D) consider the reliability of the forecasts of costs and ridership associated with the project; and

"(E) consider other factors that the Secretary determines appropriate to carry out this subsection.

"(5) LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (2)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

"(6) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—

"(A) GENERAL RULE.—A proposed project under this subsection may advance from planning and alternatives analysis to project development and construction only if—

"(i) the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements; and

"(ii) the metropolitan planning organization has adopted the locally preferred alternative for the project into the long-range transportation plan.

"(B) EVALUATION.—In making the findings under subparagraph (A), the Secretary shall evaluate and rate the project as 'recommended' or 'not recommended' based on the results of the analysis of the project justification criteria and the degree of local financial commitment, as required by this subsection.

"(7) CONTENTS OF PROJECT CONSTRUCTION GRANT AGREEMENT.—A project construction grant agreement under this subsection shall specify the scope of the project to be constructed, the estimated net project cost of the project, the schedule under which the project shall be constructed, the maximum amount of funding to be obtained under this subsection, the proposed schedule for obligation of future Federal grants, and the sources of funding from other than the Government. The agreement may include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

"(8) LIMITATION ON ENTRY INTO CONSTRUCTION GRANT AGREEMENT.—The Secretary may enter into a project construction grant agreement for a project under this subsection only if the project is authorized for construction and has been rated as 'recommended' under this subsection.

"(9) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations establishing an evaluation and rating process for proposed projects under this subsection that is based on the results of project justification and local financial commitment, as required under this subsection.

"(10) FIXED GUIDEWAY CAPITAL PROJECT.—In this subsection, the term 'fixed guideway capital project' includes a corridor-based public transportation bus capital project if the majority of the project's corridor right-of-way is dedicated alignment for exclusive use by public transportation vehicles for all or part of the day.

"(e) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (c) and (d) do not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005. Subsection (d) also does not apply to projects for which the Secretary has received an application for final design before such date of enactment.

"(f) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1) LETTERS OF INTENT.—

"(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for fixed guideway projects, the amount shall be sufficient to complete at least an operable segment.

"(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1108(d), 1501, and 1502(a) of title 31 or an administrative commitment.

"(2) FULL FUNDING GRANT AGREEMENTS.—

"(A) TERMS.—The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) SPECIAL FINANCIAL RULES.—

"(i) IN GENERAL.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

"(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

"(3) EARLY SYSTEM WORK AGREEMENTS.—

"(A) CONDITIONS.—The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) CONTENTS.—

"(i) IN GENERAL.—A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

"(ii) PERIOD COVERED.—A work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

"(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) LIMITATION ON AMOUNTS.—

"(A) MAJOR CAPITAL INVESTMENT GRANTS CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(b) and 5338(h)(1) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(B) and (m)(2)(B)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by a letter or agreement. The total amount covered by new letters and contingent commitments included in full

funding grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

"(B) OTHER CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all project construction grant agreements and early system work agreements under this subsection for small capital projects described in subsection (d) may be not more than the greater of the amount allocated under subsection (m)(2)(A) for such projects or an amount equivalent to the last fiscal year of funding allocated under subsection (m)(2)(A) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by an agreement. The total amount covered by new contingent commitments included in project construction grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

"(C) INCLUSION OF CERTAIN COMMITMENTS.—Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (106 Stat. 2125) for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005, and 2006 shall be charged against section 3032(g)(2) of that Act.

"(D) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

"(5) NOTIFICATION OF CONGRESS.—At least 60 days before issuing a letter of intent or entering into a full funding grant agreement or project construction grant agreement under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(g) GOVERNMENT'S SHARE OF NET PROJECT COST.—

"(1) FEDERAL SHARE.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost. A grant for the project shall be for 80 percent of the net capital project cost, unless the grant recipient requests a lower grant percentage.

"(2) REMAINDER OF NET PROJECT COST.—The remainder of net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraph (1) and subsections (c)(3)(D)(iv) and (c)(4), shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

"(4) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

"(5) LIMITATION ON APPLICABILITY.—This subsection does not apply to projects for which the Secretary has entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005.

"(h) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (g), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

"(i) REPORTS ON NEW STARTS.—

"(1) ANNUAL DOT REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes—

"(A) a proposal of allocations of amounts to be available to finance grants for new fixed guideway capital projects among applicants for these amounts;

"(B) evaluations and ratings, as required under subsection (c), for each such project that is authorized by the Federal Public Transportation Act of 2005; and

"(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) ANNUAL GAO REVIEW.—The Comptroller General shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) report to Congress on the results of such review by May 31 of each year.

"(j) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) IN GENERAL.—The Secretary may pay the Government's share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

"(A) the State or local governmental authority applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) FINANCING COSTS.—

"(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

"(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

"(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) CAPITAL PROJECT COST INDICES.—The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2).

"(k) BUS AND BUS FACILITIES PROJECTS.—In making grants under subsections (m)(1)(C) and (m)(2)(B)(iii), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(l) AVAILABILITY OF AMOUNTS.—An amount made available or appropriated under section 5338(b), 5338(g), or 5338(h) for replacement, rehabilitation, and purchase of buses and related equipment and construction of bus-related facilities or for new fixed guideway capital projects shall remain available for 3 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any of such amounts that are unobligated at the end of the 3-fiscal-year period shall be deobligated and may be used by the Secretary for any purpose under this section.

"(m) ALLOCATING AMOUNTS.—

"(1) FISCAL YEAR 2004.—The total amount of funds made available by or appropriated under section 5338(b) for fiscal year 2004 shall be allocated as follows:

"(A) 40 percent for fixed guideway modernization;

"(B) 40 percent for major new fixed guideway capital projects; and

"(C) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

"(2) FISCAL YEARS 2005–2009.—The total amount of funds made available by section 5338(g), and appropriated under section 5338(h), for each of fiscal years 2005 through 2009 shall be allocated in the fiscal year as follows:

"(A) SMALL CAPITAL PROJECTS.—From funds appropriated under section 5338(h) for new fixed guideway capital projects described in subsection (d)—

"(i) $135,000,000 in fiscal year 2005;

"(ii) $175,000,000 in fiscal year 2006;

"(iii) $200,000,000 in fiscal year 2007;

"(iv) $200,000,000 in fiscal year 2008; and

"(v) $225,000,000 in fiscal year 2009.

"(B) REMAINDER.—After the allocation under subparagraph (A), the remainder of such total amount shall be allocated as follows:

"(i) 40 percent for fixed guideway modernization, to be derived from funds made available under section 5338(g).

"(ii) 40 percent for major new fixed capital guideway projects, to be derived from funds appropriated under section 5338(h).

"(iii) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, to be derived from funds made available under section 5338(g).

"(3) FUNDING FOR FERRY BOAT SYSTEMS.—Of the amounts made available under paragraphs (1)(B) and (2)(B)(ii), $10,400,000 shall be available in each of fiscal years 2004 through 2009 for new fixed guideway capital projects in Alaska or Hawaii that are for ferry boats or ferry terminal facilities or that are for approaches to ferry terminal facilities. Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), $10,000,000 shall be available in each of fiscal years 2005 through 2009 for ferry boats or ferry terminal facilities.

"(4) FUEL CELL BUS PROGRAM.—Of the amounts made available under subsections (m)(1)(C) and (m)(2)(B)(iii) for a fiscal year, the following amounts shall be set aside for the national fuel cell bus technology development program under section 3039 of the Federal Public Transportation Act of 2005:

"(A) $4,849,950 for fiscal year 2004.
"(B) $10,000,000 for fiscal year 2005.
"(C) $11,000,000 for fiscal year 2006.
"(D) $12,000,000 for fiscal year 2007.
"(E) $13,000,000 for fiscal year 2008.
"(F) $14,000,000 for fiscal year 2009.

"(n) NEW FIXED GUIDEWAY CAPITAL PROJECT DEFINED.—In this section, the term 'new fixed guideway capital project' means a minimum operable segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system.".

(e) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5309 and inserting the following:

"5309. Capital investment grants.".

(2) SECTION 5328.—Section 5328(a) is amended—

(A) in paragraph (2) by striking "5309(e)" and inserting "5309(c)"; and

(B) in paragraph (4) by striking "under section 5309(o)(1)" and inserting "under section 5309(i)(1)".

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 is amended—

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

"§ 5310. Formula grants for special needs of elderly individuals and individuals with disabilities";

(2) by striking subsections (a) through (g) and inserting the following:

"(a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects, and operating costs associated with public transportation capital projects, planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

"(2) SUBRECIPIENTS.—A State that receives a grant under this section may allocate the amounts of the grant to—

"(A) a private nonprofit organization if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

"(B) a governmental authority that—

"(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

"(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

"(3) ACQUIRING PUBLIC TRANSPORTATION SERVICES.—A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

"(4) ADMINISTRATIVE EXPENSES.—A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section to administer, plan, and provide technical assistance for a project funded under this section.

"(b) APPORTIONMENT AND TRANSFERS.—

"(1) APPORTIONMENT.—

"(A) FORMULA.—The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

"(B) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under subparagraph (A)—

"(i) in the case of a State with a population density of 10 or fewer persons per square mile, the Secretary shall multiply by a factor of 2 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census); and

"(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census).

"(2) TRANSFERS.—Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1), or both. Any funds transferred pursuant to this paragraph shall be made available only for eligible projects as described in this section.

"(c) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(3) REMAINDER.—The remainder of the net project costs—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(d) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to all requirements of a grant under section 5307. A grant to a subrecipient under this section shall be subject to such requirements to the extent the Secretary considers appropriate.

"(2) COORDINATION WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336(a)(1) pursuant to subsection (b)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

"(3) PROJECT SELECTION AND PLANNING.—Beginning in fiscal year 2007, a recipient of funds under this section shall certify that—

"(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

"(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

"(4) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

"(e) STATE PROGRAM.—

"(1) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

"(2) SUBMISSION AND APPROVAL.—A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted

under this section with transportation services assisted by other Government sources.

"(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities."; and

(3) by redesignating subsections (h) through (j) as subsections (g) through (i), respectively.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5310 and inserting the following:

"5310. Formula grants for special needs of elderly individuals and individuals with disabilities.".

SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) RECIPIENT.—The term 'recipient' means a State that receives a Federal transit program grant directly from the Government.

"(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a Federal transit program grant indirectly through a recipient.".

(b) GENERAL AUTHORITY.—Section 5311(b) is amended to read as follows:

"(b) GENERAL AUTHORITY.—

"(1) GRANTS.—Except as provided in paragraph (2), the Secretary may make grants to other than urbanized areas under this section for the following:

"(A) Public transportation capital projects.

"(B) Operating costs of equipment and facilities for use in public transportation.

"(C) Acquisition of public transportation services, including service agreements with private providers of public transportation services.

"(2) STATE PROGRAM.—

"(A) IN GENERAL.—Amounts made available to carry out this section shall be used for projects included in a State program for public transportation projects, including service agreements with private providers of public transportation.

"(B) SUBMISSION.—The program shall be submitted annually to the Secretary for approval.

"(C) APPROVAL.—The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

"(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

"(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

"(B) GRANTS AND CONTRACTS.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available to carry out this section to make grants and contracts for transportation research, technical assistance, training, and related support services in other than urbanized areas.

"(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.".

(c) APPORTIONMENTS.—Section 5311(c) is amended to read as follows:

"(c) APPORTIONMENTS.—

"(1) IN GENERAL.—The Secretary shall apportion amounts made available to carry out this section among the States in the ratio that—

"(A) the population of other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

"(B) the population of all other than urbanized areas in the United States, as shown by that census.

"(2) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (1)—

"(A) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the population of such other than urbanized areas (as determined using the most recent decennial United States Census); and

"(B) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the population of such other than urbanized areas (as determined using the most recent decennial United States Census).

"(3) AVAILABILITY.—The amount apportioned to a State under this subsection may be obligated by the State for 2 fiscal years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.".

(d) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

(1) in the subsection heading by inserting ", planning," after "administration";

(2) by striking "(1) The Secretary" and inserting "The Secretary";

(3) by striking paragraph (2); and

(4) by striking "recipient" and inserting "subrecipient".

(e) INTERCITY BUS TRANSPORTATION.—Section 5311(f) is amended—

(1) in paragraph (1) by striking "after September 30, 1993,"; and

(2) in paragraph (2) by striking "A State" and inserting "After consultation with affected intercity bus service providers, a State".

(f) GOVERNMENT'S SHARE OF COSTS.—Section 5311(g) is amended to read as follows:

"(g) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(3) REMAINDER.—The remainder of net project costs—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.".

(g) RELATIONSHIP TO OTHER LAWS.—Section 5311 is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(h) CORRECTION TO CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5311 and inserting the following:

"5311. Formula grants for other than urbanized areas.".

SEC. 3013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in subsection (a)—

(A) by striking the first parenthetical phrase;

(B) by striking "or contracts" and inserting ", contracts, cooperative agreements, or other transactions";

(C) by striking "help reduce urban transportation needs, improve mass transportation service," and inserting "improve transportation service";

(D) by striking "urban" each place it appears; and

(E) by striking "and demonstration projects" and inserting ", demonstration or deployment projects, or evaluation of technology of national significance";

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively;

(4) in subsection (b)(2) (as so redesignated) by striking "other agreements" and inserting "other transactions"; and

(5) in subsection (c)(2) (as so redesignated) by striking "public and" and inserting "public or".

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 5312 is amended by striking the section heading and inserting the following:

"§ 5312. Research, development, demonstration, and deployment projects".

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5312 and inserting the following:

"5312. Research, development, demonstration, and deployment projects.".

SEC. 3014. COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 5313 is amended—

(1) in subsection (a) by striking "(1) The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d) of this title" and inserting "The amounts made available under paragraphs (1)(C)(iv) and (2)(C) of section 5338(d)";

(2) by striking subsection (b);

(3) in subsection (a)(2) by striking "(2) The" and inserting "(b) FEDERAL ASSISTANCE.—The"; and

(4) in subsection (c) by striking "subsection (a) of".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 5313 is amended by striking the section heading and inserting the following:

"§ 5313. Cooperative research program".

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5313 and inserting the following:

"5313. Cooperative research program.".

SEC. 3015. NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Section 5314 is amended—

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

"§ 5314. National research and technology programs";

(2) in subsection (a)(1)—

(A) by striking "subsections (d) and (h)(7) of section 5338 of this title" and inserting "section 5338(d)";

(B) by striking "and contracts" and inserting ", contracts, cooperative agreements, or other transactions";

(C) by striking "5303–5306,"; and

(D) by striking "5317,";

(3) in subsection (a)(2) by striking "Of the amounts" and all that follows through "$3,000,000 to" and inserting "The Secretary shall";

(4) by striking subsection (a)(4)(B);

(5) by redesignating subsection (a)(4)(C) as subsection (a)(4)(B); and

(6) in subsection (b) by striking "or contract" and all that follows through "section," and inserting ", contract, cooperative agreement, or other transaction under subsection (a) or section 5312,".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5314 and inserting the following:

"5314. National research and technology programs.".

SEC. 3016. NATIONAL TRANSIT INSTITUTE.

Section 5315 is amended—

(1) in subsection (a) by striking "public mass transportation" and inserting "public transportation"; and

(2) in subsection (d) by striking "mass" each place it appears.

SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANTS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5315 the following:

"§ 5316. Job access and reverse commute formula grants

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(A) transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;

"(B) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;

"(C) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

"(D) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

"(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

"(3) RECIPIENT.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

"(4) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a public transportation project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities, including any projects to—

"(A) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urbanized areas and other than urbanized areas to suburban workplaces;

"(B) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

"(C) otherwise facilitate the provision of public transportation services to suburban employment opportunities.

"(5) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

"(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

"(b) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary may make grants under this section to a recipient for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

"(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

"(c) APPORTIONMENTS.—

"(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

"(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

"(i) the number of eligible low-income individuals and welfare recipients in each such urbanized area; bears to

"(ii) the number of eligible low-income individuals and welfare recipients in all such urbanized areas.

"(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in each State; bears to

"(ii) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in all States.

"(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in each State; bears to

"(ii) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in all States.

"(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

"(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

"(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

"(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

"(3) EXCEPTIONS.—A State may use funds apportioned under paragraphs (1)(B) and (1)(C)—

"(A) for projects serving areas other than the area specified in paragraph (2)(B) or (2)(C), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the specified area; or

"(B) for projects anywhere in the State if the State has established a statewide program for meeting the objectives of this section.

"(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

"(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

"(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

"(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

"(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

"(e) TRANSFERS.—

"(1) IN GENERAL.—A State may transfer any funds apportioned to it under subsection (c)(1)(B) or (c)(1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

"(2) LIMITED TO ELIGIBLE PROJECTS.—Any apportionment transferred under this subsection shall be made available only for eligible job access and reverse commute projects as described in this section.

"(3) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

"(f) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

"(2) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

"(g) COORDINATION.—

"(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(2) WITH NONPROFIT PROVIDERS.—A State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall certify to the Secretary that any project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

"(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify to the Secretary that—

"(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

"(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

"(h) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(3) REMAINDER.—The remainder of the net project costs—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

"(i) PROGRAM EVALUATION.—

"(1) COMPTROLLER GENERAL.—Beginning 1 year after the date of enactment of the Federal Public Transportation Act of 2005, and every 2 years thereafter, the Comptroller General shall—

"(A) conduct a study to evaluate the grant program authorized by this section; and

"(B) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

"(2) DEPARTMENT OF TRANSPORTATION.—Not later than 3 years after the date of enactment of Federal Public Transportation Act of 2005, the Secretary shall—

"(A) conduct a study to evaluate the effectiveness of the grant program authorized by this section and the effectiveness of recipients making grants to subrecipients under this section; and

"(B) transmit to the committees referred to in paragraph (1)(B) a report describing the results of the study under subparagraph (A).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5315 the following:

"5316. Job access and reverse commute formula grants.".

(c) REPEAL.—Section 3037 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 387) is repealed.

SEC. 3018. NEW FREEDOM PROGRAM.

(a) IN GENERAL.—Chapter 53 is further amended by inserting after section 5316 the following:

"§ 5317. New Freedom program

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) RECIPIENT.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

"(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

"(b) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

"(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

"(c) APPORTIONMENTS.—

"(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

"(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

"(i) the number of individuals with disabilities in each such urbanized area; bears to

"(ii) the number of individuals with disabilities in all such urbanized areas.

"(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State; bears to

"(ii) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.

"(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of individuals with disabilities in other than urbanized areas in each State; bears to

"(ii) the number of individuals with disabilities in other than urbanized areas in all States.

"(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

"(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

"(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

"(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

"(3) LOW DENSITY ADJUSTMENT.—

"(A) SMALLER URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(B)—

"(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 2 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census); and

"(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census).

"(B) OTHER THAN URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(C)—

"(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census); and

"(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census).

"(4) TRANSFERS.—

"(A) IN GENERAL.—A State may transfer any funds apportioned to it under paragraph (1)(B) or (1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

"(B) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to this paragraph shall be made available only for eligible projects selected under this section.

"(C) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

"(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

"(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

"(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

"(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

"(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

"(e) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

"(2) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 5333(b) shall apply to grants under this section, except that the Secretary of Labor shall utilize, for urbanized areas with a population of less than 200,000 and for other than urbanized areas, a special warranty described in section 215.7 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Federal Public Transportation Act of 2005), that provides a fair and equitable arrangement to protect the interest of employees.

"(3) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

"(f) COORDINATION.—

"(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(2) WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336 pursuant to subsection (c)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

"(3) PROJECT SELECTION AND PLANNING.—Beginning in fiscal year 2007, a recipient of funds under this section shall certify that—

"(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

"(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

"(g) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(3) REMAINDER.—The remainder of the net project costs—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5316 the following:

"5317. New freedom program.".

SEC. 3019. BUS TESTING FACILITY.

(a) IN GENERAL.—Section 5318 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FACILITY.—The Secretary of Transportation shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.";

(2) in subsection (d) by striking "under section 5309(m)(1)(C) of this title" and inserting "to carry out this section"; and

(3) by striking subsection (e) and inserting the following:

"(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a).".

(b) CONFORMING AMENDMENT.—Section 5323(c) is repealed.

SEC. 3020. BICYCLE FACILITIES.

The first sentence of section 5319 is amended—

(1) by striking "5309(h)," and inserting "5309(g),"; and

(2) by striking "and 5311" and inserting "5311, and 5320".

SEC. 3021. TRANSIT IN THE PARKS PILOT PROGRAM.

(a) IN GENERAL.—Section 5320 is amended to read as follows:

"§ 5320. Transit in the parks pilot program

"(a) PUBLIC TRANSPORTATION DEFINED.—In this section, the term 'public transportation' means general or special transportation to the public by a conveyance that is publicly or privately owned. Such term does not include schoolbus or charter transportation but does include sightseeing transportation.

"(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary of Transportation and the Secretary of the Interior shall enter into a memorandum of understanding to establish a transit in the parks pilot program in accordance with the requirements of this section.

"(c) PURPOSE.—The purpose of the pilot program shall be to encourage and promote the development of transportation systems described in section 5301(a) within units of the National Park System to improve visitor mobility and enjoyment (including visitors with disabilities), reduce pollution and congestion, and enhance resource protection through the use of public transportation.

"(d) ADMINISTRATION OF PROGRAM.—The program shall be administered by the Secretary of Transportation, in consultation with the Secretary of the Interior.

"(e) MEMORANDUM OF UNDERSTANDING.—

"(1) PLANNING.—The memorandum of understanding under subsection (b) shall include transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under chapter 52.

"(2) PROGRAMS.—The memorandum of understanding shall include descriptions of programs and activities eligible for assistance under the pilot program.

"(3) EXCEPTIONS.—The memorandum of understanding shall limit or modify the applicability of the provisions referred to in subsection (f) to the extent necessary to carry out the objectives of this section and to be compatible with the laws and regulations governing units of the National Park System.

"(f) ELIGIBLE USE OF FUNDS.—Except as provided under subsection (e)(3), the Secretary may provide funds made available to carry out this section to the Secretary of the Interior under interagency agreements for the following purposes:

"(1) PLANNING, ENGINEERING, DESIGN, AND EVALUATION.—Planning, engineering, design, and evaluation of public transportation projects in units of the National Park System, and for technical studies, in accordance with section 5305(b)(2).

"(2) PUBLIC TRANSPORTATION CAPITAL PROJECTS.—Public transportation capital projects (as defined in section 5302(a)(1)) for such units in accordance with all the terms and conditions to which a grant is made under subsections (a), (b), (c), and (d) of section 5307 and such other terms and conditions as are determined by the Secretary. The Secretary of the Interior shall act as the designated recipient for the purposes of subsection (a)(2) of section 5307.

"(3) OPERATING COSTS.—Operating costs of equipment and facilities used in public transportation for such units.

"(g) GOVERNMENT'S SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—The Government share of the cost of any capital project or activity under this section shall be 100 percent of the costs of the project, as determined by the Secretary.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, modifying, or repealing any provision of law applicable to units of the National Park System.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by striking the item relating to section 5320 and inserting the following:

"5320. Transit in the parks pilot program.".

SEC. 3022. HUMAN RESOURCE PROGRAMS.

Section 5322 is amended—

(1) by inserting "(a) In General.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) GRANTS TO HIGHER LEARNING INSTITUTIONS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to nonprofit institutions of higher learning—

"(A) to conduct research and investigations into the theoretical or practical problems of public transportation; and

"(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages a public transportation system.

"(2) RESEARCH AND INVESTIGATIONS.—Research and investigations under this subsection include—

"(A) the design and use of public transportation systems and public roads and highways;

"(B) the interrelationship between various modes of urban, suburban, rural, and intercity transportation;

"(C) the role of transportation planning in overall urban planning;

"(D) public preferences in transportation;

"(E) the economic allocation of transportation resources; and

"(F) the legal, financial, engineering, and esthetic aspects of public transportation.

"(3) PREFERENCE.—When making a grant under this subsection, the Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to public transportation problems.

"(c) FELLOWSHIPS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the public transportation field.

"(2) TERMS.—

"(A) PERIOD OF TRAINING.—A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the public transportation industry.

"(B) SELECTION OF INDIVIDUALS.—The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

"(C) AMOUNT.—A grant for a fellowship may not be more than the lesser of $65,000 or 75 percent of—

"(i) tuition and other charges to the fellowship recipient;

"(ii) additional costs incurred by the training institution and billed to the grant recipient; and

"(iii) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.".

SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.

(a) INTERESTS IN PROPERTY.—Section 5323(a)(1) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "private mass transportation company" each place it appears and inserting "private company engaged in public transportation";

(B) by striking "mass transportation equipment or a mass transportation facility" and inserting "a public transportation facility or equipment"; and

(C) by striking "mass transportation company" and inserting "public transportation company"; and

(2) in subparagraph (B) by striking "private mass transportation companies" and inserting "private companies engaged in public transportation".

(b) NOTICE AND PUBLIC HEARING.—Section 5323(b) is amended—

(1) in paragraph (1)—

(A) by striking "(1) An application" and inserting the following:

"(1) APPLICATIONS.—An application";

(B) in the matter preceding subparagraph (A) by striking "or loan"; and

(C) by moving subparagraphs (A) through (D) 2 ems to the right;

(2) in paragraph (2) by striking "(2) Notice of" and inserting the following:

"(2) NOTICE.—Notice of"; and

(3) by adding at the end the following:

"(3) ENVIRONMENTAL RECORD.—An applicant shall include in the environmental record for a project under this chapter evidence that the applicant has complied with the requirements of subparagraphs (A) through (D) of paragraph (1).".

(c) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—Section 5323(d) is amended—

(1) by striking "(1) Financial assistance" and inserting the following:

"(1) AGREEMENTS.—Financial assistance"; and

(2) by striking paragraph (2) and inserting the following:

"(2) VIOLATIONS.—

"(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

"(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

"(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.".

(d) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—Section 5323(e) is amended to read as follows:

"(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

"(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307 or 5309 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

"(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under chapter 52 is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

"(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that recipient established pursuant to section 5302(a)(1)(K) from amounts made available to the recipient under section 5307 or 5309, or both; except that such reimbursement in a fiscal year may not exceed 10 percent of the amounts made available to the recipient under section 5307 in such fiscal year.".

(e) SCHOOLBUS TRANSPORTATION.—Section 5323(f) is amended—

(1) by striking "(1) Financial assistance" and inserting the following:

"(1) AGREEMENTS.—Financial assistance";

(2) in paragraph (1) by moving subparagraphs (A), (B), and (C) 2 ems to the right; and

(3) by striking paragraph (2) and inserting the following:

"(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.".

(f) BUYING BUSES UNDER OTHER LAWS.—Section 5323(g) is amended by striking "103(e)(4)" each place it appears and inserting "133".

(g) BUY AMERICA.—

(1) PUBLIC INTEREST WAIVER.—Section 5323(j) is amended—

(A) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) WRITTEN JUSTIFICATION FOR PUBLIC INTEREST WAIVER.—When issuing a waiver based on a public interest determination under paragraph (2)(A), the Secretary shall issue a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish such justification in the Federal Register and provide the public with a reasonable period of time for notice and comment.".

(2) INELIGIBILITY FOR CONTRACTS.—Section 5323(j)(6) (as so redesignated) is amended by striking "Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914)" and inserting "Federal Public Transportation Act of 2004".

(3) ADMINISTRATIVE REVIEW.—Section 5323(j) is amended by adding at the end the following:

"(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.".

(4) REPEAL OF GENERAL WAIVER.—Subsections (b) and (c) of Appendix A of section 661.7 of title 49, Code of Federal Regulations, shall cease to be in effect beginning on the date of enactment of this Act.

(5) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a final rule on implementation of the requirements of section 5323(j) of title 49, United States Code (in this paragraph referred to as the "Buy America requirements"). The purposes of the regulations shall be as follows:

(A) MICROPROCESSOR WAIVER.—To clarify that any waiver from the Buy America requirements issued under section 5323(j)(2) of such title for a microprocessor, computer, or microcomputer applies only to a device used solely for the purpose of processing or storing data and does not extend to a product containing a microprocessor, computer, or microcomputer.

(B) DEFINITION OF END PRODUCT.—To define the term "end product" for purposes of part 661 of title 49, Code of Federal Regulations. In defining the term, the Secretary shall develop a list of representative items that are subject to the Buy America requirements, and shall address the procurement of systems under the definition to ensure that major system procurements are not used to circumvent the Buy America requirements.

(h) GRANT REQUIREMENTS.—Section 5323(o) is amended by striking "the Transportation Infrastructure Finance and Innovation Act of 1998" and inserting "chapter 6 (other than section 609) of title 23".

SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.

(a) IN GENERAL.—Section 5324 is amended to read as follows:

"§ 5324. Special provisions for capital projects

"(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 only if the Secretary decides that—

"(1) an adequate relocation program is being carried out for families displaced by a project; and

"(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

"(b) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

"(1) COOPERATION AND CONSULTATION.—In carrying out the policy of section 5301(e), the Secretary shall cooperate and consult with the Secretaries of the Interior, Health and Human Services, and Housing and Urban Development and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

"(2) PUBLIC PARTICIPATION IN ENVIRONMENTAL REVIEWS.—In performing environmental reviews, the Secretary shall review each transcript of a hearing submitted under section 5323(b) to establish that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that the project application includes a record of—

"(A) the environmental impact of the proposal;

"(B) adverse environmental effects that cannot be avoided;

"(C) alternatives to the proposal; and

"(D) irreversible and irretrievable impacts on the environment.

"(3) APPROVAL OF APPLICATIONS FOR ASSISTANCE.—

"(A) FINDINGS BY THE SECRETARY.—The Secretary may approve an application for financial assistance for a capital project in accordance with this chapter only if the Secretary makes written findings, after reviewing the application and the transcript of any hearing held before a State or local governmental authority under section 5323(b), that—

"(i) an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;

"(ii) the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and

"(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

"(B) HEARING.—If a hearing has not been conducted or the Secretary decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

"(C) AVAILABILITY OF FINDINGS.—The Secretary's findings under subparagraph (A) shall be made a matter of public record.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5324 and inserting the following:

"5324. Special provisions for capital projects.".

SEC. 3025. CONTRACT REQUIREMENTS.

(a) IN GENERAL.—Section 5325 is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) COMPETITION.—Recipients of Federal assistance under this chapter shall conduct all procurement transactions involving such assistance in a manner providing full and open competition, as determined by the Secretary.

"(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—

"(1) PROCEDURES FOR AWARDING CONTRACT.—A contract or requirement for program management, architectural engineering, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which Federal assistance is provided under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement of a State.

"(2) EFFECT OF STATE LAWS.—This subsection does not apply to the extent a State has adopted, before the date of enactment of the Federal Public Transportation Act of 2005, by law a formal procedure for procuring those services.

"(3) ADMINISTRATION OF CONTRACTS.—When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies as follows:

"(A) PERFORMANCE OF AUDITS.—Any contract or subcontract awarded under this chapter shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulation (part 31 of title 48, Code of Federal Regulations).

"(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded under this chapter shall accept indirect cost rates established in accordance with the Federal Acquisition Regulation for one-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

"(C) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings.

"(D) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in paragraph (3) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency that is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances."; and

(2) by adding at the end the following:

"(d) DESIGN-BUILD SYSTEM PROJECTS.—

"(1) DEFINITION.—In this section, the term 'design-build system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a public transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

"(2) FINANCIAL ASSISTANCE.—Government financial assistance under this chapter may be made available for the capital costs of a design-build system project after the recipient complies with Government requirements.

"(e) MULTIYEAR ROLLING STOCK.—

"(1) CONTRACTS.—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

"(2) COOPERATION AMONG RECIPIENTS.—The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

"(f) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(g) EXAMINATION OF THE RECORDS.—Upon request, the Secretary, the Comptroller General, or a representative of the Secretary or the Comptroller General shall have access to and the right to examine and inspect all records, documents, papers, including contracts, related to a project for which a grant is made under this chapter.

"(h) GRANT PROHIBITIONS.—A grant may not be used to support a procurement that uses an exclusionary or discriminatory specification.".

(b) CONFORMING AMENDMENTS.—Section 5326, and the item relating to section 5326 in the analysis for chapter 53, are repealed.

SEC. 3026. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—Section 5327(a) is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by adding at the end the following:

"(13) safety and security management.".

(b) LIMITATIONS.—Section 5327(c) is amended to read as follows:

"(c) LIMITATIONS.—

"(1) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5311, not more than .75 percent of amounts made available for a fiscal year to carry out section 5307, and not more than 1 percent of amounts made available for a fiscal year to carry out section 5309 to make contracts for the following activities:

"(A) To oversee the construction of a major project.

"(B) To review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under sections 5307, 5309, and 5311.

"(C) To provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(2) LIMITATIONS ON APPLICABILITY.—Subsections (a), (b), and (e) do not apply to contracts under this section for activities described in paragraphs (1)(B) and (1)(C).

"(3) GOVERNMENT'S SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.".

SEC. 3027. INVESTIGATIONS OF SAFETY AND HAZARDS.

(a) IN GENERAL.—Section 5329 is amended to read as follows:

"§ 5329. Investigation of safety and hazards

"(a) IN GENERAL.—The Secretary may investigate safety and security risks associated with a condition in equipment, a facility, or an operation financed under this chapter that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

"(b) PLANS FOR ELIMINATING, MITIGATING, OR CORRECTING HAZARDS.—If the Secretary establishes that a condition causes a hazard, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for eliminating, mitigating, or correcting it.

"(c) WITHHOLDING FINANCIAL ASSISTANCE.—Financial assistance under this chapter, in an amount to be determined by the Secretary, may be withheld until a plan is approved and carried out.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5329 and inserting the following:

"5329. Investigation of safety and hazards.".

SEC. 3028. STATE SAFETY OVERSIGHT.

(a) IN GENERAL.—Section 5330 is amended—

(1) by striking the section heading and all that follows through subsection (a) and inserting the following:

"§ 5330. State safety oversight

"(a) APPLICATION.—This section applies only to—

"(1) States that have rail fixed guideway public transportation systems not subject to regulation by the Federal Railroad Administration; and

"(2) States that are designing rail fixed guideway public transportation systems that will not be subject to regulation by the Federal Railroad Administration.";

(2) in subsection (d) by inserting "shall ensure uniform safety standards and enforcement and" after "affected States"; and

(3) by striking subsection (f).

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5330 and inserting the following:

"5330. State safety oversight.".

SEC. 3029. CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING.

(a) DEFINITIONS.—Section 5331(a)(3) is amended by striking the period at the end and inserting the following: "or section 2303a, 7101(i), or 7302(e) of title 46. The Secretary may also decide that a form of public transportation is covered adequately, for employee alcohol and controlled substances testing purposes, under the alcohol and controlled substance statutes or regulations of an agency within the Department of Transportation or the Coast Guard.".

(b) TECHNICAL CORRECTIONS.—Subsections (b)(1) and (g) of section 5331 are each amended by striking "or section 103(e)(4) of title 23".

(c) REGULATIONS.—Section 5331(f) is amended by striking paragraph (3).

SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 5333(b)(1) is amended by striking "5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)" each place it appears and inserting "5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5338(b), 5338(g), and 5338(h)".

SEC. 3031. ADMINISTRATIVE PROCEDURES.

Section 5334 is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting "; and"; and

(C) by adding at the end the following:

"(11) issue regulations as necessary to carry out the purposes of this chapter.";

(2) by striking subsection (i);

(3) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively;

(4) by inserting after subsection (a) the following:

"(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

"(1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter, nor may the Secretary regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.";

(5) in subsection (c)(4) (as redesignated by paragraph (3) of this section)—

(A) by striking "subsections (h) and (i)" and inserting "subsection (i)"; and

(B) by striking "5323(c), 5323(e), 5324(c),"; and

(6) by adding at the end of subsection (c) (as redesignated by paragraph (3) of this section) the following:

"(5) NONREGULATORY SUBSTANTIVE POLICY STATEMENTS.—The Secretary shall provide notice and an opportunity for public comment at least 60 days before issuing any nonregulatory substantive policy statements (regardless of the form of issuance), including guidance, policy statements, and regulatory interpretations.".

SEC. 3032. NATIONAL TRANSIT DATABASE.

(a) IN GENERAL.—Section 5335 is amended—

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

"§ 5335. National transit database";

(2) by striking subsection (b); and

(3) in subsection (a)—

(A) by striking "(1) To help" and inserting "To help"; and

(B) by striking "(2) The Secretary" and inserting "(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5335 and inserting the following:

"5335. National transit database.".

SEC. 3033. APPORTIONMENTS BASED ON FIXED GUIDEWAY FACTORS.

(a) DISTRIBUTION.—Section 5337 is amended—

(1) by striking the section designation and all that follows before paragraph (1) of subsection (a) and inserting the following:

"§ 5337. Apportionment based on fixed guideway factors

"(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under sections 5338(b) and 5338(g) as follows:";

(2) in subsection (a) by striking "(e)(1)" each place it appears and inserting "(e)"; and

(3) in subsection (a) by striking "(e)(2)" each place it appears and inserting "(e)".

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337(e) is amended by striking paragraph (1) and all that follows through "(2) Other Standards.—".

(c) CONFORMING AMENDMENT.—The item relating to section 5337 in the table of sections for chapter 53 is amended to read as follows:

"5337. Apportionment based on fixed guideway factors.".

SEC. 3034. AUTHORIZATIONS.

Section 5338 is amended to read as follows:

"§ 5338. Authorizations

"(a) FORMULA GRANTS.—

"(1) FISCAL YEAR 2004.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, and 5318 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $3,132,304,000 for fiscal year 2004.

"(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $783,076,000 for fiscal year 2004.

"(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

"(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

"(ii) $125,000,000 shall be available to provide job access and reverse commute formula grants under section 5316;

"(iii) $50,000,000 shall be available to provide clean fuels formula grants under section 5308;

"(iv) $8,000,000 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

"(v) $3,100,000 shall be available to carry out bus testing under section 5318;

"(vi) $93,110,751 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(vii) $297,954,404 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(viii) $3,333,364,895 shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

"(2) FISCAL YEARS 2005 THROUGH 2009.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, 5318, and 5320 of this chapter, section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393), and section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program)—

"(i) $4,133,500,000 for fiscal year 2005;

"(ii) $4,592,000,000 for fiscal year 2006;

"(iii) $4,898,000,000 for fiscal year 2007;

"(iv) $5,223,000,000 for fiscal year 2008; and

"(v) $5,570,000,000 for fiscal year 2009.

"(B) ALLOCATION OF FUNDS FOR BUS TESTING AND OVER-THE-ROAD BUS ACCESSIBILITY.—Of the aggregate of amounts made available by this paragraph for a fiscal year—

"(i) $3,100,000 shall be available to carry out section 5318; and

"(ii) $8,000,000 shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

"(C) ALLOCATION OF FUNDS FOR CLEAN FUELS FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $75,000,000 for fiscal year 2005 and $100,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 shall be available to carry out section 5308.

"(D) ALLOCATION OF FUNDS FOR JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009 shall be available to carry out section 5316.

"(E) ALLOCATION OF FUNDS FOR NEW FREEDOM PROGRAM.—Of the aggregate of amounts made available by this paragraph, $95,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $105,000,000 for fiscal year 2007, $115,000,000 for fiscal year 2008, and $125,000,000 for fiscal year 2009 shall be available to carry out section 5317.

"(F) ALLOCATION OF FUNDS FOR TRANSIT IN THE PARKS PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $8,000,000 for fiscal year 2005, $16,000,000 for fiscal year 2006, $16,000,000 for fiscal year 2007, $16,000,000 for fiscal year 2008, and $16,000,000 for fiscal year 2009 shall be available to carry out section 5320.

"(G) ALLOCATION OF FUNDS FOR NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $4,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, $4,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, and $8,000,000 for fiscal year 2009 shall be available to carry out section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program).

"(H) ALLOCATION OF FUNDS FOR THE ALASKA RAILROAD.—Of the aggregate of amounts made available by this paragraph, $10,000,000 for fiscal year 2005, $11,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $13,000,000 for fiscal year 2008, and $14,000,000 for fiscal year 2009 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307.

"(I) REMAINDER.—Of the remainder of the aggregate amounts made available by this paragraph for a fiscal year after the allocations under subparagraphs (B) through (H) for such fiscal year—

"(i) 2.5 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(ii) 8.0 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(iii) 89.5 percent shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

"(b) CAPITAL PROGRAM GRANTS IN FISCAL YEAR 2004.—

"(1) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,499,504,000 for fiscal year 2004.

"(2) FROM GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated to carry out section 5309, $624,876,200 for fiscal year 2004.

"(c) PLANNING.—

"(1) FISCAL YEAR 2004.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305, $72,660,000 for fiscal year 2004.

"(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5303, 5304, and 5305, $18,165,000 for fiscal year 2004.

"(2) FISCAL YEARS 2005 THROUGH 2009.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305—

"(i) $96,875,000 for fiscal year 2005;

"(ii) $103,325,000 for fiscal year 2006;

"(iii) $110,200,000 for fiscal year 2007;

"(iv) $117,537,500 for fiscal year 2008; and

"(v) $125,362,500 for fiscal year 2009.

"(B) ALLOCATION OF FUNDS.—Of the funds made available by this paragraph for a fiscal year—

"(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305 (other than 5305(e)); and

"(ii) 17.28 percent shall be available for State planning under section 5305(e).

"(d) RESEARCH.—

"(1) FISCAL YEAR 2004.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $41,888,000 for fiscal year 2004.

"(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $10,472,000 for fiscal year 2004.

"(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated pursuant to this paragraph for fiscal year 2004—

"(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

"(ii) not less than $3,500,000 shall be available to carry out section 5335;

"(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2); and

"(iv) not less than $8,860,000 shall be available to carry out section 5313(a).

"(2) FISCAL YEARS 2005 THROUGH 2009.—

"(A) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5312, 5313, 5314, 5315, 5322, and 5335—

"(i) $54,500,000 for fiscal year 2005;

"(ii) $57,000,000 for fiscal year 2006;

"(iii) $59,500,000 for fiscal year 2007;

"(iv) $62,000,000 for fiscal year 2008; and

"(v) $64,500,000 for fiscal year 2009.

"(B) ALLOCATION OF FUNDS.—Of the funds appropriated pursuant to this paragraph for a fiscal year—

"(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

"(ii) not less than $3,500,000 shall be available to carry out section 5335; and

"(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2).

"(C) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Of the funds appropriated pursuant to this paragraph, $9,000,000 for fiscal year 2005, $9,500,000 for fiscal year 2006, $10,000,000 for fiscal year 2007, $10,500,000 for fiscal year 2008, and $11,000,000 for fiscal year 2009 shall be available to carry out section 5313(a).

"(D) REMAINDER.—The remainder of the funds appropriated pursuant to this paragraph for a fiscal year after the allocations under subparagraphs (A) and (B) for such fiscal year shall be available to carry out national research and technology programs under sections 5312, 5314, and 5322.

"(e) UNIVERSITY TRANSPORTATION RESEARCH.—

"(1) FISCAL YEAR 2004.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5505 and 5506, $6,400,000 for fiscal year 2004.

"(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5505 and 5506, $1,600,000 for fiscal year 2004.

"(2) FISCAL YEARS 2005 THROUGH 2009.—Subject to paragraph (3), there is authorized to be appropriated to carry out sections 5505 and 5506, $8,000,000 for each of fiscal years 2005 through 2009.

"(3) FUNDING OF UNIVERSITY TRANSPORTATION CENTERS.—

"(A) IN GENERAL.—Of the amounts made available by and appropriated under paragraphs (1) and (2) $2,000,000 for each of fiscal years 2004, 2005, and 2006 shall be available for the institution identified in section 5505(j)(3)(E), as so in effect.

"(B) USE OF FUNDS.—Funds made available for the institution identified in subparagraph (A)(iii) shall be used to make grants under 5506(f)(5) for that institution

"(C) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.

"(f) ADMINISTRATION.—

"(1) FISCAL YEAR 2004.—

"(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334, $60,044,000 for fiscal year 2004.

"(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334, $15,011,000 for fiscal year 2004.

"(2) FISCAL YEARS 2005 THROUGH 2009.—There are authorized to be appropriated to carry out section 5334—

"(A) $78,000,000 for fiscal year 2005;
"(B) $80,000,000 for fiscal year 2006;
"(C) $82,000,000 for fiscal year 2007;
"(D) $84,000,000 for fiscal year 2008; and
"(E) $86,000,000 for fiscal year 2009.

"(g) TRUST FUND CAPITAL PROGRAM GRANTS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5309(m)(2)(B)(i) and 5309(m)(2)(B)(iii)—

"(1) $1,884,255,000 for fiscal year 2005;
"(2) $2,080,005,000 for fiscal year 2006;
"(3) $2,210,580,000 for fiscal year 2007;
"(4) $2,366,677,500 for fiscal year 2008; and
"(5) $2,518,882,500 for fiscal year 2009.

"(h) GENERAL FUND CAPITAL PROGRAM GRANTS.—There are authorized to be appropriated to carry out sections 5309(m)(2)(A) and 5309(m)(2)(B)(ii)—

"(1) $1,391,170,000 for fiscal year 2005;
"(2) $1,561,670,000 for fiscal year 2006;
"(3) $1,673,720,000 for fiscal year 2007;
"(4) $1,777,785,000 for fiscal year 2008; and
"(5) $1,904,255,000 for fiscal year 2009.

"(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(A), (a)(2), (b)(1), (c)(2), (d)(1)(A), (e)(1)(A), (f)(1)(A), or (g) is a contractual obligation of the Government to pay the Government's share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract, approved by the Secretary, that is financed with amounts made available under sub-

section (a)(l)(B), (b)(2), (c)(1)(B), (d)(1)(B), (d)(2), (e)(1)(B), (e)(2), (f)(1)(B), (f)(2), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

"(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (h) shall remain available until expended.".

SEC. 3035. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) IN GENERAL.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392) is amended—

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

"SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.";

(2) by striking subsection (e) and inserting the following:

"(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 80 percent of the project cost."; and

(3) by striking subsection (g) and inserting the following:

"(g) FUNDING.—

"(1) INTERCITY, FIXED ROUTE OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 75 percent shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

"(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 25 percent shall be available for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century (112 Stat. 107) is amended by striking the item relating to section 3038 and inserting the following:

"3038. Over-the-road bus accessibility program.".

SEC. 3036. UPDATED TERMINOLOGY.

(a) AMENDMENTS TO CHAPTER 53.—Chapter 53 is amended—

(1) in the chapter heading by striking "mass" and inserting "public";

(2) in section 5310(h) by striking "Mass" and inserting "Public";

(3) in the subsection heading for section 5331(b) by striking "MASS" and inserting "PUBLIC"; and

(4) by striking "mass" each place it appears in such chapter before "transportation" and inserting "public", except in sections 5301(f), 5302(a)(7), 5315, 5323(a)(1), and 5323(a)(1)(B).

(b) TABLE OF CHAPTERS.—The table of chapters for subtitle III is amended in the item relating to chapter 53 by striking "**MASS**" and inserting "**PUBLIC**".

SEC. 3037. PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.

(a) EXISTING FULL FUNDING GRANT AGREEMENTS.—The following projects are authorized for final design and construction for existing full funding grant agreements in not less than the amount specified for each fiscal year:

(1) Baltimore—Central LRT Double Tracking $39,367,154 for fiscal year 2004, $28,777,920 for fiscal year 2005, and $12,655,664 for fiscal year 2006.

(2) Chicago—Chicago Transit Authority Douglas Branch Reconstruction $83,655,202 for fiscal year 2004, $84,320,000 for fiscal year 2005, and $45,825,190 for fiscal year 2006.

(3) Chicago—Chicago Transit Authority Ravenswood Expansion Project $9,841,789 for fiscal year 2004, $39,680,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $40,000,000 for fiscal year 2007, $40,000,000 for fiscal year 2008, and $65,152,615 for fiscal year 2009.

(4) Cleveland—Euclid Corridor Transportation Project $10,825,967 for fiscal year 2004, $24,800,000 for fiscal year 2005, and $24,974,513 for fiscal year 2006.

(5) Dallas—North Central LRT Extension $29,684,097 for fiscal year 2004.

(6) Denver Southeast Corridor LRT $78,734,308 for fiscal year 2004, $79,360,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, and $77,192,758 for fiscal year 2008.

(7) Fort Lauderdale—Tri-Rail Commuter Rail Upgrade $18,118,733 for fiscal year 2004 and $11,318,230 for fiscal year 2005.

(8) Los Angeles—Metro Gold Line Eastside Extension $59,520,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, $80,000,000 for fiscal year 2008, and $80,000,000 for fiscal year 2009.

(9) Memphis—Medical Center Extension $9,101,281 for fiscal year 2004.

(10) Metra North Central Corridor Commuter Rail $19,177,300 for fiscal year 2004, $20,000,000 for fiscal year 2005, and $18,476,237 for fiscal year 2006.

(11) Metra South West Corridor Commuter Rail $15,000,000 for fiscal year 2004, $15,500,000 for fiscal year 2005, and $11,781,395 for fiscal year 2006.

(12) Metra Union Pacific West Line Extension $17,000,000 for fiscal year 2004, $12,000,000 for fiscal year 2005, and $14,285,749 for fiscal year 2006.

(13) Minneapolis—Hiawatha Corridor LRT $73,793,730 for fiscal year 2004 and $33,428,865 for fiscal year 2005.

(14) New Jersey Urban Core—Hudson-Bergen LRT MOS–2 $98,417,885 for fiscal year 2004, $99,200,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, and $53,202,995 for fiscal year 2008.

(15) New Jersey Urban Core—Newark-Elizabeth Rail Link MOS–1 $22,209,000 for fiscal year 2004, $316,907 for fiscal year 2005, and $1,025,169 for fiscal year 2006.

(16) New Orleans MOS–1 Canal Street $22,922,877 for fiscal year 2004 and $16,613,047 for fiscal year 2005.

(17) Phoenix—Central Phoenix/East Valley LRT $12,794,325 for fiscal year 2004, $74,400,000 for fiscal year 2005, $90,000,000 for fiscal year 2006, $90,000,000 for fiscal year 2007, $90,000,000 for fiscal year 2008, and $90,000,000 for fiscal year 2009.

(18) Pittsburgh—Stage II LRT Reconstruction $31,733,314 for fiscal year 2004 and $1,131,666 for fiscal year 2005.

(19) Portland—Interstate MAX LRT Extension $76,273,861 for fiscal year 2004, $23,292,160 fiscal year 2005, and $18,292,550 for fiscal year 2006.

(20) Salt Lake City—Medical Center $30,178,231 for fiscal year 2004 and $8,765,421 for fiscal year 2005.

(21) San Diego—Mission Valley East LRT Extension $63,971,625 for fiscal year 2004, $80,986,880 for fiscal year 2005, and $8,353,424 for fiscal year 2006.

(22) San Diego—Oceanside Escondido Rail Corridor $47,240,585 for fiscal year 2004, $54,560,000 fiscal year 2005, and $12,211,061 for fiscal year 2006.

(23) San Francisco—BART Extension to San Francisco Airport $98,417,890 for fiscal year 2004, $99,200,000 fiscal year 2005, and $82,655,680 for fiscal year 2006.

(24) San Juan—Tren Urbano $19,683,577 for fiscal year 2004, $44,263,040 fiscal year 2005, and $10,555,900 for fiscal year 2006.

(25) Seattle—Central Link Initial Segment LRT $73,813,414 for fiscal year 2004, $79,360,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, $70,000,000 for fiscal year 2008, and $24,028,149 for fiscal year 2009.

(26) Washington DC/MD—Largo Metrorail Extension $63,971,625 for fiscal year 2004 and $76,156,450 for fiscal year 2005.

(b) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 2004 through 2009 under paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:

(1) Baltimore—MARC Commuter Rail Improvements.

(2) Boston—Silver Line BRT Phase III.

(3) Charlotte—South Corridor LRT.

(4) Dallas Area Rapid Transit—Northwest-Southeast LRT Extension.

(5) Delaware—Wilmington-Newark Commuter Rail Improvements.

(6) Denver—West Corridor LRT.

(7) El Paso—Rapid Transit (SMART) Starter Line.

(8) Harrisburg—Corridor One Commuter Rail (MOS–1).

(9) Kansas City, Missouri—Southtown BRT.

(10) Las Vegas—Resort Corridor Downtown Extension Project.

(11) Los Angeles MTA—Exposition LRT.

(12) Miami-Dade Transit—North Corridor.

(13) Minneapolis—North Star Corridor.

(14) Nashville, Tennessee Commuter Rail.

(15) New Britain-Hartford Busway Project.

(16) New Orleans—Desire Corridor Streetcar.

(17) New York—Long Island Railroad East Side Access Project.

(18) New York—Second Avenue Subway.

(19) Norfolk Light Rail.

(20) Northern Virginia—Dulles Corridor Extension to Wiehle Avenue (Phase 1).
(21) Orange County, California—Center Line LRT.
(22) Philadelphia—Schuylkill Valley MetroRail.
(23) Pittsburgh—North Shore Connector.
(24) Portland, Oregon—South Corridor I–205/Portland Mall LRT.
(25) Providence—South County Commuter Rail.
(26) Sacramento—South Corridor LRT Extension (Phase 2), Meadowview to Consumnes River College.
(27) Salt Lake City—Weber County to Salt Lake City Commuter Rail.
(28) San Diego—Mid-Coast Extension.
(29) San Francisco Muni—Third Street LRT-Phase I/II.
(30) Santa Clara Valley Transit Authority—Silicon Valley Rapid Transit Corridor.
(31) Tampa Bay—Regional Rail.
(32) Triangle Transit Authority, North Carolina—Regional Rail Project.
(33) Washington County, Oregon—Wilsonville to Beaverton Commuter Rail.
(34) Wasilla-Girdwood, Alaska—Commuter Rail.

(c) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 2004 through 2009 under paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:
(1) Albuquerque—High Capacity Corridor.
(2) Ann Arbor/Detroit—Commuter Rail.
(3) Atlanta—MARTA Memorial Drive Bus Rapid Transit.
(4) Atlanta—GRTA I–75 Corridor, Downtown Atlanta—Cherokee County.
(5) Atlanta—Georgia 400 North Line Corridor Project.
(6) Atlanta—Belt Line C–Loop.
(7) Atlanta—I–20 South DeKalb–Lindbergh Corridor Project.
(8) Austin—San Antonio I–35 Commuter Rail.
(9) Austin—Rapid Bus Project.
(10) Austin—Regional Commuter Rail.
(11) Baltimore Light Rail System Extensions.
(12) Bernillo-Santa Fe—New Mexico Commuter Rail.
(13) Birmingham, Alabama—Transit Corridor.
(14) Boise—Downtown Circulator.
(15) Boston—Lechmere Transit Improvement to Somerville and Medford.
(16) Boston—North Shore Corridor and Blue Line Extension.
(17) Boston—North/South Rail Link.
(18) Boston—Urban Ring BRT.
(19) Broward County, Florida—Bus Rapid Transit.
(20) Central Florida Commuter Rail System.
(21) Central Phoenix—East Valley Corridor LRT Extensions.
(22) Charlotte—North Corridor Project.
(23) Charlotte—Northeast Corridor Project.
(24) Charlotte—South Corridor LRT extension to Rock Hill, South Carolina.
(25) Charlotte—Southeast-West Corridor Project.
(26) Charlotte—Center City Streetcar Project.
(27) Chicago—Cermack Road BRT.
(28) Chicago CTA—Red Line Extension.
(29) Chicago CTA—Chicago Transit Hub (Circle Line-Ogden Streetcar).
(30) Chicago CTA—Orange Line Extension (Midway Airport to Ford City).
(31) Chicago CTA—Southeast Service-La Salle Street Station to Baltimore Race Track.
(32) Chicago CTA—Yellow Line Extension (Dempster-Old Orchard).
(33) Chula Vista, California—Bus Rapid Transit.
(34) Clark County, Washington—MAX Extension.
(35) Cleveland-Akron-Canton (Northeast Ohio) Commuter Rail.
(36) Columbia, South Carolina—Light Rail.
(37) Contra-Costa—BART Extension.
(38) Corpus Christi—Downtown Rail Trolley.
(39) Dallas Area Rapid Transit—Dallas Central Business District.
(40) Dallas Area Rapid Transit—Rowlett LRT Extension.
(41) Dallas Area Rapid Transit—Beltline to DFW Airport.
(42) Dayton—Aviation Heritage Corridor Streetcar Project.
(43) Denton County Transportation Authority, Texas—Fixed Guideway Project.
(44) Denver—Gold Line Extension to Arvada.
(45) Denver—United States Route 36 Transit Corridor.

(46) Denver—North Metro Corridor to Thornton.
(47) Denver—East Corridor to DIA Airport.
(48) Denver—I–225 Transit Corridor.
(49) Denver—Southeast Corridor Extension to Lone-Tree/Ridgegate.
(50) Denver—Southwest Corridor Extension to C470/Lucent Boulevard.
(51) Detroit—Center City Loop.
(52) District of Columbia—Light Rail Starter Line.
(53) Fitchburg, Massachusetts—Commuter Rail Extensions and Improvements.
(54) Fort Lauderdale—Downtown Rail Link.
(55) Fort Lauderdale—Transit Project from NW 215th and 79th Streets.
(56) Fort Worth—Cottonbelt Commuter Rail to DFW.
(57) Fort Worth—Trinity Railway Express Commuter Rail Extensions.
(58) Galveston—Rail Trolley Extension.
(59) Glendale, California—Downtown Streetcar.
(60) Grand Rapids—Fixed Guideway Corridor Project.
(61) Guam—Tumon Bay-Airport Light Rail.
(62) Honolulu—Rapid Transit Project.
(63) Houston Advanced Transit Program Light Rail.
(64) Indianapolis—System of Metropolitan Area Rapid Transit.
(65) Jacksonville—East-Southwest BRT.
(66) Jacksonville—North-Southeast BRT.
(67) Kansas City, Missouri-Lawrence, Kansas—Commuter Rail.
(68) Kenosha-Racine-Milwaukee Metra Commuter Rail Extension (Wisconsin).
(69) Kenosha, Wisconsin Streetcar Expansion Project.
(70) King County, Washington—I–405 Corridor Bus Rapid Transit.
(71) Lakeville, Minnesota—Cedar Avenue Corridor Bus Rapid Transit.
(72) Lane County, Oregon—Bus Rapid Transit, Phase 2.
(73) Little Rock—River Rail Streetcar Extensions.
(74) Little Rock—West Little Rock Commuter Rail.
(75) Long Island Railroad—Nassau Hub.
(76) Lorain-Cleveland Commuter Rail.
(77) LOSSAN Del Mar-San Diego—Rail Corridor Improvements.
(78) Lovejoy to Griffin, Georgia Commuter Rail.
(79) Madison and Dane Counties, Wisconsin—Transport 2020 Commuter Rail.
(80) Maryland—I–270 Corridor Cities Transitway.
(81) Maryland—Route 5 Corridor to Waldorf.
(82) Maryland—Silver Spring Capacity Improvements.
(83) Memphis—Downtown Airport Corridor.
(84) Memphis Regional Rail Plan.
(85) Memphis, Medical Center Rail Extension to Airport.
(86) Metra BNSF Naperville to Aurora Corridor Extension and Improvements.
(87) Metra South Suburban Airport Commuter Rail Extension.
(88) Metra SouthEast Service Line Commuter Rail.
(89) Metra STAR Line Inter-Suburban Commuter Rail.
(90) Metra UP Northwest Line Core Capacity Upgrades.
(91) Metra UP West Line Core Capacity Upgrades.
(92) Metra-West Line Extension, Elgin to Rockford.
(93) Miami-Dade Transit—Douglas Road Extension.
(94) Miami-Dade Transit—East-West Corridor.
(95) Miami-Dade Transit—Kendall Corridor.
(96) Miami-Dade Transit—Northeast Corridor.
(97) Miami-Dade Transit—South Dade Corridor.
(98) Miami-Dade Transit—Miami Intermodal Center to Earlington Heights.
(99) Miami—Downtown Streetcar Project.
(100) Middletown-South Fallsburg, New York, Passenger Rail.
(101) Minneapolis-St. Paul—Central Corridor Transit Project.
(102) Missouri/Kansas—Interstate 35 Transit Corridor.
(103) Monterey County, California—Commuter Rail.
(104) Montgomery and Prince George's Counties, Maryland—Bi-County Transitway (Purple Line).
(105) Nashua—Commuter Rail.
(106) Nashua-Manchester—Commuter Rail Extension.
(107) Nashville—Area Transit Corridors.
(108) Nashville—Southeast Rail Corridor.
(109) Nashville Tennessee Commuter Rail.
(110) Nassau and Queens Counties, New York—LIRR Main Line Third Track Project.

(111) New Haven, Connecticut-Hartford, Connecticut-Springfield, Massachusetts Commuter Line.
(112) New Jersey Trans-Hudson Midtown Corridor.
(113) New Jersey Transit—Northeast Corridor Trans-Hudson Commuter Rail Improvements.
(114) New Jersey Transit—Morris/Essex/Boonton Trans-Hudson Commuter Rail Improvements.
(115) New Jersey Transit—New York Susquehanna and Western RR Commuter Extension.
(116) New Jersey Transit—West Trenton Line Commuter Line Service Extension.
(117) New Jersey Urban Core.
(118) New Orleans—Airport-CBD Commuter Rail.
(119) New York—Rockaway-Brooklyn Army Terminal-Manhattan Ferry Service.
(120) New York—Staten Island to Manhattan High-Speed Ferry Service Extension.
(121) New York—Stewart Airport Rail Access.
(122) Newburg, New York—LRT System.
(123) North Carolina Piedmont Authority Regional Rail—Greensboro to Winston-Salem.
(124) Northern Indiana—Commuter District Line.
(125) Northern Indiana—West Lake Commuter Rail Link (South Shore Commuter Rail).
(126) Norfolk—Naval Station Corridor.
(127) Norfolk-Petersburg—United States Route 460 Commuter Rail Project.
(128) Northern Virginia—Crystal City Potomac Yards Transit.
(129) Northern Virginia—Columbia Pike Rapid Transit Project.
(130) Northern Virginia—Dulles Corridor Extension, Phase 2.
(131) Northern Virginia—Richmond Highway (Route 1) Rapid Transit Project.
(132) Orlando-Orange County, Florida—Light Rail Project.
(133) Philadelphia—Navy Yard Transit Extension.
(134) Philadelphia—52nd Street City Connector Project.
(135) Philadelphia—Route 100 Rapid Trolley Extension.
(136) Philadelphia—Broad Street Subway Line Extension.
(137) Pinellas Mobility Initiative Bus Rapid Transit.
(138) Pittsburgh—Allegheny and Armstrong Counties, Commuter Rail.
(139) Pittsburgh—East-West Corridor Rapid Transit.
(140) Pittsburgh—Martin Luther King, Jr. Busway Extension.
(141) Portland Streetcar Extensions.
(142) Provo-Orem Utah—Bus Rapid Transit.
(143) Quakertown-Stoney Creek, Pennsylvania—Rail Restoration.
(144) Raritan Valley, New Jersey—Commuter Rail.
(145) Reno, Nevada—Virginia Street Bus Rapid Transit Project.
(146) Riverside County, California—Perris Valley Line Metrolink Extension.
(147) Roaring Fork Valley, Colorado—Bus Rapid Transit.
(148) Rock Island, Illinois—Quad Cities Rapid Transit System.
(149) Sacramento—Regional Rail, Auburn to Oakland.
(150) Sacramento—Downtown/Natomas Airport Transit Corridor.
(151) St. Paul-Hastings—Red Rock Corridor Commuter Rail Project.
(152) Salt Lake City—Airport to University LRT.
(153) Salt Lake City—Delta Center to Gateway Intermodal Center LRT Extension.
(154) Salt Lake City—Draper to Sandy LRT Extension.
(155) Salt Lake City—TRAX Capacity Improvements.
(156) Salt Lake City—West Valley City LRT Extension.
(157) Salt Lake City—West Jordan LRT extension.
(158) San Antonio—Bus Rapid Transit.
(159) San Diego—Sprinter Rail Line Extension Project.
(160) San Francisco—BART Extension to Livermore.
(161) San Francisco—BART Extension to Oakland International Airport.
(162) San Francisco—MUNI Geary Boulevard Bus Rapid Transit.
(163) San Gabriel Valley—Gold Line Foothill Extension, Pasadena to Montclair.
(164) San Joaquin Regional Rail Commission Commuter Rail (Altamont Commuter Express).
(165) San Juan Tren Urbano—Extension from Rio Piedras to Carolina.
(166) San Juan—Tren Urbano Minillas Extension.
(167) Santa Fe—El Dorado Rail Link.

(168) Seattle—Monorail Project.
(169) Seattle—Link LRT Extensions.
(170) Seattle—Sound Transit Commuter Rail.
(171) Seattle—Sound Transit Regional Express Bus.
(172) Sevierville to Pigeon Ford, Tennessee—Bus Rapid Transit.
(173) Sonoma/Marin (SMART) Commuter Rail, California.
(174) South Carolina High Speed Rail Corridor.
(175) Southern California High Speed Regional Transit.
(176) St. Louis Metro Link—Scott AFB to Mid America Airport.
(177) St. Louis—East/West Gateway.
(178) St. Louis—Metro Link Northside Daniel Boone Project.
(179) St. Louis—Metro South Corridor.
(180) St. Louis—University Downtown Trolley.
(181) Stamford, Connecticut—Urban Transitway Phase II.
(182) Tampa—Bus Rapid Transit Improvements.
(183) Toledo, Ohio—CBD to Zoo.
(184) Toledo, Ohio—University Corridor.
(185) Trenton Trolley.
(186) Tri-Rail Dolphin Extension.
(187) Tri-Rail Florida East Coast Commuter Rail Extension.
(188) Tri-Rail Jupiter Extension.
(189) Tri-Rail Scripps Corridor Extension Project.
(190) Tucson—Old Pueblo Trolley Expansion.
(191) Vancouver—Interstate MAX Extension to Clark County, Washington.
(192) Virginia Beach—Bus Rapid Transit.
(193) Virginia Railway Express Capacity Improvements.
(194) Washington State Ferries and Ferry Facilities.
(195) Washington State—Issaquah Valley Trolley Project.
(196) Williamsburg-Newport News—Peninsula Rail Transit.

(d) RULES RELATING TO FUNDING.—

(1) SUBSECTION (a) PROJECTS.—

(A) IN GENERAL.—The Secretary is authorized to expend funds made available under section 5309(m) of title 49, United States Code, for final design and construction of projects authorized by subsection (a) as existing full funding grant agreements.

(B) MINIMUM FUNDING LEVELS.—The Secretary shall make available not less than the following amounts for projects authorized by subsection (a): $1,065,927,770 for fiscal year 2004, $1,071,034,586 for fiscal year 2005, $731,532,532 for fiscal year 2006, $490,000,000 for fiscal year 2007, $410,395,753 for fiscal year 2008, and $259,180,764 for fiscal year 2009.

(2) SUBSECTION (b) PROJECTS.—

(A) IN GENERAL.—Projects authorized by subsection (b) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(B) MINIMUM FUNDING LEVELS.—The Secretary shall make available not less than the following amounts for projects authorized by subsection (b): $30,579,750 for fiscal year 2004, $186,475,050 for fiscal year 2005, $681,268,504 for fiscal year 2006, $1,024,856,176 for fiscal year 2007, $1,199,242,825 for fiscal year 2008, and $1,465,646,690 for fiscal year 2009.

(C) PRIORITY.—In making funds available under subparagraph (B), the Secretary shall first make such funds available for any full funding grant agreement executed by the Secretary in fiscal year 2005 after the date of enactment of this Act and for any full funding grant agreement executed by the Secretary in the amount indicated in fiscal years 2005 through 2009 in the amount indicated in the "Schedule of Federal Funds for the Project" included in such agreement.

(3) SUBSECTION (c) PROJECTS.—

(A) IN GENERAL.—Effective October 1, 2007, projects authorized by subsection (c) for alternatives analysis and preliminary engineering are also authorized for final design and construction.

(B) MAXIMUM FUNDING LEVELS.—The Secretary shall make available not more than the following amounts for projects authorized by subsection (c): $95,348,480 for fiscal year 2004, $109,348,664 for fiscal year 2005, $122,852,264 for fiscal year 2006, and $131,726,624 in fiscal year 2007.

(C) MAXIMUM FUNDING LEVELS FOR ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In fiscal years 2008 and 2009, the Secretary shall make available not more than the following amounts for projects authorized by subsection (b), and projects authorized by subsection (c), to conduct alter-

natives analysis and preliminary engineering activities: $139,968,572 in fiscal year 2008 and $149,984,996 in fiscal year 2009.

(e) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 380; 105 Stat. 2122) is amended—

(1) by striking "associated components to and at the contiguous New Jersey Meadowlands Sports Complex)," and inserting "to and at the contiguous New Jersey Meadowlands Sports Complex), including a connection to the Hudson River Waterfront Transportation System, the Lackawanna Cutoff,"; and

(2) by striking "in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131)" and inserting "from Lakehurst to the Northeast Corridor or the New Jersey Coast Line".

(f) NEW JERSEY TRANS-HUDSON MIDTOWN CORRIDOR.—Project elements of the New Jersey Trans-Hudson Midtown Corridor advanced with 100 percent non-Federal funds shall be given consideration by the Federal Transit Administration when evaluating the local share of the project in the new starts rating process, including the purchase of bilevel rail equipment.

SEC. 3038. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(2)(B)(iii) of title 49, United States Code, for each of fiscal years 2006 through 2008, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Projects	FY 06	FY 07	FY 08
1. Glendale, CA Purchase of CNG Buses for Glendale Beeline Transit System	$147,840	$152,460	$161,700
2. Detroit Fare Collection System	$1,280,000	$1,320,000	$1,400,000
3. Flint, MI Construct Intermodal Hub at Bishop International Airport	$640,000	$660,000	$700,000
4. Des Plaines, Wauconda, Cook and Lake Counties, IL Rand Road Transit Signal Priority	$256,000	$264,000	$280,000
5. Indianapolis, IN Downtown transit center	$4,480,000	$4,620,000	$4,900,000
6. Los Angeles, CA, Construction of Intermodal Transit Center at California State University Los Angeles	$252,800	$260,700	$276,500
7. Columbus, OH—Central Ohio Transity Authority Paratransit Facility	$640,000	$660,000	$700,000
8. Silver Spring, MD Construct Silver Spring Transit Center in downtown Silver Spring	$1,168,000	$1,204,500	$1,277,500
9. Detroit, MI Enclosed heavy-duty maintenance facility with full operational functions for up to 300 buses	$1,440,000	$1,485,000	$1,575,000
10. Bronx, NY Wildlife Conservation Society intermodal transportation facility at the Bronx Zoo	$160,000	$165,000	$175,000
11. Construct pedestrian and bicycle amenities on Seawall Blvd Galveston, TX	$960,000	$990,000	$1,050,000
12. Hoboken, NJ Rehabilitation of Hoboken Intermodal Terminal	$320,000	$330,000	$350,000
13. Newark, NJ Penn Station Intermodal Improvements including the rehabilitation of boarding areas	$320,000	$330,000	$350,000
14. Orlando, Florida—LYNX Bus Fleet Expansion Program	$288,000	$297,000	$315,000
15. Fairfax County, VA Richmond Highway (U.S. Route 1) Public Transportation Improvements	$640,000	$660,000	$700,000
16. Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	$32,000	$33,000	$35,000
17. Davis, CA Davis Multi-Modal Station to improve entrance to Amtrak Depot and parking lot, provide additional parking and improve service	$320,000	$330,000	$350,000
18. Reno-Sparks, Nevada—Intermodal Transportation Terminals and Related Development	$1,280,000	$1,320,000	$1,400,000
19. Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	$96,000	$99,000	$105,000
20. Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	$320,000	$330,000	$350,000
21. Hingham, MA Hingham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	$2,880,000	$2,970,000	$3,150,000
22. Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements & landscape improvements to surface parking lots	$1,600,000	$1,650,000	$1,750,000
23. Construct intermodal transportation & parking facility, City of Winter Park	$160,000	$165,000	$175,000
24. Roma, TX Bus Facility	$168,000	$173,250	$183,750

Projects	FY 06	FY 07	FY 08
25. New York City, NY First Phase Implementation of Bus Rapid Transit System	$320,000	$330,000	$350,000
26. Scottsdale, Arizona—Construct intermodal center	$640,000	$660,000	$700,000
27. Sonoma County, CA Purchase of CNG buses	$160,000	$165,000	$175,000
28. Camden, NJ Construction of the Camden County Intermodal Facility in Cramer Hill	$320,000	$330,000	$350,000
29. Sandy Hook, NJ National Park Service - Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	$320,000	$330,000	$350,000
30. Sevier County, Tennessee—U.S. 441. bus rapid transit	$80,000	$82,500	$87,500
31. St. Augustine, Florida—Intermodal Transportation and Parking Facility	$320,000	$330,000	$350,000
32. Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	$640,000	$660,000	$700,000
33. Warren, PA—Construct Intermodal Transportation Center and related pedestrian and landscape imporovements	$320,000	$330,000	$350,000
34. Toledo, OH TARTA/TARPS Passenger Intermodal Facility construction	$2,400,000	$2,475,000	$2,625,000
35. Union City, CA Intermodal Station, Phase 1: Modify BART station	$1,360,000	$1,402,500	$1,487,500
36. Los Angeles, CA Wilshire-Vermont subway station reconstruction	$320,000	$330,000	$350,000
37. Lancaster, PA—bus replacement	$304,000	$313,500	$332,500
38. Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	$640,000	$660,000	$700,000
39. Monrovia, California—Transit Village Project	$960,000	$990,000	$1,050,000
40. Duluth, MN Downtown Duluth Area Transit facility improvements	$640,000	$660,000	$700,000
41. Brooklyn, NY New Urban Center—Broadway Junction Intermodal Center	$307,200	$316,800	$336,000
42. Medford, MA Downtown revitalization featuring construction of a 200 space Park and Ride Facility	$640,000	$660,000	$700,000
43. Needles, California—El Garces Intermodal Facility	$640,000	$660,000	$700,000
44. Bridgeport, Connecticut—Greater Bridgeport Transit Authority Bus Facility	$160,000	$165,000	$175,000
45. Palm Springs, California-- Sunline Transit bus purchase	$160,000	$165,000	$175,000
46. National Park Service - Design and construct 2.1-mile segment to complete Sandy Hook multi-use pathway in Sandy Hook, NJ	$320,000	$330,000	$350,000
47. Phoenix, AZ Construct City of Phoenix paratransit facility (Dial-a-Ride)	$320,000	$330,000	$350,000
48. Project provides for the engineering and construction of a transportation center in Paoli, Chester County	$320,000	$330,000	$350,000
49. Columbus, Georgia—Buses & Bus Facilities	$310,080	$319,770	$339,150
50. Cleveland, Ohio—University Circle intermodal facility	$2,720,000	$2,805,000	$2,975,000
51. Cleveland, OH acquisition of buses Greater Cleveland Regional Transit Authority	$320,000	$330,000	$350,000
52. Greensboro, North Carolina—Replacement buses	$1,849,600	$1,907,400	$2,023,000
53. Johnson Co., KS Bus and bus related facilities [I-35. corridor], Johnson Co. Transit	$640,000	$660,000	$700,000
54. City of Alameda, CA Plan, design, and construct intermodal facility	$640,000	$660,000	$700,000
55. New Orleans, LA Intermodal Riverfront Center	$160,000	$165,000	$175,000
56. Replace railroad draw bridge in Galveston, Texas	$160,000	$165,000	$175,000
57. Wilmington, NC Build Intermodal Center	$320,000	$330,000	$350,000
58. Yabucoa, Puerto Rico—Trolley buses	$56,000	$57,750	$61,250
59. Beverly, MA Design and Construct Beverly Depot Intermodal Transportation Center	$640,000	$660,000	$700,000
60. Georgia Statewide Bus Program	$64,000	$66,000	$70,000
61. Trenton, New Jersey—Trenton Train Station Rehabilitation	$400,000	$412,500	$437,500
62. Trenton, NJ Reconstruction and rehabilitation of the Trenton Train Station	$2,240,000	$2,310,000	$2,450,000
63. Zapata, Texas Purchase Bus vehicles	$80,000	$82,500	$87,500
64. Zanesville, OH—bus system signage and shelters	$20,800	$21,450	$22,750
65. York, Pennsylvania—Rabbit Transit facilities and communications equipment	$886,560	$914,265.	$969,675
66. Canby, OR bus and bus facilities	$48,000	$49,500	$52,500
67. New Orleans, LA Plan and construct New Orleans Union Passenger Terminal intermodal facilities	$320,000	$330,000	$350,000
68. Northern Neck and Middle Peninsula, Virginia—Bay Transit Multimodal Facilities	$1,040,000	$1,072,500	$1,137,500
69. Broward County, FL Buses & Bus Facilities	$2,080,000	$2,145,000	$2,275,000
70. Palm Springs, California—Sunline Transit: CalStart-Weststart fuel cell bus program	$320,000	$330,000	$350,000

Projects	FY 06	FY 07	FY 08
71. San Juan, Puerto Rico—Buses	$320,000	$330,000	$350,000
72. Hammond, Louisiana—Passenger intermodal facility at Southern Louisiana	$64,000	$66,000	$70,000
73. West Virginia Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L. 105–178.	$7,680,000	$7,920,000	$8,400,000
74. Albany-Schenectady, NY Bus Rapid Transit Improvements in NY Route 5. Corridor	$320,000	$330,000	$350,000
75. Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	$160,000	$165,000	$175,000
76. Baldwin Park, CA Construct vehicle and bicycle parking lot and pedestrian rest area at transit center	$640,000	$660,000	$700,000
77. Niagara Falls, NY Relocation, Development, and Enhancement of Niagara Falls International Railway Station/Intermodal Transportation Center	$1,792,000	$1,848,000	$1,960,000
78. Utica, New York—Union Station Boehlert Center siding track improvements	$32,000	$33,000	$35,000
79. Ionia County, MI—Purchase and implementation of communication equipment improvements	$188,800	$194,700	$206,500
80. Flagler County, Florida—bus facility	$192,000	$198,000	$210,000
81. Easton, Pennsylvania—Design and construct Intermodal Transportation Center	$640,000	$660,000	$700,000
82. Yamhill County, OR For the construction of bus shelters, park and ride facilities, and a signage strategy to increase ridership	$35,200	$36,300	$38,500
83. Woodland, CA Yolobus operations, maintenance, administration facility expansion and improvements to increase bus service with alternative fuel buses	$640,000	$660,000	$700,000
84. Sacramento, CA Construct intermodal station and related improvements	$2,240,000	$2,310,000	$2,450,000
85. Torrance Transit System, CA Acquisition of EPA and CARB-certified low emission replacement buses	$960,000	$990,000	$1,050,000
86. Burlington County, NJ—BurLink and Burlington County Transportation System vehicles and equipment	$1,280,000	$1,320,000	$1,400,000
87. Niles, OH Acquisition of bus operational and service equipment for Niles Trumbull Transit	$64,000	$66,000	$70,000
88. Rockport, MA Rockport Commuter Rail Station Improvements	$880,000	$907,500	$962,500
89. Cincinnati, Ohio—Metro Regional Transit Hub Network Eastern Neighborhoods	$256,000	$264,000	$280,000
90. Buses and bus related facilities throughout the State of Connecticut	$1,920,000	$1,980,000	$2,100,000
91. Columbus, GA Bus replacement	$96,000	$99,000	$105,000
92. Norwalk, CA Transit System Bus Procurement and Los Angeles World Airport Remote Fly-Away Facility Project	$256,000	$264,000	$280,000
93. Salem, OR bus and bus facilities	$640,000	$660,000	$700,000
94. Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	$32,000	$33,000	$35,000
95. Gainesville, FL Bus Replacement	$1,280,000	$1,320,000	$1,400,000
96. SEPTA Montgomery County Intermodal Improvements at Glenside and Jenkintown Station Parking Garages	$1,600,000	$1,650,000	$1,750,000
97. Fredericksburg, Virginia—Improve and repair Fredericksburg Station	$640,000	$660,000	$700,000
98. Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	$640,000	$660,000	$700,000
99. Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	$448,000	$462,000	$490,000
100. Jersey City, NJ McGinley Square Intermodal Facility	$256,000	$264,000	$280,000
101. Emeryville, CA Expand & Improve Intermodal Transit Center at Amtrak Station	$320,000	$330,000	$350,000
102. Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	$640,000	$660,000	$700,000
103. Longwood, Florida—Construct Intermodal Transportation Facility	$160,000	$165,000	$175,000
104. Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	$160,000	$165,000	$175,000
105. Akron, Ohio—West Market Street transit center and related pedestrian improvements	$208,000	$214,500	$227,500
106. Sandy, Oregon Transit Bus Facility	$112,000	$115,500	$122,500
107. Jacksonville, FL Paratransit Vehicles	$1,440,000	$1,485,000	$1,575,000
108. Carson, CA Purchase two tripper buses	$160,000	$165,000	$175,000

Projects	FY 06	FY 07	FY 08
109. Bloomington, IN—Bus and transfer facility	$1,539,200	$1,587,300	$1,683,500
110. Cobb County, GA Cobb County Smart Card Technology/Bus Facility Improvements	$320,000	$330,000	$350,000
111. Construct West Houston and Fort Bend County, Texas—bus transit corridor	$320,000	$330,000	$350,000
112. Mariposa, CA—Yosemite National Park CNG-Hydrogen transit buses and facilities	$800,000	$825,000	$875,000
113. Snohomish County, WA Community Transit bus purchases and facility enhancement	$960,000	$990,000	$1,050,000
114. Geneva, Illinois—Construct commuter parking deck for Metra Service	$1,280,000	$1,320,000	$1,400,000
115. Rhode Island Statewide Bus Fleet	$1,920,000	$1,980,000	$2,100,000
116. Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	$480,000	$495,000	$525,000
117. Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	$160,000	$165,000	$175,000
118. Attleboro, MA Construction, engineering and site improvements at the Attleboro Intermodal Center	$640,000	$660,000	$700,000
119. Burbank, CA CNG Transit Vehicles Purchase for Local Transit Network Expansion	$144,000	$148,500	$157,500
120. Dayton Airport Intermodal Rail Feasibility Study	$240,000	$247,500	$262,500
121. Los Angeles, CA Improve transit shelters, sidewalks lighting and landscaping around Cedar's-Sinai Medical Center	$480,000	$495,000	$525,000
122. Baltimore, MD Construct Intercity Bus Intermodal Terminal	$1,600,000	$1,650,000	$1,750,000
123. Cheltenham, PA Glenside Rail Station Parking Garage project involving the construction of a 300–400 space parking lot at Easton Road and Glenside Avenue	$320,000	$330,000	$350,000
124. Haverhill, MA Design and Construct Intermodal Transit Parking Improvements	$1,792,000	$1,848,000	$1,960,000
125. Palm Beach County, FL Plan and Construct Belle Glade Combined Passenger Transit Facility	$1,120,000	$1,155,000	$1,225,000
126. Pittsburgh, PA Clean Fuel Bus Procurement	$160,000	$165,000	$175,000
127. San Fernando, CA Purchase CNG buses and related equipment and construct facilities	$972,800	$1,003,200	$1,064,000
128. Bayamon, Puerto Rico—bus terminal	$192,000	$198,000	$210,000
129. Bozeman, Montana—Intermodal and Parking Facility	$640,000	$660,000	$700,000
130. New Brunswick, NJ Construct parking facility at the Robert Wood Johnson University Hospital and UMDNJ-Robert Wood Johnson Medical School	$640,000	$660,000	$700,000
131. Stonington and Mystic, Connecticut—Intermodal Center parking facility and Streetscape	$1,100,800	$1,135,200	$1,204,000
132. Carson, CA Purchase one bus	$80,000	$82,500	$87,500
133. Miami-Dade County, Florida—Transit Security System	$800,000	$825,000	$875,000
134. Town of Chapel Hill, NC Park and Ride Lot	$480,000	$495,000	$525,000
135. Wheaton, IL Pace Suburban Bus—Purchase buses	$320,000	$330,000	$350,000
136. Ocala and Marion County, Florida—replacement buses	$960,000	$990,000	$1,050,000
137. Philadelphia, PA Improvements to the existing Penn's Landing Ferry Terminal	$1,280,000	$1,320,000	$1,400,000
138. Long Branch, NJ Design and construct facilities for ferry service from Long Branch, NJ to New York City and other destinations	$1,280,000	$1,320,000	$1,400,000
139. Quincy, MA MBTA Purchase high speed catamaran ferry for Quincy Harbor Express Service	$640,000	$660,000	$700,000
140. Los Angeles, CA Crenshaw Bus Rapid Transit	$2,728,960	$2,814,240	$2,984,800
141. South Bend, Indiana—Construct South Bend Bus Operations Center	$160,000	$165,000	$175,000
142. Arlington County, VA Crystal City—Potomac Yard Busway, including construction of bus shelters	$960,000	$990,000	$1,050,000
143. Raleigh, NC Purchase eighteen replacement buses to replace buses that have reached their useful life according to Federal Transit Administration regulations	$640,000	$660,000	$700,000
144. Augusta, GA Buses and Bus Facilities	$128,000	$132,000	$140,000
145. Santa Ana, CA Improve Santa Ana transit terminal	$320,000	$330,000	$350,000
146. Cooperstown, New York—Intermodal Facility Project	$1,600,000	$1,650,000	$1,750,000
147. Santa Barbara, CA—Expansion of Regional Intermodal Transit Center	$96,000	$99,000	$105,000
148. Tampa, FL Purchase buses and construct bus facilities	$720,000	$742,500	$787,500

Projects	FY 06	FY 07	FY 08
149. Hidalgo County, TX Regional Multi-Modal Center	$640,000	$660,000	$700,000
150. Phoenix, AZ Construct regional heavy bus maintenance facility	$320,000	$330,000	$350,000
151. Thurston County, WA Replace Thurston County Buses	$288,000	$297,000	$315,000
152. San Juan, Puerto Rico—bus security equipment	$960,000	$990,000	$1,050,000
153. Bryan, TX The District—Bryan Intermodel Transit Terminal and Parking Facility	$960,000	$990,000	$1,050,000
154. City of Greenville, NC Expansion Buses and Greenville Intermodal Center	$1,140,480	$1,176,120	$1,247,400
155. City of Livermore, CA Construct Bus Facility for Livermore Amador Valley Transit Authority	$720,000	$742,500	$787,500
156. Detroit Replacement Buses	$1,600,000	$1,650,000	$1,750,000
157. Bealeton, Virginia—Intermodal Station Depot Refurbishment	$88,000	$90,750	$96,250
158. Covina, El Monte, Baldwin Park, Upland, CA Parking and Electronic Signage Improvements	$560,000	$577,500	$612,500
159. Eugene, OR Lane Transit District, Vehicle Replacement	$640,000	$660,000	$700,000
160. Kearney, Nebraska—RYDE Transit Bus Maintenance and Storage Facility	$640,000	$660,000	$700,000
161. Revere, MA Intermodal transit improvements in the Wonderland station (MBTA) area	$576,000	$594,000	$630,000
162. Brownsville, TX Brownsville Ruban System City-Wide Transit Improvement Project	$640,000	$660,000	$700,000
163. Normal, Illinois—Multimodal Transportation Center	$2,240,000	$2,310,000	$2,450,000
164. Puerto Rico—Caribbean National Forest buses and bus facilities	$960,000	$990,000	$1,050,000
165. Albany, OR Rehabilitate Building At Multimodal Transit Station	$409,600	$422,400	$448,000
166. Bronx, NY Hebrew Home for the Aged elderly and disabled transportation support	$48,000	$49,500	$52,500
167. Denver, CO Denver Union Station Intermodal Center	$1,760,000	$1,815,000	$1,925,000
168. Elizabeth, NJ Broad Street Streetscape Improvements and Bus Shelters	$224,000	$231,000	$245,000
169. Delaware—University of Delaware Fuel Cell Bus Deployment	$160,000	$165,000	$175,000
170. Lousiana—Construct pedestrian walkways between Caddo St. and Milam St. along Edwards St. in Shreveport, LA	$320,000	$330,000	$350,000
171. Riverside, California—RTA Advanced Traveler Information System	$160,000	$165,000	$175,000
172. Santa Monica, CA Purchase and service LNG buses for Santa Monica's Big Blue Bus to meet increased ridership needs and reduce emissions	$1,200,000	$1,237,500	$1,312,500
173. Ontario, CA Construct Omnitrans Transcenter	$320,000	$330,000	$350,000
174. Brockton, MA Bus replacement for the Brockton Area Transit Authority	$480,000	$495,000	$525,000
175. Molalla, OR South Clackamas Transportation District, bus purchase	$32,000	$33,000	$35,000
176. Boise, ID—Multi-modal facility	$1,440,000	$1,485,000	$1,575,000
177. Fond du Lac Reservation, MN Purchase busses	$48,000	$49,500	$52,500
178. Sandy City, UT Construct transit hub station and TRAX station at 9400 South	$640,000	$660,000	$700,000
179. Albany, OR Construct Pathway From Multimodal Transit Station to Swanson Park	$166,400	$171,600	$182,000
180. Tillamook, OR construction of a transit facility	$32,000	$33,000	$35,000
181. Trenton, NJ Development of Trenton Trolley System	$320,000	$330,000	$350,000
182. Utica, New York—Union Station rehabilitation and related infrastructure improvements	$160,000	$165,000	$175,000
183. San Fernando Valley, CA Reseda Blvd. Bus Rapid Transit Route	$192,000	$198,000	$210,000
184. Richmond, VA Renovation and construction for Main Street Station	$352,000	$363,000	$385,000
185. St. Paul to Hinckley, MN Construct bus amenities along Rush Line Corridor	$480,000	$495,000	$525,000
186. Mattoon, Illinois—historic railroad depot restoration/intermodal center	$512,000	$528,000	$560,000
187. Columbia County, OR To purchase buses	$44,800	$46,200	$49,000
188. Westchester County, NY Bee-Line Bus Replacement program	$80,000	$82,500	$87,500
189. Sacramento, CA Bus enhancement and improvements-construct maintenance facility and purchase clean-fuel buses to improve transit service	$640,000	$660,000	$700,000
190. Calexico, CA Purchase new buses for the Calexico Transit System	$96,000	$99,000	$105,000
191. Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	$512,000	$528,000	$560,000
192. Buffalo, NY Intermodal Center Parking Facility	$320,000	$330,000	$350,000
193. Mukilteo, WA Multi-Modal Terminal	$1,856,000	$1,914,000	$2,030,000

Projects	FY 06	FY 07	FY 08
194. Orange County Transit Authority, California—Security surveillance and monitoring equipment	$1,692,800	$1,745,700	$1,851,500
195. Woodland Hills, CA Los Angeles Pierce College Bus Rapid Transit Station Extension	$320,000	$330,000	$350,000
196. Design Downtown Carrollton Regional Multi-Modal Transit Hub Station	$640,000	$660,000	$700,000
197. Brooklyn, NY Brooklyn Children's Museum	$448,000	$462,000	$490,000
198. Cleveland, Ohio—Euclid Avenue University Hospital intermodal facility	$1,440,000	$1,485,000	$1,575,000
199. Las Vegas, NV Construct Central City Intermodal Transportation Terminal	$1,920,000	$1,980,000	$2,100,000
200. Montebello, CA Bus Lines Bus Fleet Replacement Project	$224,000	$231,000	$245,000
201. Philadelphia, PA Cruise Terminal Transportation Ctr. Phila. Naval Shipyard	$1,120,000	$1,155,000	$1,225,000
202. Cleveland, OH Construct Fare Collection System Project, Cuyahoga County	$160,000	$165,000	$175,000
203. Tempe, Arizona—East Valley Metro Bus Facility	$1,600,000	$1,650,000	$1,750,000
204. Boysville of Michigan Transportation System	$1,075,200	$1,108,800	$1,176,000
205. Woburn, MA Construction of an 89. space park and ride facility to be located on Magazine Hill, in the Heart of Woburn Square	$576,000	$594,000	$630,000
206. Sylvester, GA Intermodal Facility	$64,000	$66,000	$70,000
207. Culver City, CA Purchase compressed natural gas buses and expand natural gas fueling facility	$1,184,000	$1,221,000	$1,295,000
208. Eastern Upper Peninsula, MI Ferry Dock and Facility upgrades for Drummond Island Ferry Services	$80,000	$82,500	$87,500
209. Morristown, New Jersey—Intermodal Historic Station	$320,000	$330,000	$350,000
210. San Antonio, TX Improve VIA bus facility and purchase new buses	$2,240,000	$2,310,000	$2,450,000
211. Miami-Dade County, Florida—buses and bus facilities	$2,880,000	$2,970,000	$3,150,000
212. Glendale, CA Construction of Downtown Streetcar Project	$320,000	$330,000	$350,000
213. Gainesville, FL Bus Rapid Transit Study	$160,000	$165,000	$175,000
214. Mount Rainier, MD Intermodal and Pedestrian Project	$144,000	$148,500	$157,500
215. Allentown, Pennsylvania—Da Vinci Center hydrogen fuel-celled transit vehicles	$512,000	$528,000	$560,000
216. Wilsonville, OR South Metro Area Rapid Transit, bus and bus facilities	$80,000	$82,500	$87,500
217. Charlotte, NC Construct Charlotte Multimodal Station	$2,496,000	$2,574,000	$2,730,000
218. Enfield, Connecticut—intermodal station	$640,000	$660,000	$700,000
219. Chicago, IL Feasibility Study for intermodal station on the Metra Rock Island near Kennedy-King College	$96,000	$99,000	$105,000
220. Indianapolis, IN IndySMART program to relieve congestion, improve safety and air quality	$640,000	$660,000	$700,000
221. Chicago, IL Construct intermodel facility at 35th Street at Metra Red Line (Northside)	$1,600,000	$1,650,000	$1,750,000
222. Escondido, CA—Construct Bus Maintenance Facility	$160,000	$165,000	$175,000
223. Los Angeles, CA Design and construct improved transit and pedestrian linkages between Los Angeles Community College and nearby MTA rail stop and bus lines	$480,000	$495,000	$525,000
224. Montgomery County, MD Wheaton CBD Intermodal Access Program	$160,000	$165,000	$175,000
225. Allentown, Pennsylvania—Design and construct Intermodal Transportation Center	$640,000	$660,000	$700,000
226. Champaign, IL—Construct park and ride lot with attached daycare facility	$480,000	$495,000	$525,000
227. Berkeley, CA Construct Ed Roberts Campus Intermodal Transit Disability Center	$960,000	$990,000	$1,050,000
228. Charlotte, North Carolina—Multimodal Station	$1,280,000	$1,320,000	$1,400,000
229. Coconino County bus and bus facilities for the Sedona Transit System	$24,000	$24,750	$26,250
230. Construction of Third Bus Depot on Staten Island	$3,840,000	$3,960,000	$4,200,000
231. Harrison, Arkansas—Trolley Barn	$12,800	$13,200	$14,000
232. Alexandria, VA Royal Street Bus Garage Replacement	$160,000	$165,000	$175,000
233. Intermodal Facilities in Bucks County (Croydon and Levittown Stations)	$320,000	$330,000	$350,000
234. Bronx, NY Jacobi Intermodal Center to North Central Bronx Hospital bus system	$160,000	$165,000	$175,000
235. Indianapolis, IN Construct the Ivy Tech State College Multi-Modal Facility	$1,600,000	$1,650,000	$1,750,000
236. Juneau, Alaska—transit bus acquisition and transit center	$480,000	$495,000	$525,000

Projects	FY 06	FY 07	FY 08
237. Knoxville, Tennessee—Central Station Transit Center	$3,264,000	$3,366,000	$3,570,000
238. Levy County, Florida—Purchase 2 wheel chair equipped passenger buses and related equipment	$96,000	$99,000	$105,000
239. Lafayette, Louisiana—Lafayette Transit System bus replacement program	$288,000	$297,000	$315,000
240. Nebraska—statewide transit vehicles, facilities, and related equipment	$1,280,000	$1,320,000	$1,400,000
241. Cincinnati, Ohio—Costruct Uptown Crossings Joint Development Transit Project	$160,000	$165,000	$175,000
242. Des Moines, IA Purchase 40 foot buses	$320,000	$330,000	$350,000
243. New Orleans, LA Regional Planning Commission, bus and bus facilities	$160,000	$165,000	$175,000
244. Orange County, CA Purchase buses for rapid transit	$320,000	$330,000	$350,000
245. Bus to provide Yorktown internal circulator to provide transportaion throughout the Town	$59,200	$61,050	$64,750
246. Providence, RI Expansion of Elmwood Paratransit Maintenance Facility	$1,600,000	$1,650,000	$1,750,000
247. Atlanta, GA Intermodal Passenger Facility Improvements	$640,000	$660,000	$700,000
248. Palm Beach, FL Palm Tran AVL–APC system with smart card fareboxes	$80,000	$82,500	$87,500
249. Grand Rapids, MI—Purchase replacement and expansion buses	$4,688,000	$4,834,500	$5,127,500
250 Maywood, IL Purchase buses	$16,000	$16,500	$17,500
251. Redondo Beach, CA Capital Equipment procurement of 12. Compressed Natural Gas (CNG) Transit vehicles for Coastal Shuttle Services by Beach Cities Transit	$256,000	$264,000	$280,000
252. Rochester, New York—Renaissance Square transit center	$1,440,000	$1,485,000	$1,575,000
253. San Bernardino, CA Implement Santa Fe Depot improvements in San Bernardino	$160,000	$165,000	$175,000
254. San Joaquin, California Regional Rail—Altamont Commuter Express Corridor intermodal centers	$1,280,000	$1,320,000	$1,400,000
255. Albany, GA Multimodal Facility	$256,000	$264,000	$280,000
256. Savannah, GA Bus and Bus Facilities—Chatham Area Transit	$1,600,000	$1,650,000	$1,750,000
257. Newburyport, MA Design and Construct Intermodal Facility	$640,000	$660,000	$700,000
258. Cleveland, Ohio—Euclid Avenue and East 93rd Street intermodal facility	$2,720,000	$2,805,000	$2,975,000
259. St. Charles, IL—Intermodal Parking Structures	$1,440,000	$1,485,000	$1,575,000
260 Gardena, CA Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment	$1,569,280	$1,618,320	$1,716,400
261. Thendra-Webb and Utica, New York—install hadicap lifts in intermodal centers	$32,000	$33,000	$35,000
262. Union City, NJ Construct Union City Intermodal Facility	$640,000	$660,000	$700,000
263. Wilmar, AR Develop the Southeast Arkansas Intermodal Facility	$640,000	$660,000	$700,000
264. Westchester County, NY Bus replacement program	$1,200,000	$1,237,500	$1,312,500
265. Village of Tinley Park, Illinois, 80th Avenue Commuter Rail Station reconstruction and site enhancements	$160,000	$165,000	$175,000
266. Martinez, CA Intermodal Facility Restoration	$480,000	$495,000	$525,000
267. Middletown, CT Construct intermodal center	$480,000	$495,000	$525,000
268. Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	$640,000	$660,000	$700,000
269. New London, Connecticut—Intermodal Transportation Center and Streetscapes	$640,000	$660,000	$700,000
270. Vernon, Connecticut—Intermodal Center, Parking and Streetscapes	$2,112,000	$2,178,000	$2,310,000
271. Huntington, NY Replacement of three full sized transit buses with hybrid electric buses	$192,000	$198,000	$210,000
272. Bend, Oregon—replacement vans	$320,000	$330,000	$350,000
273. Boston, MA Harbor Park Pavilion & Intermodal Station	$288,000	$297,000	$315,000
274. Philadelphia, PA SEPTA's Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor	$448,000	$462,000	$490,000
275. Jesup, Georgia—Train Depot intermodal center	$320,000	$330,000	$350,000
276. Long Beach, CA Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	$640,000	$660,000	$700,000
277. Shreveport, LA—Intermodal Transit Facility	$1,072,000	$1,105,500	$1,172,500
278. Arlington County, VA Columbia Pike Bus Improvements	$1,120,000	$1,155,000	$1,225,000
279. Los Angeles, CA Purchase of clean fuel buses to improve bus service in South Los Angeles	$273,920	$282,480	$299,600
280. Lowell, MA Implementation of LRTA bus replacement plan	$320,000	$330,000	$350,000

Projects	FY 06	FY 07	FY 08
281. Falls Church, VA Falls Church Intermodal Transportation Center	$640,000	$660,000	$700,000
282. San Diego, CA Completion of San Diego Joint Transportation Operations Center (JTOC)	$640,000	$660,000	$700,000
283. St. Bernard Parish, LA Intermodal facility improvements	$320,000	$330,000	$350,000
284. Town of Warwick, NY. Rt 94. construction of series of secondary and interior travel lanes	$27,840	$28,710	$30,450
285. Metro Gold Line Foothill Extension Light Rail Transit Project from Pasadena, CA to Montclair, CA	$4,800,000	$4,950,000	$5,250,000
286. Richmond, CA BART Parking Structure	$1,600,000	$1,650,000	$1,750,000
287. San Francisco, CA Implement ITS on Muni Transit System	$960,000	$990,000	$1,050,000
288. Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	$640,000	$660,000	$700,000
289. Town of Warwick, NY Bus Facility Warwick Transit System	$176,000	$181,500	$192,500
290 Galveston, Texas—Intermodal center and parking facility, The Strand	$1,440,000	$1,485,000	$1,575,000
291. Joliet, Illinois—Union Station commuter parking facility	$800,000	$825,000	$875,000
292. Lake County, Ohio—Ohio Department of Transportation transit improvements	$48,000	$49,500	$52,500
293. Muskegon, Michigan—Muskegon Area Transit Terminal and related improvements	$640,000	$660,000	$700,000
294. Orlando, FL Bus Replacement	$1,280,000	$1,320,000	$1,400,000
295. Long Beach, CA Purchase one larger (75. passengers) and two smaller (40 passengers) ferryboats and construct related dock work to facilitate the use and accessibility of the ferryboats	$960,000	$990,000	$1,050,000
296. Elgin to Rockford, Illinois—Intermodal stations along planned Metra Union Pacific West Line extension alignment, including necessary alternatives analysis	$960,000	$990,000	$1,050,000
297. Pilot Shuttle Train Project from the Ports of Los Angeles and Long Beach to the Inland Empire	$1,600,000	$1,650,000	$1,750,000
298. Thomasville, GA Bus Replacement	$64,000	$66,000	$70,000
299. Corvallis, OR Bus Replacement	$396,800	$409,200	$434,000
300. Geneva, New York—Multimodal facility—construct passenger rail center	$160,000	$165,000	$175,000
301. Barry County, MI—Barry County Transit equipment and dispatching software	$48,000	$49,500	$52,500
302. Greensboro, North Carolina—Piedmont Authority for Regional Transportation Multimodal Transportation Center	$4,006,400	$4,131,600	$4,382,000
303. Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	$1,600,000	$1,650,000	$1,750,000
304. Coconino County buses and bus facilities for Flagstaff, AZ	$24,000	$24,750	$26,250
305. Fund the 8.28 miles of the El Camino East-West Corridor along LA 6 from LA 485 near Robeline, LA to I–49	$640,000	$660,000	$700,000
306. Jacksonville, FL Bus Replacement	$2,240,000	$2,310,000	$2,450,000
307. Los Angeles, CA Improve safety, mobility and access between LATTC, Metro line and nearby bus stops on Grand Ave between Washington and 23rd	$160,000	$165,000	$175,000
308. Miami Dade, FL N.W. 7th Avenue Transit Hub	$960,000	$990,000	$1,050,000
309. Elyria, OH Construct the New York Central Train Station into an intermodal transportation hub	$655,360	$675,840	$716,800
310. River Parishes, LA South Central Planning and Development Commission, bus and bus facilities	$320,000	$330,000	$350,000
311. Mammoth Lakes, California—Regional Transit Maintenance Facility	$160,000	$165,000	$175,000
312. Roanoke, Virginia—Improve Virginian Railway Station	$80,000	$82,500	$87,500
313. Solana Beach, CA—Construct Intermodal Facility	$480,000	$495,000	$525,000
314. San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline Paradise Hills neighborhood (Reo Drive)	$96,000	$99,000	$105,000
315. Temecula, California—Intermodal Transit Facility	$160,000	$165,000	$175,000
316. Philadelphia, Pennsylvania—SEPTA Market Street Elevated Line parking facility	$1,280,000	$1,320,000	$1,400,000
317. Jamestown, NY Rehabilitation of Intermodal Facility and associated property	$640,000	$660,000	$700,000
318. Akron, Ohio Construct Downtown Multi-modal Transportation Center	$1,280,000	$1,320,000	$1,400,000
319. Detroit Bus Maintenance Facility	$2,880,000	$2,970,000	$3,150,000
320. Detroit, MI Bus Replacement	$2,400,000	$2,475,000	$2,625,000
321. Monterey Park, CA Catch Basins at Transit Stop Installation	$102,400	$105,600	$112,000

Projects	FY 06	FY 07	FY 08
322. Oneonta, New York-bus replacement	$48,000	$49,500	$52,500
323. Lincoln County, OR bus purchase	$80,000	$82,500	$87,500
324. Elon, North Carolina—Piedmont Authority for Regional Transportation buses and bus facilities	$384,000	$396,000	$420,000
325. Grants Pass, OR Purchase Vehicles For Use By Josephine Community Transit	$54,720	$56,430	$59,850
326. Los Angeles, CA Install permanent irrigation system and enhanced landscaping on San Fernando Valley rapid bus transitway	$960,000	$990,000	$1,050,000
327. Cleveland, OH Construct East Side Transit Center	$960,000	$990,000	$1,050,000
328. New Jersey Transit Community Shuttle Buses	$160,000	$165,000	$175,000
329. Quitman, Clay, Randolph, Stewart Co., GA Bus project	$80,000	$82,500	$87,500
330. Framingham, MA Local Intra-Framingham Transit System enhancements	$576,000	$594,000	$630,000
331. Gettysburg, Pennsylvania—transit transfer center	$287,680	$296,670	$314,650
332. Long Beach, CA Park and Ride facility	$320,000	$330,000	$350,000
333. Oak Harbor, WA Multimodal Facility	$320,000	$330,000	$350,000
334. North Bend, Washington—Park and Ride	$256,000	$264,000	$280,000
335. High Point, North Carolina—Bus Terminal	$1,920,000	$1,980,000	$2,100,000
336. Dallas, TX Bus Passenger Facilities	$4,096,000	$4,224,000	$4,480,000
337. Island Transit, WA Operations Base Facilities Project	$768,000	$792,000	$840,000
338. Bronx, NY Intermodal facility near Exit 6 of the Bronx River Parkway	$80,000	$82,500	$87,500
339. East San Diego County, California—Bus Maintence Facility Expansion	$640,000	$660,000	$700,000
340. New Jersey Intermodal Facilities and Bus Rolling Stock	$960,000	$990,000	$1,050,000
341. San Gabriel Valley, CA—Park and Rides	$3,040,000	$3,135,000	$3,325,000
342. St. Paul, MN Union Depot Multi Modal Transit Facility	$640,000	$660,000	$700,000
343. Brooklyn, NY Kings County Hospital Center	$320,000	$330,000	$350,000
344. Gainesville, FL Bus Facility Expansion	$1,280,000	$1,320,000	$1,400,000
345. Kansas City, MO Bus Transit Infrastructure	$320,000	$330,000	$350,000
346. Phoenix, AZ Construct metro bus facility in Phoenix's West Valley	$1,600,000	$1,650,000	$1,750,000
347. Eastlake, Ohio—Eastlake Stadium transit intermodal facility	$1,360,000	$1,402,500	$1,487,500
348. Savannah, Georgia—Water Ferry Riverwalk intermodal facilities	$640,000	$660,000	$700,000
349. Kent, OH Construct Kent State University Intermodal Facility serving students and the general public	$320,000	$330,000	$350,000
350. Milwaukee, WI Rehabilitate Intermodal transportation facility at downtown Milwaukee's Amtrak Station, increase parking for bus passengers	$1,440,000	$1,485,000	$1,575,000
351. Eastland, North Carolina—Community Transit Center	$640,000	$660,000	$700,000
352. Oakland, CA Construct streetscape & intermodal improvements at BART Station Transit Villages	$320,000	$330,000	$350,000
353. Suffolk County, NY Purchase four handicapped accessible vans to transport veterans to and from the VA facility in Northport	$89,600	$92,400	$98,000
354. Norfolk, Virginia—Final Design and Construction Southside Bus Facility	$560,000	$577,500	$612,500
355. Albany, GA Bus replacement	$96,000	$99,000	$105,000
356. Lafayette Multimodal center, Final Phase	$960,000	$990,000	$1,050,000
357. Athens, GA Buses and Bus Facilities	$454,400	$468,600	$497,000
358. Cicero, Chicago Establish Transit Signal Priority, Cicero Ave., Pace Suburban Bus	$320,000	$330,000	$350,000
359. Arlington County, VA Pentagon City Multimodal Improvements	$640,000	$660,000	$700,000
360. Richmond, VA Design and construction for a bus operations and maintenance facility for Greater Richmond Transit Company	$480,000	$495,000	$525,000
361. Roanoke, Virginia—Roanoke Railway and Link Passenger facility	$160,000	$165,000	$175,000
362. Akron, OH Construct City of Akron Commuter Bus Transit Facility	$480,000	$495,000	$525,000
363. Corning, New York—Transportation Center	$1,280,000	$1,320,000	$1,400,000
364. Santa Monica, CA Construct intermodal park-and-ride facility at Santa Monica College campus on South Bundy Drive near Airport Avenue	$320,000	$330,000	$350,000
365. Pace Suburban Bus, IL South Suburban BRT Mobility Network	$160,000	$165,000	$175,000
366. Orange County, CA Transportation Projects to Encourage Use of Transit to Reduce Congestion	$320,000	$330,000	$350,000
367. Palm Beach, FL 20 New Buses for Palm Tran	$480,000	$495,000	$525,000
368. Nassau County, NY Conduct planning and engineering for transportation system (HUB)	$2,240,000	$2,310,000	$2,450,000
369. Norwalk, Connecticut—Pulse Point Joint Development intermodal facility	$160,000	$165,000	$175,000

Projects	FY 06	FY 07	FY 08
370. Salem, MA Design and Construct Salem Intermodal Transportation Center	$640,000	$660,000	$700,000
371. Las Vegas, NV Construct Las Vegas WestCare Intermodal Facility	$80,000	$82,500	$87,500
372. Richmond, KY Purchase buses, bus equipment, and facilities	$230,400	$237,600	$252,000
373. Niagara Frontier Transportation Authority, NY Replacement Buses	$320,000	$330,000	$350,000
374. Metro-Atlanta, GA MARTA Automated Smart-Card Fare Collection system	$320,000	$330,000	$350,000
375. Monterey, CA Purchase bus equipment	$320,000	$330,000	$350,000
376. New York City, NY Purchase Handicapped-Accessible Livery Vehicles	$320,000	$330,000	$350,000
377. San Francisco, CA Construct San Francisco Muni Islais Creek Maintenance Facility	$1,920,000	$1,980,000	$2,100,000
378. Indianapolis, IN Relocate and improve intermodal transportation for pedestrian and freight access to Children's Museum of Indianapolis	$4,480,000	$4,620,000	$4,900,000
379. Ramapo, NY Transportation Safety Field Command Center (TSFCC)	$80,000	$82,500	$87,500
380. Expand Diesel Emission Reduction Program of Gateway Cities COG	$992,000	$1,023,000	$1,085,000
381. San Francisco, CA Redesign and renovate intermodal facility at Glen Park Community	$1,056,000	$1,089,000	$1,155,000
382. San Luis Rey, California—Transit Center Project	$160,000	$165,000	$175,000
383. South San Francisco,CA Construction of Ferry Terminal at Oyster Point in South San Francisco to the San Francisco Bay Area Water Transit Authority	$1,600,000	$1,650,000	$1,750,000
384. Atlanta, GA MARTA Clean Fuel Bus Acquisition	$1,920,000	$1,980,000	$2,100,000
385. Construct a 400 space parking structure at the northwest corner of Main and Cherry Streets	$320,000	$330,000	$350,000
386. Suffolk County, NY Design and construction of intermodal transit facility in Wyandanch	$1,280,000	$1,320,000	$1,400,000
387. Fresno, CA—Develop program of low-emission transit vehicles	$320,000	$330,000	$350,000
388. Sylmar, CA Los Angeles Mission College Transit Center construction	$80,000	$82,500	$87,500
389. Lakewood, NJ—Ocean County Bus service and parking facilities	$800,000	$825,000	$875,000
390. St. Lucie County, FL Purchase Buses	$320,000	$330,000	$350,000
391. Hampton Roads, VA Final design and construction for a Hampton Roads Transit Southside Bus Facility	$640,000	$660,000	$700,000
392. Oakland, CA Construct Bay Trail between Coliseum BART station and Martin Luther King, Jr. Regional Shoreline	$288,000	$297,000	$315,000
393. South Amboy, NJ Construction of improvements to facilities at South Amboy Station under S Amboy, NJ Regional Intermodal Initiative	$2,560,000	$2,640,000	$2,800,000
394. Hartford, CT Buses and bus-related facilities	$1,280,000	$1,320,000	$1,400,000
395. Ilwaco, WA Construct park and ride	$32,000	$33,000	$35,000
396. Burbank, CA Construction of Empire Area Transit Center near Burbank Airport	$80,000	$82,500	$87,500
397. Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	$640,000	$660,000	$700,000
398. Amador County, California—Regional Transit Center	$320,000	$330,000	$350,000
399. Pasadena, CA ITS Improvements	$320,000	$330,000	$350,000
400. South FL Region, FL Regional Universal Automated Fare Collection System (UAFC) (for bus system)	$640,000	$660,000	$700,000
401. South Pasadena, CA Silent Night Grade Crossing Project	$288,000	$297,000	$315,000
402. Tampa, FL Establish Transit Emphasis Corridor and Improvements	$240,000	$247,500	$262,500
403. San Francisco, CA Implement Transbay Terminal-Caltrain Downtown Extension Project	$4,480,000	$4,620,000	$4,900,000
404. Rock Island, IL Improve Rock Island Mass Transit District Bus Facility	$160,000	$165,000	$175,000
405. Las Vegas, NV Construct Boulder Highway BRT system and purchase vehicles and related equipment	$640,000	$660,000	$700,000
406. Moultrie, GA Intermodal facility	$96,000	$99,000	$105,000
407. Carson, CA Purchase one trolley-bus vehicle	$80,000	$82,500	$87,500
408. Brooklyn, NY SUNY Downstate Medical Center	$320,000	$330,000	$350,000
409. Alexandria, VA Eisenhower Avenue Intermodal Station Improvements, including purchase of buses and construction of bus shelters	$800,000	$825,000	$875,000
410. Long Beach, CA Purchase ten clean fuel buses	$960,000	$990,000	$1,050,000
411. Cleveland, OH Construction of an intermodal facility and related improvements at University Hospitals facility on Euclid Avenue	$320,000	$330,000	$350,000

Projects	FY 06	FY 07	FY 08
412. Nashville, TN Construct Downtown Nashville Transit Transfer Facility	$480,000	$495,000	$525,000
413. Philadelphia, PA Penn's Landing water shuttle parking lot expansion and water shuttle ramp infrastructure construction	$352,000	$363,000	$385,000
414. Hercules, CA Intermodal Rail Station Improvements	$480,000	$495,000	$525,000

SEC. 3039. NATIONAL FUEL CELL BUS TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national fuel cell bus technology development program (in this section referred to as the "program") to facilitate the development of commercially viable fuel cell bus technology and related infrastructure.

(b) GENERAL AUTHORITY.—The Secretary may enter into grants, contracts, and cooperative agreements with no more than 3 geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to conduct fuel cell bus technology and infrastructure projects under the program.

(c) GRANT CRITERIA.—In selecting applicants for grants under the program, the Secretary shall consider the applicant's—

(1) ability to contribute significantly to furthering fuel cell technology as it relates to transit bus operations, including hydrogen production, energy storage, fuel cell technologies, vehicle systems integration, and power electronics technologies;

(2) financing plan and cost share potential;

(3) fuel cell technology to ensure that the program advances different fuel cell technologies, including hydrogen-fueled and methanol-powered liquid-fueled fuel cell technologies, that may be viable for public transportation systems; and

(4) other criteria that the Secretary determines are necessary to carry out the program.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis. The Secretary shall give priority consideration to applicants that have successfully managed advanced transportation technology projects, including projects related to hydrogen and fuel cell public transportation operations for a period of not less than 10 years.

(e) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 50 percent of such cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

(1) all terms and conditions applicable to a grant made under section 5309 of title 49, United States Code; and

(2) such other terms and conditions as are determined by the Secretary.

SEC. 3040. HIGH-INTENSITY SMALL-URBANIZED AREA FORMULA GRANT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE AREA.—The term "eligible area" means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

(2) PERFORMANCE CATEGORY.—The term "performance category" means each of the following:

(A) Passenger miles traveled per vehicle revenue mile.
(B) Passenger miles traveled per vehicle revenue hour.
(C) Vehicle revenue miles per capita.
(D) Vehicle revenue hours per capita.
(E) Passenger miles traveled per capita.
(F) Passengers per capita.

(b) GENERAL AUTHORITY.—In order to address the needs of small urbanized areas with unusually high levels of public transportation service, the Secretary shall make capital and operating grants under this section to eligible recipients described in subsection (d) for use in eligible areas.

(c) APPORTIONMENT.—

(1) APPORTIONMENT FORMULA.—Funds made available for grants under this section in a fiscal year shall be apportioned among eligible areas in the ratio that—

(A) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to

(B) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

(2) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under section 5336 of title 49, United States Code.

(d) ELIGIBLE RECIPIENT.—Grant amounts apportioned to an eligible area under this section shall be made available to a public transportation agency or other governmental entity in the eligible area for obligation in the eligible area.

(e) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL GRANTS.—A grant for a capital project under this section (including associated capital maintenance items) shall be for 80 percent of the net capital costs of the project, as determined by the Secretary. The recipient may provide additional local matching amounts for such projects.

(2) OPERATING GRANTS.—A grant under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of the net project costs may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(f) PERIOD OF AVAILABILITY.—Funds apportioned under this section to an eligible area shall remain available for obligation in that eligible area for a period of 3 years after the last day of the fiscal year for which the funds are apportioned. Any amounts so apportioned that remain unobligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(g) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323, 5332, 5333, and 5336(e) of title 49, United States Code, apply to this section and to a grant made under this section.

(h) FUNDING.—Of the amounts made available to carry out section 5307 of title 49, United States Code, $38,000,000 for fiscal year 2005, $41,000,000 for fiscal year 2006, $44,000,000 for fiscal year 2007, $47,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009 shall be available to carry out this section.

(i) TECHNICAL AMENDMENTS.—Section 5336 is amended—

(1) in subsection (a)—

(A) by striking "of this title" and inserting "to carry out section 5307"; and

(B) in paragraph (2) by inserting before the period at the end the following: ", except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations";

(2) in subsection (b)(1) by inserting "and the Alaska Railroad passenger operations" after "recipient";

(3) in subsection (j) by striking "a grant made under" each place it appears and inserting "a grant made with funds apportioned under"; and

(4) in subsection (k)(1) by striking "section 5302(a)(13) of this title" and inserting "section 5302(a)".

SEC. 3041. ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title shall be allocated by the Secretary as follows:

(1) SAFETY AND EMERGENCY PREPAREDNESS.—

(A) IN GENERAL.—For carrying out safety and emergency preparedness research activities consisting of technical assistance, training, and data analysis and reporting to improve public transportation system safety and security and emergency preparedness—

(i) $7,000,000 for fiscal year 2005;
(ii) $7,400,000 for fiscal year 2006;
(iii) $7,800,000 for fiscal year 2007;
(iv) $8,200,000 for fiscal year 2008; and
(v) $8,700,000 for fiscal year 2009.

(B) PUBLIC TRANSPORTATION NATIONAL SECURITY STUDY.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and evaluation of the value major public transportation systems in the United States serving the 38 urbanized areas that have a population of more than 1,000,000

individuals provide to the Nation's security and the ability of such systems to accommodate the evacuation, egress or ingress of people to or from critical locations in times of emergency.

(ii) ALTERNATIVE ROUTES.—For each system described in clause (i) the study shall identify—

(I) potential alternative routes for evacuation using other transportation modes such as highway, air, marine, and pedestrian activities; and

(II) transit routes that, if disrupted, do not have sufficient transit alternatives available.

(iii) REPORT.—Not later than 24 months after the date of entry into the agreement, the Academy shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a final report on the results of the study and evaluation, together with such recommendations as the Academy considers appropriate.

(iv) FUNDING.—Of the amounts made available under section 5338(d) of title 49, United States Code, $250,000 shall be available for each of fiscal years 2005 and 2006 to carry out this subparagraph.

(2) EQUIPMENT AND INFRASTRUCTURE.—For carrying out equipment and infrastructure research activities on public transportation and infrastructure technologies and methods and voluntary industry standards development—

(A) $5,700,000 for fiscal year 2005;
(B) $6,200,000 for fiscal year 2006;
(C) $6,550,000 for fiscal year 2007;
(D) $6,900,000 for fiscal year 2008; and
(E) $7,200,000 for fiscal year 2009.

(3) PUBLIC TRANSPORTATION OPERATIONS EFFICIENCY.—For carrying out public transportation operations efficiency research activities on high-performance public transportation services and other innovations in fleet operations and maintenance—

(A) $4,700,000 for fiscal year 2005;
(B) $4,900,000 for fiscal year 2006;
(C) $5,200,000 for fiscal year 2007;
(D) $5,500,000 for fiscal year 2008; and
(E) $5,800,000 for fiscal year 2009.

(4) ENERGY INDEPENDENCE AND ENVIRONMENTAL PROTECTION.—

(A) IN GENERAL.—For carrying out energy independence and environmental protection research activities on improved public transportation energy use and propulsion systems and public transportation oriented development—

(i) $3,700,000 for fiscal year 2005;
(ii) $3,900,000 for fiscal year 2006;
(iii) $4,150,000 for fiscal year 2007;
(iv) $4,300,000 for fiscal year 2008; and
(v) $4,300,000 for fiscal year 2009.

(B) TRANSIT-ORIENTED DEVELOPMENT CENTER.—Of the funds allocated for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for establishment and operation of a national center for transit-oriented development—

(i) to develop standards and definitions for transit-oriented development adjacent to public transportation facilities;

(ii) to develop system planning guidance, performance criteria, and modeling techniques for metropolitan planning agencies and public transportation agencies to maximize ridership through land use planning and adjacent development; and

(iii) to provide research support and technical assistance to public transportation agencies, metropolitan planning agencies, and other persons regarding transit-oriented development.

(5) MOBILITY MANAGEMENT.—

(A) IN GENERAL.—For carrying out research activities on mobility management, as described in section 5302(a)(1) of title 49, United States Code—

(i) $7,000,000 for fiscal year 2005;
(ii) $7,400,000 for fiscal year 2006;
(iii) $7,800,000 for fiscal year 2007;
(iv) $8,200,000 for fiscal year 2008; and
(v) $8,700,000 for fiscal year 2009.

(B) TRANSPORTATION EQUITY RESEARCH PROGRAM.—Of the funds allocated for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for research and demonstration activities that focus on the impacts that transportation planning, investment, and operations have on low-income and minority populations that are transit dependent. Such activities shall include the development of strategies to advance economic and community development in low-income and minority communities and the development of training programs that promote the employment of low-income and minority community residents on Federal-aid transportation projects constructed in their communities.

(C) COGNITIVE IMPAIRMENT STUDY.—Of the funds allocated for fiscal year 2005 under subparagraph (A), $1,000,000 shall be made available by the Secretary for research and demonstration activities that focus on the capacity and resources of Oregon public transportation systems to address the needs, barriers, and desires for travel of people with cognitive impairments.

(6) PUBLIC TRANSPORTATION CAPACITY BUILDING.—

(A) IN GENERAL.—For carrying out public transportation capacity building activities consisting of workforce and industry development, the International Mass Transportation Program, and technology transfer and industry adoption activities—

(i) $2,400,000 for fiscal year 2005;
(ii) $2,500,000 for fiscal year 2006;
(iii) $2,600,000 for fiscal year 2007;
(iv) $2,700,000 for fiscal year 2008; and
(v) $3,000,000 for fiscal year 2009.

(B) TRANSIT CAREER LADDER TRAINING PROGRAM.—Of the funds allocated for each fiscal year under subparagraph (A), not less than $1,000,000 shall be available for a nationwide career ladder job training partnership program for public transportation employees to respond to technological changes in the public transportation industry, especially in the area of maintenance. Such program shall be carried out by the Secretary through a contract with a national nonprofit organization with a demonstrated capacity to develop and provide such programs.

(7) STRATEGIC PLANNING AND PERFORMANCE MEASURES.—For carrying out strategic planning and performance measures consisting of policy and program development, research program planning and performance, evaluation, and industry outreach—

(A) $3,500,000 for fiscal year 2005;
(B) $3,700,000 for fiscal year 2006;
(C) $4,000,000 for fiscal year 2007;
(D) $4,200,000 for fiscal year 2008; and
(E) $4,300,000 for fiscal year 2009.

(b) REMAINDER.—After making allocations under subsection (a) of this section and section 5338(d)(2) of title 49, United States Code, the remainder of funds made available by section 5338(d)(2) of such title for national research and technology programs under sections 5312, 5314, and 5322 for a fiscal year shall be allocated at the discretion of the Secretary to other transit research, development, demonstration and deployment projects authorized by sections 5312, 5314, and 5322 of such title.

SEC. 3042. RELATIONSHIP TO OTHER LAWS.

Section 5323(l) is amended to read as follows:

"(l) RELATIONSHIP TO OTHER LAWS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter, when a false or fraudulent statement or related act within the meaning of such section 1001 is made in connection with a Federal transit program.".

SEC. 3043. COOPERATIVE PROCUREMENT.

(a) REVIEW OF COOPERATIVE PROCUREMENT; AUTHORITY TO INCREASE FEDERAL SHARE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall undertake a 30-day review of efforts to use cooperative procurement to determine whether benefits are sufficient to formally incorporate cooperative procurement into the mass transit program. In particular the Secretary shall review the progress made under the pilot program authorized under section 166 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 5397 note; 118 Stat. 309), based on experience to date in the pilot pro-

gram and any available reports to Congress submitted under such section 166. The Secretary shall also consider information gathered from grantees about cooperative procurement, whether or not related to the pilot program.

(2) NOTIFICATION OF CONGRESS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the results of the review required under paragraph (1), including a finding of sufficient benefit or insufficient benefit and the reasons for that finding.

SEC. 3044. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, shall not exceed—

(1) $7,266,000,000 for fiscal year 2004;
(2) $7,646,300,000 for fiscal year 2005;
(3) $8,482,000,000 for fiscal year 2006;
(4) $9,042,000,000 for fiscal year 2007;
(5) $9,639,000,000 for fiscal year 2008; and
(6) $10,277,000,000 for fiscal year 2009.

SEC. 3045. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 2005 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 2004, Part V.

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 2005 to reflect the method for apportioning funds in section 5337(a) of title 49, United States Code.

SEC. 3046. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of this title, including an amendment made by this title, that is different than the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part IV (Public Law 108–280), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

TITLE IV—MOTOR CARRIER TRANSPORTATION AND SAFETY

Subtitle A—Commercial Motor Vehicle Safety

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATIVE EXPENSES.—Section 31104 of title 49, United States Code, is amended by adding the following at the end:

"(i) ADMINISTRATIVE EXPENSES.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

"(A) $173,450,000 for fiscal year 2004;
"(B) $254,849,000 for fiscal year 2005;
"(C) $215,000,000 for fiscal year 2006;
"(D) $230,000,000 for fiscal year 2007;
"(E) $234,000,000 for fiscal year 2008; and
"(F) $240,000,000 for fiscal year 2009.

"(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory de-

velopment (including a medical review board), the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

"(3) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

"(4) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out subtitle IV, part B, and subtitle VI, part B, of this title, or the provisions of title IV of the Transportation Equity Act: A Legacy for Users, shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

"(5) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under paragraph (4) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

(b) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) For commercial driver's license program improvement grants under section 31313 of title 49, United States Code $26,000,000 for each of fiscal years 2006 through 2009.

(2) For border enforcement grants under section 31107 of such title—

(A) $32,000,000 for fiscal year 2006;
(B) $32,000,000 for fiscal year 2007;
(C) $32,000,000 for fiscal year 2008; and
(D) $32,000,000 for fiscal year 2009.

(3) For the performance and registration information system management grant program under section 31109 of such title—

(A) $5,000,000 for fiscal year 2006;
(B) $5,000,000 for fiscal year 2007;
(C) $6,000,000 for fiscal year 2008; and
(D) $6,000,000 for fiscal year 2009.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4009 of this Act, $25,000,000 for each of fiscal years 2006 through 2009.

(c) PERIOD OF AVAILABILITY.—The amounts made available under subsection (b) of this section shall remain available until expended.

(d) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (b) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (b) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4102. MOTOR CARRIER SAFETY GRANTS.

(a) STATE PLAN CONTENTS.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;";

(2) by striking subparagraph (Q) and inserting the following:

"(Q) provides that the State has established a program to ensure accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary and that the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;";

(3) by aligning subparagraph (R) with subparagraph (S);

(4) by striking "and" at the end of subparagraph (S);

(5) by striking the period at the end of subparagraph (T) and inserting a semicolon; and

(6) by adding at the end the following:

"(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of

commercial motor vehicles and in the vicinity of noncommercial motor vehicles, respectively;

"(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to be operating beyond the scope of such registration; and

"(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors.".

(b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 31102 of such title is amended—

(1) by striking subsection (c) and inserting the following:

"(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

"(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

"(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

"(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

"(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of roadside safety inspections conducted in the State is maintained at a level at least equal to the average number conducted in the State in fiscal years 2001, 2002, and 2003; except that the State may not use more than 5 percent of the aggregate amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph."; and

(2) by adding at the end the following:

"(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that describes the effect of activities carried out with funds from grants made under this section on commercial motor vehicle safety.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) of such title is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

"(1) $188,852,000 for fiscal year 2004;
"(2) $188,480,000 for fiscal year 2005;
"(3) $188,000,000 for fiscal year 2006;
"(4) $197,000,000 for fiscal year 2007;
"(5) $202,000,000 for fiscal year 2008; and
"(6) $209,000,000 for fiscal year 2009.".

(d) NEW ENTRANT AUDITS.—Section 31104(f) of such title is amended—

(1) in paragraph (1) by striking "deduction under subsection (e)" and inserting "deductions under subsection (e) and paragraphs (2) and (3)";

(2) the first sentence of paragraph (2)(A)—

(A) by striking "or"; and

(B) by inserting after "technologies" the following: ", or improve the quality and accuracy of data provided by the State";

(3) in paragraph (2)—

(A) by striking "and border activities.—" and all that follows through "5 percent" and inserting "activities.—The Secretary may designate up to 10 percent"; and

(B) by striking subparagraph (B); and

(4) by adding at the end the following:

"(3) NEW ENTRANT AUDITS.—The Secretary may deduct up to $15,000,000 of the amounts available under subsection (a) for a fiscal year for audits of new entrant motor carriers under section 31144(g).".

(e) TECHNICAL AMENDMENTS.—Sections 31102(b)(3) and 31103(a) of such title are amended by striking "(1)(D)" and inserting "(1)(E)".

SEC. 4103. BORDER ENFORCEMENT GRANTS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS"; and

(2) by striking section 31107 and inserting the following:

"§ 31107. Border enforcement grants

"(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to a State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

"(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

"(c) GOVERNMENTS SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

"(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.".

(b) CONFORMING AMENDMENTS.—

(1) ITEM RELATING TO SUBCHAPTER I.—The analysis for such chapter is amended by striking the item relating to subchapter I and inserting the following:

"SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS".

(2) ITEM RELATING TO SECTION 31107.—The analysis for such chapter is amended by striking the item relating to section 31107 and inserting the following:

"31107. Border enforcement grants.".

SEC. 4104. COMMERCIAL DRIVER'S LICENSE IMPROVEMENTS.

(a) STATE GRANTS.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31312 the following:

"§ 31313. Grants for commercial driver's license program improvements

"(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.—

"(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

"(A) to comply with the requirements of section 31311; and

"(B) in the case of a State that is in substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program.

"(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving implementation of the State's commercial driver's license program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. The grant may not be used to rent, lease, or buy land or buildings.

"(3) APPLICATION.—In order to receive a grant under this section, a State must submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the State's assessment of its commercial drivers license program.

"(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection only if the State agrees that the total expenditure

of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for the State's commercial driver's license program will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

"(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver's license program. In determining such costs, the Secretary shall include in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs.

"(b) HIGH-PRIORITY ACTIVITIES.—

"(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

"(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31312 the following:

"31313. Grants for commercial driver's license program improvements.".

(c) AMOUNTS WITHHELD.—Subsections (a) and (b) of section 31314 of such title are each amended by inserting "up to" after "withhold".

SEC. 4105. HOBBS ACT.

(a) JURISDICTION OF COURT OF APPEALS OVER COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS AND MOTOR CARRIER SAFETY.—Section 2342(3)(A) of title 28, United States Code, is amended by inserting before "of title 49" the following: ", subchapter III of chapter 311, chapter 313, or chapter 315".

(b) JUDICIAL REVIEW.—Section 351(a) of title 49, United States Code, is amended by striking "Federal Highway Administration" and inserting "Federal Motor Carrier Safety Administration".

(c) AUTHORITY TO CARRY OUT CERTAIN TRANSFERRED DUTIES AND POWERS.—Section 352 of title 49, United States Code, is amended by striking "Federal Highway Administration" and inserting "Federal Motor Carrier Safety Administration".

SEC. 4106. PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b) of title 49, United States Code, is amended—

(1) by striking "(b)(1)(A) If the Secretary" and inserting the following:

"(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.—

"(1) NOTICE.—

"(A) IN GENERAL.—If the Secretary"; and

(2) by adding at the end of paragraph (2) the following:

"(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT, LANDS, AND BUILDINGS.—A person subject to chapter 51 or part B of subtitle VI who fails to allow the Secretary, or an employee designated by the Secretary, promptly upon demand to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property in accordance with section 504(c), 5121(c), or 14122(b) shall be liable to the United States for a civil penalty not to exceed $1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property shall constitute a separate offense; except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary's request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph shall be construed as amending or superseding any remedy available to the Secretary under section 502(d), section 507(c), or any other provision of this title.".

SEC. 4107. MEDICAL REVIEW BOARD.

Section 113 of title 49, United States Code, is amended by adding at the end the following:

"(j) MEDICAL REVIEW BOARD.—

"(1) ESTABLISHMENT AND FUNCTION.—The Administrator shall establish a Medical Review Board as an advisory committee to provide the Administration with medical advice and recommendations on driver qualification medical standards and guidelines, medical examiner education, and medical research.

"(2) COMPOSITION.—The Medical Review Board shall consist of 5 members appointed for a term not to exceed 3 years by the Secretary from medical institutions and private medical practice. The membership shall reflect expertise in a variety of medical specialties relevant to the functions of the Administration.".

SEC. 4108. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.

(a) RECORDKEEPING AND REPORTING VIOLATIONS.—Section 521(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i) by striking "$500" and inserting "$1,000"; and

(2) by striking "$5,000" each place it appears and inserting "$10,000".

(b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Section 31310(i)(2) of title 49, United States Code, is amended—

(1) by striking "Not later than December 18, 1992, the" and inserting "The";

(2) in subparagraph (A)—

(A) by striking "90 days" and inserting "180 days"; and

(B) by striking "$1,000" and inserting "$2,500";

(3) in subparagraph (B)—

(A) by striking "one year" and inserting "2 years"; and

(B) by striking "$1,000; and" and inserting "$5,000;"; and

(4) in subparagraph (C) by striking "$10,000." and inserting "$25,000; and".

SEC. 4109. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a commercial vehicle information systems and networks program to—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, commercial driver, and carrier-specific information systems and networks.

(c) CORE DEPLOYMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.

(2) AMOUNT OF GRANTS.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century (112 Stat. 420) may not exceed $2,500,000.

(3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

(d) EXPANDED DEPLOYMENT GRANTS.—

(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks.

(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection.

(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States, but not to exceed $1,000,000 per State.

(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

(e) ELIGIBILITY.—To be eligible for a grant under this section, a State—

(1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and

networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of core capabilities;

(2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

(B) promote interoperability and efficiency to the extent practicable; and

(3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks.

(f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of a project payable from all eligible sources shall not exceed 80 percent.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term "commercial vehicle information systems and networks" means the information systems and communications networks that provide the capability to—

(A) improve the safety of commercial motor vehicle operations;

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

(D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and

(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

(2) COMMERCIAL MOTOR VEHICLE OPERATIONS.—The term "commercial motor vehicle operations"—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORE DEPLOYMENT.—The term "core deployment" means the deployment of systems in a State necessary to provide the State with the following capabilities:

(A) Safety information exchange to—

(i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State;

(ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and

(iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data.

(B) Interstate credentials administration to—

(i) perform end-to-end processing, including carrier application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits;

(ii) connect to such plan and agreement clearinghouses; and

(iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable.

(C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspec-

tion site in the State and to replicate this screening at other sites in the State.

(4) EXPANDED DEPLOYMENT.—The term "expanded deployment" means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.

(h) REPEAL.—Section 5209 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 460–461) is repealed.

SEC. 4110. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator in operations that affect interstate commerce;

"(2) periodically update such safety fitness determinations;

"(3) make such final safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.".

(b) PROHIBITED TRANSPORTATION.—The first subsection (c) of such section 31144 is amended by adding at the end the following:

"(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.".

(c) DETERMINATION OF UNFITNESS BY A STATE.—Such section 31144 is further amended—

(1) by redesignating subsections (d), (e), and the second subsection (c) as subsections (e), (f), and (g), respectively;

(2) by inserting after the first subsection (c) the following:

"(d) DETERMINATION OF UNFITNESS BY A STATE.—If a State that receives a grant under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of commercial motor vehicles that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicles in the State, the Secretary shall prohibit the owner or operator from operating such vehicles in interstate commerce until the State determines that the owner or operator is fit."; and

(3) in subsection (g) (as redesignated by paragraph (1) of this subsection) by adding at the end the following:

"(5) GRANTS FOR AUDITS.—From amounts deducted under section 31104(f)(3), the Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States or local governments.

"(6) DOT AUDITS.—If the Secretary determines that a State or local government is unable to use government employees to conduct new entrant motor carrier audits, the Secretary may utilize the funds deducted under section 31104(f)(3) to conduct such audits in areas under the jurisdiction of such State or local government.".

SEC. 4111. PATTERN OF SAFETY VIOLATIONS BY MOTOR CARRIER MANAGEMENT.

(a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each"; and

(2) by adding at the end the following:

"(b) PATTERN OF NONCOMPLIANCE.—If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier's registration under section 13905.

"(c) REGULATIONS.—The Secretary shall by regulation establish standards to implement subsection (b).

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) MOTOR CARRIER.—The term 'motor carrier' has the meaning such term has under section 13102.

"(2) OFFICER.—The term 'officer' means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.".

(b) CROSS REFERENCE.—Section 13902(a)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B)(i) any safety regulations imposed by the Secretary;

"(ii) the duties of employers and employees established by the Secretary under section 31135; and

"(iii) the safety fitness requirements established by the Secretary under section 31144; and".

SEC. 4112. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 31108 of title 49, United States Code, is amended to read as follows:

"§ 31108. Motor carrier research and technology program

"(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier research and technology program.

"(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research.

"(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

"(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

"(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

"(C) improving commercial motor vehicle and motor carrier safety, and industry efficiency, through technological improvement;

"(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

"(E) increasing the safety and security of hazardous materials transportation.

"(4) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

"(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

"(6) PROCEDURES.—The Secretary may carry out this section—

"(A) independently;

"(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

"(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

"(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

"(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

"(B) Federal laboratories.

"(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as de-

fined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(3) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent; except that, if there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

"(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

"(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 of such title is amended by striking the item relating to section 31108 and inserting the following:

"31108. Motor carrier research and technology program.".

SEC. 4113. INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—MISCELLANEOUS

"§ 31161. International cooperation

"The Secretary of Transportation is authorized to use funds made available by section 31104(i) to participate and cooperate in international activities to enhance motor carrier, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"SUBCHAPTER IV—MISCELLANEOUS

"31161. International cooperation.".

SEC. 4114. PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.

(a) DESIGN AND CONDITIONS FOR PARTICIPATION.—Section 31106(b) of title 49, United States Code, is amended by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

"(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

"(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

"(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

"(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

"(B) possess or seek the authority to deny, suspend, or revoke commercial motor vehicle registrations based on the issuance of an operations out-of-service order by the Secretary.".

(b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANTS.—

(1) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is further amended by adding at the end the following:

"§ 31109. Performance and registration information system management

"(a) IN GENERAL.—The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

"(b) AVAILABILITY OF AMOUNTS.—Amounts made available to a State under this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"31109. Performance and registration information system management.".

SEC. 4115. DATA QUALITY IMPROVEMENT.

Section 31106(a)(3) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by adding at the end the following:

"(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

"(G) establish and implement a national motor carrier safety data correction system.".

SEC. 4116. DRIVEAWAY SADDLEMOUNT VEHICLES.

(a) DEFINITION.—Section 31111(a) of tile 49, United States Code, is amended by adding at the end of the following:

"(4) DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT VEHICLE TRANSPORTER COMBINATION.—The term 'drive-away saddlemount with fullmount vehicle transporter combination' means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it.".

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) imposes a vehicle length limitation of not less than or more than 97 feet on a driveaway saddlemount with fullmount vehicle transporter combinations;".

SEC. 4117. COMPLETION OF UNIFORM CARRIER REGISTRATION.

(a) IN GENERAL.—Section 14504 of title 49, United States Code, and the item relating to such section in analysis for chapter 145 of such title, are repealed.

(b) CONFORMING AMENDMENTS.—Section 13908 of such title is amended—

(1) in subsection (a) by striking "the single State registration system under section 14504,";

(2) in subsection (b)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) by striking subsection (d); and

(4) by striking "(e) DEADLINE FOR CONCLUSION; MODIFICATION.—" and all that follows through "1996," and inserting the following:

"(d) DEADLINE FOR COMPLETION.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users,".

SEC. 4118. REGISTRATION OF MOTOR CARRIERS AND FREIGHT FORWARDERS.

(a) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6), (7), (12), and (13) of section 13102 of title 49, United States Code, are each amended by striking "motor vehicle" and inserting "commercial motor vehicle (as defined in section 31132)".

(b) FREIGHT FORWARDERS.—Section 13903(a) of title 49, United States Code, is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) HOUSEHOLD GOODS.—The Secretary";

(2) by inserting "of household goods" after "freight forwarder"; and

(3) by adding at the end the following:

"(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.".

SEC. 4119. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO HIGHWAY TRUST FUND.

Sections 31138(d)(5) and 31139(f)(5) of title 49, United States Code, are each amended by striking "Treasury as miscellaneous receipts" and inserting "Highway Trust Fund (other than the Mass Transit Account)".

SEC. 4120. OUTREACH AND EDUCATION.

(a) IN GENERAL.—The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration, and $3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4121. INSULIN TREATED DIABETES MELLITUS.

(a) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—The Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

(b) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (a), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

(c) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.

SEC. 4122. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) ESTABLISHMENT.—The Secretary shall establish a grant program for training operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicle.

(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4123. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a commercial motor vehicle safety advisory committee to provide advice and recommendations to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2009.

SEC. 4124. SAFETY DATA IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary.

(b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

(1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years;

(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and

(3) identified performance-based measures to determine progress toward those goals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

(d) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent and such funds shall remain available until expended.

(e) BIENNIAL REPORT.—Not later 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.

SEC. 4125. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.

(a) GENERAL AUTHORITY.—The Secretary may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize its commercial driver's license information system in accordance with subsection (c) if the State is in substantial compliance with the requirements of section 31311 of title 49, United States Code, and this section, as determined by the Secretary. The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.

(b) MODERNIZATION PLAN.—No later than 120 days after the date of enactment of this Act, the Secretary shall publish a comprehensive national plan to modernize the commercial driver's license information system. The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary.

(c) USE OF GRANT.—A State may use a grant under this section only to implement improvements that are consistent with the modernization plan developed by the Secretary.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct with grants under this section a 3-year pilot program in no more than 3 States to evaluate a system for sharing driver's license information on all commercial and noncommercial driver's licenses issued in each participating State.

(2) FUNDING.—The Secretary may use no more than 50 percent of the funds available to carry out this section for the pilot program in any fiscal year.

(3) REPORT.—Not later than 1 year after the last day of the pilot program, the Secretary shall transmit to Congress a report on the results of the pilot program.

(e) GOVERNMENT SHARE.—A grant under this section to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in implementing the modernization program developed by the Secretary. In determining these costs, the Secretary shall include in-kind contributions of the State.

(f) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(1) $7,000,000 for fiscal year 2006;

(2) $7,000,000 for fiscal year 2007;

(3) $8,000,000 for fiscal year 2008; and

(4) $8,000,000 for fiscal year 2009.

(g) CONTRACT AUTHORITY AND AVAILABILITY.—

(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (f) shall remain available until expended.

(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (f) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (f) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4126. MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WELL DRILLING RIGS.

Section 345(a)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 613) is amended by adding at the end the following: "Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence, no additional off-duty time shall be required in order to operate such vehicle.".

SEC. 4127. SAFETY PERFORMANCE HISTORY SCREENING.

(a) IN GENERAL.—The Secretary shall provide persons conducting preemployment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant.

(d) SERIOUS OPERATOR-RELATED SAFETY VIOLATION DEFINED.—In this section, the term "serious operator-related violation" means a violation by an operator of a commercial motor vehicle (as defined in section 31102 of title 49, United States Code) that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

SEC. 4128. INTERMODAL CHASSIS ROADABILITY RULE-MAKING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers are safe.

(b) MOTOR CARRIER SAFETY REGULATIONS.—The regulations under this section shall be issued as part of the Federal motor carrier safety regulations of the Department of Transportation.

(c) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(1) a requirement to identify providers of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(2) a requirement to match such intermodal equipment readily to the intermodal equipment provider through a unique identifying number;

(3) a requirement to ensure that each intermodal equipment provider maintains a system of maintenance and repair records for such equipment;

(4) a requirement to evaluate the compliance of intermodal equipment providers with the applicable Federal motor carrier safety regulations;

(5) a provision that—

(A) establishes a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(B) prohibits intermodal equipment providers from placing intermodal equipment on the public highways if such providers are found to pose an imminent hazard;

(6) a process by which motor carriers and agents of motor carriers may petition the Federal Motor Carrier Safety Administration to undertake an investigation of a noncompliant intermodal equipment provider; and

(7) an inspection and audit program of intermodal equipment providers.

(d) DEADLINE FOR RULEMAKING PROCEEDING.—The regulations under this section shall be issued pursuant to a rulemaking proceeding initiated not later than 90 days after the date of enactment of this Act.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term "intermodal equipment" means equipment that is commonly used in the intermodal transportation of freight over public highways in interstate commerce (as defined in section 31132 of title 49, United States Code), including trailers, chassis, and any associated devices.

(2) INTERMODAL EQUIPMENT PROVIDER.—The term "intermodal equipment provider" means any person with any legal right, title, or interest in intermodal equipment that interchanges such equipment to a motor carrier.

(3) INTERCHANGE.—The term "interchange" means the act of providing intermodal equipment to a motor carrier for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider. Such term does not include the leasing of equipment to a motor carrier for use in the motor carrier's over-the-road freight hauling operations.

(f) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—Section 31136 of title 49, United States Code, is amended by adding at the end the following:

"(g) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary, or an employee of the Department of Transportation designated by the Secretary, may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials to inspect intermodal equipment.".

(g) JURISDICTION OVER EQUIPMENT PROVIDERS.—Section 31132(1) of such title is amended by inserting after "towed vehicle" the following: "(including intermodal equipment, including trailers, chassis and associated devices, commonly used for the transportation of intermodal freight via highway)".

SEC. 4129. SUBSTANCE ABUSE PROFESSIONALS.

The Secretary shall conduct a rulemaking to permit State licensed or certified mental health counselors or addiction specialists certified by the American Academy of Health Care Providers in the Addictive Disorders to act as substance abuse professionals under subpart O of part 40 of title 49, Code of Federal Regulations.

SEC. 4130. INTERSTATE VAN OPERATIONS.

The Federal motor carrier safety regulations (other than regulations relating to commercial drivers license and drug and alcohol testing requirements) shall apply to all interstate operations of commercial motor vehicles used to transport between 9 and 15 passengers (including the driver), regardless of the distance traveled.

SEC. 4131. HOURS OF SERVICE FOR OPERATORS OF UTILITY SERVICE VEHICLES.

Section 345 of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended—

(1) in subsection (a) by striking paragraph (4) and inserting the following:

"(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

"(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle.

"(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.".

(2) in subsection (b) by striking "Nothing" and inserting "Except as provided in subsection (a)(4), nothing"; and

(3) in the first sentence of subsection (c) by striking "paragraph (2)" and inserting "an exemption under paragraph (2) or (4)".

SEC. 4132. TECHNICAL CORRECTIONS.

(a) INTERMODAL TRANSPORTATION ADVISORY BOARD.—Section 5502(b) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) the Federal Motor Carrier Safety Administration.".

(b) REFERENCE TO AGENCY.—Section 31502(e) of such title is amended—

(1) in paragraph (2) by striking "Regional Director of the Federal Highway Administration" and inserting "Field Administrator of the Federal Motor Carrier Safety Administration"; and

(2) in paragraph (3) by striking "Regional Director" and inserting "Field Administrator".

SEC. 4133. INTRASTATE AND FOREIGN OPERATIONS OF INTERSTATE MOTOR CARRIERS.

Section 31144(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident and safety inspection record of an owner or operator during operations—

"(A) in interstate commerce in the United States;

"(B) in a State that affects interstate commerce in the United States; and

"(C) in Canada or Mexico if the owner or operator also conducts operations in the United States;

"(2) periodically update such safety fitness determinations;

"(3) make such final safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.".

SEC. 4134. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

(a) AGRICULTURAL EXEMPTION.—Section 345(a)(1) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended to read as follows:

"(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.".

(b) DEFINITIONS.—Section 345(e) of such Act (109 Stat. 614) is amended by adding at the end the following:

"(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

"(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.".

SEC. 4135. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

SEC. 4136. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of this title, including an amendment made by this title, that is different than the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part IV (Public Law 108–280), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

Subtitle B—Household Goods Transportation

SEC. 4201. FEDERAL-STATE RELATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS.

(a) NONPREEMPTION OF INTRASTATE TRANSPORTATION OF HOUSEHOLD GOODS.—Section 14501(c)(2)(B) of title 49, United States Code, is amended by inserting "intrastate" before "transportation".

(b) ENFORCEMENT OF CONSUMER PROTECTION WITH RESPECT TO INTERSTATE HOUSEHOLD GOODS CARRIERS.—Chapter 145 of such title is amended by adding at the end the following:

"§ 14506. Enforcement of Federal regulations by State attorneys general

"(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of a resident of the State in an appropriate district court of the United States to enforce a regulation or order of the Secretary or Board—

"(1) to protect an individual shipper of household goods if such regulation or order governs the delivery of the shipper's household goods; or

"(2) to impose a civil penalty under section 14915 whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by—

"(A) a carrier or broker providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 who is committing repeat violations of section 14915; or

"(B) a foreign motor carrier providing transportation of household goods who is registered under section 13902 and who is committing repeat violations of section 14915.

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as preventing an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence;

"(2) as prohibiting a State official from proceeding in State court to enforce a criminal statute of the State;

"(3) as authorizing a State or political subdivision of a State to bring an enforcement action under a consumer protection law, regulation, or other provision of the State relating to interstate transportation of household goods (as defined in section 13102(10)(A)) with respect to an activity that is inconsistent with Federal laws and regulations relating to interstate transportation of household goods; or

"(4) as authorizing a State, as parens patriae, to bring a class civil action on behalf of its residents to enforce a regulation or order of the Secretary or Board.

"(c) ACTIONS BY THE SECRETARY OR BOARD.—Whenever a civil action has been instituted by or on behalf of the Secretary or Board for violation of section 14915, no State may, during the pendency of such action, institute a civil action under subsection (a) against any defendant named in the complaint relating to such violation.

"(d) VENUE; SERVICE OF PROCESS.—Any civil action to be brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.".

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"14506. Enforcement of Federal regulations by State attorneys general.".

SEC. 4202. ARBITRATION REQUIREMENTS.

(a) OFFERING SHIPPERS ARBITRATION.—Section 14708(a) of title 49, United States Code, is amended by inserting before the period at the end the following: "and to determine whether carrier charges, in addition to those collected at delivery, must be paid by the shipper for transportation and services related to the transportation of household goods".

(b) THRESHOLD FOR BINDING ARBITRATION.—Section 14708(b)(6) of such title is amended by striking "$5,000" each place it appears and inserting "$10,000".

(c) DEADLINE FOR DECISION.—Section 14708(b)(8) of such title is amended—

(1) by striking "and"; and

(2) by inserting after "for damages" the following: ", and an order requiring the payment of additional carrier charges".

(d) ATTORNEY'S FEES TO SHIPPERS.—Section 14708(d)(3) of such title is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) the shipper was not advised by the carrier during the claim settlement process that a dispute settlement program was available to resolve the dispute;".

SEC. 4203. CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS AND UNAUTHORIZED TRANSPORTATION.

Section 14901(d) of title 49, United States Code, is amended—

(1) by striking "If a carrier" and inserting the following:

"(1) IN GENERAL.—If a carrier"; and

(2) by adding at the end the following:

"(2) ESTIMATE OF BROKER WITHOUT CARRIER AGREEMENT.—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods subject to such jurisdiction, the broker is liable to the United States for a civil penalty of not less than $10,000 for each violation.

"(3) UNAUTHORIZED TRANSPORTATION.—If a person provides transportation of household goods subject to jurisdiction under subchapter I of chapter 135 or provides broker services for such transportation without being registered under chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than $25,000 for each violation.".

SEC. 4204. CIVIL PENALTY FOR HOLDING HOUSEHOLD GOODS HOSTAGE.

(a) IN GENERAL.—Chapter 149 of title 49, United States Code, is amended by adding at the end the following:

"§ 14915. Holding household goods hostage

"(a) HOLDING HOUSEHOLD GOODS HOSTAGE DEFINED.—For purposes of this section, the term 'holding household goods hostage' means the knowing and willful refusal to relinquish possession of a shipment of household goods described in section 13102(10)(A) upon payment of not more than 100 percent of a binding estimate (or, in the case of a nonbinding estimate, not more than 110 percent of the estimated charges for such shipment).

"(b) CIVIL PENALTY.—Whoever is found holding a household goods shipment hostage is liable to the United States for a civil penalty of not less than $10,000 for each violation. If such person is a carrier or broker, the Secretary may suspend for a period of not less than 6 months the registration of such carrier or broker under chapter 139.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"14915. Holding household goods hostage.".

SEC. 4205. WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a working group of State attorneys general, State consumer protection administrators, and Federal and local law enforcement officials for the purpose of developing practices and procedures to enhance the Federal-State partnership in enforcement efforts, exchange of information, and coordination of enforcement efforts with respect to interstate transportation of household goods and of making legislative and regulatory recommendations to the Secretary concerning such enforcement efforts.

(b) CONSULTATION.—In carrying out subsection (a), the working group shall consult with industries involved in the transportation of household goods.

(c) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

(d) TERMINATION DATE.—The working group shall remain in effect until September 30, 2009.

SEC. 4206. CONSUMER HANDBOOK ON DOT WEB SITE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall take such action as may be necessary to ensure that publication ESA 03005 of the Federal Motor Carrier Safety Administration entitled "Your Rights and Responsibilities When You Move", is prominently displayed, and available in language that is readily understandable by the general public, on the Web site of the Department of Transportation.

SEC. 4207. RELEASE OF HOUSEHOLD GOODS BROKER INFORMATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall modify the regulations contained in part 375 of title 49, Code of Federal Regulations, to require a broker that is subject to such regulations to provide shippers with the following information whenever they have contact with a shipper or potential shipper:

(1) The Department of Transportation number of the broker.

(2) The ESA 03005 publication referred to in section 4206 of this Act.

(3) A list of all motor carriers providing transportation of household goods used by the broker and a statement that the broker is not a motor carrier providing transportation of household goods.

SEC. 4208. CONSUMER COMPLAINT INFORMATION.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) establish a system for filing and logging consumer complaints relating to motor carriers providing transportation of household goods and for compiling complaint information gathered by the Department of Transportation and the States with regard to such carriers, a database of the complaints, and a procedure for the public to have access to aggregated information and for carriers to challenge duplicate or fraudulent information in the database; and

(2) issue regulations requiring each motor carrier of household goods to submit on a quarterly basis a report summarizing—

(A) the number of shipments that originate and are delivered for individual shippers during the reporting period by the carrier;

(B) the number and general category of complaints lodged by consumers with the carrier;

(C) the number of claims filed with the carrier for loss and damage in excess of $500;

(D) the number of such claims resolved during the reporting period;

(E) the number of such claims declined in the reporting period; and

(F) the number of such claims that are pending at the close of the reporting period.

(b) USE OF INFORMATION.—The Secretary shall consider information in the data base established under subsection (a) in its household goods compliance and enforcement program.

SEC. 4209. INSURANCE REGULATIONS.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall undertake a review of the current Federal regulations regarding insurance coverage provided by motor carriers providing transportation of household goods and revise such regulations in order to provide enhanced protection for shippers in the case of loss or damage as determined necessary.

(b) DETERMINATIONS.—The review shall include, but not be limited to, a determination of—

(1) whether the current regulations provide adequate protection for shippers;

(2) whether an individual shipper should purchase insurance as opposed to the carrier; and

(3) whether there are abuses of the current regulations that leave the shipper unprotected in loss and damage claims.

SEC. 4210. ESTIMATING REQUIREMENTS.

Section 14104(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) REQUIRED TO BE IN WRITING.—

"(A) IN GENERAL.—Except as otherwise provided in this subsection, every motor carrier providing transportation of household goods described in section 13102(10)(A) subject to jurisdiction under subchapter I of chapter 135 shall conduct a physical survey of the household goods to be transported on behalf of a prospective individual shipper and shall provide the shipper with a written estimate of charges for the transportation and all related services.

"(B) WAIVER.—A shipper may elect to waive a physical survey under this paragraph by written agreement signed by the shipper before the shipment is loaded. A copy of the waiver agreement must be retained as an addendum to the bill of lading and shall be subject to the same record inspection and preservation requirements of the Secretary as are applicable to bills of lading.

"(C) ESTIMATE.—

"(i) IN GENERAL.—Notwithstanding a waiver under subparagraph (B), a carrier's statement of charges for transportation must be submitted to the shipper in writing and must indicate whether it is binding or nonbinding.

"(ii) BINDING.—A binding estimate under this paragraph must indicate that the carrier and shipper are bound by such charges. The carrier may impose a charge for providing a written binding estimate.

"(iii) NONBINDING.—A nonbinding estimate under this paragraph must indicate that the actual charges will be based upon the actual weight of the individual shipper's shipment and the carrier's lawful tariff charges. The carrier may not impose a charge for providing a nonbinding estimate.".

SEC. 4211. APPLICATION OF STATE CONSUMER PROTECTION LAWS TO CERTAIN HOUSEHOLD GOODS CARRIERS.

(a) STUDY.—The Comptroller General shall conduct a study on the current consumer protection authorities and actions of the Department of Transportation and the impact on shippers and carriers of household goods involved in interstate transportation of allowing State attorneys general to apply State consumer protection laws to such transportation.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Comptroller General shall consider, at a minimum—

(1) the level of consumer protection being provided to consumers through Federal household goods regulations and how household goods regulations relating to consumer protection compare to regulations relating to consumer protection for other modes of transportation regulated by the Department of Transportation;

(2) the history and background of State enforcement of State consumer protection laws on household goods carriers providing intrastate transportation and what effects such laws have on the ability of intrastate household goods carriers to operate;

(3) what operational impacts, if any, would result on household goods carriers engaged in interstate commerce being subject to the State consumer protection laws; and

(4) the potential for States to regulate rates or other business operations if State consumer protection laws applied to interstate household goods movements.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Secretary, State attorneys general, consumer protection agencies, and the household goods industry.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee of Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the results of the study.

SEC. 4212. APPLICABILITY TO HOUSEHOLD GOODS MOTOR CARRIERS.

(a) IN GENERAL.—The provisions of title 49, United States Code, and this Act (including any amendments made by this Act) relating to the transportation of household goods shall only apply to household goods motor carriers.

(b) HOUSEHOLD GOODS MOTOR CARRIER DEFINED.—In this section, the term "household goods motor carrier" means a motor carrier as defined in section 13102(12) of title 49, United States Code, which, in the ordinary course of its business of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates, inventorying, protective packing and unpacking of individual items, and loading and unloading at personal residences.

SEC. 4213. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Section 31310(i)(2) of title 49, United States Code, is amended by adding at the end the following:

"(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.".

SEC. 4214. CRIMINAL PENALTY FOR HOLDING GOODS HOSTAGE .

Section 14915 of title 49, United States Code, as added by section 4204 of this Act is amended by adding at the end the following:

"(c) CRIMINAL PENALTY.—A motor carrier that has been convicted of knowingly and willfully holding household goods hostage by falsifying documents or demanding the payment of charges for services that were not performed or were not necessary in the safe and adequate movement of a shipment of household goods shall be fined under title 18, or imprisoned not more than 2 years, or both.".

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—To carry out sections 502, 503, 506, 507, 509, and 510 of title 23, United States Code, and sections 5207, 5210, 5211, and 5402 of this title—

(A) $169,000,000 for fiscal year 2004;
(B) $239,500,000 for fiscal year 2005;
(C) $239,500,000 for fiscal year 2006;
(D) $239,500,000 for fiscal year 2007;
(E) $239,500,000 for fiscal year 2008; and
(F) $239,500,000 for fiscal year 2009.

(2) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, and section 5211 of this Act, $24,500,000 for fiscal year 2004 and $33,500,000 for each of fiscal years 2005 through 2009.

(3) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for fiscal year 2004 and $33,000,000 for each of fiscal years 2005 through 2009.

(4) UNIVERSITY TRANSPORTATION RESEARCH.—To carry out sections 5505 and 5506 of title 49, United States Code, $54,500,000 for fiscal year 2004 and $71,000,000 for each of fiscal years 2005 through 2009.

(5) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH.—To carry out subtitle F of this title, $115,000,000 for each of fiscal years 2004 through 2009.

(6) ITS DEPLOYMENT.—To carry out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (112 Stat. 458; 112 Stat. 460), $100,000,000 for fiscal years 2004 and 2005.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project or activity carried out using such funds shall be 50 percent, unless otherwise expressly provided by this Act (including the amendments made by this Act) or otherwise determined by the Secretary, and such funds shall remain available until expended and shall not be transferable.

SEC. 5102. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by sections 5101(a) and 5401 of this Act shall not exceed $483,000,000 for fiscal year 2004, $484,000,000 for fiscal year 2005, $485,000,000 for fiscal year 2006, $485,000,000 for fiscal year 2007, $486,000,000 for fiscal year 2008, and $487,000,000 for fiscal year 2009.

SEC. 5103. FINDINGS.

Congress finds the following:

(1) Research and development are critical to developing and maintaining a transportation system that meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

(2) Federally sponsored surface transportation research and development has produced many successes. The development of rumble strips has increased safety; research on materials has increased the lifespan of pavements, saving money and reducing the disruption caused by construction; and Geographic Information Systems have improved the management and efficiency of transit fleets.

(3) Despite these important successes, the Federal surface transportation research and development investment represents less than one percent of overall government spending on surface transportation.

(4) While Congress increased funding for overall transportation programs by about 40 percent in the Transportation Equity Act for the 21st Century, funding for transportation research and development remained relatively flat.

(5) The Federal investment in research and development should be balanced between short-term applied and long-term fundamental research and development. The investment should also cover a wide range of research areas, including research on materials and construction, research on operations, research on transportation trends and human factors, and research addressing the institutional barriers to deployment of new technologies.

(6) Therefore, Congress finds that it is in the United States interest to increase the Federal investment in transportation research and development, and to conduct research in critical research gaps, in order to ensure that the transportation system meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

Subtitle B—Research, Technology, and Education

SEC. 5201. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) RESEARCH, TECHNOLOGY, AND EDUCATION.—Title 23, United States Code, is amended—

(1) in the table of chapters by striking the item relating to chapter 5 and inserting the following:

"5. RESEARCH, TECHNOLOGY, AND EDUCATION ..... 501".

(2) by striking the heading for chapter 5 and inserting the following:

"CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION".

(b) STATEMENT OF PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—Section 502 of such title is amended—

(1) by redesignating subsections (a) through (g) as subsections (b) through (h), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—

"(1) COVERAGE.—Surface transportation research and technology development shall include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

"(2) FEDERAL RESPONSIBILITY.—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

"(A) is of national significance;

"(B) supports research in which there is a clear public benefit and private sector investment is less than optimal;

"(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently; or

"(D) presents the best means to support Federal policy goals compared to other policy alternatives.

"(3) ROLE.—Consistent with these Federal responsibilities, the Secretary shall—

"(A) conduct research;

"(B) support and facilitate research and technology transfer activities by State highway agencies;

"(C) share results of completed research; and

"(D) support and facilitate technology and innovation deployment.

"(4) PROGRAM CONTENT.—A surface transportation research program shall include—

"(A) fundamental, long-term highway research;

"(B) research aimed at significant highway research gaps and emerging issues with national implications; and

"(C) research related to policy and planning.

"(5) STAKEHOLDER INPUT.—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

"(6) COMPETITION AND PEER REVIEW.—Except as otherwise provided in this Act, the Secretary shall award all grants, contracts, and cooperative agreements for research and development under this Act based on open competition and peer review of proposals.

"(7) PERFORMANCE REVIEW AND EVALUATION.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measures shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.".

(c) PROCUREMENT FOR RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Section 502(b)(3) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

"(A) independently;

"(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

"(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, any other person.".

(d) TRANSPORTATION POOLED FUND PROGRAM.—Section 502(b) of such title (as redesignated by subsection (b) of this section), is amended by adding at the end the following:

"(6) POOLED FUNDING.—

"(A) COOPERATION.—To promote effective utilization of available resources, the Secretary may cooperate with a State and an appropriate agency in funding research, development, and technology transfer activities of mutual interest on a pooled funds basis.

"(B) SECRETARY AS AGENT.—The Secretary may enter into contracts, cooperative agreements, grants, and other transactions as agent for all participating parties in carrying out such research, development, or technology transfer.".

(e) OPERATIONS ELEMENTS IN RESEARCH ACTIVITIES.—Section 502 of such title is further amended—

(1) in subsection (b)(1)(B) (as redesignated by subsection (b) of this section) by inserting "transportation system management and operations," after "operation,".

(2) in subsection (d)(5)(C) (as redesignated by subsection (b) of this section) by inserting "system management and" after "transportation"; and

(3) by inserting at the end of subsection (d) (as redesignated by subsection (b) of this section) the following:

"(12) Investigation and development of various operational methodologies to reduce the occurrence and impact of recurrent congestion and nonrecurrent congestion and increase transportation system reliability.

"(13) Investigation of processes, procedures, and technologies to secure container and hazardous material transport, including the evaluation of regulations and the impact of good security practices on commerce and productivity.

"(14) Research, development, and technology transfer related to asset management.".

(f) FACILITATING TRANSPORTATION RESEARCH AND TECHNOLOGY DEPLOYMENT PARTNERSHIPS.—Section 502(c)(2) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may directly initiate contracts, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other transactions to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, and their agents to conduct joint transportation research and technology efforts.".

(g) EXPLORATORY ADVANCED RESEARCH PROGRAM.—Section 502(e) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(e) EXPLORATORY ADVANCED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish an exploratory advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508 that involves and draws upon basic research results to provide a better understanding of problems and develop innovative solutions. In carrying out the program, the Secretary shall strive to develop partnerships with public and private sector entities.

"(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas of surface transportation research and technology as the Secretary determines appropriate, including the following:

"(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(B) Assessment of the effects of transportation decisions on human health.

"(C) Development of surrogate measures of safety.

"(D) Environmental research.

"(E) Data acquisition techniques for system condition and performance monitoring.

"(F) System performance data and information processing needed to assess the day-to-day operational performance of the system in support of hour-to-hour operational decisionmaking.".

(h) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 502(f) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(f) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall complete the 20-year long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on June 8, 1998).

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(B) analyze the data obtained under subparagraph (A); and

"(C) prepare products to fulfill program objectives and meet future pavement technology needs.".

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $10,000,000 for fiscal year 2004 and $21,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 502(f) of title 23, United States Code.

(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

"(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

"(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

"(2) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

"(A) the conduct of highway research and development related to new highway technology;

"(B) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials; and

"(C) the development of innovative highway products and practices.".

(j) UNIVERSITY FUNDING.—Except as otherwise provided in this title and any amendments made by this title, the Secretary may not provide financial assistance

to a university under section 5101 unless the university is selected to receive such funds through a competitive process that incorporates merit-based peer review and the selection is based on a proposal submitted to the Secretary by the university in response to a request for proposals issued by the Secretary.

SEC. 5202. LONG-TERM BRIDGE PERFORMANCE PROGRAM; INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM.

(a) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

"(j) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall establish a 20-year long-term bridge performance program.

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(A) monitor, material-test, and evaluate test bridges;

"(B) analyze the data obtained under subparagraph (A); and

"(C) prepare products to fulfill program objectives and meet future bridge technology needs.".

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 502(j) of title 23, United States Code.

(b) INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503(b)(1) of such title is amended to read as follows:

"(1) IN GENERAL.—The Secretary shall establish and carry out a program to promote, demonstrate, evaluate, and document the application of innovative designs, materials, and construction methods in the construction, repair, and rehabilitation of bridges and other highway structures.".

(2) GOALS.—Section 503(b)(2) of such title is amended to read as follows:

"(2) GOALS.—The goals of the program shall include—

"(A) the development of new, cost-effective, innovative highway bridge applications;

"(B) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(C) the development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;

"(D) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(E) the development of highway bridges and structures that will withstand natural disasters;

"(F) the documentation and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

"(G) the effective transfer of resulting information and technology; and

"(H) the development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.".

(3) FUNDING.—

(A) IN GENERAL.—Of the amounts made available by section 5101(a)(1) of this Act, $20,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 503(b) of title 23, United States Code; and

(B) HIGH PERFORMANCE CONCRETE BRIDGE TECHNOLOGY RESEARCH AND DEPLOYMENT.—The Secretary shall obligate $2,000,000 of the amount described in subparagraph (A) for each of fiscal years 2004 through 2009 to conduct research and deploy technology related to high-performance concrete bridges.

SEC. 5203. SURFACE TRANSPORTATION ENVIRONMENT AND PLANNING COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 507 of title 23, United States Code, is amended to read as follows:

"§ 507. Surface Transportation environment and planning cooperative research program

"(a) ESTABLISHMENT.—The Secretary shall establish and carry out a collaborative, public-private surface transportation environment and planning cooperative research program.

"(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to carry out administrative and management activities relating to the governance of the surface transportation environment and planning cooperative research program.

"(c) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a committee that will be responsible for program oversight and project selection.

"(2) MEMBERSHIP.—The members of the committee shall be appointed by the Secretary and shall be composed of—

"(A) representatives of State, regional, and local transportation agencies, including transit agencies;

"(B) representatives of State environmental agencies and other environmental organizations;

"(C) representatives of the transportation private sector;

"(D) transportation and environmental scientists and engineers; and

"(E) representatives of the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, United States Fish and Wildlife Service, Corps of Engineers, American Association of State Highway and Transportation Officials, and American Public Transportation Association, who shall serve in an ex officio capacity.

"(3) BALANCE.—The majority of the committee's voting members shall be representatives of government transportation agencies.

"(4) MEETINGS.—The National Academy of Sciences shall convene meetings of the committee.

"(d) GOVERNANCE.—The program established under this section shall include the following administrative and management elements:

"(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall carry out and periodically update research and development called for in the Transportation Research Board Special Report 268, entitled 'Surface Transportation Environmental Research: A Long-Term Strategy' and published in 2002, as described in subsection (e). The national research agenda shall include a multiyear strategic plan.

"(2) INVOLVEMENT.—Interested parties may—

"(A) submit research proposals;

"(B) participate in merit reviews of research proposals and peer reviews of research products; and

"(C) receive research results.

"(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award under the program research contracts and grants through open competition and merit review conducted on a regular basis.

"(4) EVALUATION OF RESEARCH.—

"(A) PEER REVIEW.—Research contracts and grants may allow peer review of the research results.

"(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis.

"(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, and publications for the general public.

"(e) CONTENTS.—The national research agenda for the program required under subsection (d)(1) shall include research in the following areas for the purposes described:

"(1) HUMAN HEALTH.—Human health to establish the links between transportation activities and human health; substantiate the linkages between exposure to concentration levels, emissions, and health impacts; examine the potential health impacts from the implementation and operation of transportation infrastructure and services; develop strategies for avoidance and reduction of these impacts; and develop strategies to understand the economic value of health improvements and for incorporating health considerations into valuation methods.

"(2) ECOLOGY AND NATURAL SYSTEMS.—Ecology and natural systems to measure transportation's short- and long-term impact on natural systems; develop ecologically based performance measures; develop insight into both the spatial and temporal issues associated with transportation and natural systems; study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health; develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density

and ecosystem integrity; and develop ecologically based performance techniques to evaluate the success of highway project mitigation and enhancement measures.

"(3) ENVIRONMENTAL AND SOCIOECONOMIC RELATIONSHIPS.—Environmental and socioeconomic relationships to understand differences in mobility, access, travel behavior, and travel preferences across socioeconomic groups; develop improved planning approaches that better reflect and respond to community needs; improve evaluation methods for examining the incidence of benefits and costs; examine the differential impacts of current methods of finance and explore alternatives; understand the socioeconomic implications of emerging land development patterns and new transportation technologies; develop cost-effective applications of technology that improve the equity of the transport system; and develop improved methods for community involvement, collaborative planning, and conflict resolution.

"(4) EMERGING TECHNOLOGIES.—Emerging technologies to assist in the transition to environmentally benign fuels and vehicles for passengers and freight; develop responses to and demand for new technologies that could offer improved environmental performance; identify possible applications of intelligent transportation systems technologies for environmental benefit; develop policy instruments that would encourage the development of beneficial new technologies in a cost-effective manner; and respond to the impact of new technologies.

"(5) LAND USE.—Land use to assess land consumption trends and contributing factors of transportation investment, housing policies, school quality, and consumer preferences; incorporate impacts of transportation investments on location decision and land use; identify the costs and benefits of current development patterns and their transportation implications; determine the effect of the built environment on people's willingness to walk, drive, or take public transportation; determine the roles of public policy and institutional arrangements in current and prospective land use and transportation choices; and develop improved data, methods, and processes for considering land use, transportation, and the environment in an integrated, systematic fashion.

"(6) PLANNING AND PERFORMANCE MEASURES.—Planning and performance measures to improve understanding of travel needs and preferences; improve planning methods for system analysis, forecasting, and decisionmaking; expand information on consumer choice processes and travel and activity patterns for both local and long-distance trips and both passenger and freight transportation analysis of social, environmental, and economic benefits and cost of various transport options; develop tools for measuring and forecasting complex transportation decisions for all modes and users; and develop performance measures and policy analysis approaches that can be used to determine effectiveness.

"(7) OTHER RESEARCH AREAS.—Other research areas to identify and address the emerging and future surface transportation research needs related to planning and environment.

"(f) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

"(g) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized to be appropriated to carry out this section, the National Academy of Sciences may seek and accept additional funding sources to carry out this section from public and private entities capable of attracting and accepting funding from the Department of Transportation, Environmental Protection Agency, Department of Energy, United States Fish and Wildlife Service, and other Federal environmental agencies, States, local governments, nonprofit foundations, and the private sector.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is amended by striking the item relating to section 507 and inserting the following:

"507. Surface transportation environment and planning cooperative research program.".

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 507 of title 23, United States Code.

SEC. 5204. TECHNOLOGY DEPLOYMENT.

(a) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 503(a) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "INITIATIVES AND PARTNERSHIPS";

(2) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment program.";

(3) by striking paragraph (7) and inserting the following:

"(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer activities concerning innovative materials.

"(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve an application based on whether the project that is the subject of the grant meets the purpose of the program described in paragraph (2).''; and

(4) by striking paragraph (8) and inserting the following:

"(8) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall ensure that the information and technology resulting from research conducted under paragraph (7) is made available to State and local transportation departments and other interested parties as specified by the Secretary.''.

(b) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding at the end the following:

"(c) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and implement a program to promote, demonstrate, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

"(2) GOALS.—The goals of the innovative pavement research and deployment program shall include—

"(A) the deployment of new, cost-effective, innovative designs, materials, recycled materials (including taconite tailings and foundry sand), and practices to extend pavement life and performance and to improve customer satisfaction;

"(B) the reduction of initial costs and life-cycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

"(C) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

"(D) the deployment of engineering design criteria and specifications for innovative practices, products, and materials for use in highway pavements;

"(E) the deployment of new nondestructive and real-time pavement evaluation technologies and techniques;

"(F) the evaluation, refinement, and documentation of the performance and benefits of innovative technologies deployed to improve life, performance, cost effectiveness, safety, and customer satisfaction;

"(G) effective technology transfer and information dissemination to accelerate implementation of innovative technologies and to improve life, performance, cost effectiveness, safety, and customer satisfaction; and

"(H) the development of designs and materials to reduce storm water runoff.

"(3) RESEARCH TO IMPROVE NHS PAVEMENT.—The Secretary shall obligate not less than $2,000,000 for fiscal year 2004 and $6,000,000 for each of fiscal years 2005 through 2009 from funds made available to carry out this subsection to conduct research to improve asphalt pavement, concrete pavement, and aggregates used in highways on the National Highway System.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(c) of title 23, United States Code.

(c) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding the following:

"(d) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and implement a program to demonstrate the application of innovative technologies in highway safety.

"(2) GOALS.—The goals of the program shall include—

"(A) the deployment and evaluation of safety technologies and innovations at State and local levels; and

"(B) the deployment of best practices in training, management, design, and planning.

"(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other

Federal agencies, universities and colleges, private sector entities, and nonprofit organizations for research, development, and technology transfer for innovative safety technologies.

"(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the application meets the goals of the program described in paragraph (2).

"(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.".

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(d) of title 23, United States Code.

(d) AUTHORITY TO PURCHASE PROMOTIONAL ITEMS.—Section 503 of such title is further amended by adding at the end the following:

"(e) PROMOTIONAL AUTHORITY.—Funds authorized to be appropriated for necessary expenses for administration and operation of the Federal Highway Administration shall be available to purchase promotional items of nominal value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.".

(e) WOOD COMPOSITE MATERIALS DEMONSTRATION PROJECT.—

(1) FUNDING.—Of the funds made available to carry out section 5101(a)(1), $1,000,000 shall be made available by the Secretary for each of fiscal years 2005 and 2006 for conducting a demonstration of the durability and potential effectiveness of wood composite materials in multimodal transportation facilities.

(2) FEDERAL SHARE.—The Federal share of the cost of the demonstration under paragraph (1) shall be 100 percent.

SEC. 5205. TRAINING AND EDUCATION.

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—Section 504(a)(3) of title 23, United States Code, is amended to read as follows:

"(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures in areas, including surface transportation, environmental mitigation, compliance, stewardship, and streamlining, acquisition of rights-of-way, relocation assistance, engineering, safety, transportation system management and operations, construction, maintenance, contract administration, inspection, and highway finance.".

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $8,000,000 for fiscal year 2004 and $8,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(a) of title 23, United States Code.

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Section 504(b) of such title is amended by adding at the end the following:

"(3) FEDERAL SHARE.—

"(A) GRANTS.—A grant under this subsection may be used to pay up to 50 percent of local technical assistance program costs. Funds available for technology transfer and training purposes under this title and title 49 may be used to cover the remaining 50 percent of the program costs.

"(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of activities carried out by the tribal technical assistance centers under paragraph (2)(D)(ii) shall be 100 percent.".

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $12,000,000 for fiscal year 2004 and $14,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(b) of title 23, United States Code.

(c) EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—Of the amounts made available by section 5101(a)(2) of this Act, $2,000,000 for fiscal year 2004 and $2,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(c)(2) of title 23, United States Code.

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—Section 504 of title 23, United States Code, is further amended by adding at the end the following new subsection:

"(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.

"(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

"(A) internships that offer students experience in the transportation field;

"(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

"(C) developing relevant curriculum that uses examples and problems related to transportation.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used and a description of how the funds will be used to serve the purposes described in paragraph (2).

"(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

"(C) ELIGIBILITY.—Local education agencies and State education agencies, which may partner with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

"(B) the term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

"(C) the term 'State educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).".

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $500,000 for 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(d) of title 23, United States Code.

(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504 of such title is further amended by adding at the end the following:

"(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—

"(1) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development, training and education, including—

"(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

"(B) employee professional development;

"(C) student internships;

"(D) university or community college support; and

"(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.

"(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.

"(3) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION DEFINED.—In this subsection, the term 'surface transportation workforce development, training, and education' means activities associated with surface transportation career awareness, student transportation career prepara-

tion, and training and professional development for surface transportation workers, including activities for women and minorities.".

(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—Section 504 of such title is further amended by inserting after subsection (e) the following:

"(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to institutions of higher education that in partnership with industry or State Departments of Transportation will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

"(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

"(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

"(B) providing for practical experience and on-the-job training;

"(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

"(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

"(E) programs or curricula in nontraditional departments which train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

"(F) industry or a State's Department of Transportation commitment to the program.

"(3) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out this subsection.

"(4) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $250,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal no more than 75 percent of a grantee's program costs.".

(g) DEFINITIONS AND DECLARATION OF POLICY.—Section 101(a)(3) of such title is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(3) by adding at the end the following:

"(I) surface transportation workforce development, training, and education.".

(h) TRANSPORTATION TECHNOLOGY INNOVATIONS.—

(1) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—The Secretary shall continue to carry out section 5117(b)(5) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(2) TRANSPORTATION, ECONOMIC, AND LAND USE SYSTEM.—The Secretary shall continue to carry out section 5117(b)(7) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(3) FUNDING.—Of the amounts made available for each of fiscal years 2004 through 2009 by section 5101(a)(1) of this Act, $3,000,000 shall be available to carry out paragraph (1) and $1,000,000 shall be available to carry out paragraph (2).

(4) USE OF RIGHTS-OF-WAY.—Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 449; 112 Stat. 864; 115 Stat. 2330) is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(B) by inserting after subparagraph (D) the following:

"(E) USE OF RIGHTS-OF-WAY.—

"(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3), and an intelligent transportation system project described in paragraph (6), that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund (other than the Mass Transit Account) shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which funds from the Highway Trust Fund (other than the Mass Transit Account) have been

used for planning, design, construction, or maintenance if the Secretary determines that such use is in the public interest.

"(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the authority of a State, or political subdivision of a State, to regulate highway safety.".

SEC. 5206. FREIGHT PLANNING CAPACITY BUILDING.

(a) IN GENERAL.—Section 504 of title 23, United States Code, is further amended by adding at the end the following:

"(g) FREIGHT CAPACITY BUILDING PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

"(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

"(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

"(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating to the governance of the freight planning capacity initiative.

"(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

"(4) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:

"(A) The identification and dissemination of best practices in freight transportation.

"(B) Providing opportunities for freight transportation staff to engage in peer exchange.

"(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation needs.

"(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

"(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

"(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental excellence in connection with long-range multimodal transportation planning and project implementation.

"(5) FUNDING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

"(B) USE OF NON-FEDERAL FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, Federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.".

(b) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for fiscal year 2004 and $5,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(f) of title 23, United States Code.

SEC. 5207. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) CONTINUATION AND ACCELERATION OF TRANSIMS DEPLOYMENT.—The Secretary shall accelerate the deployment of the advanced transportation model known as the "Transportation Analysis Simulation System" (in this section referred to as "TRANSIMS"), developed by the Los Alamos National Laboratory. The program shall assist State departments of transportation and metropolitan planning organizations in the implementation of TRANSIMS, develop methods for TRANSIMS applications to transportation planning and air quality analysis, and provide training

and technical assistance for the implementation of TRANSIMS. The program may support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available by section 5101(a)(1) to—

(1) provide funding to State departments of transportation and metropolitan planning organizations serving transportation management areas designated under chapter 52 of title 49, United States Code, representing a diversity of populations, geographic regions, and analytic needs to implement TRANSIMS;

(2) develop methods to demonstrate a wide spectrum of TRANSIMS applications to support metropolitan and statewide transportation planning, including integrating highway and transit operational considerations into the transportation Planning process; and

(3) provide training and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(c) ALLOCATION OF FUNDS.—Not more than 75 percent of the funds made available to carry out this section may be allocated to activities described in subsection (b)(1).

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

SEC. 5208. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

"§ 509. National cooperative freight Transportation research program

"(a) ESTABLISHMENT.—The Secretary shall establish and support a national cooperative freight transportation research program.

"(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative freight transportation research program.

"(c) ADVISORY COMMITTEE.—The National Academy of Sciences shall select an advisory committee consisting of a representative cross-section of freight stakeholders, including the Department of Transportation, other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

"(d) GOVERNANCE.—The national cooperative freight transportation research program established under this section shall include the following administrative and management elements:

"(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.

"(2) INVOLVEMENT.—Interested parties may—

"(A) submit research proposals to the advisory committee;

"(B) participate in merit reviews of research proposals and peer reviews of research products; and

"(C) receive research results.

"(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

"(4) EVALUATION OF RESEARCH.—

"(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

"(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

"(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, publications for the general public, and other appropriate means.

"(e) CONTENTS.—The national research agenda required under subsection (d)(1) shall include research in the following areas:

"(1) Techniques for estimating and quantifying public benefits derived from freight transportation projects.

"(2) Alternative approaches to calculating the contribution of truck and rail traffic to congestion on specific highway segments.

"(3) The feasibility of consolidating origins and destinations for freight movement.

"(4) Methods for incorporating estimates of international trade into landside transportation planning.

"(5) The use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic.

"(6) Development of physical and policy alternatives for separating car and truck traffic.

"(7) Ways to synchronize infrastructure improvements with freight transportation demand.

"(8) The effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.

"(9) Other research areas to identify and address the emerging and future research needs related to freight transportation by all modes.

"(f) FUNDING.—

"(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

"(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized for this section, the National Academy of Sciences may seek and accept additional funding sources from public and private entities capable of accepting funding from the Department of Transportation, States, local governments, nonprofit foundations, and the private sector.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

"509. National cooperative freight transportation research program.".

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,500,000 for fiscal year 2004 and $4,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 509 of title 23, United States Code.

SEC. 5209. FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

"§ 510. Future strategic highway research program

"(a) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall establish and carry out, acting through the National Research Council of the National Academy of Sciences, the future strategic highway research program.

"(b) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate.

"(c) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available for the fiscal year in which such funds are made available and the 3 succeeding fiscal years.

"(d) PROGRAM PRIORITIES.—

"(1) PROGRAM ELEMENTS.—The program established under this section shall be based on the National Research Council Special Report 260, entitled 'Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life' and the results of the detailed planning work subsequently carried out in 2002 and 2003 to identify the research areas through National Cooperative Research Program Project 20–58. The research program shall include an analysis of the following:

"(A) Renewal of aging highway infrastructure with minimal impact to users of the facilities.

"(B) Driving behavior and likely crash causal factors to support improved countermeasures.

"(C) Reducing highway congestion due to nonrecurring congestion.

"(D) Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

"(2) DISSEMINATION OF RESULTS.—The research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers for their use, as soon as practicable.

"(e) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

"(1) projects and researchers are selected to conduct research for the program on the basis of merit and open solicitation of proposals and review by panels of appropriate experts;

"(2) State department of transportation officials and other stakeholders, as appropriate, are involved in the governance of the program at the overall program level and technical level through the use of expert panels and committees;

"(3) the Council acquires a qualified, permanent core staff with the ability and expertise to manage the program and multiyear budget; and

"(4) there is no duplication of research effort between the program and any other research effort of the Department.

"(f) REPORT ON IMPLEMENTATION OF RESULTS.—

"(1) REPORT.—The Transportation Research Board of the National Research Council shall complete a report on the strategies and administrative structure to be used for implementation of the results of the future strategic highway research program.

"(2) COMPONENTS.—The report under paragraph (1) shall include with respect to the program—

"(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

"(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

"(C) an estimate of costs of implementation of those results; and

"(D) recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

"(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

"(A) the Federal Highway Administration;

"(B) the National Highway Traffic Safety Administration; and

"(C) the American Association of State Highway and Transportation Officials.

"(4) SUBMISSION.—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(h) FUNDING.—

"(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

"(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.".

(b) PROGRAMMATIC EVALUATIONS.—Within 3 years after the first research and development project grants, cooperative agreements, or contracts are awarded under section 510 of title 23, United States Code, the Comptroller General shall review the program under such section, and recommend improvements. The review shall assess the degree to which projects funded under such section have addressed the research and development topics identified in the Transportation Research Board Special Report 260, including identifying those topics which have not yet been addressed.

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

"510. Future strategic highway research program.".

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $17,000,000 for fiscal year 2004, $60,000,000 for fiscal year 2005, and $63,000,000 for each of fiscal years 2006 through 2009, shall be available to carry out section 510 of title 23, United States Code.

SEC. 5210. TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Secretary shall fund and carry out a project to further the development of a comprehensive transportation safety information management system (in this section referred to as "TSIMS").

(b) PURPOSES.—The purpose of the TSIMS project is to further the development of a software application to provide for the collection, integration, management, and dissemination of safety data from and for use among State and local safety and

transportation agencies, including driver licensing, vehicle registration, emergency management system, injury surveillance, roadway inventory, and motor carrier databases.

(c) FUNDING.—

(1) FEDERAL CONTRIBUTION.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for fiscal year 2005 shall be available to carry out the TSIMS project under this section.

(2) STATE CONTRIBUTION.—The sums authorized in paragraph (1) are intended to supplement voluntary contributions to be made by State departments of transportation and other State safety and transportation agencies.

SEC. 5211. SURFACE TRANSPORTATION CONGESTION RELIEF SOLUTIONS RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Federal Highway Administration, shall establish a surface transportation congestion solutions research initiative consisting of 2 independent research programs described in subsections (b)(1) and (b)(2) and designed to develop information to assist State transportation departments and metropolitan planning organizations measure and address surface transportation congestion problems.

(b) SURFACE TRANSPORTATION CONGESTION SOLUTIONS RESEARCH PROGRAM.—

(1) IMPROVED SURFACE TRANSPORTATION CONGESTION MANAGEMENT SYSTEM MEASURES.—The purposes of the first research program established under this section shall be—

(A) to examine the effectiveness of surface transportation congestion management systems since enactment of the Intermodal Surface Transportation Assistance Act of 1991 (Public Law 102–240);

(B) to identify best case examples of locally designed reporting methods and incorporate such methods in research on national models for developing and recommending improved surface transportation congestion measurement and reporting; and

(C) to incorporate such methods in the development of national models and methods to monitor, measure, and report surface transportation congestion information.

(2) ANALYTICAL TECHNIQUES FOR ACTION ON SURFACE TRANSPORTATION CONGESTION.—The purposes of the second research program established under this section shall be—

(A) to analyze the effectiveness of procedures used by State transportation departments and metropolitan planning organizations to assess surface transportation congestion problems and communicate those problems to decisionmakers; and

(B) to identify methods to ensure that the results of surface transportation congestion analyses will lead to the targeting of funding for programs, projects, or services with demonstrated effectiveness in reducing travel delay, congestion, and system unreliability.

(c) TECHNICAL ASSISTANCE AND TRAINING.—In fiscal year 2006, the Secretary, acting through the Federal Highway Administration, shall develop a technical assistance and training program to disseminate the results of the surface transportation congestion solutions research initiative for the purpose of assisting State transportation departments and local transportation agencies with improving their approaches to surface transportation congestion measurement, analysis, and project programming.

(d) FUNDING.—Of the amounts made available by sections 5101(a)(1) of this Act, $4,000,000 for fiscal year 2004 and $11,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsections (a) and (b). Of the amounts made available by section 5101(a)(2), $500,000 for fiscal year 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsection (c).

SEC. 5212. MOTOR CARRIER EFFICIENCY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the motor carrier and wireless technology industry, shall conduct a study to—

(1) identify inefficiencies in the transportation of freight;

(2) evaluate the safety, productivity, and reduced cost improvements that may be achieved through the use of wireless technologies to address the inefficiencies identified in paragraph (1); and

(3) conduct, as appropriate, field tests demonstrating the technologies identified in paragraph (2).

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) Fuel monitoring and management systems.

(2) Radio frequency identification technology.

(3) Electronic manifest systems.
(4) Cargo theft prevention.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From funds made available under section 5101(a)(1), the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

(a) AMENDMENT.—Section 508 of title 23, United States Code, is amended to read as follows:

"§ 508. Transportation research and development strategic planning

"(a) IN GENERAL.—

"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

"(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

"(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

"(i) reducing congestion and improving mobility;

"(ii) promoting safety;

"(iii) promoting security;

"(iv) protecting and enhancing the environment;

"(v) preserving the existing transportation system; and

"(vi) improving the durability and extending the life of transportation infrastructure;

"(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

"(C) for each research and development topic, describe—

"(i) the anticipated annual funding levels for the period covered by the strategic plan; and

"(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

"(3) CONSIDERATIONS.—In developing the strategic plan, the Secretary shall ensure that the plan—

"(A) reflects input from a wide range of stakeholders;

"(B) includes and integrates the research and development programs of all the Department's operating administrations, including aviation, transit, rail, and maritime; and

"(C) takes into account how research and development by other Federal, State, private sector, and not-for-profit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

"(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

"(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

"(B) the amount of funding spent in each topic area;

"(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

"(D) any amendments to the strategic plan.

"(b) The Secretary shall submit to Congress an annual report, along with the President's annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

"(c) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

"(1) strategic plan under section 508;

"(2) performance plan required under section 1115 of title 31; and

"(3) program performance report required under section 1116 of title 31,

with respect to transportation research and development.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is amended by striking the item related to section 508 and inserting the following:

"508. Transportation research and development strategic planning.".

SEC. 5214. LIMITATION ON REMEDIES FOR FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 510 of title 23, United States Code, as added by section 5209 of this Act, is amended by inserting after subsection (f) the following:

"(g) LIMITATION OF REMEDIES.—

"(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

"(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

"(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

"(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds made available to carry out this section for making payments under this paragraph.".

SEC. 5215. CENTER FOR TRANSPORTATION ADVANCEMENT AND REGIONAL DEVELOPMENT.

(a) ESTABLISHMENT.—The Secretary shall establish a Center for Transportation Advancement and Regional Development to assist, through training, education and research, in the comprehensive development of small metropolitan and rural regional transportation systems that are responsive to the needs of businesses and local communities.

(b) ACTIVITIES.—In carrying out this section, the Center shall—

(1) provide training, information and professional resources for small metropolitan and rural regions to pursue innovative strategies to expand the capabilities, capacity and effectiveness of a region's transportation network, including activities related to freight projects, transit system upgrades, roadways and bridges, and intermodal transfer facilities and operations;

(2) assist local officials, rural transportation and economic development planners, officials from State departments of transportation and economic development, business leaders and other stakeholders in developing public-private partnerships to enhance their transportation systems; and

(3) promote the leveraging of regional transportation planning with regional economic and business development planning to assure that appropriate transportation systems are created.

(c) PROGRAM ADMINISTRATION.—To carry out this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, a national association of regional economic development and transportation professionals with a focus on small metropolitan and rural regions.

Subtitle C—University Transportation Research; Scholarship Opportunities

SEC. 5301. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

"§ 5505. National university transportation centers

"(a) IN GENERAL.—

"(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible nonprofit institutions of higher learning to establish and operate national university transportation centers.

"(2) ROLE OF CENTERS.—The role of each center shall be to advance significantly transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

"(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

"(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term 'eligible nonprofit institution of higher learning' means each of the lead institutions identified in subsections (j)(4)(A), (j)(4)(B), and (j)(4)(F) of section 5505 as in effect on the day before the date of enactment of the Transportation Equity Act: A Legacy for Users, the university referred to in section 704 of Public Law 103–206 (107 Stat. 2447), and the university that, as of the day before such date of enactment, is the lead institution for the regional university transportation center for region 5 of the Standard Federal Regional Boundary System.

"(d) GRANTS.—In each of fiscal years 2004 through 2009, the Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount not to exceed $3,500,000.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5505 and inserting the following:

"5505. National university transportation centers.".

SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Section 5506 of title 49, United States Code, is amended to read as follows:

"§ 5506. University transportation research

"(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation centers.

"(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

"(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

"(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary course work and participation in research.

"(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(c) REGIONAL, TIER I, AND TIER II CENTERS.—

"(1) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

"(A) 10 regional university transportation centers; and

"(B) 10 Tier I university transportation centers.

"(2) TIER II CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate 10 Tier II university transportation centers.

"(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for a fiscal year for more than one university transportation center.

"(d) COMPETITIVE SELECTION PROCESS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) The demonstrated research and extension resources available to the recipient to carry out this section.

"(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(C) The recipient's demonstrated commitment of at least $400,000 each year in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

"(D) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

"(E) The strategic plan the recipient proposes to carry out under the grant.

"(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

"(1) COMPETITION.—Not later than August 31, 2005, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

"(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

"(A) the criteria described in subsection (d)(2);

"(B) the location of the center within the Federal region to be served; and

"(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

"(i) not less than $2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

"(ii) not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation for year for each of the preceding 5 years; and

"(iii) not less than 5 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.

"(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

"(4) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

"(5) AMOUNT OF GRANTS.—For each of fiscal years 2004 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a regional university transportation center shall not exceed $3,500,000.

"(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

"(1) COMPETITION.—Not later than March 31, 2006, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

"(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

"(A) the criteria described in subsection (d)(2); and

"(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

"(i) not less than $1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than $6,000,000 in such expenditures during the 5 preceding years;

"(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

"(iii) not less than 3 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.

"(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

"(4) SPECIAL RULE FOR FISCAL YEARS 2004, 2005, AND 2006.—For each of fiscal years 2004, 2005, and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

"(5) AMOUNT OF GRANTS.—A grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier I university transportation center shall not exceed $1,000,000 for fiscal year 2004 and $1,500,000 for each of fiscal years 2005 through 2009.

"(g) TIER II UNIVERSITY TRANSPORTATION CENTERS.—

"(1) COMPETITION.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, not later than March 31, 2008, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier II university transportation centers referred to in subsection (c)(2).

"(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of the criteria described in subsection (f)(2).

"(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall—

"(A) in the case of the competition to be completed not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, make a grant to the recipient to establish and operate a Tier II university transportation center in each of fiscal years 2005 through 2008; and

"(B) in the case of each subsequent competition, make a grant to the recipient to establish and operate a Tier II university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

"(4) AMOUNT OF GRANTS.—For each of fiscal years 2005 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier II university transportation center shall not exceed $1,000,000.

"(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support the national strategy for surface transportation research, as identified by—

"(1) the report of the National Highway Research and Technology Partnership entitled 'Highway Research and Technology: The Need for Greater Investment', dated April 2002; and

"(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

"(i) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

"(k) PROGRAM COORDINATION.—

"(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

"(3) MANAGEMENT AND OVERSIGHT.—The Secretary shall expend $1,500,000 for each of fiscal years 2005 through 2009 from amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section.

"(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Innovative Technology Administration.

"(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5506 and inserting the following:

"5506. University transportation research.".

SEC. 5303. TRANSPORTATION SCHOLARSHIP OPPORTUNITIES PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish and implement a scholarship program for the purpose of attracting qualified students for transportation-related critical jobs.

(2) PARTNERSHIP.—The Secretary may establish the program in partnership with appropriate nongovernmental institutions.

(b) PARTICIPATION AND FUNDING.—An operating administration of the Department of Transportation and the Office of Inspector General may participate in the scholarship program. Notwithstanding any other provision of law, the Secretary may use funds available to an operating administration or from the Office of Inspector General of the Department of Transportation for the purpose of carrying out this section.

Subtitle D—Advanced Technologies

SEC. 5401. ADVANCED HEAVY-DUTY VEHICLE TECHNOLOGIES RESEARCH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5507. Advanced heavy-duty vehicle technologies research program

"(a) IN GENERAL.—The Secretary of Transportation shall conduct research, development, demonstration, and testing to integrate emerging advanced heavy-duty vehicle technologies in order to provide seamless, safe, secure, and efficient transportation and to benefit the environment.

"(b) CONSULTATION.—To ensure the activities performed pursuant to this section achieve the maximum benefit, the Secretary of Transportation shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and other relevant Federal agencies on research, development, and demonstration activities authorized under this section related to advanced heavy-duty vehicle technologies.

"(c) GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—The Secretary may make grants to, and enter into cooperative agreements and other transactions with, Federal and other public agencies (including State and local governments) and persons to carry out subsection (a).

"(d) COST SHARING.—At least 50 percent of the funding for projects carried out under this section must be provided by non-Federal sources.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out subsection (a) $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009.

"(f) CONTRACT AUTHORITY.—The funds authorized to be appropriated by subsection (e) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any limitation on obligations imposed on funds made available to carry out title V of the Transportation Equity Act: A Legacy for Users.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by adding at the end the following:

"5507. Advanced heavy-duty vehicle technologies research program.".

SEC. 5402. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM.—

(1) NATIONAL POLICY.—The Secretary shall establish and maintain a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) POLICY IMPLEMENTATION.—The Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy established and maintained under paragraph (1).

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the commercial remote sensing program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $3,000,000 for fiscal year 2004 and $9,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

Subtitle E—Transportation Data and Analysis

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.

Section 111 of title 49, United States Code, is amended to read as follows:

"§ 111. Bureau of Transportation Statistics

"(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.

"(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

"(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary's senior advisor on data and statistics, and shall be responsible for carrying out the following duties:

"(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.

"(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau's data programs and to improve the coordination of information collection efforts with other Federal agencies.

"(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.

"(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the

Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

"(5) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

"(A) productivity in various parts of the transportation sector;

"(B) traffic flows for all modes of transportation;

"(C) other elements of the Intermodal Transportation Database established under subsection (g);

"(D) travel times and measures of congestion;

"(E) vehicle weights and other vehicle characteristics;

"(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode, and goods movement;

"(G) transportation costs for passenger travel and goods movement;

"(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;

"(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

"(J) safety and security for travelers, vehicles, and transportation systems;

"(K) consequences of transportation for the human and natural environment;

"(L) the extent, connectivity, and condition of the transportation system, building on the National Transportation Atlas Database developed under subsection (g); and

"(M) transportation-related variables that influence the domestic economy and global competitiveness.

"(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

"(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

"(8) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

"(d) INFORMATION NEEDS ASSESSMENT.—

"(1) IN GENERAL.—Within 60 days after the date of the enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall enter into an arrangement with the National Research Council to develop and publish a National Transportation Information Needs Assessment (referred to in this subsection as the 'Assessment'). The Assessment shall be transmitted to the Secretary and the Congress not later than 24 months after such arrangement is entered into.

"(2) CONTENT.—The Assessment shall—

"(A) identify, in priority order, transportation data that is not being collected by the Bureau, Department of Transportation operating administrations, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local level and to fulfill the requirements of subsection (c)(5);

"(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is a higher priority than data currently being collected;

"(C) identify any data the Bureau or other Federal, State, and local entities is collecting that is not needed;

"(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, and local entities

should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

"(E) estimate the cost of implementing any recommendations.

"(3) CONSULTATION.—In developing the Assessment, the National Research Council shall consult with the Department's Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

"(4) REPORT TO CONGRESS.—Not later than 6 months after the National Research Council transmits the Assessment under paragraph (1), the Secretary shall transmit a report to Congress that describes—

"(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

"(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

"(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

"(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

"(E) any findings of the Assessment under paragraph (1) with which the Secretary disagrees, and why; and

"(F) any proposed statutory changes needed to implement the findings of the Assessment under paragraph (1).

"(e) INTERMODAL TRANSPORTATION DATA BASE.—

"(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) CONTENTS.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(f) NATIONAL TRANSPORTATION LIBRARY.—

"(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(8).

"(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(g) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

"(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

"(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer

completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than $500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than $10,000.

"(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

"(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

"(2) demonstration programs by States, local governments, and metropolitan planning organizations to harmonize data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

"(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

"(4) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

"(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to authorize the Bureau to require any other department or agency to collect data; or

"(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

"(k) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

"(B) use the information provided under subsection (c) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

"(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

"(l) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

"(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

"(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

"(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

"(n) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

"(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—

"(1) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

"(2) FUNCTION.—It shall be the function of the Advisory Council established under this subsection to—

"(A) advise the Director of the Bureau of Transportation Statistics on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau of Transportation Statistics and the Department of Transportation;

"(B) provide input to and review the report to Congress under subsection (d)(4); and

"(C) advise the Director on methods to encourage harmonization and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

"(3) MEMBERSHIP.—The Advisory Council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

"(4) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for one additional 3-year term.

"(B) Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Users shall serve until the end of their appointed terms.

"(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.".

SEC. 5502. REPORTS OF BUREAU OF TRANSPORTATION STATISTICS.

Section 111(k) of title 49, United States Code, as amended by section 5501 of this Act, is amended by inserting after paragraph (1) the following:

"(2) COPIES OF REPORTS.—

"(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

"(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.".

Subtitle F—Intelligent Transportation Systems Research

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 2005".

SEC. 5602. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles as well as improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, and bicycles and pedestrians, including individuals with disabilities; and

(5) improvement of the Nation's ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources;

(5) facilitate, in cooperation with the motor vehicle industry, the introduction of a vehicle-based safety enhancing systems;

(6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

(7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(8) provide continuing support for operations and maintenance of intelligent transportation systems.

SEC. 5603. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector of the United States, the Federal laboratories, and colleges and universities, including historically Black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal departments and agencies, as appropriate.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle (including the amendments made by this subtitle); and

(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to section 555 of title 5, United States Code.

(h) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a State highway department;

(B) a representative from a local highway department who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

(E) a private sector user of intelligent transportation system technologies;

(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

(G) an academic researcher who is a civil engineer;

(H) an academic researcher who is a social scientist with expertise in transportation issues;

(I) a representative from a not-for-profit group representing the intelligent transportation system industry;

(J) a representative from a public interest group concerned with safety;

(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

(L) members with expertise in planning, safety, and operations.

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and, if not, to determine the barriers to deployment; and

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

(4) REPORT.—Not later than February 1 of each year after the date of enactment of this Act, the Secretary shall transmit to the Congress, a report including—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of how the Secretary has implemented those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) REPORTING.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project,

or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

SEC. 5604. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

(4) USE OF EXPERT PANEL.—

(A) DESIGNATION.—The Secretary shall designate a panel of experts to recommend ways to expedite and streamline the process for developing the standards and protocols to be developed pursuant to paragraph (1).

(B) NONAPPLICABILITY OF ADVISORY COMMITTEE ACT.—The expert panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(C) DEADLINE FOR RECOMMENDATION.—No later than September 30, 2006, the expert panel shall provide the Secretary with a recommendation relating to such standards development.

(b) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the extent practicable, the work product of appropriate standards development organizations.

(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(c) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this Act if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

SEC. 5605. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems and other similar activities that are necessary to carry out this subtitle.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

(2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

(3) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and

(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

(c) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

SEC. 5606. INFRASTRUCTURE DEVELOPMENT.

Funds made available to carry out this subtitle for operational tests—

(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

(2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a road weather research and development program to—

(1) maximize use of available road weather information and technologies;

(2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and

(3) promote technology transfer of effective road weather scientific and technological advances.

(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.

(c) CONTENTS.—The program established under this section shall solely carry out research and development called for in the National Research Council's report entitled "A Research Agenda for Improving Road Weather Services". Such research and development includes—

(1) integrating existing observational networks and data management systems for road weather applications;

(2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;

(3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and

(4) integrating road weather technologies into an information infrastructure.

(d) ACTIVITIES.—In carrying out this section, the Secretary shall—

(1) enable efficient technology transfer;

(2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and

(3) coordinate with transportation weather research programs in other modes, such as aviation.

(e) FUNDING.—

(1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.

(2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.—Of the amounts made available by section 5101(a)(5), $4,000,000 shall be available to carry out this section for each of fiscal years 2004 through 2009.

SEC. 5608. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) INCIDENT.—The term "incident" means a crash, a natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(3) INTELLIGENT TRANSPORTATION SYSTEM.—The term "intelligent transportation system" means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(4) NATIONAL ARCHITECTURE.—The term "national architecture" means the common framework for interoperability that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(5) PROJECT.—The term "project" means a undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this subtitle.

(6) STANDARD.—The term "standard" means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(7) STATE.—The term "State" has the meaning given the term under section 101 of title 23, United States Code.

(8) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The term "transportation systems management and operations" has the meaning given the term under section 101(a) of such title.

SEC. 5609. RURAL INTERSTATE CORRIDOR COMMUNICATIONS STUDY.

(a) STUDY.—The Secretary, in cooperation with the Secretary of Commerce, State departments of transportation, and other appropriate State, regional, and local officials, shall conduct a study on feasibility of installing fiber optic cabling and wireless communication infrastructure along multistate Interstate System route corridors for improved communications services to rural communities along such corridors.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall identify—

(1) impediments to installation of the infrastructure described in subsection (a) along multistate Interstate System route corridors and to connecting such infrastructure to the rural communities along such corridors;

(2) the effective geographic range of such infrastructure;

(3) potential opportunities for the private sector to fund, wholly or partially, the installation of such infrastructure;

(4) potential benefits fiber optic cabling and wireless communication infrastructure may provide to rural communities along such corridors, including the effects of the installation of such infrastructure on economic development, deployment of intelligent transportation systems technologies and applications, homeland security precaution and response, and education and health systems in those communities;

(5) rural broadband access points for such infrastructure;

(6) areas of environmental conflict with such installation;

(7) real estate ownership issues relating to such installation;

(8) preliminary design for placement of fiber optic cable and wireless towers;

(9) monetary value of the rights-of-way necessary for such installation;

(10) applicability and transferability of the benefits of such installation to other rural corridors; and

(11) safety and other operational issues associated with the installation and maintenance of fiber optic cabling and wire infrastructure within Interstate System rights-of-way and other publicly owned rights-of-way.

(c) CORRIDOR LOCATIONS.—The study required under subsection (a) shall be conducted for corridors along—

(1) Interstate Route I–90 through rural Wisconsin, southern Minnesota, northern Iowa, and South Dakota;

(2) Interstate Route I–20 through Alabama, Mississippi, and northern Louisiana;

(3) Interstate Route I–91 through Vermont, New Hampshire, and Massachusetts; and

(4) any other rural corridor the Secretary considers appropriate.

(d) FEDERAL SHARE.—The Federal share of the cost of the study shall be 100 percent.

(e) REPORT TO CONGRESS.—Not later than September 30, 2006, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations of the Secretary.

(f) FUNDING.—Of the amounts made available under section 5101(a)(5), $1,000,000 shall be available for fiscal year 2005, and $2,000,000 for fiscal year 2006, to carry out this section.

SEC. 5610. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish 3 centers for surface transportation excellence.

(b) GOALS.—The goals of the centers for surface transportation excellence are to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, rural safety, and project finance.

(c) ROLE OF CENTERS.—To achieve the goals set forth in subsection (b), the Secretary shall establish the 3 centers as follows:

(1) ENVIRONMENTAL EXCELLENCE.—To provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects.

(2) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess local community needs to improve access to mobile emergency treatment, and develop online and seminar training needs of rural transportation practitioners and policy-makers.

(3) PROJECT FINANCE.—To provide support to State transportation departments in the development of finance plans and project oversight tools and to develop and offer training in state of the art financing methods to advance projects and leverage funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts made available under section 5101(a)(1), the Secretary shall make available $2,000,000 for each of fiscal years 2004 through 2009 to carry out this section.

(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1) the Secretary shall use such amounts as follows:

(A) 40 percent to establish the Center for Environmental Excellence.

(B) 30 percent to establish the Center for Excellence in Rural Safety.

(C) 30 percent to establish the Center for Excellence in Project Finance.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

(e) PROGRAM ADMINISTRATION.—

(1) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant to perform research or provide technical assistance under this section shall be selected on a competitive basis, to the maximum extent practicable.

(2) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan that describes—

(A) the activities to be undertaken; and

(B) how the work of the center is coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized by this title. Such plans shall be submitted to the Secretary by January 1, 2006, and each year thereafter.

SEC. 5611. REPEAL.

Subtitle C of title V of The Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 452–463) is repealed.

SEC. 5612. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of this title, including an amendment made by this title, that is different than the amount authorized to be

appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part V (Public Law 108–310), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 51 the following:

"CHAPTER 52—TRANSPORTATION PLANNING AND PROJECT DELIVERY

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec.
"5201. Definitions.

"SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

"5211. Policy.
"5212. Definitions.
"5213. Metropolitan transportation planning.
"5214. Statewide transportation planning.

"SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

"5251. Definitions and applicability.
"5252. Project development procedures.

"SUBCHAPTER A—GENERAL PROVISIONS

"§ 5201. Definitions

"In this chapter, the following definitions apply:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and Puerto Rico.

"SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

"§ 5211. Policy

"(a) IN GENERAL.—It is in the national interest to—

"(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

"(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in sections 5213(f) and 5214(d).

"(b) COMMON TRANSPORTATION PLANNING PROGRAM.—This subchapter provides a common transportation planning program to be administered by the Federal Highway Administration and the Federal Transit Administration.

"§ 5212. Definitions

"(a) APPLICABILITY BY REFERENCE.—Unless otherwise specified in subsection (b), the definitions in section 101(a) of title 23 and section 5302 are applicable to this subchapter.

"(b) ADDITIONAL DEFINITIONS.—In this subchapter, the following definitions apply:

"(1) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under section 5213(c).

"(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of an organization created as a result of the designation process in section 5213(b).

"(3) NONMETROPOLITAN AREA.—The term 'nonmetropolitan area' means a geographic area outside designated metropolitan planning areas.

"(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term 'nonmetropolitan local official' means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

"(5) TIP.—The term 'TIP' means a transportation improvement program developed by a metropolitan planning organization under section 5213.

"(6) URBANIZED AREA.—The term 'urbanized area' means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

"§ 5213. Metropolitan transportation planning

"(a) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in section 5211, metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

"(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as named by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) STRUCTURE.—Each metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

"(C) appropriate State officials.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

"(A) develop the plans and TIPs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

"(5) REDESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this section.

"(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

"(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

"(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

"(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of this paragraph, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained; except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

"(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (b)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(e) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

"(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

"(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement funded from the Highway Trust Fund or authorized under chapter 53 is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

"(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—The Secretary shall encourage each metropolitan planning organization to consult with those officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities. Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

"(A) recipients of assistance under chapter 53;

"(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

"(C) recipients of assistance under section 204 of title 23.

"(f) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The goals and objectives developed through the metropolitan planning process for a metropolitan planning area under this section shall address the following factors as they relate to the performance of the metropolitan area transportation systems:

"(A) Support of the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

"(B) Increases in the safety and security of the transportation system for motorized and nonmotorized users.

"(C) Increases in the accessibility and mobility of people and for freight.

"(D) Protection and enhancement of the environment, promotion of energy conservation, improvement of the quality of life, and promotion of consistency between transportation improvements and State and local planned growth and economic development patterns.

"(E) Enhancement of the integration and connectivity of the transportation system, across and between modes, for people and freight.

"(F) Promotion of efficient system management and operation.

"(G) Emphasis on the preservation of the existing transportation system.

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

"(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

"(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

"(A) An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

"(C) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

"(D) Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

"(E) Proposed transportation and transit enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be re-

quired to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).

"(h) METROPOLITAN TIP.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with a reasonable opportunity to comment on the proposed TIP.

"(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—

"(A) PRIORITY LIST.—The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

"(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

"(i) demonstrates how the TIP can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

"(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

"(D) CONGESTION RELIEF ACTIVITIES.—The TIP shall include a listing of congestion relief activities to be carried out to meet the requirements of section 139 of title 23, categorized as either under one or under three congestion relief activities.

"(3) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER TITLE 23 AND CHAPTER 53.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of title 23 and chapter 53.

"(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the TIP.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

"(i) by—

"(I) in the case of projects under title 23, the State; and

"(II) in the case of projects under chapter 53, the designated recipients of public transportation funding; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

"(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

"(7) PUBLICATION.—

"(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the TIP.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) IDENTIFICATION AND DESIGNATION.—

"(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS.—In a metropolitan planning area serving a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

"(3) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and chapter 53 through the use of travel demand reduction and operational management strategies and shall identify a sufficient number of congestion relief activities under section 139 of title 23 to meet the requirements of such section. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than one year after the identification of a transportation management area.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects, carried out within the boundaries of a metropolitan planning area serving a transportation management area, on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate

maintenance program under title 23 shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under title 23 and chapter 53.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

"(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

"(j) ABBREVIATED PLANS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provisions of title 23 or chapter 53, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

"(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23 or chapter 53.

"(m) FUNDING.—

"(1) SET-ASIDES.—Funds set aside under section 104(f) of title 23 or section 5305(h) shall be available to carry out this section.

"(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

"(n) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under such Act.

"§ 5214. Statewide transportation planning

"(a) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives stated in section 5211, each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State subject to section 5213. Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

"(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

"(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 5211, and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

"(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 5213 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

"(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

"(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increase the accessibility and mobility of people and freight;

"(D) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

"(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

"(F) promote efficient system management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

"(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall consider, at a minimum—

"(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

"(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

"(B) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The Secretary shall not review or approve the consultation process in each State.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the statewide transportation plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(4) FINANCIAL PLAN.—The statewide transportation plan may include a financial plan that demonstrates how the adopted statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (4).

"(6) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

"(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—Each State shall develop a statewide transportation improvement program for all areas of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(4) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

"(i) consistent with the statewide transportation plan developed under this section for the State;

"(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

"(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

"(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

"(G) PRIORITIES.—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by title 23 and chapter 53.

"(H) PRIORITIZATION OF CONGESTION RELIEF ACTIVITIES.—The transportation improvement program shall reflect the priorities for congestion relief activities included in the metropolitan transportation plan to meet the requirements of section 139 of title 23.

"(5) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 or sections 5310, 5311, 5316, and 5317), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under title 23 or under sections 5310, 5311, 5316, and 5317 shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

"(6) TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

"(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 5213.

"(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(h) FUNDING.—

"(1) SET-ASIDE.—Funds set aside pursuant to section 104(i) of title 23 shall be available to carry out this section.

"(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

"(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 5213, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under section 5213(i)(3) if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5213, as appropriate.

"(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.".

(b) CONFORMING AMENDMENT.—The analysis for such subtitle is amended by inserting the following after the item relating to chapter 51:

"52. Transportation planning and project delivery. ..... 5201".

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) POLICY AND PURPOSE.—

(1) POLICY.—The Enlibra principles, as initially developed by the Western Governors Association and adopted by the National Governors Association, represent a sound basis for interaction among the Federal, State, local governments, and Indian tribes on environmental matters and should be followed in the development of highway construction and public transit improvements. These principles are as follows:

(A) Assign responsibilities at the right level.

(B) Use collaborative processes to break down barriers and find solutions.

(C) Move to a performance-based system.

(D) Separate subjective choices from objective data gathering.

(E) Pursue economic incentives whenever appropriate.

(F) Ensure environmental understanding.

(G) Make sure environmental decisions are fully informed.

(H) Use appropriate geographic boundaries for environmental problems.

(2) PURPOSE.—The purpose of this section is to reduce delays in the delivery of highway construction and public transportation capital projects arising from the environmental review process, while continuing to ensure the protection of the human and natural environment.

(b) PROJECT DEVELOPMENT PROCEDURES.—Chapter 52 of title 49, United States Code, as added by section 6001(a) of this Act, is amended by adding at the end the following:

"SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

"§ 5251. Definitions and applicability

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AGENCY.—The term 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) ENVIRONMENTAL REVIEW PROCESS.—

"(A) IN GENERAL.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) INCLUSIONS.—The term includes the process for and completion of any environmental permit, approval, review, or study required for a project

under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(4) LEAD AGENCY.—The term 'lead agency' means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

"(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under title 23 or chapter 53 and involving the participation of more than one Department of Transportation administration or agency.

"(6) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

"(7) PROJECT SPONSOR.—The term 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

"(8) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means any statewide agency of a State with responsibility for one or more modes of transportation.

"(b) APPLICABILITY.—This subchapter is applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). This subchapter may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act. Any authorities granted in this subchapter may be exercised for a project, class of projects, or program of projects.

"§ 5252. Project development procedures

"(a) LEAD AGENCIES.—

"(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

"(2) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under title 23 or chapter 53 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

"(3) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

"(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

"(b) PARTICIPATING AGENCIES.—

"(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

"(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

"(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

"(A) has no jurisdiction or authority with respect to the project;

"(B) has no expertise or information relevant to the project; and

"(C) does not intend to submit comments on the project.

"(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

"(A) supports a proposed project; or

"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

"(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

"(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

"(c) PROJECT INITIATION.—

"(1) IN GENERAL.—The project sponsor shall initiate the environmental review process for a project by submitting an initiation notice to the Secretary.

"(2) CONTENTS OF NOTICE.—The initiation notice shall include, at a minimum, a brief description of the type of work, termini, length, and general location of the proposed project, together with a statement of any Federal approvals anticipated to be needed for the project.

"(d) PURPOSE AND NEED.—

"(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

"(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

"(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

"(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

"(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

"(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

"(e) ALTERNATIVES ANALYSIS.—

"(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

"(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

"(3) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

"(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

"(f) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

"(1) For comments by agencies and the public on a draft environmental impact statement, a period of no more than 60 days from the date of public availability of such document, unless—

"(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(B) the deadline is extended by the lead agency for good cause.

"(2) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

"(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(B) the deadline is extended by the lead agency for good cause.

"(g) ISSUE IDENTIFICATION AND RESOLUTION.—

"(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues

that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

"(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

"(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

"(4) ISSUE RESOLUTION.—Whenever issues of concern are identified or at any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies. If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all Federal agencies involved in the meeting and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and shall publish such notification in the Federal Register.

"(h) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under title 23 or chapter 53, a State may require, under procedures established by State law, that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State agency's participation would not be in the public interest. A State participating in the review process must require all State agencies with jurisdiction to be subject to and comply with the review process to the same extent as a Federal agency.

"(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

"(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under title 23 or chapter 53, the Secretary may approve a request by the State to provide funds so made available to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the project. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery. Such activities may include dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements. The Secretary may also use funds made available under section 204 of title 23 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

"(2) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

"(3) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.".

(c) EXISTING ENVIRONMENTAL REVIEW PROCESSES.—Nothing in this section shall be deemed to affect any existing environmental review process approved by the Secretary.

SEC. 6003. POLICY ON HISTORIC SITES.

(a) TITLE 49.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

"(d) SPECIAL RULES FOR HISTORIC SITES.—

"(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

"(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

"(3) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

"(B) ADVERSE EFFECT.—The term 'adverse effect' means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.".

(b) TITLE 23.—Section 138 of title 23, United States Code is amended—

(1) by inserting "(a) Policy.—" before "It is"; and

(2) by striking "In carrying" and inserting the following:

"(c) STUDIES.—In carrying"; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

"(b) SPECIAL RULES FOR HISTORIC SITES.—

"(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

"(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

"(3) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

"(B) ADVERSE EFFECT.—The term 'adverse effect' means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.".

SEC. 6004. EXEMPTION OF INTERSTATE SYSTEM.

Section 103(c) of title 23, United States Code, is amended by adding at the end the following:

"(5) EXEMPTION OF INTERSTATE SYSTEM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

"(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), a portion of the Interstate System that possesses an independent feature of historic significance (such as a historic bridge or a highly significant engineering feature) that is listed on, or eligible for listing on, the National Register of Historic Places, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

"(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable,

and section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f).".

SEC. 6005. INTERSTATE COMPACTS.

Section 5213(d), as inserted by section 6001(a) of this Act, is amended by inserting after paragraph (1) the following:

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(3) LAKE TAHOE REGION.—

"(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

"(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section and section 5214.

"(C) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and under chapter 53, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

"(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.

"(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.".

SEC. 6006. DEVELOPMENT OF TRANSPORTATION PLAN.

Section 5213(g), as inserted by section 6001(a) of this Act, is amended by inserting before paragraph (2) the following:

"(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection. The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

"(A) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(B) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 4 years unless the metropolitan planning organization elects to update more frequently.".

SEC. 6007. INTERSTATE AGREEMENTS.

Section 5214, as inserted by section 6001(a) of this Act, is amended by inserting after subsection (b) the following:

"(c) INTERSTATE AGREEMENTS.—

"(1) IN GENERAL.—The consent of Congress is granted to 2 or more States entering into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

"(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.".

SEC. 6008. REGULATIONS RELATING TO TRANSPORTATION PLANNING.

Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations that are consistent with the provisions of subchapter B of chapter 52 of title 49, United States Code, that relate to the Clean Air Act.

SEC. 6009. SPECIAL RULES RELATING TO PROJECT DEVELOPMENT PROCEDURES.

Section 5252 of title 49, United States Code, as inserted by section 6001(a) of this Act, is amended by adding at the end the following:

"(j) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

"(1) JUDICIAL REVIEW.—Except as set forth under subsection (k), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States.

"(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

"(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

"(A) any practice of seeking, considering, or responding to public comment; or

"(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

"(k) LIMITATIONS ON CLAIMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 90 days after the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

"(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 90 days after the date of such action.".

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 7002. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and approximately 1,200,000 movements of hazardous materials occur each day, according to Department of Transportation estimates;

(2) the movement of hazardous materials in commerce is necessary to maintain economic vitality and meet consumer demands and must be conducted in a safe and efficient manner;

(3) accidents involving, or unauthorized access to, hazardous materials in transportation may result in a release of such materials and pose a serious threat to public health and safety;

(4) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple regulatory requirements;

(5) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable;

(6) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable; and

(7) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of well-trained State and local emergency response personnel and hazmat employees is essential.

(b) PURPOSE.—The text of section 5101 is amended to read as follows: "The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.".

SEC. 7003. DEFINITIONS.

Section 5102 is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by inserting at the end the following:

"(C) on a United States registered aircraft.";

(2) in paragraph (8) by striking "national response team" each place it appears and inserting "National Response Team";

(3) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively; and

(4) by inserting after paragraph (10) the following:

"(11) 'Secretary' means the Secretary of Transportation.".

SEC. 7004. GENERAL REGULATORY AUTHORITY.

(a) TECHNICAL AMENDMENTS.—Section 5103(a) is amended—

(1) by striking "etiologic agent," and inserting "infectious substance,"; and

(2) by striking "poison," and inserting "toxic,".

(b) REGULATIONS FOR SAFE TRANSPORTATION.—Section 5103(b)(1)(A) is amended—

(1) in clause (i) by striking "transporting" and inserting "that transports";

(2) in clause (ii)—

(A) by striking "causing" and inserting "that causes"; and

(B) by striking "or" at the end; and

(3) by striking clause (iii) and inserting the following:

"(iii) that designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package or container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce;

"(iv) that prepares or accepts hazardous material for transportation in commerce;

"(v) that is responsible for the safety of transporting hazardous material in commerce;

"(vi) that certifies compliance with any requirement of this chapter; or

"(vii) that misrepresents whether the person is engaged in any of the activities described in this subparagraph; and".

(c) TECHNICAL AMENDMENT.—Section 5103(b) is amended—

(1) by moving subparagraph (C) from the end of paragraph (1) and inserting it after paragraph (2);

(2) by redesignating such subparagraph as paragraph (3); and

(3) by moving such paragraph (3) 2 ems to the left.

SEC. 7005. CHEMICAL OR BIOLOGICAL MATERIALS.

Section 5103a(c) is amended—

(1) in paragraph (2) by striking "this subsection" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(3) STANDARDS.—The Secretary shall prescribe by regulation uniform standards (including standards used to disqualify applicants) governing—

"(A) the collection by States of background information authorized by paragraph (1);

"(B) the collection, transmission, and review of background information; and

"(C) the notification of an applicant of the results of the background check.

"(4) FEES.—A State may impose and collect an appropriate fee to carry out paragraph (1) consistent with section 5125(f).

"(5) OPERATORS REGISTERED IN MEXICO AND CANADA.—No operator of a commercial motor vehicle (as defined in section 31101) licensed in Mexico or Canada may operate in the United States a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to the background records check required of operators of commercial motor vehicles licensed in the United States to transport hazardous materials.".

SEC. 7006. REPRESENTATION AND TAMPERING.

(a) REPRESENTATION.—Section 5104(a) is amended—

(1) by striking "A person" and inserting "No person";

(2) in paragraph (1) by striking "only if" and all that follows through "meets" and inserting "if it does not conform to"; and

(3) in paragraph (2) by striking "only if" and inserting "unless".

(b) TAMPERING.—Section 5104(b) is amended by striking "A person may not" and inserting "No person may".

SEC. 7007. TECHNICAL AMENDMENTS.

(a) ELIMINATION OF COMPLETED STUDY.—Section 5105 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) CLASSIFICATION OF EXPLOSIVES.—Section 5108(a)(1)(B) is amended by striking "class A or B" and inserting "Division 1.1, 1.2, or 1.3".

SEC. 7008. TRAINING OF CERTAIN EMPLOYEES.

Section 5107 is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (g)(2) (as so redesignated) by striking "sections 5106, 5108(a)–(g)(1) and (h), and 5109 of this title" and inserting "section 5106"; and

(3) by inserting after subsection (e) the following:

"(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way employees and railroad signalmen receive general awareness/familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.".

SEC. 7009. REGISTRATION.

(a) PERSONS REQUIRED TO FILE.—Section 5108(a) is amended—

(1) in paragraph (2)(B) by striking "manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing" and inserting "designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing"; and

(2) by aligning the left margin of paragraph (4) with the left margin of paragraph (3).

(b) FILING SCHEDULE.—Section 5108(c) is amended—

(1) by striking the subsection heading and inserting"FILING SCHEDULE"; and

(2) in paragraph (1)—

(A) by striking "must file the first" and inserting "shall file that";

(B) by striking "not later than March 31, 1992" and inserting "in accordance with regulations issued by the Secretary"; and

(C) by striking the second sentence.

(c) FEES.—Section 5108(g) is amended—

(1) in paragraph (1) by striking "may" and inserting "shall";

(2) in paragraph (2)(A) by striking "$5,000" and inserting "$3,000"; and

(3) by adding at the end the following:

"(3) FEES ON EXEMPT PERSONS.—Notwithstanding subsection (a)(4), the Secretary shall impose and collect a fee of $25 from a person who is required to register under this section but who is otherwise exempted by the Secretary from paying any fee under this section. The fee shall be used to pay the cost of the Secretary in processing registration statements filed by such persons.".

(d) RELATIONSHIP TO OTHER LAWS.—Section 5108(i)(2)(B) is amended by inserting ", Indian tribe," after "State" the first place it appears.

(e) HAZMAT REGISTRATION NOTIFICATION.—As soon as practicable, the Pipelines and Hazardous Materials Safety Administrator of the Department of Transportation shall transmit to the Federal Motor Carrier Safety Administration hazardous material registrant information obtained before, on, or after the date of enactment of this Act under section 5108 of title 49, United States Code, together with any Department of Transportation identification number for each registrant.

SEC. 7010. PROVIDING SHIPPING PAPERS.

Section 5110 is amended—

(1) in subsection (a) by striking "under subsection (b) of this section" and inserting "by regulation"; and

(2) in subsection (e) by striking "1 year" and inserting "2 years after the date of preparation of the shipping paper".

SEC. 7011. RAIL TANK CARS.

Section 5111, and the item relating to such section in the analysis for chapter 51, are repealed.

SEC. 7012. UNSATISFACTORY SAFETY RATING.

The text of section 5113 is amended to read as follows: "A person who violates section 31144(c)(3) shall be subject to the penalties in sections 5123 and 5124.".

SEC. 7013. TRAINING CURRICULUM FOR THE PUBLIC SECTOR.

(a) REQUIREMENTS.—Section 5115(b)(1)(C) is amended by striking "under other United States Government grant programs, including those" and inserting "with Federal financial assistance, including programs".

(b) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—Section 5115(c)(3) is amended by inserting before the period at the end the following: "and such other voluntary consensus standard-setting organizations as the Secretary determines appropriate".

(c) DISTRIBUTION AND PUBLICATION.—Section 5115(d) is amended—

(1) in the matter preceding paragraph (1) by striking "national response team" and inserting "National Response Team";

(2) in paragraph (1) by striking "Director of the Federal Emergency Management Agency" and inserting "Secretary"; and

(3) in paragraph (2)—

(A) by inserting "and distribute" after "publish"; and

(B) by striking "programs that uses" and all that follows before the period at the end and inserting "programs and courses developed under this section".

SEC. 7014. PLANNING AND TRAINING GRANTS, MONITORING, AND REVIEW.

(a) FACTORS TO CONSIDER IN DETERMINING NEEDS.—Section 5116(b)(4) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) the report submitted by the State to the Secretary under section 5125(f)(2); and".

(b) COMPLIANCE WITH CERTAIN LAW.—Section 5116(c) is amended—

(1) by inserting "or Indian tribe" after "a State";

(2) by inserting "or Indian tribe" after "the State" the first place it appears; and

(3) by inserting "(1) the State or Indian tribe is complying with all applicable requirements of this chapter (including section 5125(f)), and (2) in the case of a State," after "certifies that".

(c) GOVERNMENT'S SHARE OF COSTS.—Section 5116(e) is amended by striking the second sentence and inserting the following: "Amounts received by the State or tribe under subsections (a)(1) and (b)(1) are not part of the non-Government share under this subsection.".

(d) MONITORING AND TECHNICAL ASSISTANCE.—Section 5116(f) is amended—

(1) in the first sentence—

(A) by striking "Secretaries of Transportation and Energy," and inserting "Secretary of Energy, Director of the Federal Emergency Management Agency,"; and

(B) by striking "Director of the Federal Emergency Management Agency shall" and inserting "Secretary of Transportation shall"; and

(2) in the second sentence—

(A) by striking "the Secretaries, Administrator, and Directors each shall" and inserting "the Secretary shall"; and

(B) by striking "national response team" and inserting "National Response Team".

(e) DELEGATION OF AUTHORITY.—Section 5116(g) is amended by striking "Government grant programs" and inserting "Federal financial assistance".

(f) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5116(i) is amended—

(1) by striking the subsection heading and inserting "HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—";

(2) in the matter preceding paragraph (1)—

(A) by inserting ", to be known as the 'Hazardous Materials Emergency Preparedness Fund'," after "account in the Treasury"; and

(B) by striking "section 5108(g)(2)(A) of this title" and all that follows before the period at the end of the first sentence and inserting "this chapter";

(3) by striking "and" at the end of paragraph (2);

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following:

"(3) to publish and distribute the Emergency Response Guidebook; and".

(g) REPORTS.—In section 5116(k)—

(1) by striking the first sentence and inserting the following: "The Secretary shall submit to Congress and make available to the public annually a report on the allocation and uses of planning grants under subsection (a), training grants under subsection (b), and grants under subsection (j) and under section 5107."; and

(2) in the second sentence by striking "Such report" and inserting "The report".

SEC. 7015. SPECIAL PERMITS AND EXCLUSIONS.

(a) SECTION HEADING.—

(1) IN GENERAL.—Section 5117 is amended by striking the section number and heading and inserting the following:

"§ 5117. Special permits and exclusions".

(2) CONFORMING AMENDMENT.—The item relating to section 5117 in the analysis for chapter 51 is amended to read as follows:

"5117. Special permits and exclusions.".

(b) SUBSECTION HEADING.—The heading for subsection (a) of section 5117 is amended by striking "EXEMPT" and inserting "ISSUE SPECIAL PERMITS".

(c) AUTHORITY TO ISSUE SPECIAL PERMITS.—Section 5117(a)(1) is amended—

(1) by striking "an exemption" and inserting ", modify, or terminate a special permit authorizing a variance"; and

(2) by striking "transporting, or causing to be transported, hazardous material" and inserting "performing a function regulated by the Secretary under section 5103(b)(1)".

(d) PERIOD OF SPECIAL PERMIT.—Section 5117(a)(2) is amended to read as follows:

"(2) A special permit issued under this section shall be effective for an initial period of not more than 2 years and may be renewed by the Secretary upon applica-

tion for an additional period of not more than 4 years or, in the case of a special permit relating to section 5112, for an additional period of not more than 2 years.".

(e) APPLICATIONS.—Sections 5117(b) is amended—

(1) by striking "an exemption" each place it appears and inserting "a special permit"; and

(2) by striking "the exemption" and inserting "the special permit".

(f) DEALING WITH APPLICATIONS PROMPTLY.—Section 5117(c) is amended by striking "the exemption" each place it appears and inserting "the special permit".

(g) LIMITATION ON AUTHORITY.—Section 5117(e) is amended—

(1) by striking "an exemption" and inserting "a special permit"; and

(2) by striking "be exempt" and inserting "be granted a variance".

SEC. 7016. UNIFORM FORMS AND PROCEDURES.

Section 5119 is amended to read as follows:

"§ 5119. Uniform forms and procedures

"(a) ESTABLISHMENT OF WORKING GROUP.—The Secretary shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Conference of State Legislatures, and the Alliance for Uniform Hazmat Transportation Procedures.

"(b) PURPOSE OF WORKING GROUP.—The purpose of the working group shall be to establish uniform forms and procedures for a State to register, and to issue permits to, persons that transport, or cause to be transported, hazardous material by motor vehicle in the State.

"(c) LIMITATION ON WORKING GROUP.—The working group may not propose to define or limit the amount of a fee a State may impose or collect.

"(d) PROCEDURE.—The Secretary shall develop a procedure by which the working group shall harmonize existing State registration and permit laws and regulations relating to the transportation of hazardous materials, with special attention paid to each State's unique safety concerns and interest in maintaining strong hazmat safety standards.

"(e) REPORT OF WORKING GROUP.—Not later than 18 months after the date of enactment of this subsection, the working group shall transmit to the Secretary a report containing recommendations for establishing uniform forms and procedures described in subsection (b).

"(f) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to carry out such recommendations of the working group as the Secretary considers appropriate.

"(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from voluntarily participating in a program of uniform forms and procedures until such time as the Secretary issues regulations under subsection (f).".

SEC. 7017. INTERNATIONAL UNIFORMITY OF STANDARDS AND REQUIREMENTS.

(a) CONSULTATION.—Section 5120(b) is amended by inserting "and requirements" after "standards".

(b) DIFFERENCES WITH INTERNATIONAL STANDARDS AND REQUIREMENTS.—Section 5120(c) is amended—

(1) in paragraph (1) by inserting "or requirement" after "standard" each place it appears; and

(2) in paragraph (2)—

(A) by inserting "standard or" before "requirement" each place it appears; and

(B) by striking "included in a standard".

SEC. 7018. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 5121(a) is amended—

(1) in the first sentence by inserting "conduct tests," after "investigate,";

(2) in the second sentence by striking "After" and inserting "Except as provided in subsections (c) and (d), after"; and

(3) by striking "regulation prescribed" and inserting "regulation, order, special permit, or approval issued".

(b) RECORDS, REPORTS, AND INFORMATION.—Section 5121(b) is amended—

(1) in paragraph (1) by inserting "and property" after "records"; and

(2) in paragraph (2)—

(A) by inserting "property," after "records,";

(B) by inserting "for inspection" after "available"; and

(C) by striking "requests" and inserting "undertakes an investigation or makes a request".

(c) ENHANCED AUTHORITY TO DISCOVER HIDDEN SHIPMENTS OF HAZARDOUS MATERIAL.—Section 5121(c) is amended to read as follows:

"(c) INSPECTIONS AND INVESTIGATIONS.—

"(1) IN GENERAL.—A designated officer, employee, or agent of the Secretary—

"(A) may inspect and investigate, at a reasonable time and in a reasonable manner, records and property relating to a function described in section 5103(b)(1);

"(B) except in the case of packaging immediately adjacent to its hazardous material contents, may gain access to, open, and examine a package offered for, or in, transportation when the officer, employee, or agent has an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(C) may remove from transportation a package or related packages in a shipment offered for or in transportation for which—

"(i) such officer, employee, or agent has an objectively reasonable and articulable belief that the package may pose an imminent hazard; and

"(ii) such officer, employee, or agent contemporaneously documents such belief in accordance with procedures set forth in guidance or regulations prescribed under subsection (e);

"(D) may gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package, to ascertain the nature and hazards of the contents of the package;

"(E) as necessary, under terms and conditions specified by the Secretary, may order the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package to have the package transported to, opened, and the contents examined and analyzed, at a facility appropriate for the conduct of such examination and analysis; and

"(F) when safety might otherwise be compromised, may authorize properly qualified personnel to assist in the activities conducted under this subsection.

"(2) DISPLAY OF CREDENTIALS.—An officer, employee, or agent acting under this subsection shall display proper credentials when requested.

"(3) SAFE RESUMPTION OF TRANSPORTATION.—In instances when, as a result of an inspection or investigation under this subsection, an imminent hazard is not found to exist, the Secretary, in accordance with procedures set forth in regulations prescribed under subsection (e), shall assist—

"(A) in the safe resumption of transportation of the package concerned; or

"(B) in any case in which the hazardous material being transported is perishable, in the safe and expeditious resumption of transportation of the perishable hazardous material.".

(d) EMERGENCY AUTHORITY FOR HAZARDOUS MATERIAL TRANSPORTATION.—Section 5121 is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) EMERGENCY ORDERS.—

"(1) IN GENERAL.—If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

"(2) WRITTEN ORDERS.—An emergency order issued under paragraph (1) shall be in writing, describe the violation, condition, or practice that is causing the imminent hazard, and state the restrictions, prohibitions, recalls, or out-of-service orders issued. The emergency order also shall describe the standards and procedures for obtaining relief from the order.

"(3) OPPORTUNITY FOR REVIEW.—After issuing an emergency order under paragraph (1), the Secretary shall provide an opportunity for review of the order under section 554 of title 5 if a petition for review is filed within 20 calendar days after the date of issuance of the order.

"(4) EXPIRATION OF EFFECTIVENESS OF EMERGENCY ORDER.—If a petition for review is filed for an order and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the order shall cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

"(e) REGULATIONS.—

"(1) TEMPORARY REGULATIONS.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall issue temporary regulations to carry out subsections (c) and (d). The temporary regulations shall expire on the date of issuance of the regulations under paragraph (2).

"(2) FINAL REGULATIONS.—Not later than 1 year after such date of enactment, the Secretary shall issue regulations to carry out subsections (c) and (d) in accordance with subchapter II of chapter 5 of title 5.".

(e) REPORT.—Section 5121(g) (as redesignated by subsection (d)(1) of this section) is amended—

(1) in the matter preceding paragraph (1) by striking "submit to the President for transmittal to the Congress" and inserting "transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate"; and

(2) in paragraph (4) by inserting "relating to a function regulated by the Secretary under section 5103(b)(1)" after "activities".

(f) REPEAL OF OBSOLETE PROVISION.—Section 5118, and the item relating to such section in the analysis for chapter 51, are repealed.

SEC. 7019. ENFORCEMENT.

(a) GENERAL.—Section 5122(a) is amended by striking the second sentence and inserting "The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123.".

(b) IMMINENT HAZARDS.—Section 5122(b)(1)(B) is amended by striking "or ameliorate the" and inserting "or mitigate the".

SEC. 7020. CIVIL PENALTY.

(a) PENALTY.—Section 5123(a) is amended—

(1) in paragraph (1)—

(A) by striking "regulation prescribed or order issued" and inserting "regulation, order, special permit, or approval issued"; and

(B) by striking "$25,000" and inserting "$50,000";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) If the Secretary finds that a violation under paragraph (1) results in death, serious illness, or severe injury to any person or substantial destruction of property, the Secretary may increase the amount of the civil penalty for such violation to not more than $100,000.".

(b) HEARING REQUIREMENT.—Section 5123(b) is amended by striking "regulation prescribed" and inserting "regulation, order, special permit, or approval issued".

(c) CIVIL ACTIONS TO COLLECT.—Section 5123(d) is amended by adding at the end the following: "In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.".

(d) COMPROMISE.—Section 5123(e) is amended by striking "before referral to the Attorney General".

SEC. 7021. CRIMINAL PENALTY.

Section 5124 is amended to read as follows:

"§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) or willfully or recklessly violating this chapter or a regulation, order, special permit, or approval issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation involves the release of a hazardous material that results in death or bodily injury to any person.

"(b) KNOWING VIOLATIONS.—For purposes of this section—

"(1) a person acts knowingly when—

"(A) the person has actual knowledge of the facts giving rise to the violation; or

"(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and

"(2) knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary, is not an element of an offense under this section.

"(c) WILLFUL VIOLATIONS.—For purposes of this section, a person acts willfully when—

"(1) the person has knowledge of the facts giving rise to the violation; and

"(2) the person has knowledge that the conduct was unlawful.

"(d) RECKLESS VIOLATIONS.—For purposes of this section, a person acts recklessly when the person displays a deliberate indifference or conscious disregard to the consequences of that person's conduct.".

SEC. 7022. PREEMPTION.

(a) DUAL COMPLIANCE AND OBSTACLE TESTS.—Section 5125(a) is amended by striking the subsection heading and inserting "DUAL COMPLIANCE AND OBSTACLE TESTS.—".

(b) SUBSTANTIVE DIFFERENCES.—The second sentence of section 5125(b)(2) is amended by striking "after November 16, 1990".

(c) DECISIONS ON PREEMPTION.—The third sentence of section 5125(d)(1) is amended by inserting "and publish in the Federal Register" after "issue".

(d) INDEPENDENT APPLICATION OF EACH STANDARD.—Section 5125 is amended by inserting after subsection (f), as redesignated by section 7024(a)(2) of this Act, the following:

"(g) INDEPENDENT APPLICATION OF EACH STANDARD.—Subsections (b), (c)(1), (d), and (g) are independent in their application to a requirement of any State, political subdivision of a State, or Indian tribe and shall be reviewed independently.".

SEC. 7023. RELATIONSHIP TO OTHER LAWS.

Section 5126(a) is amended by striking "must comply" and inserting "shall comply".

SEC. 7024. JUDICIAL REVIEW.

(a) REPEAL.—Section 5125 is amended—

(1) by striking subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in subsection (f) (as so redesignated) by moving paragraph (2) (including subparagraphs (A) through (D)) 2 ems to the left.

(b) JUDICIAL REVIEW.—Chapter 51 is amended by redesignating section 5127 as section 5128 and by inserting after section 5126 the following:

"§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c), a person adversely affected or aggrieved by a final action of the Secretary under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary's action becomes final.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a), the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II of chapter 5 of title 5, to affirm or set aside any part of the Secretary's final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 51 is amended by striking the item relating to section 5127 and inserting the following:

"5127. Judicial review.
"5128. Authorization of appropriations.".

SEC. 7025. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 (as redesignated by section 7024) is amended to read as follows:

"§ 5128. Authorizations of appropriations

"(a) IN GENERAL.—In order to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119), the following amounts are authorized to be appropriated to the Secretary:

"(1) For fiscal year 2005, $27,000,000.

"(2) For fiscal year 2006, $29,000,000.

"(3) For fiscal year 2007, $30,000,000.

"(b) EMERGENCY PREPAREDNESS FUND.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), for each of fiscal years 2005 through 2007 the following:

"(1) To carry out section 5115, $200,000.

"(2) To carry out section 5116(a), $8,000,000.

"(3) To carry out section 5116(b), $13,800,000.

"(4) To carry out section 5116(f), $150,000.

"(5) To publish and distribute the Emergency Response Guidebook under section 5116(i)(3), $500,000.

"(6) To pay administrative expenses in accordance with section 5116(i)(4), $150,000.

"(7) To carry out section 5116(j), $1,000,000.

"(c) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), to carry out section 5107(e) $4,000,000 for each of fiscal years 2005 through 2007.

"(d) UNIFORM FORMS AND PROCEDURES.—There is authorized to be appropriated to the Secretary for making grants to States participating in the working group established under section 5119 $1,000,000 for each of the fiscal years 2005 and 2006.

"(e) ISSUANCE OF HAZMAT LICENSES.—There are authorized to be appropriated for the Department of Transportation such amounts as may be necessary to carry out section 5103a.

"(f) CREDITS TO APPROPRIATIONS.—The Secretary may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

"(g) AVAILABILITY OF AMOUNTS.—Amounts made available by or under this section remain available until expended.".

SEC. 7026. DETERMINING AMOUNT OF UNDECLARED SHIPMENTS OF HAZARDOUS MATERIALS ENTERING THE UNITED STATES.

(a) STUDY.—The Comptroller General shall conduct a study to propose methods of determining the amount of undeclared shipments of hazardous materials (as defined in section 5101 of title 49, United States Code) entering the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 7027. CONFORMING AMENDMENTS.

Chapter 51 is amended by striking "Secretary of Transportation" each place it appears (other than the second place it appears in section 5108(g)(2)(C), the first place it appears in section 5115(a), and in sections 5116(g), 5116(i), and 5120(a)) and inserting "Secretary".

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

SEC. 8001. POLICY.

This title will continue sections 8101 and 8103 of the Transportation Equity Act for the 21st Century that guarantee that specific levels of authorized funding will be available for obligation each year by continuing the highway category budgetary firewall, which protects the Federal-aid highway program's obligation limitation, the programs of the Federal Motor Carrier Safety Administration, and the portion of the National Highway Traffic Safety Administration's programs funded from the Highway Trust Fund, and the mass transit category budgetary firewall, which protects the portion of the Federal Transit Administration programs funded from the Mass Transit Account of the Highway Trust Fund and the portion of such programs funded from the general fund of the Treasury.

PURPOSE OF THE LEGISLATION

The purpose of this bill is to authorize funds for Federal-aid highways, highway safety, truck safety, public transportation, transportation research, transportation planning and project delivery, hazardous materials transportation, and other surface transportation programs carried out by the United States Department of

Transportation, to be financed primarily through the Federal Highway Trust Fund.

BACKGROUND AND NEED FOR THE LEGISLATION

Enactment of H.R. 3, the Transportation Equity Act: a Legacy for Users (TEA LU), is the Committee's highest priority this year. This legislation will set the course for highway development, highway safety, truck safety, and public transportation programs for the remainder of this decade. It will also ensure the integrity of the Highway Trust Fund and the ability of the Trust Fund to meet our nation's surface transportation infrastructure needs. These needs are important and they must be satisfied.

Increased investment in transportation infrastructure has far-reaching impacts on the quality of life in our communities, our nation's economy, and our competitiveness in the world marketplace. Every American and every business will benefit from such investment by experiencing shortened travel times, increased productivity, and improved safety.

TRANSPORTATION INVESTMENT LEADS TO ECONOMIC GROWTH

Throughout our nation's history, economic growth, prosperity, and opportunity have followed investments in the nation's infrastructure. From the "internal improvements" of the early 1800's—canals, locks, and roads—to the Interstate Highway System of today, infrastructure investment has been our foundation for economic growth. For example, between 1980 and 1991, almost one-fifth of the increase in productivity in the U.S. economy was attributable to investment in highways.

Our nation's highways, transit and rail systems, pipelines, airports, harbors, and waterways not only provide the backbone of our economy by moving people and goods, they also employ millions of workers and generate a significant share of total economic output. Transportation-related goods and services generate 10 percent of our total Gross Domestic Product.

In addition to facilitating economic growth, our transportation system has a direct and significant impact on the daily lives of nearly all Americans. The average household spends 19 percent of its income on transportation, more than on any other expense except housing, and the average person travels 40 miles each day.

To the average American, higher Federal investment in surface transportation infrastructure will mean:

- Shorter commutes that save time, fuel, and reduce pollution.
- Better access to work, school, health care, and recreation.
- Lives saved—many of the more than 42,000 highway fatalities each year could be prevented by building better roads and improving the safety features of existing roads.
- Safer systems to accommodate the transport of hazardous materials, estimated at more than 1.2 million shipments per day and an annual movement of 4 billion tons.

Despite the importance of transportation to our economy and the quality of life in our communities, many of our nation's transportation infrastructure needs are going unmet. This has resulted in, among other things, an alarming increase in congestion.

CONGESTION CRISIS

Congestion is a major national problem and is increasing. In 1999, 167 major highway bottlenecks located in 30 states plus the District of Columbia were identified. Using the same methodology, the number of major bottlenecks has now grown to more than 230. According to the Texas Transportation Institute's 2003 Urban Mobility Study, a study of congestion in the nation's 75 largest urban areas, traffic congestion levels have increased in every area since 1982. Congestion now extends to more times of the day, more roads, affects more trips, and creates more extra travel time than in the past.

In fact, the extra time needed for rush hour travel has tripled over the last two decades. The national average Travel Time Index for 2001 was 1.39 (meaning a rush hour trip took 39 percent longer than a non-rush hour trip). The national average in 1982 was only 1.13. This problem is not restricted to the largest cities. In small urban areas (less than 50,000 in population), this index has nearly quadrupled over these same years, indicating that even smaller areas are not able to keep pace with rising demand.

The cost of congestion is continuing to climb. Traffic congestion cost motorists in the nation's 75 largest urban areas a staggering $69.5 billion in 2001 in terms of wasted time and fuel, $4.5 billion more than in 2000. This $69.5 billion total cost equates to an average annual cost per urban resident—adults and children—of about $520.

Congestion negatively impacts our environment by increasing emissions and wasting fuel. Vehicles in stop-and-go traffic emit more pollutants—particularly carbon monoxide and volatile organic compounds—than when operating without frequent braking and acceleration. In addition, 5.7 billion gallons of fuel were wasted in 2001 due to traffic congestion in cities alone. This amount of fuel would fill 570,000 gasoline tank trucks that would stretch from New York to Las Vegas and back again.

Perhaps most importantly, reducing highway congestion saves lives. If modest improvements were made to improve the traffic flow at the severe bottlenecks identified in the highway organization study discussed above, the number and severity of vehicle crashes would be lessened. Over the 20-year life of the projects, such improvements would prevent more than 449,500 crashes, including some 1,750 fatalities and 220,500 injuries.

THE HIGHWAY TRUST FUND

Congress has established, over time, a series of trust funds to collect user fees and then invest those funds on capital improvements. The Highway Trust Fund was established in the 1956 Highway Revenue Act to specifically link taxes on motor fuels to funding for highways. The Highway Revenue Act increased some of the existing user fees, established new ones, and provided most of the revenues from these taxes would be credited to the Highway Trust Fund. In the 1982 Surface Transportation Assistance Act, a separate Mass Transit Account was established in the Highway Trust Fund to receive part of the motor fuel user fee receipts. Subsequent increases in the user fee brought the Federal gas tax to 18.4 cents. In 1997, the Taxpayer Relief Act redirected a 4.3-cent diversion of

user fee payments from the general fund to the Highway Trust Fund. Currently, all Federal motor fuel user fee receipts are deposited to the Highway Trust Fund, with 15.44 cents credited to the Highway Account and 2.86 cents credited to the Mass Transit Account. One of this Committee's highest priorities is to ensure that the user fees deposited into these trust funds are in fact used for their intended purposes—to rebuild our nation's highway and transit infrastructure.

The Highway Trust Fund is: (1) wholly self-financed by the users; (2) a dedicated revenue source; (3) self-supporting, operating on a pay-as-you-go basis; and (4) deficit proof. The Highway Trust Fund represents a contract between the government and the user that specifies that certain user fees will be levied on the users of highways and, in return, the government pledges to use the receipts to build transportation infrastructure for the taxpayer's use.

A major accomplishment of the 1998 Transportation Efficiency Act for the 21st Century (TEA 21) was reestablishing trust with the taxpayer by creating a budgetary mechanism to ensure that the user fees deposited in the Highway Trust Fund are spent for their intended purpose. Maintaining these budgetary firewalls and spending guarantees are a top priority for the Committee.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title: Table of Contents

Subsection (a) provides that the short title is the Transportation Equity Act: A Legacy for Users.

Subsection (b) defines the "Secretary" as the Secretary of Transportation.

Subsection (c) lists the table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

SUBTITLE A—AUTHORIZATIONS OF PROGRAMS

Sec. 1101. Authorizations of Appropriations

Subsection (a) authorizes funds out of the Highway Trust Fund (other than the Mass Transit Account) for the following highway programs: Interstate Maintenance Program, National Highway System, Bridge Program, Highway Safety Improvements Program, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, Appalachian Development Highway System Program, Recreational Trails Program, Federal Lands Highways Program, National Corridor Infrastructure Improvement Program, Coordinated Border Infrastructure Program, Projects of National and Regional Significance Program, Construction of Ferry Boats and Ferry Terminal Facilities, National Scenic Byways Program, Congestion Pricing Pilot Program, Deployment of 511 Traveler Information Program, High Priority Projects Program, Freight Intermodal Connector Program, High Risk Rural Road Safety Improvement Program, Highway Use Tax Evasion Program, Pedestrian and Cyclist Equity, Dedicated Truck Lanes, Highways for LIFE Program, and Commonwealth of Puerto Rico Program.

Subsection (b) continues the disadvantaged business enterprise (DBE) program with minor changes. The Committee finds there is a continuing compelling need for the DBE program. In enacting

TEA 21 in 1998, Congress compiled an extensive record on the effects of discrimination in transportation contracting. Much of this information remains valid today. We agree with those courts that have observed that evidence concerning the exclusion of disadvantaged groups remains relevant over a considerable period of time. The Committee has relied on the information that Congress used in 1998 in finding a continuing compelling need for the DBE program.

The Committee has also taken notice of data about the period between 1998 and today. The data demonstrates the continuing need for the program, as DBEs are still not able to compete on the same basis as other businesses. First, the regulation, found constitutional in a series of recent court rulings, tells recipients to set overall goals. Under the rules, recipients may set DBE contract goals only for that portion of the overall goal that cannot be achieved by completely race-neutral means. Highway and transit program data for 2000–2002 shows that the overwhelming majority of recipients have to set DBE contract goals to achieve all or part of their overall goals. Unfortunately, race-neutral means alone cannot overcome the persisting effects of discrimination.

Second, in several states for which DOT has comparative 2002 data, participation by minority- and women-owned businesses in state-funded highway contracts to which no contract goals applied fell well short both of DBE overall goals and DBE participation in federally-assisted contracts. If states are to ensure equal opportunity for DBEs, contract goal programs remain essential. Third, DOT provided 15 detailed studies from states and cities that found disparities between the availability and utilization of minority- and women-owned businesses in government contracting. The courts agree that it is fair to make an inference of discriminatory exclusion from such disparities.

Sec. 1102. Obligation ceiling

This section provides the obligation limitation for the federal-aid highway and highway safety construction programs. Subsection (b) addresses the exemptions to the obligation limitation. Paragraphs 1–8 in this subsection are identical to TEA 21. Paragraph (9) is added to address three year obligation authority (OA) made available under TEA 21 for research programs and "no-year" OA made available for certain programs and projects under TEA 21 or in subsequent appropriations acts. Subsections (c), (d), (e), (f), (g), (h), and (i) address how the obligation authority is distributed, the redistribution of unused obligation authority, and the limitation on obligations for administrative expenses are virtually identical to TEA 21.

Sec. 1103. Apportionments

This section makes changes to the process by which apportionments are made pursuant to Section 104 of Title 23. Subsection (a) of this section amends the way administrative expenses for FHWA and FMCSA are provided. These expenses were formerly funded as a takedown and are now a specific authorized amount.

Subsection (b) of this section changes the set-aside amount for the Alaska Highway and the set-asides for the U.S. Territories

under the National Highway System program apportionment formula.

Subsection (c) of this section requires the report mandated by Section 104(j) of Title 23 be available on the Internet.

Subsection (d) of this section makes a conforming amendment to the metropolitan planning set-aside formula to reflect the fact that administrative expenses are no longer funded as a takedown.

Subsection (e) of this section updates the reference for the Puerto Rico Highway program, replacing the TEA 21 reference with a TEA LU reference.

Sec. 1104. Minimum guarantee

Sec. 1105. Project approval and oversight

This section amends the Financial Plan portion of section 106 of title 23 requiring states with a project that costs $500 million or more to submit an annual financial plan.

Sec 1106. Use of excess funds

This section allows states to audit projects funded with apportionments under sections 104 and 144 of title 23 to determine whether there are excess project funds. If the audit reveals that there are excess funds, the state may develop a plan for spending the apportionment for the design or construction of other similar eligible projects. The state must certify to the Secretary that an audit was conducted and has developed a plan. Excess funds used to carry out a project under this section are subject to the requirements of this title that are applicable to the program for which the funds were originally apportioned.

Sec. 1107. Temporary traffic control devices

This section amends Section 109(e) of Title 23 and Section 112 of Title 23 to require that contracts for federally funded highway construction projects include costs for appropriate safety measures. The amendment to Section 109 requires that temporary traffic control devices be installed and maintained during construction and maintenance projects in order to provide protection for construction workers. The amendment to Section 112 requires the Secretary to issue regulations establishing the conditions for and the appropriate use of federal funds for uniformed law enforcement officers, positive protective measures between traffic and workers, and installation of temporary traffic control devices during construction and maintenance projects.

Sec. 1108. Revenue aligned budget authority

This section continues the revenue aligned budget authority, but in a way that ensures greater stability in program funding level adjustments.

Sec. 1109. Emergency relief

This section authorizes additional amounts for this program above the $100 million per year to be derived from the General Fund. It is the Committee's intent that if there is the need for additional funds over and above the annually authorized level of $100 million that those funds be appropriated from the General Fund.

Sec. 1110. Surface transportation program

This section continues the requirement in Section 133(f)(1) of Title 23 that States suballocate a portion of their Surface Transportation Program funds to urbanized areas with over 200,000 individuals.

Sec. 1111. Highway use tax evasion projects

This section continues the existing program to combat highway use tax evasion and makes changes designed to reduce tax evasion and increase receipts into the Highway Trust Fund.

The Highway Use Tax Evasion program supports State and Federal efforts to enhance motor fuel tax enforcement. To make the program more effective, this provision would amend section 143 of title 23 to: (1) dedicate funding for intergovernmental enforcement efforts; (2) allow projects for identification of tax evasion in the area of foreign imported fuel; (3) assist States and Indian Tribes in addressing issues related to the collection of State motor fuel taxes; and (4) provide for annual reporting on examinations, criminal investigations, and audits by the States and the Internal Revenue Service (IRS).

Sec. 1112. Appalachian Development Highway System

This section directs the Secretary to apportion funds made available for the Appalachian Development Highway System (ADHS) among the states on the basis of the estimated cost to complete the system. It specifies that such funds are subject to title 23 requirements and are available to construct ADHS highways and access roads. It also prohibits the use of toll revenues as non-federal match for the construction, improvement, and maintenance of highways, bridges, or tunnels.

Sec. 1113. Construction of ferry boats and ferry terminal facilities

Subsections (a) and (b) codify the existing Ferry Boat Discretionary Program authorized in Section 1064 of ISTEA. Subsection (c) requires the Secretary to establish a national ferry database. It is the Committee's intent that the information collected and maintained in this database will be used as part of the decision making process for funding allocations under this program.

Sec. 1114. Interstate maintenance discretionary

This section eliminates the Interstate Maintenance Discretionary program in Section 118 of Title 23. The Committee does not intend to have any changes to this program affect any projects that have already been funded under this program.

Sec. 1115. Highway bridge

Subsection (a) retains the principles for applications for and approval of Federal assistance for bridge replacement or rehabilitation allowed in current law. It also includes additional language to allow Federal participation in preventive maintenance on a bridge, as well as, installing scour countermeasures to a bridge.

Subsection (b) continues the discretionary bridge program and subsection (c) changes the lower bound for the off-system set-aside from 15 percent to 20 percent.

Sec. 1116. Transportation and community and system preservation program

This section reauthorizes the program for fiscal years 2004 through 2009. It prohibits funds made available for this program from being transferred to other programs, and establishes the Federal cost share for projects carried out under this program in accordance with section 120(b) of title 23. Subsection (c) establishes a pilot program to support transportation planning and public participation in decision making.

Sec. 1117. Deployment of magnetic levitation transportation projects

This section details the funding and eligibility requirements for constructing fixed guideway infrastructure, as well as the related components necessary for the construction, but not including costs incurred for a new station. Eligible projects under this section must involve a segment or segments of high speed ground transportation corridor, result in an operating transportation facility that provides a revenue-producing service and be approved by the Secretary. It is the Committee's intent for this program to be administered as a new program and not the continuation of any previously authorized program.

Sec. 1118. Recreational trails

This section makes various improvements to the recreational trails program established in section 206 of title 23, U.S. Code.

Subsection (a) amends 23 U.S.C. 104(h) to permit the use of administrative funds for training and deletes reference to the National Recreational Trails Advisory Committee.

Subsection (b) amends 23 U.S.C. 206(d)(2) regarding permissible uses of funds to include assessment of trail conditions and to clarify that new trails on Federal lands must be recommended in a statewide comprehensive outdoor recreation plan.

Subsection (c) strikes 23 U.S.C. 206(b)(3)(C), which permits States to waive requirements regarding distribution of funds for various types of projects.

Subsection (d) amends 23 U.S.C. 206(f) to provide that the Federal share for recreational trails projects shall be determined in accordance with section 120(b) of title 23 and allows recreational trails funds to be used toward the Federal share of certain other Federal programs.

Subsection (e) amends 23 U.S.C. 206(h)(1) to provide that pre-approval planning and environmental compliance costs can be credited toward the non-Federal share of a project.

Subsection (f) directs the Secretary to encourage the States to use qualified youth conservation or service corps to complete trail projects.

Sec. 1119. Federal lands highways

Subsection (a) amends the contracting provisions of the Indian reservation roads program in section 202(d)(3) of title 23. This section was added to the United States Code in TEA 21. The Committee felt at that time that the congressional intent with regard to tribal contracting authority was clear. Unfortunately, the Committee now believes the full intent of the TEA 21 amendments has

not been fulfilled. This subsection aims to clarify the intent of the Committee on this important point for the Indian tribes.

The Committee is aware that certain tribes currently possess the ability to carry out themselves, or contract directly with outside providers, highway, bridge, and transit projects that are located on Indian reservations or that provide access to the reservations, including planning, research, engineering, and construction activities relating to such projects. Other tribes are developing their ability to perform those functions.

This amendment to section 202(d)(3) of title 23 is intended to empower Indian tribes that have the ability and interest to carry out the activities in-house or to contract directly with outside providers for the activities consistent with the Indian Self-Determination and Education Assistance Act. It allows tribes to choose, on a project-by-project basis, those activities that they want to perform themselves or to contract directly with outside providers. At the same time, existing capabilities within the Bureau of Indian Affairs are retained to support tribes that do not have such ability or interest. It directs that funds be paid directly by the Federal Highway Administration (FHWA) to the Indian tribal government when a tribe carries out, or contracts directly with outside providers for, a planning, research, engineering, or construction activity relating to a highway, bridge, or transit project located on an Indian reservation or that provides access to the reservation. Furthermore, it directs FHWA to determine the amount of funds for such activity and project that is to be received by the Indian tribe according to the funding formula established under section 202(d) of title 23, without deducting from it any non-project-related administrative takedown or project management costs imposed by the Bureau of Indian Affairs or the Department of the Interior.

Sec. 1120. Conservation measures

This section makes changes to the Refuge Roads program and the Forest Roads program to clarify eligibility for activities that protect wildlife. This section also authorizes a study on reducing wildlife-vehicle collisions.

Sec.1121. Pedestrian and cyclist equity

This section establishes two new programs—a Safe Routes to School Program and a Nonmotorized Transportation Pilot Program.

Subsection (a) establishes a Safe Routes to School Program for the benefit of children in primary and middle schools. The purposes of the program are to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Funding is made available by formula to state departments of transportation on the basis of student enrollment in primary and middle schools. No state will receive less than $2 million annually. Funds will be used by the state to provide financial assistance to state, local and regional agencies, including nonprofit organiza-

tions, which demonstrate an ability to meet the requirements of this section.

The program funds two distinct types of projects: infrastructure projects and non-infrastructure related activities. States should be encouraged to create competitive application forms, criteria, and evaluations that are appropriate for the two different types of projects.

The creation of a state level safe routes to school coordinator position provides a central point of contact for the program. Funding for the state level safe routes to school coordinator position is not included in the 10 to 30 percent of funds required to be used for non-infrastructure related activities under this subsection. The state coordinator's position is to be funded from the balance of the state's safe routes to school funds.

The safe routes to school clearinghouse provides an important opportunity to insure successful implementation of the program. As a new program, states will be interested in guidance on implementing the program effectively and efficiently. The clearinghouse can provide case studies, gather and disseminate information, track implementation, and monitor the program.

Given the broad scope of safe routes to school activities, the Committee acknowledges the need to include a broad range of agencies and organizations in the Task Force authorized by this section. In addition to representatives from federal agencies, additional task force members could include representatives from state and local agencies as well as relevant non-profit organizations and associations including organizations or associations that represent automobile drivers.

Subsection (b) establishes a Nonmotorized Transportation Pilot Program to construct a network of nonmotorized transportation infrastructure facilities in four communities to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load. This program is designed to develop the statistical information necessary to properly evaluate the impact of investments in nonmotorized travel and increases in pedestrian and bicycle trips on congestion, energy usage, clean air and public health. It recognizes that only complete, comprehensive and connected networks of nonmotorized transportation facilities will provide the opportunity for the pedestrian and bicycle usage needed for the measurement of impacts.

In making grants, the Secretary may select public agencies that are suitably equipped and organized to carry out the requirements of this subsection. An agency that receives a grant under this subsection may work with and provide grant funds to a nonprofit organization to assist in carrying out the program.

Sec. 1122. National commissions

This section establishes two commissions, one to study future revenue sources to support the Highway Trust Fund and another to study the future of the Interstate Highway System. Both commissions are established using the same criteria for the selection of the members. This section also amends section 101 of title 23 to include a declaration of policy regarding the study of the Interstate Highway System.

The Commission on Future Revenue Sources to Support the Highway Trust Fund will study alternative short-term sources of revenue for the Highway Trust Fund, as well as evaluating alternative long-term sources of revenue to support the Highway Trust Fund. When studying the long-term sources, the Commission is directed to consider the findings, conclusions, and recommendations of a recent study completed by the Transportation Research Board of the National Academy of Sciences on alternatives to the user fee to support highway financing.

The Commission is directed to develop ways to generate revenues to accomplish the requirements of section 1125; oversee a comprehensive investigation of alternatives to replace the user fee as the principal source of revenue for the Highway Trust Fund; consult with the Secretaries of Transportation and Treasury to ensure that their views concerning essential revenue alternatives are understood; consider State transportation agencies views on alternative revenue sources for the Highway Trust Fund; and make specific recommendations regarding their findings and necessary actions to Congress.

When considering alternative sources of revenue, the Commission shall address the advantages or disadvantages of alternative revenue sources and identify the most promising revenue sources to support long-term financing requirements. The Commission shall also establish a time frame for which the necessary actions must be taken and a broad transition strategy to move from the current user fee base to new funding mechanisms, including the time frame for the transition strategy.

Not later than September 30, 2005, the Commission shall transmit to Congress a report on revenues to support actions necessary to meet the requirements of section 1125. The Commission has until September 30, 2006 to transmit to Congress a report on the alternative long-term sources of revenue for the Highway Trust Fund.

The Commission on the Future of the Interstate Highway System will study the current condition and future of the Dwight D. Eisenhower National System of Interstate and Defense Highways (the "Interstate System"). The study will include a conceptual plan with alternative approaches for the future of the Interstate System and will assure that the Interstate System will continue to serve its National needs.

The Commission is directed to consider the views of State transportation agencies and make specific recommendations regarding design standards, Federal policies, and legislative changes that must be made to assure that national interests in meeting future needs are addressed.

When conducting the study, the Commission is specifically directed to address all issues that could impact the Interstate system including, demographics; usage; natural disasters; design standards; system-wide needs; potential expansion, upgrades, or other changes; community values; environmental issues; and system performance.

The Commission has until September 30, 2006 to transmit to Congress a report on the results of the study.

Sec. 1123. Adjustments for the Surface Transportation Extension Act of 2004, PART V

This section is reserved for instructions on how to reconcile adjustments made in the Surface Transportation Extension Act of 2004 with this Act, Part V.

Sec. 1124. Roadway safety

Subsection (a) directs the Secretary to enter into an agreement with an organization to develop a public service campaign to educate transportation officials, public safety officials, and motorists regarding the extent to which road hazards and design features are a factor in motor vehicle crashes.

Subsection (b) directs the Secretary to make grants to an organization to operate a national bicycle and pedestrian clearinghouse, to disseminate techniques and strategies for improving bicycle and pedestrian safety, and to develop information and educational programs related to pedestrian activities and cycling.

Sec. 1125. Equity requirement

This section establishes a requirement that a law be enacted prior to FY 2006 that increases the minimum guarantee rate of return to 95 percent by FY 2009. Subsection (a) states that a law must be enacted that increases the guaranteed rate of return to 92 percent in fiscal year 2006, 93 percent in fiscal year 2007, 94 percent in fiscal year 2008, and 95 percent in fiscal year 2009. The law that increases the rate of return must also ensure that all states receive an increase in formula funds from year to year. The increase can either be derived from the minimum guaranteed rate of return or from the state's prior year apportioned highway funds adjusted for inflation using the consumer price index.

If the law referenced above is not enacted by September 30, 2005 no funds may be apportioned for any of the following programs: the National Highway System program, high priority program, the Interstate maintenance program, the surface transportation program, the Metropolitan Planning program, the highway bridge replacement and rehabilitation program, the congestion mitigation and air quality improvement program, the recreation trails program, the Appalachian development highway system, the freight intermodal connectors program, the coordinated border infrastructure program, the high risk rural road safety improvement program, the safe routes to schools program, and the minimum guarantee program.

SUBTITLE B—CONGESTION RELIEF

Sec. 1201. Motor vehicle congestion relief

This section adds a new Section 139 to title 23 of the U.S. Code. Section 1201 would require each State with an urbanized area population over 200,000 to obligate a portion of its formula funds to target congestion in those areas of the State. The amount to be obligated in each State is determined by multiplying the total amount apportioned to each State under Sections 104(b)(1), (2), (3) and (4) of title 23 by 10 percent and by the percentage of the State population residing in urbanized areas over 200,000.

Under-one activities—40 percent of the funds will be obligated for congestion relief activities that will be complete within one year after the date of commencement of onsite improvements and has a project cost of less than $1 million.

Under-three activities—35 percent of the funds will be obligated for congestion relief activities that will be complete within three years after the date of commencement of onsite improvements.

Twenty-five percent of the funds will be obligated by a State for one or more of the following: under-one, under-three, eligible capital costs under Chapter 53 of Title 49, or qualified demand relief projects and activities.

States are not required to obligate proportional or equal amounts of their Section 104(b)(1), (2), (3) and (4) funds. Section 1201 does not change the eligibility of projects under Section 104. States may transfer amounts for under-one activities to under-three if the State certifies to the Secretary it has no under-one congestion relief activities.

Congestion relief activities include additional capacity, improvements to interchanges, construction of parallel roads, construction of truck only lanes, operational improvements, and through programs that use existing capacity more efficiently such as reversible lanes or lane management strategies.

Sec. 1202. Transportation systems management and operations

Section 1202 broadens the definition of Operational Costs for Traffic Monitoring, Management and Control in Section 101(a)(17) of title 23 to include transportation systems management and operations. It also broadens the definition of Operational Improvements in Section 101(a)(18)(A)(i) to include equipment and programs for transportation response to natural disasters.

Section 1202 also adds a new definition (39) Transportation Systems Management and Operations to Section 101(a) of Title 23. The term covers regional operations collaboration and coordination between transportation and public safety agencies to optimize the performance of existing transportation infrastructure and to improve the safety, security, and reliability of federal-aid highways through such activities and programs as highway and traffic demand management, emergency and traffic incident management, roadway weather management, traveler information services, traffic signal control, freight management, and intermodal coordination.

Communications equipment is central to traffic incident management. Integrated, interoperable, emergency communications equipment should be part of TSMO for congestion relief.

Section 1202 also adds a new section 166 to Title 23 called Transportation Systems Management and Operations. This section gives the Secretary authority to develop and execute a comprehensive TSMO policy in coordination with other Federal departments and agencies, State and local governments, and other interested parties.

This section also authorizes a study on Intelligent Transportation System procurement policy.

Sec. 1203. Real-time system management information program

This section requires the Secretary to establish a program that provides to all States the capability to monitor, in real-time, the traffic and travel conditions of the nation's major highways and to share the information with other States, local governments, and the traveling public.

The Secretary is required to establish a steering committee to provide guidance regarding the content and uniformity of data exchange formats to ensure that data can be shared.

With approval from the Secretary, States may obligate certain formula funds for activities related to the planning and deployment of this program.

Sec. 1204. Expedited national intelligent transportation systems deployment

Section 1204 requires the Secretary to establish a comprehensive program to accelerate the integration, interoperability and deployment of intelligent transportation systems in order to improve the performance of the surface transportation system.

The Secretary may make grants for projects that improve efficiency, promote safety, reduce emissions of air pollutants, improve traveler information, and build on existing intelligent transportation system projects and other projects.

Sec. 1205. Intelligent transportation systems (ITS) deployment

Section 1205 adds a new section 150 to title 23 that requires States to obligate a portion of their formula funds for the deployment of ITS systems in the State. The amount that each State shall spend is determined by multiplying $500,000,000 by the ratio that a state's total funds apportioned under section 104(b)(1), (b)(2), (b)(3) and (b)(4) of title 23 bears to the total amount apportioned to all States for such fiscal year.

Funds must be obligated for ITS projects such as improvements to the performance of a system like incident management, projects that provide for networks to link metropolitan and rural surface transportation systems, improvements to highway safety, operation and management, interagency support between transportation agencies, police, medical services and others, and planning.

States are not required to obligate proportional or equal amounts of their Section 104(b)(1), (2), (3) and (4) funds. Section 1201 does not change the eligibility of projects under Section 104.

Sec. 1206. Environmental review of activities that support deployment of intelligent transportation systems (ITS)

This section requires the Secretary to conduct a rulemaking within one year to establish categorical exclusions, to the extent appropriate, for activities that support the deployment of ITS from the requirement that an environmental assessment or an environmental impact statement be prepared under NEPA, in compliance with the standards for categorical exclusions established by NEPA.

The Secretary shall also develop a nationwide programmatic agreement governing the review of activities that support ITS deployment in accordance with the National Historic Preservation Act. The agreement will be developed in consultation with the Na-

tional Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation.

Sec. 1207. State assumption of responsibility for certain programs and projects

This section provides the Secretary the authority to conduct a pilot program for up to five states to assume the responsibilities of the Secretary for projects funded under Section 104(h), transportation enhancement activities under Section 133, as defined in Section 101(a)(35), and projects defined in Section 101(a)(38) of title 23, and Section 5607 of TEA LU.

Sec. 1208. HOV facilities

This section adds a new section 168 to title 23 that authorizes the use of High Occupancy Vehicle lanes. Subsection (a) of the proposed section 168 in title 23 allows a state agency to establish the occupancy requirements of vehicles operating on an HOV facility except that no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

This section also provides the exemptions for the HOV occupancy requirements including motorcycles, bicycles, public transportation vehicles, and High Occupancy Toll (HOT) vehicles and low emission and energy-efficient vehicles.

For HOT lanes the state agency must charge operators of vehicles with less than the established occupancy requirements a fee. The agency must also establish a program that addresses how motorists can enroll and participate in the toll program, automatically collects tolls, and establishes policies and procedures to manage demand by varying the toll, enforce violations, and permit low-income drivers to pay a reduced toll.

For inherently low emission vehicles, a state may allow the use of HOV lanes even if the occupancy requirements are not met so long as the vehicles are certified pursuant to section 88.311–93 of title 40, Code of Federal Regulations. The state agency may also allow other low emission and energy efficient vehicles to pay a toll to use HOV lanes even if the occupancy requirements are not met if those vehicles meet the certification requirements that the EPA is directed to develop in subsection (e). The toll amount charged to low emission vehicles not certified pursuant to the CFR and other energy efficient vehicles may be less than other HOT lane vehicles, or the toll may be zero.

This section also sets requirements applicable to tolls on HOV lanes. This subsection verifies that HOV facilities on the Interstate can be tolled pursuant to the provisions of this section. The subsection also states that the state agency must first use the toll revenue to repay debt and provide a reasonable rate of return on investments and then must give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety, including projects that improve safety by providing increased capacity.

This section addresses HOV facility management, operation, monitoring and enforcement. If a state agency allows single occupancy HOV vehicles to use the facility it must ensure that vehicles maintain a minimum operating speed 90 percent of the time over a 6–month period during weekday peak travel periods.

Sec. 1209. Congestion pricing pilot program

This section amends the congestion pricing pilot program established under the Intermodal Surface Transportation Equity Act of 1991 to expand the authority to conduct such projects to all States, although the number of congestion pricing pilot projects is limited to 25. The limit of 25 projects includes all projects previously approved under this section (prior to the enactment of TEA LU) that collect tolls. This section also requires that any congestion pricing toll programs include a program for low-income drivers to pay a reduced toll. This section also sets aside $3 million a year for congestion pricing programs that do not include tolls.

Sec. 1210. Congestion mitigation and air quality improvement program eligibility

This section clarifies that transportation system management and operations are an eligible activity under this program.

Sec. 1211. Special rules for state assumption of responsibilites

This section refers to certain rules for the pilot program established in Section 1207.

Sec. 1212. Opening of interstate ramps

This section provides for opening a ramp connecting I–495 and Arena Drive in the State of Maryland.

SUBTITLE C—MOBIILITY AND EFFICIENCY

Sec. 1301. National corridor infrastructure improvement program

This section directs the Secretary to establish and implement a program to allocate funding to States for highway construction projects in corridors of national significance. A State must submit applications to the Secretary for funds.

The Secretary shall give priority to corridor projects that are part of, or will be designated as part of, the Dwight D. Eisenhower National System of Interstate and Defense highways and to any project that will be complete in five years. The Secretary shall consider such factors as mobility, economic growth, linking two existing segments of Interstate, commercial vehicle traffic due to NAFTA, reduction of travel time, value of the cargo traveling through the corridor, economic costs, and the financing associated with the project.

Sec. 1302. Coordinated border infrastructure program

This section establishes a new formula program for border infrastructure projects. The Secretary apportions funds to the States based upon several factors: incoming commercial trucks passing through land border ports of entry; the number of incoming personal motor vehicles and buses passing through the land border ports of entry; the weight of incoming cargo by commercial trucks passing through such ports of entry; and the number of land border ports of entry.

Definitions—"Border region" means any portion of a border State within 20 miles in an international land border with Canada or Mexico. "Border State" means any State that has an international land border with Canada or Mexico. "Commercial Truck" means a

commercial motor vehicle as defined in section 31301(4) (other than subparagraph (B)) of title 49, U.S.C.

Sec. 1303. Freight intermodal connectors

This section establishes a new formula program for freight intermodal connectors. The Secretary shall apportion funds to States based upon the number of freight intermodal connectors; a State's annual contribution to the Highway Trust Fund; total lane miles of principle arterial routes; total vehicle miles traveled on lanes on principle arterial routes; total diesel fuel used on highways; total lane miles on principle arterial highways divided by population.

The purpose of the program is to improve the movement of freight and mitigate the impact of congestion. Eligible projects include construction of and improvements to publicly owned freight intermodal connectors and operational improvements. States shall give priority to connectors to the National Highway System.

States that do not have any freight intermodal connectors or whose connectors are in good condition may use the apportioned funds for projects eligible under the National Highway System (Section 103(b)(6) of title 23).

Sec. 1304. Projects of national and regional significance

This section establishes a program to finance critical, high-cost transportation infrastructure that address critical national economic and transportation needs. These projects of national and regional significance will improve the safe, secure, and efficient movement of people and goods throughout the United States and improve the health and welfare of the national economy by increasing economic productivity, facilitating international trade, relieving transportation congestion, and enhancing transportation safety.

The program will fund the construction of high-cost surface transportation projects, including freight railroad projects eligible under Title 23. To be eligible for assistance under this program, eligible project costs must equal or exceed the lesser of $500 million or 75 percent of the State's highway apportionment for the prior fiscal year. The Secretary of Transportation will conduct a national solicitation for applications for projects of national and regional significance and award grants on a competitive basis. The program creates a rigorous review process for project applicants similar to the Federal Transit Administration's review process for transit new start projects.

Sec. 1305. Dedicated truck lanes

This section directs the Secretary to establish a pilot program to allocate funds to States for the construction of projects that separate commercial truck traffic from other motor vehicle traffic. Priority will be given to projects that provide additional capacity. The Secretary will also consider the following factors: improvement to the safe and efficient movement of freight; the extent to which trucks are separated from other traffic; the connectivity of the project to the NHS or the Interstate; if the project removes trucks from surface streets; reductions in travel time; and the extent to which federal funds are leveraged.

Sec. 1306. Truck parking facilities

This section establishes a pilot program in cooperation with appropriate State, regional, and local governments to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

This section allows State, regional, and local governments to address the safety problem of fatigued drivers through a pilot program designed to allow for the creation of new rest stops, as stated in section 120(c) of title 23, addition of new commercial motor vehicle parking facilities adjacent to commercial truck stops or travel plazas, or opening existing weigh stations or park-and-ride facilities to commercial motor vehicle parking. Pilot programs may also include using intelligent transportation systems, or other means, to promote the availability of public or privately available parking facilities.

The Committee developed this pilot project after working closely with the Administration, industry, State safety and construction agencies, and truck plaza and rest stop operators. It is the Committee's intent that the projects funded from this pilot program only address adding parking facilities in corridors with an identified truck parking shortage. This pilot program is not intended to compete with local businesses or commercial enterprises.

Not later than five years after the enactment of this bill, the Secretary shall transmit a report on the results of the pilot programs developed under this section.

SUBTITLE D—HIGHWAY SAFETY

Sec. 1401. Highway safety improvement program

This section amends title 23 by eliminating the requirement that States set aside 10 percent of their section 133, Surface Transportation Program, funds to carry out section 130 of Title 23, the Railway-Highway Crossing program and section 152, the Hazard Elimination program. This section also establishes a separate funding authorization for a combined section 130 and 152 called Highway Safety Improvement Program. However, the authorizing language for the two programs still resides in Section 130 and Section 152.

In subsection (a) the definition of Safety Improvement Project as used in Section 101(a)(30) of title 23 is expanded to include the installation of fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones.

Subsection (b) amends title 23 to move the set-aside for Operation Lifesaver from the apportionment under the Surface Transportation Program to the apportionment for Section 130. It also increases the amount for this program from $500,000 to $600,000.

Subsection (c) increases the amount of the set-aside for hazard elimination in high-speed rail corridors designated under 104(d)(2) of title 23 and for the Minneapolis/St. Paul—Chicago segment of the Midwest High-Speed Rail Corridor. The subsection also adds the Northern New England High Speed Rail Corridor and expands the South Central Corridor to section 104(d)(2) of title 23.

Subsection (d) adds a special rule to allow States to use funds for protective devices on other section 130 activities if the State demonstrates to the Secretary that it has met the needs in such State for protective devices. The apportionment formula for rail highway

crossings is amended to distribute funds 50 percent based on the STP formula and 50 percent based on the number of rail highway crossings. Each state shall receive at least a minimum of one half of one percent. The federal share will be 90 percent. States will be required to report to Congress every two years and can use up to two percent of their funds for analysis and data collection.

Subsection (e) makes technical changes.

Subsection (f) amends section 152 (a)(1) of title 23 to include in the state survey dangers to the disabled from hazardous road conditions. It also includes a requirement that States identify the roadway safety improvements for hazardous locations. It also adds four new activities for which the funds can be used. The Secretary will use the STP apportionment formula to apportion funds to the States for the Hazard Elimination program. Each State shall receive at least one half of one percent from funds apportioned to the States. The federal share will be 90 percent. The Secretary is required to report to Congress every two years the results of this program, including projects completed, the effectiveness of the projects, adequacy of funding and recommendation of improvements to the program.

Subsection (g) makes the amendments in subsection (d), (e) and (f) effective September 30, 2005 since there is no funding for the new Highway Safety Improvement Program in fiscal year 2005.

Sec. 1402. Worker injury prevention and free flow of vehicular traffic

The Secretary shall, within one year, issue regulations requiring workers whose duties place them in close proximity to a Federal-aid highway to wear high visibility garments.

Sec. 1403. High risk rural road safety improvement program

The Secretary shall establish and implement a program to improve safety on rural major or minor collector or rural local roads. Funds will be apportioned to States based on public road lane mileage, population in other than urbanized areas, and vehicle miles traveled on public roads. States will allocate apportioned funds to projects that have the highest benefits to highway safety. Funds can only be used for construction and operational improvements on high-risk rural roads.

Sec. 1404. Transfers of apportionments to safety programs

Subsection (a) caps the amount of apportioned funds that are required to be transferred from sections 104(b)(1), (2), and (3) of title 23 to section 402 of title 23 in an amount equivalent to three percent of what was apportioned to states in fiscal year 2003. This transfer is required when States fail to comply with section 153(a)(2) of title 23 (seatbelt use in the front seat). It also caps the amount of obligation authority the Secretary is required to transfer with the apportionment in the preceding sentence.

Subsection (b) caps the amount of apportioned funds that are required to be transferred from sections 104(b)(1), (3), and (4) of title 23 to section 402 of title 23 in an amount equivalent to three percent of what was apportioned to states in fiscal year 2003. This transfer is required when States fail to comply with section 154(b) of title 23 (open container laws). It also caps the amount of obliga-

tion authority the secretary is required to transfer with the apportionment in the preceding sentence.

Subsection (c) caps the amount of apportioned funds that are required to be transferred from sections 104(b)(1), (3), and (4) of title 23 to section 402 of title 23 in an amount equivalent to 3 percent of what was apportioned to states in fiscal year 2003. The funds are to be used to carry out section 164(b)(1)(A) or (B). This transfer is required when States fail to enact or enforce a repeat intoxicated driver law. It also caps the amount of obligation authority the secretary is required to transfer with the apportionment in the preceding sentence.

Sec. 1405. Safety incentive grants for use of seat belts

This section authorizes $112,000,000 for each of fiscal years 2004 and 2005 for grants to states that have met certain requirements with regards to seatbelts.

Sec. 1406. Safety incentives to prevent operation of motor vehicles by intoxicated persons

Subsection (a) codifies the penalty against states for not enacting and enforcing a 0.08 drunk driving law. This penalty was originally enacted in the 2001 DOT appropriations bill.

Subsection (b) authorizes $110,000,000 for each of fiscal years 2004 and 2005 for grants to states that have enacted 0.08 laws.

Subsection (c) repeals the appropriations language that enacted the penalty in 2001.

Sec. 1407. Repeat offenders for driving while intoxicated

This section amends Section 164(a)(5)(A) of title 23 by adding an alternative penalty that a person who is a repeat offender can receive for a violation: a 45 day suspension of driving privileges followed by a reinstatement of limited driving privileges to get to work, school or alcohol treatment programs if an ignition interlock device is installed on each motor vehicle owned or operated, or both, by the individual.

Sec. 1408. Repair and replacement of highway features on national highway system

This section instructs the Secretary to conduct a rulemaking to determine the standards to which a State should replace or repair damaged highway features after they have been damaged.

SUBTITLE E—CONSTRUCTION AND CONTRACT EFFICIENCIES

Sec. 1501. Design-build

Subsection (a) amends section 112 of title 23 with the intent of clarifying and improving the design-build authority provided. During the rulemaking process for the design-build regulation required by section 1307 of TEA 21, which also amended 23 U.S.C. 112, FHWA received several comments regarding the restrictive nature of the "qualified project" definition with respect to the project cost threshold. Approximately 85 percent of the design-build projects that have been evaluated under the FHWA experimental contracting program (Special Experimental Project No. 14 (SEP–14)—Innovative Contracting) are too small to meet the definition of

"qualified project." Based on the Haw's experience with design-build projects under SEP–14, there is no need to limit design-build projects to those costing more than $5 million in the case of a project that involves installation of an intelligent transportation system and to those costing more than $50 million in the case of any other project.

Subsection (b) similarly amends section 112 of title 23 making clear the parameters of the authority for the use of project evaluation criteria. The subsection also makes clear that this amendment does not disturb any other authority that the Secretary has under current law or that is being carried out by the Secretary as of the date of enactment.

Sec. 1502. Warranty highway construction project pilot program

The Committee is aware that highway projects constructed of advanced materials, and often utilizing innovative techniques that also contain warranties of the constructed project's expected performance can, over the life of the project mean less cost to the state for maintenance, reconstruction and rehabilitation, than a similar project not utilizing advanced techniques and materials and not containing a warranty.

This pilot program is meant to take the experience of states already utilizing warranty bid regimes and conduct a pilot within the federal-aid program. The Committee expects that the projects built under this authority will cost less over their life to the taxpayer than non-warranted projects.

Sec. 1503. Private investment study

This section authorizes the National Academy of Sciences to conduct a study to evaluate private investment in surface transportation infrastructure.

Sec. 1504. Highways for life pilot program

The Committee intends with this pilot program to incentivize the use of innovative technologies and practices in the construction of highways and bridges. The Committee expects that safe, efficient highways and bridges can be built faster, and with greater durability, if innovative practices and technologies are utilized. This pilot authorizes the Secretary to allocate funds for projects deemed to satisfy the requirements of the project. The selection criteria are designed to identify projects that employ material and technique innovations which will produce more quickly constructed, longer lasting, high-quality and cost-effective projects.

SUBTITLE F—FINANCE

Sec. 1601. Transportation Infrastructure Finance and Innovation Act

This section makes programmatic changes to the TIFIA program.

Subsection (a) makes technical changes to the definitions in Section 181 of title 23.

Subsection (b) amends Section 182 of title 23 to clarify the requirements regarding statewide and metropolitan planning. This subsection also decreases the minimum eligible project costs to $50,000,000 and to $15,000,000 for ITS projects.

Subsection (c) makes technical changes to the project selection process in section 182 of title 23.

Subsection (d) makes technical changes to Section 183 of Title 23. The change to section 183(a)(4) codifies a DOT regulation that requires the project's senior obligations to receive an investment-grade rating in order to execute a secured loan agreement. The change to section 183(b)(2) ensures that the amount of the TIFIA credit instrument may not exceed that of the senior project obligations. The elimination of section 183(c)(3) deletes the description of sources of repayment funds because the subject is already covered in section 183(b)(3).

Subsection (e)(1) makes changes to section 184(b)(3) to ease the restrictions on funding draws on a line of credit in order to help a borrower avoid a payment default. The changes to section 184(b)(4) conform the interest rate setting mechanism for the line of credit with that for secured loans. The change to section 184(b)(5) has the same purpose as the changes to sections 183(b)(3) and 182(a)(4).

Subsection (e)(2) makes changes to Section 184(c) to clarify language regarding the scheduling of principal and interest repayments. The elimination of section 184(c)(3) deletes the description of sources of repayment funds because the subject is already covered in section 184(b)(5)(A)(i).

The changes to sections 185(a), 185(b), and 185(c) in subsection (f) clarify that the Secretary may establish fees to cover the cost of servicing TIFIA credit instruments. The change to section 185(d) clarifies that the program may retain outside counsel to assist in the underwriting and servicing of TIFIA credit instruments.

Subsection (g) sets the funding levels for the TIFIA program, including administrative expenses and limitations on credit amounts.

Sec. 1602. State Infrastructure Banks

Subsection (a) of this section codifies a state infrastructure bank (SIB) program in Section 189 of title 23.

Subsection (a) of Section 189 provides definitions for the SIB program. Subsection (b) permits the Secretary to enter into a cooperative agreement with a state for the establishment of a SIB. Subsection (c) allows two or more States to enter into a cooperative agreement with the Secretary to establish a multi-state SIB. Subsection (d) establishes funding requirements for SIBs, restricting the amount of federal funding that a State can deposit in their highway, transit, and rail SIB accounts. Subsection (e) establishes the forms of assistance that a SIB can offer. Subsection (f) describes the eligible projects that are allowed to be funded by the SIB.

Subsection (g) establishes the requirements that a State must adhere to when establishing a SIB. Subsection (h) speaks to the applicability of Federal law in the SIBs program. Subsection (i) states that the United States is not obligated by any commitment made by a state SIB. Subsection (k) limits the amount of federal funds that can be used to administer the state SIB to 2 percent of the federal funds contributed to the SIB.

Subsection (b), (c), (d), and (e) of Section 1602 establishes a new chapter 6 in title 23 for infrastructure finance.

Sec. 1603. Interstate system reconstruction and rehabilitation toll pilot program

This section establishes an interstate system reconstruction and rehabilitation pilot program similar to the one authorized in TEA 21. The new program is limited to three facilities and requires states to show that tolling is the most efficient and economical way to finance the project. The previous program required that states prove that tolling was the only way to finance the interstate reconstruction or rehabilitation project. The new program also requires that the state agency collect tolls electronically and that the agency include a program to permit low-income drivers to pay a reduced toll amount.

Sec. 1604. Interstate system construction toll pilot program

This section establishes a new pilot program for projects involving the construction of new interstate facilities. The program is limited to three facilities (multi-state corridor projects may be considered as one facility) and states must show that tolling is the most efficient and economical way to finance the project. The new program also requires that the state agency collect tolls electronically and that the agency include a program to permit low-income drivers to pay a reduced toll amount.

It is the Committee's intent that this program be used only for the construction of new interstate facilities and that the pilot program authorized in Section 1603 be used only for rehabilitation and reconstruction of existing interstate facilities.

Sec. 1605. Special Rules relating to the State Infrastructure Bank program

This section refers to special rules governing interstate compacts for State Infrastructure Banks.

Subtitle G—High Priority Projects

Sec. 1701. High priority projects program

This section updates the current high priority projects program to reflect the funding and year-by-year allocations provided in TEA LU.

Sec. 1702. Project authorizations

This section lists the state, project description, and dollar amount for each high priority project.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Budget justification

This section requires the Department of Transportation and each agency therein to submit to the Committee on Transportation and Infrastructure a budget justification concurrently with the President's Annual Budget submission.

Sec. 1802. Motorist information

This section repeals section 124 of title I of division F of the FY 2004 appropriations bill.

Sec. 1803. Motorist information concerning full service restaurants

This section requires the Secretary to do a rulemaking to determine whether to give priority to full service restaurants on at least two of the panels for highway food service signs.

Sec. 1804. High priority corridors on the national highway system

This section adds new corridor designations to the high priority corridor list in ISTEA.

Sec. 1805. Additions to Appalachian region

This section adds 12 counties to the jurisdiction of the Appalachian Regional Commission.

Sec. 1806. Transportation assets and needs of Delta region

This section authorizes the Secretary to contract with the Delta Regional Authority (DRA) to conduct a study on the Delta region's transportation assets and needs for all modes of transportation, including passenger and freight transportation. This section also directs the DRA to report to Congress the results of the study and establish a regional strategic plan to implement the report's recommendations.

Sec. 1807. Toll facilities workplace safety study

This section directs the Secretary to conduct a study to determine the safety of highway toll collection facilities for toll collectors who work in and around such facilities. It requires the Secretary to submit within 1 year a report on the results of the study and recommendations for improving workplace safety at toll facilities to the congressional committees of jurisdiction.

Sec. 1808. Pavement marking systems demonstration projects

This section directs the Secretary to conduct demonstration projects in Alaska and Tennessee to study the impacts of increasing the minimum width for pavement markings from four inches to six inches and report the results to Congress by June 30, 2009.

Sec. 1809. Workzone safety grants

This section directs the Secretary to establish a work zone safety grant program to provide training to prevent or reduce highway work zone injuries and fatalities.

Sec. 1810. Grant program to prohibit racial profiling

On February 27, 2001, in the Address to a Joint Session of Congress, President George W. Bush declared that racial profiling is "wrong and we will end it in America". The President issued a Memorandum for the Attorney General that directed the Attorney General to review the use of Federal law enforcement authorities use of race in conducting stops, searches, and other investigative procedures. In particular, the President asked the Attorney General to work with Congress to develop methods or mechanisms to collect any relevant data from Federal law enforcement agencies

and to work in cooperation with state and local law enforcement agencies in order to assess the extent and nature of any such policies.

In response to the efforts of the President to end the use of racial profiling, this section establishes a new incentive grant program to encourage states to enact and to enforce laws that prohibit the use of racial profiling in the enforcement of traffic laws on Federal-aid highways. The incentive grant program will assist the states with the compilation of data to support efforts to eliminate the use of race or ethnicity as a key factor in whether to make a traffic stop.

Subsection (a) authorizes the Secretary to make a grant to a state that has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of traffic laws on Federal-aid highways. To be eligible for a grant, a state must maintain and allow public inspection of statistical information for each motor vehicle stop in the state showing the race and ethnicity of the driver and any passengers. Also, a state may receive a grant if the state provides assurances satisfactory to the Secretary that the state is undertaking activities that will lead to compliance with the requirements to this section.

Subsection (b) authorizes the eligible activities for which a grant may be used by the state. In the case of a state eligible for a grant under subsection (a)(1), the grant may be used for: collecting and maintaining of data on traffic stops; evaluating the results of the data; and developing and implementing programs to reduce the occurrence of racial profiling. An eligible state receiving a grant by providing assurances to the Secretary that the state is undertaking activities that will lead to compliance with this section may use the grant for any eligible activity under this section. The collection, maintenance, and evaluation of data relating to traffic stops could be used to determine whether race has been a key factor in motor vehicle stops. According to the report published by the Comptroller General entitled Racial Profiling, more information is needed to determine the extent to which race, as opposed to other factors, is a key factor for traffic stops.

Subsection (c) clarifies the meaning of racial profiling as it pertains to making routine or spontaneous law enforcement decisions, such as ordinary traffic stops. The racial profiling provisions under this section is not intended to affect the ability of law enforcement officers from considering race or ethnicity whenever there is trustworthy information available that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

Subsection (d) limits the maximum amount for which a state may receive a grant to not more than 5 percent of the amount authorized in a fiscal year to carry out this section. A state that provides assurances to the Secretary that the state is undertaking activities that will lead to compliance with the requirements of this section may not receive a grant in more than two fiscal years.

Sec. 1811. America's Byways Resource Center

This section reauthorizes the America's Byways Resource Center. The Byways Resource Center provides technical support and conducts educational activities for the National Scenic Byways program. Technical support and educational activities will provide

local officials and organizations with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain Scenic Byways and All-American Roads.

Sec 1812. Technical adjustment

Sec. 1813. Road user charge evaluation pilot project

The issue of future financing of the Highway Trust Fund is a critical one that Congress must begin to address. The Trust Fund is currently financed primarily through fuel excise taxes and certain truck taxes. When the Trust Fund was established in the 1950s, it was legitimate to have the gas tax serve as a surrogate for road usage and be the basis for the user-pays system of the federal highway program. But with the advent of hybrid cars, alternative fuels, the potential for fuel cell technology, increased fuel efficiency and other technological developments, the relationship between the gas tax and road usage is diminishing.

On July 16, 2002, the Subcommittee on Highways, Transit, and Pipelines held a hearing on this and related topics. Testimony was received from representatives of the Public Policy Center of the University of Iowa regarding research that was then in progress, though now completed, to develop a new approach for charging vehicles that travel on the public roads. A consortium of the Federal Highway Administration and 15 state departments of transportation funded the study. The purpose of the study was to evaluate how intelligent transportation system technology (GPS and on-board computers, smart cards and collection centers) can be used to assess mileage-based road user charges.

This section provides funding and authorization for the Secretary to conduct a pilot project to test the technology and feasibility of the system. It is contemplated that various cars will be equipped with the technology in different regions of the country with a diverse set of drivers. An important element of the study is measuring the public acceptance of such a system and to ensure that privacy concerns of drivers are met.

The finding of this study will provide useful information as the Congress strives to identify a funding source to finance the federal-aid highway programs that is stable, accurate, fairer and more flexible than the current gas tax.

Sec. 1814. Thomas P. "Tip" O'Neill, Jr. Tunnel

This section designates that, in honor of his service to the Commonwealth of Massachusetts and to the United States, and in recognition of his contributions toward the construction of the Central Artery project in Boston, Massachusetts, the Central Artery Tunnel should be named as the "Thomas P. 'Tip' O'Neill, Jr. Tunnel".

Sec. 1815. Conforming amendment for transportation planning sections

Section 1814 amends sections 134 and 135 of title 23, United States Code to indicate that metropolitan and statewide transportation planning programs funded under those sections shall be carried out according to the provisions of the unified highway and

transit planning chapter in chapter 52, title 49, United States Code. (See Title VI of TEA LU.)

Sec. 1816. Distribution of metropolitan planning funds within states

This section requires the states to distribute planning funds to the metropolitan planning organizations within 30 days of receipt of such funds from the Secretary.

Sec. 1817. Treatment of off ramp

This section specifies that an off-ramp in California meets the requirements of Title 23 that govern the approval of the placement of ramps off a Federal-aid Highway.

Sec. 1818. Loan forgiveness

This section specifies that a loan has satisfied its repayment obligations.

Sec. 1819. Lead agency designation

This section specifies that a specific agency in California be the lead agency for a highway project authorized in 1991.

Sec. 1820. Use of debris from demolished bridges and overpasses

This section specifies that any debris from a demolished Federal-aid bridge or overpass can be used for beneficial public use by Federal, State, and local governments.

Sec. 1821. Hubzone program

Sec. 1822. Technical changes to TEA 21 projects

This section makes changes to projects authorized in TEA 21.

Sec. 1823. National Work Zone Safety Information Clearinghouse

This section provides grants to establish and operate a National Work Zone Safety Information Clearinghouse.

Sec. 1824. Transportation conformity

This section makes transportation-related changes to the Clean Air Act.

Sec. 1825. Eligibility to participate in Western Alaska Community Development Quota Program

Sec. 1826. Metropolitan regional freight and passenger transportation study

This section authorizes the Secretary to enter into an agreement with two universities to study metropolitan regional freight and passenger transportation.

Sec. 1827. Intermodal transportation facility expansion

Sec. 1828. Advanced truck stop electrification system

This section includes a definition for Advanced Truck Stop Electrification Systems in title 23 and clarifies that such systems are eligible under STP.

Sec. 1829. Technology

This section encourages states to consider using a new technology to detect cracks in bridges.

Sec. 1830. Extension of public transit vehicle exemption from axle weight restrictions

This section extends the exemption that public transit vehicles and over-the-road buses have from axle weight restrictions.

Sec. 1831. Motorcyclist advisory council

This section establishes an advisory council to address relevant highway infrastructure issues as they relate to motorcyclists.

Sec. 1832. Sharing of monetary recoveries

This section addresses the sharing of monetary judgments from Federal proceedings pertaining to fraud in Federally funded highway and public transportation programs.

Sec. 1833. Eligibility under CMAQ

This section specifies that advanced truck stop electrification system is an eligible activity under CMAQ.

Sec. 1834. Sense of Congress Regarding Buy America

The Committee is concerned that the intent of Congress in the original Buy America (P.L. 97–424 § 165) is being misinterpreted on federally funded bridge projects. The Buy America provision provides that domestic iron and steel be used in federal transportation projects unless its use would increase the "overall project contract" by more than 25 percent. The problem that is emerging in the highway bridge industry is that project managers are attempting to circumvent the Buy America requirement by breaking bridge projects into component parts and applying the 25% test separately to each of the component parts, rather than to the entire bridge project as required by law. The intent of the Buy America/domestic content law was to ensure that when taxpayer money is invested on direct federal government procurement and infrastructure projects, these expenditures stimulate U.S. production and employment. This provision is intended to end any confusion or misinterpretation of the law by making clear that it is the Sense of Congress that the Buy America test applies to the overall bridge project.

Sec. 1835. Community enhancement study

This section directs the Secretary to make a grant to, or enter into a cooperative agreement or contract with, a national organization representing architects who have expertise in the design of a wide range or transportation and infrastructure projects to conduct a study on the role of well-designed transportation projects in promoting community enhancement.

Sec. 1836. Transportation and local workforce investment

This section expresses the sense of the Congress that Federal transportation projects should facilitate and encourage the collaboration between interested persons to help leverage scarce training

and community resources and to help encourage local participation in the building of transportation projects.

Sec. 1837. Special rule for fiscal year 2004

This section states that where fiscal year 2004 authorized amounts in this title differ from fiscal year 2004 authorized amounts in the Surface Transportation Extension Act of 2004, Part V (STEA Part V), then STEA Part V governs.

NIGHT-TIME CONSTRUCTION

Presently the federal government is investing more than $30 billion annually on roadway construction projects. This significant investment is creating increased motorist exposures to roadway work zones. Since 1997 the number of fatalities in roadway work zones for both motorists and construction workers has grown by over 70 percent. With nearly 1,200 fatalities and 40,000 injuries occurring annually in roadway construction zones, work zone safety is a serious public health concern.

Since most road work today involves reconstruction, rehabilitation and maintenance of existing roadways, it is conducted adjacent to traffic. As a result, more and more jurisdictions across the country are looking to night-time construction as a way to reduce motorist delay and inconvenience by scheduling work when traffic is lighter.

The Committee is concerned about the impact of night-time construction on motorists, workers and communities. Current information is not comprehensive or well communicated to public and private entities and individuals that need it most.

The Committee directs the Federal Highway Administration to conduct and compile research on many aspects of night-time road construction, including:

- Comparisons between work zone-related crash rates daytime and night-time construction operations;
- Rates and frequencies of incidents caused by drivers under the influence of alcohol, drugs and/or other substances causing driver impairment;
- Rates and frequencies of incidents caused by drivers and workers who are tired or sleep deprived;
- Impacts on worker health and welfare;
- Impacts on adjacent communities;
- Impacts on construction quality and work schedules; and
- General impact on roadway construction worker safety.

The Committee directs the Federal Highway Administration to report to the Committee two years after passage of this legislation on the results of its research.

CATHODIC BRIDGE PROTECTION STUDY

The issue of the increased cost to repair/replace concrete bridges due to the corrosion of steel rebar in bridges caused by exposure to a chlorine environment is a critical one that Congress must begin to address. The Committee directs the Secretary to study the application of cathodic protection technology to concrete bridges in order to extend the life of the bridge and reduce future repair costs.

The Committee also directs the Secretary to report to Congress on the results of any study.

TRAFFIC CONTROL AT HIGHWAY-RAILWAY CROSSINGS

With respect to increasing safety at grade crossings, the Committee notes that 1,431 people have been killed in 11,860 accidents at public crossings with crossbuck devices during the past ten years. The size, weight, and design of trains prevent them from being able to stop and start as quickly as an automobile or truck. Given the importance of safety at highway-rail crossings, the Committee urges the Secretary of Transportation to revise the Manual of Uniform Traffic Control Devices and such other regulations and agreements of the Federal Highway Administration as may be necessary to require "yield" signs be installed at all public highway-rail crossings without automatic traffic control, save for those crossings which, in the judgment of the roadway authority, require "stop" signs, together with appropriate advance warning signs at all crossings.

In October of 2004, Federal Highway Administration (FHWA) was requested to issue an interim order amending the Manual on Uniform Traffic Control Devices to include a standard that "yield" signs be installed at all public crossings with passive devices, except at those which the roadway authority deemed to require a "stop" sign based on an exhaustive study contained in National Cooperative Highway Research Program (NCHRP) Report 470. Considering that the NCHRP Report 470 was completed in at the end of 2001, the Committee urges the Secretary to act immediately to consider appropriate changes to the Manual of Uniform Traffic Control Devices.

TITLE 23 DEFINITION OF "CONSTRUCTION"

The Committee interprets the definition of "Construction" in section 101(a)(3) in title 23 to include under paragraph (G), improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, chanelization of traffic, traffic control systems, reversible lanes, contraflow lanes, moveable medians, coordinated traffic signalization, managed lanes, and passenger loading and unloading areas.

TITLE 23 DEFINITION OF "OPERATION IMPROVEMENT"

The Committee interprets the definition of "Operation Improvement" in Section 101 in title 23 to include a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems through such means as reversible lances, contraflow lanes, moveable medians, coordinated traffic signalization, and managed lanes.

HIGHWAY-TRANSIT FUNDING TRANSFER AUTHORITY

In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) provided additional authority for states to transfer Federal funds between highway and transit programs. In 1998, Congress continued and expanded this transfer authority. Many States have actively used this authority to transfer Federal funds between highway and transit programs. The committee believes it is important to review how the States and public transit authorities have used this transfer authority and directs the Government Account-

ability Office to report to Congress on the use of this transfer authority by the States and public transit authorities, the highway and transit projects funded with these funds, and the U.S. Department of Transportation administrative mechanisms to track the use of these transferred funds. This report should be completed as soon as practicable and no later than two years after the date of enactment.

The Committee notes that, in the Design Standards Manual for construction of Interstates and their improvement, the requirements for control of access at ramp terminals in urban areas is 100 feet and 300 feet in rural areas. The Committee instructs the Federal Highway Administrator within 180 days to provide an explanation to the Committee for the different treatment of rural and urban access control at ramp terminals.

TITLE II—HIGHWAY SAFETY

Motor vehicle crashes are the leading cause of death between the ages of 3 through 33. In 2003, a total of 42,643 people were killed in traffic crashes, and an additional 2.89 million were injured. Alcohol-related deaths account for 40 percent of all traffic fatalities. Fifty-six percent of those killed in passenger vehicles in 2003 were not wearing seat belts. It is estimated that highway crashes cost society $230.6 billion each year, about $820 per person.

Sec. 2001. Authorizations of appropriations

This section authorizes funds for the section 402 highway safety grant program; occupant protection incentive grants under section 405; alcohol-impaired driving countermeasures incentive grants under section 410; state traffic safety information improvements under section 412; the national driver registery; and the high visibility enforcement program.

The Secretary is provided the flexibility to transfer any amounts remaining available under the occupant protection incentive grant program, the alcohol-impaired driving countermeasures program, and the state traffic safety information system improvements program to ensure, to the maximum extent possible, that each state receives the maximum amount of incentive grants under these programs for which the state is eligible.

Sec. 2002. Occupant protection incentive grants

This section extends the occupant protection incentive grant program through the term of the legislation. A state may become eligible for these grants by either having a seatbelt usage rate of at least 85 percent or by implementing at least four of the six safety incentives under the program.

Sec. 2003. Alcohol-impaired driving countermeasures

This section extends the alcohol-impaired driving countermeasures program over the term of the legislation. The criteria for eligibility under the Basic Grant A program is expanded to includ states that have an alcohol-related fatality rate of 0.5 or less per 100 million vehicle miles traveled. The eligibility criteria for Basic Grant A is amended, under the administrative license revocation requirement, to permit a state to allow a first time offender who has had his or her license suspended to operate a motor vehicle,

after a 15-day suspension period, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on the vehicle. Similarly, a state may allow a repeat offender who has had his or her license suspended or revoked to operate a motor vehicle, after a 45-day suspension or revocation period, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on the vehicle.

Under the Basic Grant A criteria, four new eligibility requirements are added in lieu of eliminating the young adult drinking awareness program. The new requirements are a judicial and prosecutorial outreach program, a self-sustaining drunk driving prevention program, programs for effective alcohol rehabilitation, and a program for impounding vehicles of drunk drivers. States may become eligible for Basic Grant A by implementing at least six eligibility criteria for fiscal years 2005 and 2006 and at least seven criteria for the following fiscal years.

The criteria for the eligibility for a Basic Grant B is amended to permit a state to receive a grant if its alcohol-related fatality rate is 0.8 or more per 100 million vehicle miles traveled and the state establishes a task force to evaluate and recommend changes to the state's drunk driving programs. The supplemental grant program is repealed.

Sec. 2004. State traffic safety information system improvements

This section authorizes a new section 412 program for state traffic safety information system incentive grants to encourage states to adopt and implement effective safety data systems. The Secretary is required to determine the model data elements necessary to analyze trends in crash occurrences, rates, outcomes, and circumstances. To receive a grant, a state must comply with safety data system requirements under this section and use the grant only to implement such requirements.

Sec. 2005. High visibility enforcement program

The Secretary is required to establish a program to support national impaired driving mobilization and enforcement efforts and national safety belt mobilization and enforcement efforts, including the purchase of national paid advertisements to support such efforts.

Sec. 2006. Motorcycle crash causation study

The Secretary is required to conduct a study of the causes of motorcycle crashes and to submit a report to Congress on the results of the study not later than 3 years after the date of enactment of this legislation.

Sec. 2007. Child safety and booster seats

This section authorizes a child safety and child booster seat incentive grant program for the benefit of states that enact or enforce a law requiring children riding in passenger vehicles to be secured in child safety seats or child booster seats. States may use grants under this section only to carry out child safety seat and child booster seat programs, including education, training, enforcement, and the purchase and distribution of child restraints to families that cannot otherwise afford them. Each state to which a grant is

made under this section must transmit a report to the Secretary indicating how the grant funds were expended and identifying the specific programs supported by the grant.

Sec. 2008. Motorcyclist safety

This section establishes a new motorcyclist advisory council to advise the Federal Highway Administrator on infrastructure issues that concern motorcyclists. This section also establishes a motorcycle safety incentive grant program for states that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcycles.

Sec. 2009. Driver fatigue

This section adds driver fatigue to the list of safety factors that must be included in state highway safety programs in accordance with uniform guidelines promulgated by the Secretary under section 402. The Committee wishes to acknowledge the contribution of "Maggie's Law" to its deliberations on this issue.

Sec. 2010. Authorizations of appropriations for highway safety research and development

This section authorizes funds out of the Highway Trust Fund for carrying out section 403 safety research and development.

Sec. 2011. Safety data

This section requires the Secretary to collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries. The Secretary is required to transmit a report to Congress not later than January 1, 2009, on these accidents and any recommendations regarding measures to be taken.

Sec. 2012. Driver performance study

This section directs the Secretary to conduct a study on the risks associated with glare to oncoming drivers and to submit a report of findings and recommendations to Congress not later than 18 months after enactment.

TEEN DRIVERS STUDY

Young drivers have the highest traffic crash risk of any age group, and are more likely to be involved in crashes involving driver error and speed than older drivers. The Committee directs the Secretary to conduct a study on the major causes of traffic crashes involving teen drivers and evaluate existing teen driver programs. Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report to the Committee on the results of the study and recommendations to reduce the number of traffic crashes involving teenagers, including recommendations for model driving school curriculum and graduated licensing requirements.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title; amendments to Title 49, United States Code

Title III of the bill is cited as the "Federal Public Transportation Act of 2005." All amendments in this title, unless otherwise specified, are made to title 49 of the United States Code.

Sec. 3002. Policies, findings, and purposes

This section and subsequent sections of the bill change the terminology used to describe the federal transit programs, which have grown far beyond the original mission and orientation of "urban renewal" in the Federal Transit Administration's organic statute, the Urban Mass Transportation Act of 1964. Today, the federal transit programs also provide vital transportation services to rural and other non-urban constituencies. The title change and subsequent legislative changes to chapter 53, title 49 United States Code in which the terms "mass transit" or "mass transportation" are replaced by "public transportation" reflect this evolution.

Sec. 3003. Definitions

This section includes amendments to section 5302 of title 49, United States Code that change definitions that apply generally to all of chapter 53, except as otherwise specifically provided. These changes include adding new eligibilities for Federal capital transit funding. Newly eligible uses for these capital funds include: (1) acquiring, constructing, relocating, and renovating intercity bus stations and terminals; (2) crime prevention and security projects (including security training for personnel and conducting emergency response drills); (3) establishing a debt service reserve fund for bond payments when such bonds are used for the purpose of financing an eligible transit project; and (4) mobility management activities and projects. Mobility management activities and projects improve the coordination among public transportation and other transportation service providers through short-range planning and management activities, such as buying computer software that matches public transportation riders and non-emergency medical and other human services clients to transportation services. Directly providing public transportation services is not an eligible capital expense under this definition.

Under current law, the terms "mass transportation," "public transportation," and "transit" are interchangeable. Under the changes made in this section, these three terms are still synonymous. However, "public transportation" becomes the principal defined term.

Sec. 3004. Metropolitan planning

This section amends sections 5303 and 5304 of title 49, United States Code, which contain the metropolitan planning process for federal transit funded programs under current law. The Transportation Equity Act: A Legacy for Users consolidates the current law metropolitan planning provisions under sections 5303 and 5304 of title 49 and under sections 134 of title 23 into a unified planning title for both transit and highways under chapter 52 of title 49. For ease of reference, section 5303 of title 49 is amended to reflect that grants made under sections 5307–5311, 5316 and 5317 are to be

carried out in accordance with chapter 52. (See Title VI of the bill, which contains the planning provisions.)

Subsection 5303(b) as amended in this section requires the Secretary to certify that metropolitan planning organizations in transportation management areas (urbanized areas of more than 200,000 in population) comply with all planning and other applicable requirements in law in their transportation planning activities. In section 5306(a) (which is not amended), transit grant recipients are directed to encourage, to the maximum extent feasible, private enterprise participation in transit plans and programs. However, the Secretary may not withhold certification of a transit grantee's plans based on private enterprise participation. This is a standing limitation in existing law under section 5305(e)(3).

Sec. 3005. Statewide planning

The Transportation Equity Act: a Legacy for Users consolidates the metropolitan and statewide planning provisions currently under title 23 and chapter 53, title 49 into a unified planning title for both transit and highways under chapter 52 of title 49. For ease of reference, section 5304 of title 49 is amended to reflect that grants made under sections 5307–5311, 5316 and 5317 are to be carried out in accordance with chapter 52. Under current law (section 5323(l)), statewide transit planning was subject to statewide highway planning processes outlined in section 135 of title 23. (See Title VI of the bill, which contains the planning provisions.)

Sec. 3006. Planning programs

Metropolitan planning and statewide planning funding provisions contained in current law sections 5303(g) and 5313(b) are moved into a unified section on planning programs as the amended section 5305 of title 49. The current law section 5305 pertains to metropolitan planning requirements for transportation management areas, which is included in the unified metropolitan planning sections of chapter 52.

Subsections 5305(a), (b) and (c) establish the general planning grant authority and purposes. Subsection (d) describes the metropolitan planning grant apportionment process. Subsection (e) describes the state planning and research grant apportionment process. Subsection (f) sets the Government's share of planning grant activity costs at 80 percent. Subsection (g) describes the allocation of planning funds made available under funding authorization section 5338(c) between metropolitan planning and statewide planning, using the same percentages set in current law section 5338(c)(2)(C) (82.72 percent for metropolitan planning and 17.28 percent for state planning and research). In subsection (h), funds remain available for three years after the fiscal year in which the funds are authorized, the same period of availability as under current law.

Sec. 3007. Private enterprise participation

This section title has been shortened to more clearly reflect the provisions within. The text of section 5306 of title 49, United States Code is not amended.

Sec. 3008. Urbanized area formula grants

This section amends section 5307 of title 49, United States Code, which contains provisions governing the eligibility and procedures for urbanized area formula grants to transit providers in areas of 50,000 and more in population. Two existing law subsections are deleted. Subsection 5307(h) is deleted as a technical cleanup, because streamlined administrative procedures for track and signal equipment certification have already been promulgated as directed in the subsection. Subsection 5307(k) regarding transit enhancement activities is also deleted, but the requirement that one percent of urbanized area formula grant funds for recipients in areas of over 200,000 be invested on enhancement activities is retained, and added to the list of grant recipient requirements in subsection 5307(d)(1). Treating the one percent enhancement requirement as a grant recipient requirement rather than a set-aside relieves the Federal Transit Administration (FTA) from making separate one percent apportionments for transit enhancements activities.

Subsection 5307(b) is amended in paragraph (1) by restating the general authority for urbanized area formula grants in a list format. There is no change to the existing law authority to make grants for: capital projects and associated capital maintenance items; planning; transit enhancements; and, in areas with a population of less than 200,000, operating expenses. In paragraph (2), the existing extension of operating flexibility in urbanized areas that were less than 200,000 under the 1990 Census, but increased to more than 200,000 in the 2000 Census, is further extended through the end of fiscal year 2005.

Currently under subsection 5307(d), recipients are required to certify that they have the legal, financial, and technical capacity to carry out the program of projects for which they are applying as an urbanized area formula grant. This is amended in subparagraph (d)(1)(A) to additionally require that recipients certify such legal, financial, and technical capacity for the safety and security aspects of their program of projects. Subsection 5307(d) is also amended, as discussed above, by adding the requirement that grantees in urbanized areas over 200,000 in population certify that one percent of each grant amount is spent on enhancement activities.

Subsection 5307(e) regarding the Government's share of costs is amended by deleting the 1985 baseline limitation on local match revenues resulting from the sale of advertising or concessions. Additionally, recipients are authorized to use amounts received under service agreements with a State, local social service agency, or private social service organizations as local match. This creates an incentive to transit agencies to better coordinate transportation services with human service agencies that provide transportation services.

Section 5307(i) is redesignated as section 5307(h) and amended to give the Secretary discretion to require annual audits rather than mandate them. There remains in place an audit requirement pursuant to the Single Audit Act, which requires an annual audit of all Federal grantees receiving grants exceeding $300,000, which constitutes about 83 percent of all section 5307 grants. Auditing smaller grants would be discretionary, based on the FTA's annual risk assessment process.

Subsection 5307(l) as redesignated, Relationship to Other Laws, strikes subparagraph (1) and moves the provision contained therein to the General Provisions on Assistance in section 5323, to make the prohibition on making false or fraudulent statements to the Government (18 U.S.C. section 1001) applicable to any Federal public transportation grant program. The existing law paragraph (2) regarding the other sections of title 49 that apply to the Urbanized Area Formula Grants program is retained and redesignated as paragraph (1). A new paragraph (2) is added that exempts non-supervisory transit employees from the Hatch Act limitations, if the Hatch Act applies only because the employees' salaries are funded through Federal grants under this section. This exemption will apply only to employees in urbanized areas under 200,000 in population, where up to 50 percent of the net project cost may be derived from Federal grant funds. This codifies existing Federal transit law, although the provision does not otherwise appear in title 49 because of a codification error in Public Law 103–272, which revised and codified without substantive change certain general and permanent laws related to transportation. The provision is identical to section 142(g) of title 23, regarding non-supervisory employees of urban mass transportation systems receiving funds under the Federal-aid highway program.

Subsection 3008(h) adds a new subsection 5307(m) regarding the treatment of the United States Virgin Islands, which shall be treated as an urbanized area for the purposes of apportionments under section 5307.

SEC. 3009. Clean fuels formula grant program

Section 3009 amends section 5308 of title 49, United States Code, regarding the clean fuels formula grant bus procurement program. Funds are apportioned to recipients in urbanized areas that are designated as nonattainment areas for ozone or carbon monoxide under section 107(d) of the Clean Air Act or are maintenance areas for ozone or carbon monoxide. These grant funds can be used to purchase or lease clean fuel buses, construct or lease vehicle-related equipment supporting such clean fuel buses, and construct new or improve existing facilities to accommodate clean fuel buses. Clean fuel buses include those powered by clean diesel, compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alcohol-based fuels, hybrid electric power systems, fuel cells, or other low or zero emission technologies. Not more than 35 percent of the funds made available under the clean fuels formula grant program may be used for clean diesel bus technology. The apportionment formula is weighted such that two-thirds of the funds go to recipients serving urbanized areas with a population of 1,000,000 or more and one-third of the funds go to recipients serving urbanized areas of less than 1,000,000. The formula is also weighted by the severity of nonattainment in the urbanized area being served.

The grant requirements of section 5307 apply to the clean fuels formula grant program. The Federal share for the clean fuels formula grant program may be increased in accordance with section 5323(i), which allows a 90 percent Federal share of the net incremental project cost of equipment that is attributable to compliance with the Clean Air Act.

Funds made available under the clean fuels formula grants program remain available for one year after the fiscal year in which the amounts are made available, a total of two years. Funds that remain available after this period are added to the amount to be made available for the program in the next fiscal year.

The Committee intends that the Secretary shall encourage recipients of clean fuels formula grants to adequately invest in infrastructure facilities to accommodate the needs of these alternatively fueled vehicles.

Sec. 3010. Capital investment grants

This section amends section 5309 of title 49, United States Code, which authorizes capital investment grants for new fixed guideway capital projects ("new starts"), fixed guideway modernization ("rail modernization"), and bus and bus-related facilities. All references in the current law section heading and text to "capital investment loans" are deleted from section 5309 since, historically, only capital investment grants have been awarded pursuant to this section. Two existing law subsections are deleted. Subsection 5309(b), which deals with loans for real property interests, is struck because the authority to use Federal transit grants under this section for real property loans has not been utilized and is being eliminated. Subsection 5309(c) is reserved under current law, and is deleted as a technical cleanup. The existing subsection 5309(d) is moved to subsection (b), and requires that projects funded under this section be part of an approved program of projects that has gone through the planning process outlined in section 5303–5306, have the legal, financial, and technical capacity to carry out the project, and have the capability to maintain satisfactory continuing control and maintenance of the equipment and facilities associated with the project. Subsection (b) (as redesignated) is further amended by striking the reference to capital loans.

The remaining subsections (e) through (p) of section 5309 are deleted and rewritten as the new subsections (c) through (n), with some organizational changes and the addition of one new program, capital investment grants of less than $75 million ("small starts").

Subsection 5309(c), concerning major capital investment grants of $75 million or more includes the new starts program requirements and FTA evaluation and rating criteria found in current law subsection 5309(e). The term describing all new starts and small starts projects is changed from the current law "capital project for a new fixed guideway system or extension of an existing fixed guideway system" to "new fixed guideway capital project" for the sake of brevity. The new term is defined in subsection (n) as a minimum operable segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system, which is the same definition for new starts projects as under current law subsection 5309(p). Subsection 5309(c) pertains only to those new fixed guideway capital projects that will require $75 million or more of Federal assistance provided under the authority of Section 5309. Such projects are defined as "major" new starts as opposed to small starts, which involve less than $75 million in such funds and are authorized under subsection (d).

Major new starts projects must be carried out through a full funding grant agreement with the Secretary. Projects must be au-

thorized for final design and construction to enter into a full funding grant agreement. (New starts project authorizations are contained in section 3037 of the bill.) The full funding grant agreement is based upon the evaluations and ratings required under subsection 5309(c). The baseline requirements for a project to secure a grant under this subsection is that the project proposal must be based on the results of alternatives analysis and preliminary engineering; justified based on a comprehensive review of the project's benefits; and supported by an acceptable degree of local financial commitment. The project justification and local financial commitment evaluation criteria are outlined in detail in subparagraphs (c)(3)(A)–(D), consistent with the current law criteria found in subsection 5309(e)(2)–(4). In assessing the local financial commitment for a new starts project, the FTA is authorized to consider the extent to which the project sponsor has overmatched the statutory local match requirement of 20 percent. However, the authority to consider a higher local match as part of the assessment of a project's local financial commitment does not allow the Secretary to require a higher local match than 20 percent.

Proposed new starts projects under subsection (c) are authorized to advance from alternatives analysis to preliminary engineering, and from preliminary engineering to final design and construction, if the Secretary finds that the project meets the requirements of this section. In making these findings, the Secretary is directed to evaluate and rate the project as "highly recommended", "recommended", or "not recommended" based on the results of alternatives analysis, the project justification criteria, and local financial commitment.

Subsection 5309(d) regarding capital investment grants of less than $75 million authorizes a new program under Capital Investment Grants. These "small starts" fall into two subcategories—those involving between $25 million and $75 million in funds under section 5309, and those that are less than $25 million. New fixed guideway capital projects with a section 5309 Federal share of less than $25 million are not subject to the requirements of this subsection regarding project evaluation and rating and do not enter into a long-term financial contract with the Secretary (called a "project construction grant agreement" in the small starts program). Under the small starts program, lower-cost fixed guideway projects such as streetcars, bus rapid transit, and commuter rail projects will be advanced through an expedited and streamlined evaluation and rating process. As the Federal Transit Administration develops administrative and regulatory guidance for the implementation of the small starts program, the process and procedures adopted should be representative of the relative size and scope of the projects.

Project justifications for the small starts program are based on five criteria: consistency with local land use policies and likelihood to achieve local developmental goals; cost effectiveness of the project at the time revenue service is initiated; degree of positive impact on local economic development; reliability of cost and ridership forecasts; and other factors the Secretary considers appropriate to carry out this subsection. The Secretary is also required to analyze and consider the results of planning and the alternatives analysis for the project. The small starts evaluation process should

consider the economic benefits of the project, including the level of private sector investment associated with the advancement of the project. The small starts local financial commitment evaluation is a streamlined version of the new starts financial evaluation process. The Secretary is directed to require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable, and that there be an acceptable degree of local financial commitment. This provision gives the Secretary the authority to consider a higher local match as part of the assessment of a project's local financial commitment, but does not allow the Secretary to require a higher local match than 20 percent.

The project development process is also simplified. The new starts project development process involves four discrete steps: (1) planning and alternatives analysis, (2) preliminary engineering, (3) final design, and (4) entering into a full funding grant agreement and construction. The small starts program involves three steps: (1) planning and alternatives analysis, (2) project development, and (3) entering into a project construction grant agreement and construction. Small starts projects may advance from planning and alternatives analysis to project development and construction only after the Secretary finds that the project meets the requirements of this subsection and the local metropolitan planning organization adopts the locally preferred alternative into its long-range transportation plan. Small starts projects are evaluated based on project justification criteria and local financial commitment and are rated as "recommended" or "not recommended" based on the results of the FTA's analysis. Only small starts projects that are authorized for construction and rated "recommended" may enter into a project construction grant agreement.

Another important difference between the new starts program and the small starts program is that, under the small starts program, fixed guideway capital projects have a broader definition that includes corridor-based public transportation bus projects if the majority of the project's right-of-way is dedicated alignment. However, the program is written to be "mode neutral"—any fixed guideway capital project fitting the broader definition under small starts is eligible to be funded under this category if it is less than $75 million in section 5309 Federal funds, whether it is a bus rapid transit project, a streetcar or trolley project, commuter rail, or light rail. However, all small starts projects must be included under the new starts authorization list in section 3037 of this bill to receive funds in subsequent appropriations bills within this authorization period.

In subsection 5309(e), projects for which the FTA has previously issued letters of intent and full funding grant agreements before the date of enactment are exempted from any new program requirements under subsections (c) or (d). All new starts projects for which FTA has received an application for final design that fall under the $75 million threshold shall continue to be treated as major new fixed guideway capital projects, to avoid a duplicative review and evaluation process. The FTA is directed to promulgate regulations establishing the evaluation and rating process for the small starts program within 120 days after the enactment of this Act.

Subsection 5309(f) describes three federal financing mechanisms that can be used to support new fixed guideway capital projects funded under this section: letters of intent, full funding grant agreements, and early systems work agreements. These provisions are identical to those found in subsection 5309(g) under existing law. Subsection 5309(f)(4) addresses the issue of contingent commitment authority for major new starts and for small starts. Contingent commitment authority enables the Secretary to commit Federal funds in a full funding grant agreement or project construction grant agreement that extends beyond the end of the authorization period. The total amount the Secretary can commit is limited. For full funding grant agreements with major new starts projects, the total amount covered by all outstanding full funding grant agreements may not be more than the greater of the amount authorized for new starts for the 6-year life of the authorization, plus an amount equivalent to the last 3 fiscal years of the funding allocated for new starts under the authorization. For project construction grant agreements, the limitation extends only one fiscal year beyond the total 6-year life of the authorization. In subsection 5309(f)(5), the Secretary is directed to notify, in writing, the House Committee on Transportation and Infrastructure and the Senate Committee on Banking, Housing, and Urban Affairs before issuing a full funding grant agreement or project construction grant agreement, which allows the authorizing committees to review each long-term federal financing commitment before it is executed by the Secretary.

Subsection 5309(g) outlines the Government's share of the net project cost for all projects authorized under section 5309. The Administration had proposed to decrease the Government's share for new start projects to 50 percent. The Committee has rejected this proposal, and retains the provision under subsection 5309(h) in current law that the Federal share for a project shall be 80 percent, unless the grant recipient requests a lower grant percentage. New language is included clarifying that nothing in section 5309, including the language that specifically directs the FTA to consider in its evaluation of a project the extent to which a project has a higher local match than required by law, shall be construed as authorizing the Secretary to require a local match higher than 20 percent of the net capital project cost.

Subsection 5309(i) directs the Secretary to submit an annual new starts report to the House and Senate authorizing committees on the first Monday in February, which includes the Administration's funding proposals for new starts projects in the coming fiscal year, and evaluations and ratings for all new starts projects authorized in section 3037 of this Act. The current law requirement under subsection 5309(o)(2) regarding an August supplemental report is deleted. The Committee directs that the FTA shall forward letter updates to the House and Senate authorizing committees when a project advances to preliminary engineering or to final design after the publication of the annual new starts report. In subsection 5309(i)(2), the U.S. General Accounting Office is directed to conduct an annual review of FTA's processes and procedures for evaluating, rating, and recommending new starts projects and how the agency implements such processes and procedures. This review shall be submitted to the Congress by May 31 of each year.

Subsection 5309(k), regarding bus and bus facility grants, amends the existing law language under subsection 5309(m)(3). The current language regarding consideration of the age of buses, bus fleets, related equipment, and bus-related facilities when making grants is retained. Current law provisions that set aside funds for the bus testing facility in Altoona, Pennsylvania and for the section 5308 Clean Fuels formula program are deleted, as both these programs are now funded as set-asides from formula grants.

Subsection 5309(l) is a new provision making bus and bus facilities and new starts grant funds available for three fiscal years (including the year in which the amount is made available or appropriated). Funds that remain unobligated after three years shall be deobligated and may be used by the Secretary for any purpose under this section.

Subsection 5309(m) directs the allocation of amounts made available for programs authorized under section 5309. The existing formula of 40 percent for new starts, 40 percent for rail modernization, and 20 percent for bus and bus facilities is retained, after the funding levels authorized for small starts are set aside from the total amount made available for section 5309 programs. Subsection 5309(m)(1) makes allocations for fiscal year 2004, using the current law practice of split funding each Federal transit program with 80 percent funding from the Mass Transit Account of the Highway Trust Fund and 20 percent funding from the general fund of the U.S. Treasury. For fiscal years 2005–2009, the financing of Federal transit programs is changed to eliminate the practice of split funding accounts, though the overall 80:20 ratio of trust funds to general funds for all Federal transit programs is retained. Therefore, subsection 5309(m)(2) makes allocations for fiscal years 2005–2009 from two different subsections of section 5338, which contains all Federal transit program apportionments. Subsection 5338(g) makes funds available for the rail modernization and bus and bus facilities programs from the Mass Transit Account. Subsection 5338(h) makes funds available for the new starts and the small starts programs from the general fund. The current law set-aside of $10.4 million a year for ferry boats and ferry terminal facilities in Alaska or Hawaii is retained. A provision is added establishing a new set-aside for the national fuel cell bus technology development program, authorized in section 3039 of the bill.

Sec. 3011. Fomula grants for special needs of elderly individuals and individuals with disabilities

This section amends section 5310 of title 49, United States Code, which authorizes formula grants to States for public transportation projects and services that meet the special needs of elderly and disabled individuals. The definition of grant recipient is amended in paragraph 5310(a)(2) by adding a definition for subrecipients, which is consistent with current practice. Section 5310 elderly and disabled formula grants are apportioned to the States and territories, whereupon a State may then allocate grant funds to: private nonprofit organizations if no public transportation service for these special needs is available, or if the available service is insufficient or inappropriate; or to governmental authorities that are approved by the State to coordinate services or that certify there are not any nonprofits organizations readily available to provide the transpor-

tation services. In paragraph 5310(a)(3) and consistent with existing law under section 5310(d), acquiring public transportation services is treated as a capital expense under this section. In paragraph 5310(a)(4), a 10 percent limitation is included on the amount of a State's grant funds that may be used for recipient or for subrecipient administrative expenses and technical assistance. This codifies current FTA administrative practice.

Subsection 5310(b) describes the apportionment and transfer processes, which follows current law, except that an adjustment is made to the apportionment formula for particularly low density States. Before the standard formula is run, which apportions funds based on the total number of elderly persons and persons with disabilities in a State to the total U.S. population of elderly and disabled, States with a population density of 10 persons or fewer per square mile have their elderly and disabled population number adjusted upward by a factor of 2; States with a population density of between 10 and 30 persons per square mile have their elderly and disabled population numbers adjusted upward by a factor of 1.25. In low density States, providing essential public transportation is particularly challenging, especially to special needs populations, because of the distances involved. When providing services over these long distances, operating costs are higher and farebox recovery is lower. This formula adjustment may enable low density States to continue providing essential public transportation services to a sector of the population that is particularly dependent on transit—the elderly and disabled. The provision regarding transfers of unobligated grant funds is identical to current law, and allows funds that may lapse under the one year availability to be transferred to other elderly and disabled transportation services in the State that are funded under sections 5307 or 5311.

Subsection (c) amends current law regarding the Government's share of costs. The current Federal match of 80 percent for capital projects is retained, except in cases where a State has a very high percentage of Federally-owned public lands. In such cases, the "sliding scale" Federal match under section 120(b) of title 23, United States Code, is used. Operating expenses are also made eligible for section 5310 elderly and disabled grant funding, limited to 50 percent of net operating costs. Two new sources of local match funding are authorized: proceeds from a service agreement with a State, local social service agency, or private social service organization; and other Federal funds from non-Department of Transportation agencies that can be expended for transportation (e.g., Temporary Assistance for Needy Families, Medicaid, job training program funds, or Welfare to Work grants). Using these related human service grants funds as a local match for transit projects leverages the Federal investment and increases coordination among Federal agencies that provide transportation services.

Subsection (d) regarding grant requirements changes the general applicability of requirements for the elderly and disabled grant program from current law, which ties the program to section 5309, to the requirements under section 5307, to the extent the Secretary considers appropriate. A new requirement is added that, beginning in fiscal year 2007, the State must certify that projects funded under this section are derived from coordinated public transit-human services transportation plans with public input. The current

law requirement that the State certify allocations of funds were made on a fair and equitable basis is retained.

Subsection (e) repeats the current law provision in subsection 5310(c) regarding use of program funds for projects included in a State program of projects that has been submitted annually to the Secretary for approval, and that provides for the maximum feasible coordination of transportation services.

Subsection (f) allows vehicles acquired under this section to be leased to local governments to improve elderly and disabled transportation services (as under current law subsection 5310(g)). The remaining subsections 5310(h), (i) and (j) are redesignated as (g), (h) and (i) to follow.

Sec. 3012. Formula grants for other than urbanized areas

This section amends section 5311 of title 49, United States Code, regarding the apportionment of formula grant funds for non-urbanized areas. Subsection (a) amends the definition provisions under section 5311(a) to define an eligible recipient and sub-recipient of other than urbanized area funds.

Subsection (b) amends the general authority provisions that allow other than urbanized areas to use formula grant funds for capital transportation projects, or operating assistance projects (including the acquisition of transportation services) provided the projects are contained in a state program of public transportation service projects. Under subsection 5311(b)(3), the rural transportation assistance program (RTAP), a national technical assistance, training and support program for rural public transportation providers, is funded with a 2 percent set-aside of the section 5311 grant funds. From the amounts made available for the RTAP activities, up to 15 percent may be used by the Secretary to carry out projects of a national scope to sustain ongoing national activities. Under current law, the RTAP is funded out of the Research program.

Subsection 5311(c) describes the apportionment process, which follows current law, except that an adjustment is made to the apportionment formula for particularly low density States. Before the standard formula is run, which apportions funds based on the total population in nonurbanized areas in a State to the total U.S. population in nonurbanized areas, States with a population density of 10 persons or fewer per nonurbanized square mile have their population number adjusted upward by a factor of 1.5; States with a population density of between 10 and 12 persons per non-urbanized square mile have their population numbers adjusted upward by a factor of 1.25. In low density States, providing essential public transportation is particularly challenging because of the distances involved. When providing services over these long distances, operating costs are higher and farebox recovery is lower. This formula adjustment may enable low density States to provide essential public transportation services by establishing a level of funding that will support a baseline program. Funds remain available for two years after the fiscal year in which the amount is apportioned, consistent with current law.

In subsection (e), an amendment is made to 5311(f) that requires States to consult with affected intercity bus service providers before certifying to the Secretary that intercity bus service needs of the

State are being adequately met without making the 15 percent allocation of funds to such services. Such consultation would help ensure the State's awareness of any intercity bus service needs.

Subsection (f) amends section 5311(g) to retain the existing Federal share for any capital project at 80 percent or less of the net project cost, as determined by the Secretary; except in cases where a State has a very high percentage of Federally owned lands. In such cases, the "sliding scale" Federal match under section 120(b) of title 23, United States Code, is used. Also retained is the Federal share for operating assistance at 50 percent or less of the net costs of an operating project, as determined by the Secretary. The remainder of the net project costs may be provided from a number of different sources, including amounts appropriated to or made available to a department or agency of the Federal government, other than the Department of Transportation (e.g., Temporary Assistance for Needy Families, Medicaid, job training program funds, or Welfare to Work grants). Using these related human service grants funds as a local match for transit projects leverages the Federal investment and increases coordination among Federal agencies that provide transportation services.

Subsection (g) strikes section 5311(h) relating to operating assistance because operating assistance eligibility is included under the General Authority provisions at subsection (b).

Subsection (h) corrects the title to Chapter Analysis.

Sec. 3013. Research, Development, Demonstration, And Deployment Projects

Currently, section 5312 of title 49, United States Code does not address deployment of emerging technologies, and inappropriately includes training provisions. As amended, section 5312 would authorize research, development, demonstration, and deployment projects, and would move the training provisions in subsections (b) and (c) to section 5322 (Human Resource Program). Under this subsection, the terms "other transactions" is included and is used to replace the terms "other agreements" to provide the Federal government with discretion to enter into project agreements under terms that would encourage private parties to participate in Federally assisted projects. Subsection 5312(a) is further amended to eliminate outdated references to the Secretary of Housing and Urban Development. All references to "urban" transportation are eliminated to clarify that all transportation is public transportation in both urban and rural areas. Mass transportation and public transportation have the same meaning under the transit programs. This subsection also contains a series of clarifying and conforming amendments.

Sec. 3014. Cooperative Research Program

Amendments made to section 5313 of title 49, United States Code provide the correct authorization citation for the research programs and moves subsection (b) to the state planning section under Chapter 52 of title 49.

Sec. 3015. National Research and Technology Programs

Section 5314 of title 49, United States Code is amended to delete the word "Planning" in the heading because the focus of the section

is on research and to include "Technology" in the heading to reflect the activities carried out under this subsection. Other amendments under this subsection correct the funding authorization citations and eliminate references to the planning sections of the title. The Secretary is required to continue to make funds available to help public transportation providers comply with the Americans With Disabilities Act of 1990. Under this section, the term "other transactions" is included to provide the Federal government with discretion to enter into project agreements under terms that encourage private parties to participate in federally assisted projects. The Industry Technical Panel composed of transportation suppliers and others involved in technology development is eliminated because the panel is no longer needed. The Federal Transit Administration has established an ongoing working relationship with all facets of the transit industry.

Sec. 3016. National Transit Institute

Section 5315 of title 49, United States Code is amended by striking references to mass transportation because public transportation is defined to mean mass transportation under the transit program.

Sec. 3017. Job Access and Reverse Commute Formula Grants

This section codifies the Job Access And Reverse Commute (JARC) program authorized under section 3037 of the Transportation Equity Act for the 21st Century. The program was established to assist welfare recipients and low-income individuals in getting to and from jobs. Under the proposed codified provisions of section 5316, subsection (a) applies definitions for eligible projects, low-income individuals, recipients, reverse commute projects, subrecipients, and welfare recipients.

As proposed in subsection (b), the Secretary would make grants for access to jobs and reverse commute projects to be carried out by the recipient or a subrecipient. A recipient would be permitted to use up to 10 percent of the amount it receives under this section to administer, plan, and provide technical assistance.

Subsection (c) proposes a formula for JARC funds that apportions 60 percent of the funds to designated recipients in urbanized areas with a population of 200,000 or more in a ratio reflecting the number of eligible low-income and welfare recipients in each urbanized area with a population of 200,000 or more; 20 percent of the funds are apportioned among the states in a ratio reflecting the number of eligible low-income and welfare recipients in urbanized areas with populations of less than 200,000 in each state; and 20 percent of the funds are apportioned among states in a ratio reflecting the number of low-income individuals and welfare recipients in other than urbanized areas in each state.

The funds must be used for eligible projects in the designated areas, except funds made available in urbanized areas with populations less than 200,000 and nonurbanized areas may be transferred for projects anywhere in the state if the state has established a statewide program for meeting the objectives of this section and the Governor of the state certifies that all of the objectives of this section are being met in the specific area. The recipient of JARC funds in an urbanized area with a population of 200,000 or more must conduct a competitive process for an areawide solicita-

tion for applications for grants to the recipients and subrecipients. Statewide solicitations must be conducted in urbanized areas of less than 200,000 and in nonurbanized areas for applications for grants to the recipients and subrecipients. All grants shall be awarded on a competitive basis.

After consulting with responsible local public transportation officials and publicly owned operators of transportation in each area JARC funds were originally awarded, a state may transfer funds apportioned for urbanized areas with a population of less than 200,000 and for nonurbanized areas to section 5311 (c) or 5336, or both. Any funds transferred must be made available only for eligible JARC projects.

A JARC grant is subject to section 5307 formula grant requirements and a recipient of a grant must certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis. The Federal share for capital projects may not exceed 80 percent of the net capital cost and for operating assistance the Federal share may not exceed 50 percent of the net operating costs. The non-Federal share may be provided from a variety of sources, including other Federal funds (other than from the Department of Transportation). Funds made available through the Social Security Act may also be used for the remainder of the cost of the project.

The Comptroller General is required to conduct a study to evaluate the JARC grant program and transmit the results to the Congress. The study must begin within one year after the enactment of the Federal Transportation Act of 2005, and every two years thereafter. Not later than three years after the date of enactment of this section, the Secretary must conduct a study to evaluate the effectiveness of recipients making grants to subrecipients and transmit the report to Congress.

Sec. 3018. New Freedom Program

This section authorizes a new program to address the transportation needs of persons with disabilities at all income levels. The New Freedom Program is codified as section 5317 of title 49, United States Code, a section that is repealed under current law. Under the New Freedom Program, the Secretary would make grants to a recipient for new transportation services and public transportation alternatives beyond the Americans With Disabilities Act of 1990 (ADA) to assist individuals with disabilities with transportation needs.

With the passage of the ADA, it has become a civil rights violation to deny access to persons with disabilities to public transportation. The New Freedom formula grant program was proposed by the administration and has been included in this legislation to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for people with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities are employed. The New Freedom formula grant program will expand the transportation mobility options available to persons with disabilities beyond the requirements of the ADA.

Examples of projects and activities that might be funded under the program include, but are not limited to:

- Purchasing vehicles and supporting accessible taxi, ride-sharing, and vanpooling programs.
- Providing paratransit services beyond minimum requirements (¾ mile to either side of a fixed route), including for routes that run seasonally.
- Making accessibility improvements to transit and intermodal stations not designated as key stations.
- Supporting voucher programs for transportation services offered by human service providers.
- Supporting volunteer driver and aide programs.
- Supporting mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.

A state may use up to 10 percent of the amount it receives under this section to administer, plan, and provide technical assistance. Funds would be apportioned based on a formula that apportions 60 percent of the funds to designated recipients in urbanized areas with a population of 200,000 or more in a ratio reflecting the number of individuals with disabilities in each such urbanized area; 20 percent of the funds are apportioned among the states in a ratio reflecting the number of individuals with disabilities in urbanized areas with a population of less than 200,000; and 20 percent of the funds are apportioned among the states in a ratio reflecting the number of individuals with disabilities in nonurbanized areas in each state.

The funds made available must be used for projects serving the areas for which the funds are apportioned for eligible projects. The formula provides an adjustment for low density areas to increase the amounts made available to assist in meeting the areas transportation needs. For small urbanized areas with a population of less than 200,000 and a population density of 10 persons per square mile or fewer, their population is multiplied by a factor of 2. For small urbanized areas with a population of 200,000 or less and a population density of 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply their population by a factor of 1.25. The low density adjustment for other than urbanized areas with a density of 10 persons per square mile or fewer, the Secretary shall multiply their population by a factor of 1.5. For nonurbanized areas with a population density of more than 10 but equal to or fewer than 12 persons per square mile, the Secretary shall multiply their population by a factor of 1.25.

A state may transfer the amounts apportioned for small urbanized areas and for nonurbanized areas to other small urbanized formula grant programs and to other nonurbanized formula grant programs, provided the state has consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amounts originally were awarded under this section. Any funds transferred must be available for eligible New Freedom projects.

The recipient of New Freedom funds in an urbanized area with a population of 200,000 or more must conduct a competitive process for an areawide solicitation for applications for grants to the recipients and subrecipients. Statewide solicitations must be conducted

in urbanized areas with a population of less than 200,000 and in nonurbanized areas for applications for grants to the recipients.

A New Freedom grant is subject to the section 5307 formula grant requirements, except for grants for urbanized areas with a population of less than 200,000 and for nonurbanized areas, where a special warranty agreement utilized by the Secretary of Labor may be used to provide a fair and equitable arrangement to protect the interest of employees. The recipient of a grant under this section is required to certify that allocations are distributed to subrecipients on a fair and equitable basis.

The Secretary requires a recipient of a grant to coordinate the New Freedom program activities with other related program activities of other Federal agencies. Also a recipient that transfers funds to the urbanized area formula grant program must certify that the project for which funds are requested had been coordinated with nonprofit providers of services. Beginning in fiscal year 2007, a recipient will also be required to certify that projects selected were derived from a locally developed, coordinated public transit-human services transportation plan and that the plan was developed through a process that involved individuals of the public, private, and nonprofit transportation and human services providers.

The Federal share for the net project capital cost of a project may be up to 80 percent, and not more than 50 percent of the net operating cost of a project. The remainder of the funds could be derived from a variety of other sources, including undistributed cash surpluses; a replacement or depreciation cash fund or reserve; a service agreement with a state or local social service agency or social service organization; new capital; and other eligible Federal funds expended for transportation (other than funds from the Department of Transportation). Federal and state funds made available under the Social Security Act may be used for the non-Federal share. A state is prohibited from limiting the level or extent of the Government's share of operating expenses below the 50 percent in statute.

Sec. 3019. Bus testing facility

This section amends section 5318 of title 49, United States Code, to delete the requirement for the Secretary to establish one bus testing facility because the facility has already been established in Altoona, Pennsylvania. The Secretary is required to maintain the facility. The provisions under section 5318 that establishes a revolving loan fund for expenses related to operating and maintaining the facility are deleted because the bus testing facility relies on state resources to pay for those costs, and has never requested a loan. The provision concerning the acquisition of new bus models is moved to this section from section 5323(c) for clarity.

Sec. 3020. Bicycle facilities

This section includes a technical amendment and an amendment to extend the bicycle-related provisions to the new transit in the parks pilot program.

Sec. 3021. Transit in the parks pilot program

This section establishes a new program to provide for public transportation in units of the National Park System, to be adminis-

tered by the Secretary of Transportation in consultation with the Secretary of the Interior. The definition of public transportation for the pilot program means general or special transportation to the public by a conveyance that is publicly or privately owned. The definition does not include school bus or charter transportation, but does include sightseeing transportation. Within 90 days after the enactment of this section, the Secretary of Transportation and the Secretary of the Interior must enter into a memorandum of understanding (MOU) to establish a transit in the parks pilot program to encourage and to promote the development of transportation systems to improve visitor mobility and enjoyment, reduce pollution and congestion, and enhance resource protection through the use of public transportation.

The Secretary of Transportation will administer the pilot program in consultation with the Secretary of the Interior. The MOU entered into between the Secretaries must be consistent with the planning processes required under Chapter 52 of title 49 and include descriptions of programs and activities eligible for assistance under the pilot program. The Secretary of the Interior may carry out eligible transportation projects as permitted under the interagency agreements. The Government's share for any capital project or activity carried out under the pilot program is 100 percent of the net project costs. Operating assistance grants may not exceed 50 percent of the net operating costs of the project.

Sec. 3022. Human resource programs

Sections 5312(b) and (c) regarding grants to higher learning institutions and fellowships would be moved to sections 5322 (b) and (c) to better fit the organization of the revised section 5312 of title 49, United States Code.

Sec. 3023. General provisions on assistance

Amendments are made to section 5323 of title 49, United States Code in this section. The term "private mass transportation company" is changed to "private company engaged in public transportation" in subsection (a), to reflect the change in terminology from mass transportation or mass transit to public transportation.

Subsection 3023(c) regarding conditions on charter bus transportation service amends section 5323(d) by striking the existing law subsection (d)(2) regarding violations of agreements and inserting new language which directs the Secretary to investigate all complaints about violations of the charter service agreement and decide whether a violation has occurred; if a violation has occurred, to correct the violation; and, if a pattern of violations is found, to bar the recipient from receiving funds in an amount the Secretary considers appropriate. Under existing law, the Secretary did not have the flexibility to adjust the amount withheld—the recipient would be barred from receiving further Federal assistance. This overly-broad authority was never used, whereas a more flexible authority to penalize charter violators will encourage a more realistic and responsive approach to charter enforcement by the FTA. The Committee is aware that both public transportation providers and private charter bus providers have expressed strong concerns about the 1987 FTA rule enforcing section 5323(d) regarding charter bus service. The Committee directs the FTA to initiate a rulemaking

seeking public comment on the regulations implementing section 5323(d), and to consider the issues listed below. Consideration of any changes to the current regulation shall not disturb the current law provisions under section 5323(f) regarding school bus transportation.

1. Are there potential limited conditions under which public transit agencies can provide community-based charter services directly to local governments and private non-profit agencies that would not otherwise be served in a cost-effective manner by private operators?

2. How can the administration and enforcement of charter bus provisions be better communicated to the public, including use of internet technology?

3. How can the enforcement of violations of the charter bus regulations be improved?

4. How can the charter complaint and administrative appeals process be improved?

The existing law section 5323(e) regarding bus seat belt functional specifications is deleted because such specifications have been issued by the Secretary. A new subsection (e) takes its place that makes revenue bond proceeds eligible for use as local match for federal transit grants and that authorizes recipients to establish debt service reserves using up to 10 percent of their federal grant funds. The authority to use bond proceeds as local match was established in section 3011 of the Transportation Equity Act for the 21st Century (TEA 21), and FTA has reported that this authority has been beneficial to transit operators. This subsection also permits the Secretary to reimburse recipients for deposits in a debt service reserve established for the purpose of financing transit capital projects, pursuant to section 5302(a)(1)(K). Such reimbursements are capped at 10 percent of the recipient's annual apportionment from section 5307 urbanized area formula grants.

Subsection 5323(f) regarding school bus transportation is amended to allow the Federal Transit Administration to assess fines and withhold grant funds if public transportation agencies violate the narrowly defined conditions under which public transportation providers can provide school bus transportation.

Section 5323(j) regarding Buy America is amended by adding a new requirement that FTA provide a detailed written justification when the agency issues a public interest waiver. Additionally, a new provision is added stating that parties adversely affected by FTA action on Buy America decisions may seek judicial review under the Administrative Procedures Act. The general regulatory waivers for Chrysler 15-passenger vans and wagons from the requirement that public transportation vehicles be assembled in the United States are repealed. Section 3023(g)(5) adds a freestanding legislative provision requiring the Secretary to issue a final rule within 180 days of enactment on FTA's implementation of the Buy America requirements. Specifically, the agency is directed to clarify that any waiver issued for microcomputer equipment under the general waiver in subsection (d) of Appendix A of section 661.7 of title 49, Code of Federal Regulations, be applied solely to devices that are used to process or store data, and not extend to products containing a microprocessor, computer, or microcomputer. In directing the Secretary to issue new regulations regarding micro-

processors, computers, or microcomputers, there is no intent to change the existing regulatory treatment of software or of microcomputer equipment.

In the final rule, the FTA is also directed to define the term "end product" for purposes of part 661 of title 49, CFR, and that such definition include a list of representative items that are subject to the Buy America requirements, similar to the list of such items under the rolling stock procurements regulations (section 661.11 of title 49, CFR). The purpose of developing such a list and more clearly defining the term end product is to ensure that each discrete end product, whether purchased as part of a larger system or on its own, meets the Buy America requirements of section 5323(j) of title 49, United States Code as implemented by FTA regulation. FTA should be mindful of the original purpose of the Buy America law—to promote U.S. job creation and keep current U.S. jobs in America.

Sec. 3024. Special provisions for capital projects

This section makes very minor amendments to section 5324 of title 49, United States Code and changes the title of the section from "Limitations on discretionary and special needs grants and loans" to "Special provisions for capital projects," which is more descriptive of the provisions contained therein regarding relocation program requirements and consideration of economic, social, and environmental interests.

Sec. 3025. Contract requirements

This section consolidates sections 5325 "Contract Requirements" and 5326 "Special Procurements" of title 49, United States Code, since the provisions of section 5326 fall within the scope of conditions set on contracts that utilize federal funds provided under chapter 53 of title 49, United States Code. Under the revised subsection 5325(a) and (b), recipients of such funds are expressly required to conduct procurements using full and open competition and to use standard architectural, engineering, and design contract award procedures. A new subsection 5325(d) is added that is identical to existing law section 5326(a), except that the term "turnkey" is replaced with the more commonly used term "design-build", and references to design-build "demonstration projects" are deleted, since design-build contracting has matured beyond the demonstration phase. In addition, design-build contracting does not necessarily result in lower project costs or new technologies and, as a result, this concept as expressed under section 5326(a)(2) in current law is removed.

Sec. 3026. Project management oversight and review

This section amends section 5327 of title 49, United States Code regarding project management oversight activities. The Secretary is authorized to use .5 percent of section 5311 funds, .75 percent of section 5307 funds, and 1 percent of section 5309 funds to make contracts for oversight of major transit construction projects, and to review and audit recipients' compliance with federal requirements and provide technical assistance to correct deficiencies identified in such reviews and audits. This is an increase in the amount set aside for such activities above levels set under current law, which

provides for .5 percent of section 5307 and section 5311 funds and up to .75 percent for section 5309 funds. Comprehensive agency oversight, compliance review, and technical assistance are necessary for all major grant programs, and particularly important for major capital grants such as new starts and rail modernization.

Sec. 3027. Investigations of safety and hazards

This section amends section 5329 of title 49, United States Code regarding the Secretary's authority to investigate safety and security risks associated with public transportation equipment, facilities, or operations financed under chapter 53 of title 49, United States Code. The Secretary may withhold any amount of a recipient's Federal assistance until a plan to eliminate, mitigate, or correct the hazard has been approved and carried out.

Sec. 3028. State safety oversight

This section amends section 5330 of title 49, United States Code by changing the heading from "Withholding amounts for noncompliance with safety requirements" to reflect the more commonly used title of "State safety oversight." Under this section, a State is required to establish and carry out a safety program plan for rail-based new starts projects. Commuter rail systems that operate on the general railway system are subject to the safety rules and oversight of the Federal Railroad Administration. Amendments to subsection 5330(a) ensure that safety is considered well before a rail-based new start project begins revenue service. In subsection 5330(d), rail-based new start projects that operate in two or more States are required to have a unified safety program plan.

Sec. 3029. Controlled substances and alcohol misuse testing

This section amends section 5331 of title 49, United States Code regarding drug and alcohol testing of public transportation employees, allowing the Secretary to apply a single agency's drug and alcohol testing regime if a particular transportation provider is subject to more than one agency's rules. Currently, section 5331 authorizes the Secretary to exclude from FTA drug and alcohol testing those public transportation providers that are adequately covered by the Federal Motor Carrier Safety Administration or the Federal Railroad Administration testing statutes. The amendment to subsection 5331(a) expands the Secretary's authority to exclude from FTA testing those public transportation providers that are adequately covered under other Federal or Departmental testing, such as the U.S. Coast Guard's testing provisions applicable to ferryboat employees.

Sec. 3030. Employee protective arrangements

This section amends Section 5333 of title 49, United States Code making conforming changes to ensure that all federal public transportation grant programs are subject to fair labor standards and employee protective arrangements.

Sec. 3031. Administrative procedures

This section amends section 5334 of title 49, United States Code regarding the Secretary of Transportation and Federal Transit Administration's authority to administer programs carried out under

chapter 53 of title 49, United States Code. The Secretary is prohibited from regulating public transportation provider's routes, schedules, and rates, except in the case of a national or regional emergency. A new subsection 5334(c)(5) has been added that requires the FTA to subject non-regulatory substantive policy statements to a 60-day public review notice and comment period. Currently, FTA circulars, letters, or other policy statements can be issued without the benefit of the same public review and comment process that is required under the regulatory process. However, such documents often carry the same weight and penalties as regulations. An example of this "unwritten rule" is the $500 million per project limitation FTA has placed on the Federal commitment on a full funding grant agreement issued under the authority of section 5309. Although such a project cost limitation might be a valid policy, it has not been published in a form that allows for comment from the affected transit community. The provision added in subsection (c)(5) will add transparency to FTA's administrative procedures and provide opportunity for public review and feedback.

Sec. 3032. National transit database

This section amends Section 5335 of title 49, United States Code by striking subsection (b) regarding a transferability report that was completed in 1993 and changing the title of the section to reflect the remaining provisions regarding the Secretary's authority to maintain a national reporting system of public transportation financial and operating information using a uniform system of accounts. The section header is amended from the current law title "Reports and audits" to "National transit database" to reflect the revised contents of the section.

Sec. 3033. Apportionments based on fixed guideway factors

This section amends Section 5337 of title 49, United States Code regarding apportionment formulas for the fixed guideway modernization program. The provision regarding route segments to be included in the apportionment formula is amended to delete the "1997 Standard" that held eligible rail system mileage to the number of miles a system reported in fiscal year 1997.

Sec. 3034. Authorizations

This section amends Section 5338 of title 49, United States Code, making FTA program funds available on an annual basis for the fiscal year 2004–2009 authorization period. The major FTA programs are Formula Grants, Capital Investment Grants, Planning, Research, and Administrative Expenses. Subsections (a), (c), (d), (e), and (f) break out funding allocations between fiscal year 2004 and fiscal years 2005–2009. This organizational structure is adopted to separate the fiscal year 2004 funding, which splits every account's funding between the Mass Transit Account and the general fund at an 80:20 ratio (current law structure), from funding for fiscal years 2005–2009, which is either 100 percent trust funded or 100 percent general funded. The programs that will be 100 percent trust funded in fiscal years 2005–2009 are Formula Grants and Planning, as well as the bus and bus related facilities grants and the fixed guideway modernization grants under Capital Investment Grants. The programs that will be 100 percent general funded in

fiscal years 2005–2009 are Research, Administration, and the new starts and small starts programs under Capital Investment Grants. This restructuring of the program financing will prevent an accounting problem with the spending rate of the Mass Transit Account. By not split-funding any programs, each program will outlay at its actual spending rate.

The Formula Grants programs comprise 54 percent of the total transit programs. There are a number of allocations made from the total formula grants funding for: new bus model testing, grants to the Alaska Railroad, over-the-road bus accessibility equipment costs, the new Transit in the Parks pilot program, the transit portion of funding for the non-motorized transportation pilot program authorized in section 1121(b) of the bill, the New Freedom program, the Job Access and Reverse Commute grant program, and the Clean Fuels grant program. After these allocations of funds have been made, the remainder of the aggregate amount is allocated in the following percentages: 2.5 percent to the elderly and disabled formula grant program, 8 percent to the nonurbanized formula grant program, and 89.5 percent to the urbanized area formula grant program. The percentage shares for the elderly and disabled program grants and for the nonurbanized formula grants have been increased over such shares under current law.

The Capital Investment Grants programs comprise 43 percent of the total transit programs. The four Capital Investment Grant programs (fixed guideway modernization, new starts, small starts, and bus and bus-related facilities) receive funding allocations under section 5309(m). For fiscal year 2004, funding for these programs is apportioned under subsection 5338(b), with 80 percent of the funding coming from the Mass Transit Acount and 20 percent from the general fund. In subsection 5338(g), funding is apportioned for fiscal years 2005–2009 from the Mass Transit Account of the Highway Trust Fund for bus and bus facilities and fixed guideway modernization. In subsection 5338(h), funding is authorized to be appropriated in fiscal years 2005–2009 for new starts and small starts.

Planning grant fund apportionments to metropolitan areas and states is provided under subsection 5338(c). For fiscal year 2004, the funding is split-funded and for fiscal years 2005–2009, the funding is derived from the Mass Transit Account. The percentage of planning funds allocated to metropolitan areas is 82.72 percent and 17.28 percent is apportioned to states for state planning activities. These are the same percentages as provided under current law. The total amount of funding authorized for planning activities has been increased from 1 percent of the total program under current law to 1.25 percent, in recognition of additional funding needs resulting from the designation of 46 new urbanized areas in the 2000 Census.

The Research program is funded under subsection 5338(d). For fiscal year 2004, the funding is split-funded, and for fiscal years 2005–2009, the funding is authorized to be appropriated from the general fund. There are a number of allocations made from the total formula grants funding for: the transit cooperative research program, management of the national transit database, the National Transit Institute transit training facility at Rutgers University, and Project Action, a national technical assistance program for

providers of transportation services to the disabled. The remainder of funds under this subsection are available for the national research and technology programs. In subsection 5338(e), funding is authorized for university transportation research. This complements funding made available for these programs under the Federal-aid Highway program in Title V of the bill.

Funding for administration of the Federal transit programs is provided under subsection 5338(f). For fiscal year 2004, the funding is split-funded, and for fiscal years 2005–2009, the funding is authorized to be appropriated from the general fund.

Sec. 3035. Over-the-road bus accessibility program

This section amends Section 3038 of TEA 21 regarding the over-the-road bus accessibility program, which provides grants to intercity and charter bus providers for incremental costs of equipment to reach compliance with the Americans with Disabilities Act. The TEA 21 provision regarding Federal share is amended by increasing the Federal share for such project costs from 50 percent to 80 percent.

Sec. 3036. Updated terminology

This section amends chapter 53 of title 49, United States Code by striking "mass transportation" and replacing it with "public transportation."

Sec. 3037. Project authorizations for new fixed guideway capital projects

This section lists the projects that are authorized under the section 5309 new starts and small starts programs for fiscal years 2004–2009. Existing full funding grant agreements are listed separately from projects authorized for final design and construction and those authorized for alternatives analysis and preliminary engineering.

In subsection 3037(a), 26 new start projects originally authorized in the Intermodal Surface Transportation Efficiency Act (ISTEA) or in TEA 21 have continued authorizations with the amount specified by fiscal year that remains outstanding under the schedule of federal funds for the project (or "schedule 6") attached to each project's full funding grant agreement contract with the FTA. The first responsibility of the Appropriations Committees in providing funds for new fixed guideway capital projects must be to ensure that each project under a full funding grant agreement receives the full amount specified for the fiscal year in which it is programmed. Under-funding full funding grant agreements is very damaging to the financial management of the project and to the overall capital and operating budget of the sponsoring agency, and may jeopardize private financing for the local share of such project costs.

In subsection 3037(b), new fixed guideway capital projects that are ongoing projects in the new starts pipeline and are currently in preliminary engineering or final design are authorized for final design and construction.

In subsection 3037(c), new fixed guideway capital projects that have not yet been approved for preliminary engineering by the FTA or that were not previously authorized under TEA 21 are authorized for alternatives analysis and preliminary engineering.

Subsection 3038(d) sets out rules relating to new starts and small starts funding for the life of the authorization. In general, all projects that are authorized under subsection (a) may expend Federal funds only for final design and construction activities. Projects that are authorized under subsection (b) may expend Federal funds for final design and construction, and for alternatives analysis and preliminary engineering activities. Projects that are authorized under subsection (c) may expend Federal funds only on alternatives analysis and preliminary engineering activities. However, on October 1, 2007, projects authorized under subsection (c) shall also be authorized for final design and construction. Minimum funding levels are established for appropriations for each fiscal year in the full funding grant agreement category (subsection a) and the final design and construction category (subsection b), and maximum funding levels are established for each fiscal year in the alternatives analysis and preliminary engineering category (subsection c). Subsection 3037(b) projects authorized for final design and construction that execute a full funding grant agreement with FTA after the date of enactment of this Act are to be given the full amount indicated in the schedule of federal funds for the project for each fiscal year under the agreement.

Subsection 3037(e) amends the project description for the New Jersey Urban Core project originally authorized in section 3031(d) of ISTEA. This authorization was expanded in TEA 21 and is further amended in this legislation. Elements of New Jersey Urban Core project include:

- The Secaucus Transfer, which consists of construction of a new rail transfer station at the intersection of the Northeast Corridor and the Main, Bergen and Pascack Valley Lines as well as a rail spur north to the Meadowlands Sports Complex and a connection to the Hudson River Waterfront Transportation System.
- The Lackawanna Cutoff, which is the restoration of passenger rail service between Port Morris, NJ and Scranton, PA.
- The Kearny Connection, which is a connection in Kearny allowing Morris and Essex Line commuter rail trains to access the Northeast Corridor to New York.
- The Waterfront Connection, which is a connection allowing Northeast Corridor commuter rail trains to access the Morris and Essex Lines to Hoboken.
- The Northeast Corridor Signal System, which is the implementation of a high-density signal system on the Northeast Corridor between Newark and New York City.
- The Hudson River Waterfront Transportation System, which is being implemented as three segments of Hudson-Bergen Light Rail. The first segment runs from Hoboken Terminal south to 34th Street in Bayonne with a spur to West Side Avenue in Jersey City. The second segment extends the first segment south from 34th Street to 22nd Street in Bayonne and north from Hoboken to Tonnelle Avenue in North Bergen. The third segment extends the line south from 22nd Street to 5th Street in Hoboken and North from Tonnelle Avenue to the Vince Lombardi Park & Ride in Ridgefield. The Hudson River Waterfront Transportation System also includes extensions

from the Vince Lombardi Park & Ride in Ridgefield west to Saddlebrook and east to Edgewater.

- The Northern Branch Line or the West Shore Line, which consists of either an extension from the Hudson River Waterfront Transportation System north along the Northern Branch freight line to New York State, or a commuter rail extension north from Secaucus Transfer and the Meadowlands Rail Spur across the Meadowlands to the West Shore freight line, which extends into New York State.
- The Newark-Newark International Airport-Elizabeth Transit Link, which is a light rail project running from Newark Penn Station south through downtown Newark into Union County, including Newark Liberty International Airport Rail Station, the Jersey Gardens Mall, downtown Elizabeth then proceeding west to Plainfield.
- The rail connection between Newark Penn and Broad Street stations, which is a light rail circulator service in downtown Newark, being implemented as the Newark Elizabeth Rail Link.
- The New York Penn Station Concourse, which is a station expansion project in New York Penn Station.
- The restoration of commuter rail service in Monmouth, Ocean and Middlesex counties, which consists of restored rail service from Lakehurst north to Freehold and proceeding either west to connect with the Northeast Corridor through Jamesburg or north to connect with the North Jersey Coast Line in Matawan.

New Jersey Urban Core also provides for the construction of any appropriate rail service in Passaic County and the equipment necessary to service all project elements.

Subsection 3037(f) directs that project elements of the New Jersey Trans-Hudson Midtown Corridor that have been advanced with 100 percent non-Federal funds shall be given consideration by the FTA when evaluating the local share of the project in the new starts rating process, including the purchase of bi-level rail equipment.

Sec. 3038. Projects for bus and bus-related facilities

This section lists bus and bus facilities projects and associated funding levels for fiscal years 2006, 2007, and 2008. Each year's designated funding represents one half of the authorized amount for section 5309 bus and bus facility projects for that fiscal year.

Sec. 3039. National fuel cell bus technology development program

This section authorizes a new fuel cell bus technology development program for hydrogen fuel cell and liquid methanol fuel cell bus technologies, in order to facilitate the development of commercially viable fuel cell bus technology and related infrastructure. The program is limited to three recipients, at a Federal share of 50 percent.

Sec. 3040. High-intensity small-urbanized area formula grant program

This section establishes a new set-aside program from the section 5307 urbanized area formula grants that provides a small bonus

grant payment to urbanized areas under 200,000 in population that operate at a level of service above the industry average level of service in similarly-sized urbanized areas in one or more of six performance categories: passenger miles traveled per vehicle revenue mile, passenger miles traveled per vehicle revenue hour, vehicle revenue miles per capita, vehicle revenue hours per capita, passenger miles traveled per capita, and passengers per capita. These performance categories and a methodology established for providing bonus grants were established in the September 2000 FTA report to Congress called "The Urbanized Area Formula Program and the Needs of Small Transit Intensive Cities."

Sec. 3041. Allocation for national research and technology programs

This section establishes seven specific research areas within the Federal Transit Administration's national research and technology program, and allocates funding levels in each fiscal year of the authorization period for these research areas. These research focus areas were developed through conferring with the FTA and reflecting priorities established in the agency's Research and Technology Strategic Plan. The programmatic structure and funding floors for each research area will help ensure that adequate funding is provided throughout the authorization period to establish and carry out meaningful programs with depth and continuity.

Sec. 3042. Relationship to other laws

Under current law, section 5323(l) requires state-managed transit grant programs be subject to State transportation planning requirements in section 135 of title 23, United States Code. Since all transportation planning programs are now addressed under chapter 52 of title 49, U.S.C., section 3042 contains a new provision amending section 5323(l) that broadens the applicability of section 1001 of title 18, prohibiting fraudulent statements to the Government, to all certificates, submissions, or statements provided to DOT under Chapter 53 of Title 49. This language is intended to provide a direct tie between 18 U.S.C. 1001 and the punitive recourse of ending financial assistance provided for in the second sentence of new subsection 5323(l). This language is not intended to, and should not be construed to, exclude by implication from the application of 18 U.S.C. 1001 any other matter to which such section would otherwise apply.

Sec. 3043. Cooperative procurement

This section directs the Secretary to review the practice of cooperative procurement of transit rolling stock, such as buses and rail cars. A pilot program is currently underway at the Federal Transit Administration to determine the benefits of encouraging cooperative procurement of major capital equipment. The program consists of three competitively selected grantees, consortiums of grantees, or members of the private sector acting as agents of grantees, who will develop cooperative specifications and conduct joint procurements. For this program, the Federal share was increased from 80 percent to 90 percent. The Secretary is also directed to consider information gathered from grantees about cooperative procurement, whether or not related to the pilot program. The Secretary is directed to notify the Committee on Transportation and Infrastruc-

ture and the Senate Committee on Banking, Housing, and Urban Affairs of the results of the cooperative procurement review, and make a finding of whether this program has sufficient merit to be formally incorporated in the Federal public transportation program.

Sec. 3044. Obligation ceiling

This section sets the annual obligation ceiling for Federal Transit Administration programs authorized by this Act for fiscal years 2004–2009, including both amounts made available from the Mass Transit Account of the Highway Trust Fund and general funds from the U.S. Treasury. The total obligation authority for each fiscal year is guaranteed to be provided in the fiscal year for which it is set under the budgetary firewalls established in section VIII of the bill.

Sec. 3045. Adjustments for the Surface Transportation Extension Act of 2004, Part V

This section provides for the funding reconciliation of apportionments and allocations made to transit grant recipients under this Act with the levels of funding already made available under the Surface Transportation Extension Act of 2004, Part V, which expires May 31, 2005.

Sec. 3046. Special rule for fiscal year 2004

This section states that, where fiscal year 2004 authorized amounts in this title differ from fiscal year 2004 authorized amounts in the Surface Transportation Extension Act of 2004, Part V (STEA Part V), then STEA Part V governs.

TITLE IV—MOTOR CARRIER SAFETY AND TRANSPORTATION

SUBTITLE A—COMMERCIAL MOTOR VEHICLE SAFETY

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) (P.L. 106–159) established the Federal Motor Carrier Safety Administration (FMCSA) within the Department of Transportation (DOT) on January 1, 2000. Prior to the enactment of MCSIA, commercial motor vehicle-related crashes resulting in fatalities and injuries had been steadily climbing and it was determined that the creation of a separate modal administration within the DOT would improve truck and bus safety. According to data compiled by the DOT, large trucks [1] represent about three percent of registered vehicles; however, they account for seven percent of the vehicle-miles traveled on our Nation's highways, and are involved in about 11 percent of all fatal crashes.

FMCSA's primary responsibility is to enforce the Federal motor carrier safety and hazardous materials regulations, including the requirements governing Mexico-domiciled commercial motors vehicles operating in the United States. FMCSA also administers the Commercial Driver's License (CDL) program, oversees the interstate transportation of household goods, and all aspects of hazardous materials transportation via highway. FMCSA has been di-

[1] Large truck is defined as a commerical motor vehicle with a gross vehicle weight of 10,001 pounds or more.

rected to accomplish these responsibilities through increased enforcement of the safety regulations, expedited completion of rulemaking proceedings, scientific research, and improved commercial driver's licensing programs.

FMCSA has set a goal of reducing the rate of fatalities in large truck crashes by 39 percent between 1999, the year prior to the agency's creation, and 2008, from a rate of 2.7 fatalities per 100 million vehicle miles traveled (VMT) to a rate of 1.65. The commercial motor vehicle fatality rate, factoring in increases in VMT, was reduced to 2.28 in 2002, a reduction of seven percent from 2001 when the rate was 2.45. The commercial motor vehicle fatality rate reduction in 2002 marked the fifth consecutive year the rate had been reduced. While the fatality rate has improved, in 2003, 4,986 people were killed in truck crashes, an increase of 47 deaths over 2002, and 122,000 people were injured. In addition, 723 truck drivers were killed in 2003, an increase of nearly 5 percent over the number of 2002 fatalities.

Sec. 4101. Authorization of appropriations

From the day of burro-drawn wagons moving our goods to the current day intermodal, just-in-time delivery system, commercial vehicles have always played an important role in our Nation's economy. To ensure this vital piece of our everyday lives continues in a safe and efficient manner, the Committee enacts this legislation. This section provides funding from the Highway Trust Fund, other than the Mass Transit Account, for FMCSA to implement safety programs for fiscal years 2004 through 2009. Funding for the Motor Carrier Safety Assistance Program is authorized in section 4102 of this title.

This bill authorizes FMCSA and its programs to be funded through contract authority. Under the Transportation Equity Act for the 21st Century (TEA–21), which was enacted 18 months prior to the creation of FMCSA, the agency's administrative expenses were funded through a deduction of the Federal Highway Administration's (FHWA) administrative expenses. This set-aside of Federal-aid funds is called a "takedown". MCSIA amended TEA–21 by increasing the takedown to one-third of one percent from the FHWA's administrative expenses to administer FMCSA activities. Other than the first year of enactment, the takedown has proven to be ineffective for funding the motor carrier safety program adequately. In addition, the takedown has not been able to respond to additional safety and program needs created with the implementation of the North American Free Trade Agreement, and the security improvements needed in response to the terrorist attacks of September 11, 2001. Therefore, it is appropriate to create new contract authority for FMCSA expenses. In addition to authorizing administrative expenses, this section also authorizes three grant programs for commercial driver's license improvement, border enforcement, and performance and registration system management, as well as on authorization to carry out the commercial vehicle information systems and networks development program.

Sec. 4102. Motor carrier safety grants

An important FMCSA responsibility is managing the Motor Carrier Safety Assistance Program (MCSAP), which provides grants to

States for the enforcement of the Federal safety and hazardous materials regulations governing commercial motor vehicles. Safety enforcement under MCSAP is primarily achieved through roadside inspections and safety compliance reviews. MCSAP grants are authorized to provide up to 80 percent of State program costs. MCSAP was initiated in the early 1980s and the program has grown in size every year since. From 1997 to 2003, the annual authorization grew from $78.2 million to $189 million. In 2003, MCSAP officers conducted over 2.9 million commercial motor vehicle and driver inspections nationwide, with approximately seven percent of drivers and 23 percent of vehicles placed out of service for violations of the safety and hazardous materials regulations. Under current law, MCSAP agencies may be reimbursed for traffic enforcement activities when those activities are conducted in conjunction with safety inspections, while conducting weight inspections, or while conducting a drug interdiction inspection.

Subsection (a) of this section reauthorizes MCSAP, with a number of changes. In addition to increases in authorized funding levels, the program would be amended to require the States to include five new requirements in their annual commercial vehicle safety plans. The first element requires the implementation of performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs. The second element requires States to establish a program ensuring that all information and data provided to the Secretary that is used for safety rating purposes, or in identifying high-risk carriers, is accurate, timely, and complete. The third element requires States to include in their training manuals, for all drivers' licensing examinations, information about best practices for safely sharing the road with trucks and cars. States are also required to enforce the registration requirements of section 13902, of title 49, United States Code, by removing from service vehicles that are unregistered or operating beyond the scope of their registration. The final change requires States to conduct highly visible traffic enforcement programs in locations or corridors that have been identified as having a high incidence of truck crashes.

Subsection (b) of this section details the new activities for which States can use funds provided under the Motor Carrier Safety Assistance Program. These activities include the ability to conduct traffic enforcement on commercial motor vehicles without a corresponding safety inspection and on non-commercial motor vehicles when the behavior of the drivers of smaller vehicles increases the risk of crashes involving commercial motor vehicles. The Secretary would also be required to provide an annual report to Congress detailing the effect these new activities and requirements have had on commercial motor vehicle and highway safety.

The Committee intends this new MCSAP authority to be used in direct relation to conducting highly visible roadside enforcement activities in high crash corridors. The Committee intends these changes to establish a commercial motor vehicle and highway safety program similar to State impaired driving programs, as well as, "buckle-up" campaigns. With these changes in mind, the Committee has also increased funding for outreach and education currently conducted by FMCSA. With this legislation, the outreach program will be jointly managed by FMCSA and NHTSA. The

Committee believes combining enforcement activities with a robust outreach and education program is necessary to maximize the results.

Subsection (c) of this section authorizes funding for the Motor Carrier Safety Assistance Program. This funding is for the basic grant program, high priority grants, and the new entrant program. This bill does not continue the incentive program for MCSAP. By increasing the funding total and removing the incentive program the Committee will ensure more resources go to the core function of the MCSAP program, conducting commercial motor vehicle and driver safety and hazardous materials inspections.

Subsection (d) of this section provides FMCSA the authority to provide grants without a matching requirement to the States to conduct safety audits of new entrant motor carriers. This subsection also increases the current amount of MCSAP funding available for high priority activities to 10 percent of the total funds authorized. The funding may be used for activities designed to improve all information and data provided to the Secretary from the State that is used for safety rating purposes, or for identifying high-risk carriers. In addition, this subsection also allows the Secretary to use up to $15,000,000 each fiscal year to conduct safety audits of new entrant motor carriers described in subsection (c).

Subsection (e) contains a technical amendment.

Sec. 4103. Border enforcement grant

Subsection (a) deletes contract authority funding for information systems by striking the section 31107 of title 49, U.S.C., where it currently is located. Funding for information systems is now included in the administrative expenses. Subsection (a) also creates a new grant program for border enforcement activities under the same section.

This grant program is for State enforcement activities at the Canadian and Mexican borders. No Federal activity would be conducted using this money. States would be authorized to use the grants for virtually anything related to Commercial Motor Vehicles (CMV) safety enforcement and compliance with State and Federal CMV requirements involving foreign motor carriers, including the purchase of land and buildings. Grant recipients could not use Federal funds to replace State funds and they would be required to maintain the average level of border-related expenditures during fiscal years 2003–2004. It is intended, and quite possible, that this money will not be distributed to every State that shares a border with another Country, but will only be distributed to States with an identified need.

These grants do not require a State match.

Subsection (b) includes the conforming amendments necessary for the changes made in subsection (a).

Sec. 4104. Commercial driver's license improvements

Subsection (a) creates a new program for commercial driver's license improvement grants. These grants enable States to improve the implementation of their commercial driver's license programs. The grants may be used to improve training, computer software, computer hardware, publications, testing, quality control, and to hire personnel. However, the funds received under this program

must first be used to ensure the State has met the commercial driver's license program improvements that were required in the Motor Carrier Safety Improvement Act. Unlike the border grants, these funds may not be used to purchase land or buildings. In order to apply for a grant, a State must first conduct a self-assessment and identify deficiencies in their commercial driver's license program. Based on these assessments, the State will then apply for the appropriate amount of funding to correct these issues. The State must also maintain an average level of commercial driver's license expenditures during the fiscal years 2003–2004. The government share for these grants is 80 percent. Five percent of these funds will be set aside for high priority commercial driver's license activities.

Subsection (b) includes the conforming amendments necessary for the changes made in subsection (a).

Subsection (c) authorizes the Secretary to redirect up to 5 or 10 percent of the funds a State receives under this program, if the State is found to be in serious non-compliance with the commercial driver's license program. The penalty provisions found in the CDL statutes have been amended to encourage the Secretary, through more flexibility, to assess penalties for non-compliance.

Sec. 4105. Hobbs Act

Subsection (a) amends the Hobbs Act to make explicit the interpretation given to that act by a series of decisions of the U.S. Circuit Courts of Appeals. In 1966, when the Department of Transportation (DOT) was created, Congress transferred responsibility for regulating motor carrier safety and driver qualifications from the former Interstate Commerce Commission (ICC) to the Department. Sections 351(a) and 352 of title 49 provide for the same method of judicial appeal from actions based on these transferred functions as would have been required had the functions remained with the ICC. Prior to 1966, ICC orders were reviewed by three-judge District Courts, with a right of direct appeal to the Supreme Court. In 1975, Congress altered the path of review for ICC actions, substituting for the three-judge District Court, a right of direct appeal to the Court of Appeals for the relevant jurisdiction. This statute is known as the Hobbs Act (28 U.S.C. 2321, 2342). The ICC was abolished in 1995 and most of its remaining functions were transferred to the newly created Surface Transportation Board (STB) or to FMCSA. The corresponding revisions to the Hobbs Act, however, created uncertainty.

That raised the question whether an action by FMCSA pursuant to the safety authority transferred in 1966 could still be reviewed by the Courts of Appeal, since section 2342(3)(A) applied to the commercial statutes, while section 2342(5) applied to actions of the STB.

Subsection (a) ensures that both of these issues would be covered by inserting in section 2342(3)(A) a reference to "subchapter III of chapter 311, chapter 313, and chapter 315 of Part B of subtitle VI of title 49." FMCSA's safety statutes are codified there, including statutes enacted after 1966. All safety statutes would thus be subject to exclusive review by the Courts of Appeal.

Subsections (b) and (c) simply replace the term "Federal Highway Administration" with "Federal Motor Carrier Safety Administra-

tion" in 49 U.S.C. 351(a) and 352. The ICC's motor carrier safety functions were exercised by FHWA until the fall of 1999 and were statutorily entrusted to FMCSA when it was created on January 1, 2000. Because FHWA retains no duties or powers transferred from the ICC, sections 351(a) and 352 should refer to FMCSA.

Sec. 4106. Penalty for denial of access to records

FMCSA investigators have broad authority to inspect and copy motor carrier and shipper records (see 49 U.S.C. 504(c), 31133(a)). The majority of carriers and shippers readily grant access to requested records, however, some deliberately impede the investigative process by refusing to set an audit date, or, after setting a date, by ordering investigators off the premises—occasionally with a show of force. Others take a more subtle approach, feigning illness or declaring an "emergency" during the audit; pleading inability to produce records because of the absence of key personnel; or delivering documents at a pace designed to prolong the audit beyond the time available to the investigator.

FMCSA can issue an administrative subpoena for documents, and the refusal to comply requires the agency to file an action in Federal court to enforce the subpoena. This process, though effective, is relatively slow and labor-intensive, and the cost to a carrier or shipper who does not seriously contest the action is minimal.

New section 521(b)(2)(E) creates a financial penalty to dissuade any uncooperative carriers or shippers from denying or impeding FMCSA's legitimate access to records.

Sec. 4107. Medical Review Board

This section requires FMCSA to establish a Medical Review Board to serve as a source of up-to-date medical advice for FMCSA on matters related to driver qualification rules, guidelines for medical examiners, and standards for medical exemptions under 49 U.S.C. 31315(b).

The Committee has included a provision to establish a five-member Medical Review Board to make recommendations on medical standards for commercial drivers, medical examiner education, and medical research. Due to the variety of motor carrier operations and the sheer number of commercial drivers, the Committee did not get overly prescriptive in describing how FMCSA should conduct this proposal. With over 6.5 million commercial drivers requiring biennial medical certifications, permitting FMCSA to set the standard for who should be allowed to conduct physical examinations, with the help of the Medical Review Board, is the most feasible way to ensure no disruption in the medical certification system currently in place. Having this provision will ensure medical examiners know the driver qualification standards and guidelines, while understanding the mental and physical demands involved in driving a commercial motor vehicle.

Sec. 4108. Increased penalties for out-of-service violations and false records

Subsection (a) doubles the penalties for recordkeeping violations under 49 U.S.C. 521(b)(2)(B) up to $1,000 for each day the offense continues, or up to $10,000 for an offense that misrepresents a non-recordkeeping violation. Recordkeeping violations frequently have

no other purpose than to conceal a safety violation, and they often succeed. Higher penalties reduce both the number of recordkeeping violations and the number of safety violations as well.

The current penalties under 49 U.S.C. 31310(i)(2) for a driver who violates an out-of-service (OOS) order are, for a first offense, a 90-day disqualification from operating a CMV and a civil penalty of at least $1,000, and for a second offense, disqualification for one to five years and a civil penalty of at least $1,000. An employer who knowingly allows or requires a driver to violate an OOS order is subject to a civil penalty of up to $10,000. OOS orders can be issued for a variety of reasons: for failure to pay civil penalties on schedule, for having an unsatisfactory safety rating, for violating the agency's hours-of-service or equipment regulations, or because the motor carrier constitutes an imminent hazard. Enforcement officers cannot afford to spend hours monitoring a single OOS vehicle, and tracking possible movements of an entire OOS fleet is even more difficult. As a result, many OOS orders are violated. One effective deterrent to violating an OOS order is to raise the cost to violators. Subsection (b) increases to a maximum of $25,000 the civil penalty for a motor carrier that knowingly orders a driver to proceed despite an OOS order. Subsection (b) also increases a driver's penalty for a first offense to a 180-day disqualification and a civil penalty of at least $2,500, and, for a second offense, to a two- to five-year disqualification and a civil penalty of up to $5,000.

Sec. 4109. Commercial vehicle information systems and networks deployment

This section transfers the commercial vehicle information system and networks deployment program from FHWA to FMCSA in order to streamline the grant process. Historically, FMCSA has been responsible for implementing and deploying this program with the money passing through FHWA. This streamlined process is intended to ensure the completion of the core deployment of commercial vehicle information systems and networks. It also will help with the expanded deployment of the program.

Subsection (a) provides general direction to carry out the commercial vehicle information systems and networks deployment program .

Subsection (b) describes the overall purpose of the commercial vehicle information systems and networks deployment program.

Subsection (c) requires the Secretary to make grants of up to $2.5 million for the core deployment of commercial vehicle information systems and networks. A State that has previously received funding for the core deployment of commercial vehicle information systems and networks would receive a grant that has been reduced by the amount of funds previously received for core deployment. States that have not previously received funding for core deployment would receive a grant of $2.5 million. To be eligible for a core deployment grant, a State must have a program plan and must certify that its activities are consistent with National Intelligent Transportation Systems and Commercial Vehicle Information Systems and Networks architectures and available standards, and must agree to execute a successful interoperability test. The use of the grant would be limited to core deployment activities.

Subsection (d) authorizes the Secretary to make grants to States for the expanded deployment of commercial vehicle information systems and networks. The amount of the grants is determined by the amount of funds that remain after the core deployment grants have been made and by the number of States that request an expanded deployment grant. The maximum expanded deployment grant that may be given to a State in a fiscal year would be $1 million. Only States that have completed core deployment would be eligible for an expanded deployment grant.

Subsection (e) describes the eligibility requirements to receive these grants.

Subsection (f) provides that the Federal share of grant funds under this section is 50 percent. The Federal share for funds used for commercial vehicle information systems and networks from all eligible sources would be 80 percent.

Subsection (g) provides definitions for terms used in this section.

Subsection (h) repeals Section 5209 of TEA–21 that established the commercial vehicle information systems and networks program.

Sec. 4110. Safety fitness

As defined in 49 U.S.C. 31132(1), a vehicle is not a commercial motor vehicle unless it operates in interstate commerce. One of the implications of the definition is that the Secretary's authority to determine the safety fitness of CMV owners and operators encompasses the accident and safety inspection record of such companies or individuals on interstate trips, but not on intrastate trips. Most interstate motor carriers also have substantial intrastate operations.

For purposes of safety, it is artificial and counterproductive to create two classes of accidents and safety inspection data—one subject to Federal jurisdiction, the other not—when both involve the same vehicles, drivers, dispatchers, mechanics, and safety management controls, and may cause the same kind of death, injury, or physical damage. In examining a motor carrier's accident and inspection data, it is often difficult, and sometimes impossible, to determine whether the vehicle involved was making an interstate or intrastate trip.

In order to simplify and rationalize the analysis of accident data and provide a complete picture of the safety of motor carrier operations, subsection (a) requires the Secretary, in the course of determining the safety fitness of commercial motor vehicle (i.e., interstate) owners and operators, to consider the accident and inspection record of such owners and operators both on interstate and intrastate trips.

In addition, owners and operators of commercial motor vehicles who are determined to be unfit and prohibited from operating in interstate commerce, are also prohibited by subsection (b) from operating commercial motor vehicles in intrastate commerce until they are able to demonstrate their fitness.

Subsection (c) directs the Secretary to place all interstate operations of a motor carrier out of service if a State, using the Federal safety fitness standards prescribed under 49 U.S.C. 31144(b), has placed out of service the intrastate operations of a carrier that has its principal place of business in that State.

A Federal safety determination that an interstate motor carrier is unfit would thus halt both its interstate and intrastate operations, while a State safety determination that an intrastate carrier is unfit will halt both its intrastate and any interstate operations.

This subsection also provides the Secretary the authority to make grants to the States to conduct new entrant safety audits. This funding requires no State match; however, if the Secretary determines that a State is unable to use government employees to conduct these activities, the Secretary may utilize the funding to conduct new entrant audits with Federal resources.

Sec. 4111. Pattern of safety violations by motor carrier management

Some motor carrier managers and brokers order, encourage, or tolerate widespread regulatory violations and, when caught, declare bankruptcy, rename the company and reshuffle the managers' titles, sell its assets to a pre-existing shell corporation owned and managed by the same people, or otherwise attempt to evade the payment of civil penalties, obscure the identity of the company and thus its violation record, and perpetuate a casual indifference to regulatory compliance and public safety. Although the total number of such managers and brokers are small, their actions create risks disproportionate to their numbers.

This section addresses these problems. It amends 49 U.S.C. 31135 to authorize the Secretary to suspend, amend, or revoke the registration of a for-hire motor carrier if any of its officers has engaged in a pattern or practice of avoiding compliance, or concealing non-compliance, with Federal standards. The Secretary could also deny an application to register as a for-hire motor carrier if any of the proposed officers of the company has engaged in a pattern of non-compliance. In this context, "officer" means owner, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, driver supervisor, and any person exercising controlling influence over operations of a motor carrier.

This provision does not apply to all officers whose companies are found to be in violation of the Federal safety rules. Rather, it is intended to authorize the Secretary to force out of the industry those few who have shown unusual and repeated disregard for compliance.

Sec. 4112. Motor carrier research and technology program

This section authorizes a comprehensive FMCSA research and technology program under section 31108 of title 49, U.S.C. The goal is to support—through contracts, cooperative agreements, and grants—research designed to produce innovative advances in motor carrier, driver, and passenger safety. Equally critical, however, is the transfer of promising results—whether technical or operational—to potential users and rapid deployment of the products of research and development.

The Federal share of the cost of activities carried out under a cooperative research and development agreement could not exceed 50 percent, except if there is substantial public interest or benefit, the Secretary could approve a greater Federal share.

Sec. 4113. International cooperation

This section authorizes the Secretary, and thus FMCSA, to engage in international activities. This kind of authority is necessary to aid in implementing the North American Free Trade Agreement and to carry on discussions with U.S. trading partners concerning a variety of safety issues.

Sec. 4114. Performance and registration information systems management

Subsection (a) updates the current statute to more closely follow how the performance and registration information systems management (PRISM) program is currently administered.

Subsection (b) establishes a new separate grant program for PRISM. These grants do not require a State match.

Sec. 4115. Data quality improvement

This section adds language to the current information systems requirements to ensure that the data FMCSA receives from the States is complete, timely, and accurate.

Sec. 4116. Driveaway saddlemount vehicles

This section creates a new national standard for the maximum length of drive-away saddlemount with fullmount vehicle transporter combinations operated on the Interstate Highway System.

Sec. 4117. Completion of uniform carrier registration

This section repeals the single state registration system and requires FMCSA to complete a rule-making for an on-line registration system to replace the old registration system originally administered by the Interstate Commerce Commission. This rule-making must be completed within one year.

Sec. 4118. Registration of motor carriers and freight forwarders

This section harmonizes the jurisdictional reach of the commercial and the safety statutes by eliminating the requirement for motor carriers to register if they are not subject to the Federal motor carrier safety regulations.

Sec. 4119. Deposit of certain civil Penalties into highway trust fund

This section amends current law to deposit all civil penalties collected from motor carriers for violations of the Federal insurance requirements into the Highway Trust Fund, other than the Mass Transit Account.

Sec. 4120. Outreach and education

This section authorizes the Secretary to conduct an outreach and education program through the FMCSA and NHTSA to promote highway safety. Elements of the program shall include a comprehensive national effort to educate commercial motor vehicle and passenger vehicle drivers about how to share the road safely with each other, as well as an emphasis on traffic enforcement aimed at reducing the most common driving behaviors that cause or contribute to crashes, similar to such programs as "Click It or Ticket" and drunk driving awareness campaigns. The Secretary is required

to provide an annual report each year demonstrating the programs and activities carried out under this section.

The Committee has significantly increased the funding for the outreach and education program currently conducted by FMCSA, but with this legislation, the outreach program will be jointly managed by FMCSA and NHTSA. Although the Committee believes a strong enforcement program is important for improving commercial motor vehicle and highway safety, combining enforcement activities with a robust outreach and education program is necessary to maximize the results. Also, consistent with the recommendations in the U.S. General Accounting Office report GAO–03–680, the Committee recommends that the outreach and education activities conducted by FMCSA are directly linked to the program's goal and establish a systematic process for evaluating the effectiveness of the program.

Sec. 4121. Insulin-treated diabetes mellitus

This section requires the Secretary to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce without requiring the individual to have experience operating a commercial motor vehicle while using insulin.

The Committee directs FMCSA to issue a final rule to amend the current exemption program to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce that is consistent with the findings of the expert medical panel report issued in July 2000. That report concluded that individuals could be qualified to operate a commercial motor vehicle following a one- to two-month period of adjustment to insulin use. This provision is intended to preempt FMSCA's notice of final disposition issued September 3, 2003, which requires an individual to have three years of experience operating a commercial motor vehicle in intrastate commerce while using insulin for treatment of diabetes before the individual could qualify to drive in interstate commerce. According to the American Diabetes Association, approximately 20 States do not have an intrastate exemption program for insulin-dependent commercial drivers, therefore, these drivers would never be able to meet the Federal requirement to drive in interstate commerce. The Committee is concerned that by issuing a notice of final disposition that is inconsistent with the finding of FMCSA's own expert medical panel, qualified drivers may not be able to get employed or stay employed.

Sec. 4122. Grant program for commercial motor vehicle operators

This section establishes a grant program to train drivers and future drivers of commercial motor vehicles to operate such vehicles in a safe manner.

Sec. 4123. Commercial motor vehicle safety advisory committee

This section requires the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of law enforcement agencies from border States, and other individuals affected by

rulemakings. No one interest may constitute a majority. The advisory committee should provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of FMCSA.

Sec. 4124. Safety data improvement program

This section establishes a grant program to the States dedicated to improving the accuracy, timeliness, and completeness of the data provided to the Secretary. Prior to receiving a grant under this section, the State must complete an audit of its safety data system and develop a plan recognizing the needs and goals for improving its safety data system. The Secretary must provide a report every two years on the results of the program carried out under this section.

The Safety Data Improvement program is intended to address safety data problems identified in the DOT Inspector General's audit of FMSCA's database. FMSCA's limited resources require focusing on the motor carriers who are considered most "at risk". In order to do this, the data FMCSA uses for selecting carriers must be accurate, and timely. The Committee is concerned that without additional funding, the States may have trouble improving their data reporting.

Sec. 4125. Commercial driver's license information system modernization

This section creates a grant program to be used to modernize the commercial driver's license information system (CDLIS). Since the creation of CDLIS, improvements to the database and operability of the system have not kept up with improvements in technology. This program helps to modernize the system and improve the State licensing and Federal enforcement personnel's ability to access necessary information.

This section also allows the Secretary to conduct a pilot project in 3 States to evaluate a program for sharing information about all drivers' licenses, both commercial and non-commercial, between States.

Sec. 4126. Maximum hours of service for operators of ground water well drilling rigs

For operators of commercial motor vehicles transporting ground water well drilling rigs, this section preserves the 24-hour restart provision enacted in the NHS Designation Act and provides that no additional off-duty time (greater than 10 hours) shall be required to operate the vehicle.

Sec. 4127. Safety performance history screening

In order to improve motor carrier safety, this provision requires the Secretary to provide companies conducting pre-employment screening services for motor carrier employers, electronic access to commercial motor vehicle accident reports involving a driver-applicant that are collected and maintained by FMCSA in its Motor Carrier Management Information System (MCMIS). The accidents reported to FMCSA must meet the accident definition found in 49 CFR 390.5.

This provision also requires the Secretary to provide electronic access to roadside safety inspection reports involving a driver-applicant that resulted in a serious driver-related safety violation. This electronic access may be accomplished only after the prospective employer obtains written consent of the driver applicant. This safety compliance and performance information is unique to MCMIS and, therefore, is not found on any other national database. Prohibiting the release of this driver safety information unless expressly authorized or required by law protects driver privacy. The Secretary may require a fee from companies conducting pre-employment screening services to cover necessary administrative costs to implement this screening service.

Sec. 4128. Intermodal chassis roadability rule-making

This section directs the Secretary to initiate a rule-making to ensure that equipment used to transport intermodal chassis are safe. The rulemaking must be completed no later than 1 year after enactment of this bill and must address a way to identify the equipment owner, a civil penalty structure, a petition process, and an inspection system.

Sec. 4129. Substance abuse professionals

This section requires the Secretary to update the current regulatory definition of a substance abuse professional to include State licensed or certified mental health counselors, as well as individuals certified as addiction specialists by the American Academy of Health Care Providers in the Addictive Disorders.

Sec. 4130. Interstate van operations

This section directs the Secretary to extend the Federal motor carrier safety regulations found in 49 Code of Federal Regulations, Parts 387, 390 through 399 to all operations of commercial motor vehicles designed to transport between nine and fifteen passengers (including the driver), regardless of their operational distance. This section amends the final rule issued by the DOT on August 12, 2003.

The Committee intends the Secretary to address this situation through the rulemaking process. As part of the rulemaking, the Secretary shall amend the final rule addressing commercial motor vehicles transporting nine to fifteen passengers to specifically exempt vanpool operations as defined by section 132(f) of the Internal Revenue Code. The rulemaking also exempts stretch sedan limousines that are designed to seat nine to fifteen passengers. The rulemaking does not exempt SUV stretch limousines, or super stretch sedan limousines that are designed to seat sixteen or more passengers (including the driver).

Sec. 4131. Hours of service for operators of utility service vehicles

This section provides an exemption for drivers of utility service vehicles from federal, State, and local laws, rules, regulations, or standards that limit the number of hours operators of utility service vehicles may remain on duty.

Sec. 4132. Technical corrections

Subsection (a) adds the Administrator as a member of the Intermodal Transportation Advisory Board.

Subsection (b) changes the reference from "Regional Director" to "Field Administrator", that position's correct title since the creation of the FMCSA in the Motor Carrier Safety Improvement Act of 1999.

Sec. 4133. Intrastate and foreign operations of interstate motor carriers

This provision permits DOT to determine whether a motor carrier or operator is fit to operate a commercial motor vehicle by considering their safety record while operating in interstate, intrastate, and Canadian and Mexican commerce.

Sec. 4134. Operators of vehicles transporting agricultural commodities and farm supplies

This section continues to allow for operators of vehicles transporting agricultural commodities and farm supplies to not be subject to federal, State, and local laws, rules, regulations, or standards that limit the number of hours motor vehicle operators may remain on duty. This applies to operators transporting agricultural commodities during planting and harvest periods within a 100 air mile radius from the location of the distribution point for the farm supply.

Sec. 4135. Hours of service rules for operators providing transportation to movie production sites

This section permits operators of commercial motor vehicles transporting property or passengers to or from a movie or television production site to be regulated by the Hours of Service regulations in effect on April 27, 2003.

SUBTITLE B—HOUSEHOLD GOODS TRANSPORTATION

Oversight of the interstate household goods moving industry had been the responsibility of the Interstate Commerce Commission (ICC) prior to the "sun-setting" of the ICC by the ICC Termination Act of 1995. Most Federal oversight responsibilities for the transportation of household goods were transferred to the FHWA and later transferred to FMCSA upon enactment of MCSIA in 1999. FHWA and then FMCSA, focused their limited resources on its primary mission of highway safety, rather than on consumer protection. The lack of Federal oversight has permitted unscrupulous "rogue" household goods movers to exploit this regulatory gap.

Subtitle B of title IV of this bill provides greater protection to consumers shipping their household goods via motor carrier. However, the provisions in Subtitle B of title IV of this bill only relate to the movement of household goods motor carriers and brokers. For purposes of this subtitle, "household goods motor carrier" means a carrier that provides as part of its transportation services the inventorying, packing, unpacking, loading, and Unloading of household goods.

Sec. 4201. Federal-State relations relating to transportation of household goods

This section confers authority to a State Attorney General of any state to bring a civil action on behalf of its residents in an appropriate district court of the United States to compel a motor carrier to relinquish possession of a household goods shipment or to pay a civil penalty assessed under section 14915.

For purposes of bringing any civil action under this section, nothing in this section shall prevent a State Attorney General from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or to compel the attendance of witnesses or the production of documentary and other evidence.

Whenever a civil action has been instituted on a defendant by, or on behalf of, the Secretary for violation of any provision specified in this section, a State may not institute a civil action under this section. A civil action under this section may be brought in the district in which the defendant is found, resides, or transacts business or whenever venue is proper under section 1391 of title 28.

This section allows State attorneys general to pursue civil penalties in any appropriate district court of the United States in cases where a "rogue mover" committed repeated violations of holding household goods hostage. This ability to enforce Federal law by State officials will be a huge step towards improving the consumer protection that has been lacking since the termination of the ICC, and will help augment the limited Federal resources currently available. Although, this additional power may be seen by some as an infringement on the long-standing "Carmack" amendment, the Committee was careful not to touch upon any more than was necessary to ensure proper enforcement at the State level.

Sec. 4202. Arbitration requirements

This section requires household goods carriers to offer shippers arbitration on all matters related to loss and damage, including disputes about charges. This section also increases the threshold for binding arbitration from $5,000 to $10,000. These two changes will provide the consumer with more options for settling disputes when they arise.

Sec. 4203. Civil penalties relating to household goods brokers and unauthorized transportation

This section creates civil penalties for household goods brokers who provide estimates prior to entering into a contract with a household goods mover. This section also creates a civil penalty for anyone who transports household goods in interstate commerce without having the authority to conduct that activity.

Sec. 4204. Civil penalty for holding household goods hostage

This section creates civil penalties for anyone who holds a person's household goods hostage once full payment (up to 110% of the estimate) has been made. The civil penalty for holding household goods hostage shall not be less than $10,000, and if the person holding the goods hostage is a motor carrier, the carrier's operating authority will be suspended for 6 months.

This legislation codifies existing regulations that require a carrier to give up possession of a household goods shipment provided the shipper pays the mover 100 percent of a binding estimate of the charges, or 110 percent of a non-binding estimate of the charges.

One of the most important parts of Subtitle B of Title IV, is the new definition and penalties for the practice of holding household goods hostage. This situation arises when a household goods motor carrier informs the shipper that the charges for shipping or unloading the shipper's possessions have double, tripled, or even quadrupled, and the only way the carrier will unload the goods is upon payment of these higher charges. These actions, conducted primarily by "rogue movers," have gone largely unchecked in recent years. With the addition of civil penalties, Federal and State enforcement personnel have tremendous powers to prosecute these individuals.

Sec. 4205. Working group for development of practices and procedures to enhance Federal-State relations

This section requires the Secretary to create a working group of State attorney generals, State consumer protection administrators and Federal and local law enforcement officials for the purpose of developing uniform enforcement procedures with respect to interstate transportation of household goods.

Sec. 4206. Consumer handbook on DOT Web site

This section requires the Secretary to publish a handbook about consumer's rights in readily understandable language and display it prominently on the DOT Web site.

Sec. 4207. Release of household goods broker information

This section requires the Secretary to modify the regulations to require household goods brokers to provide shippers, or potential shippers, with information about the motor carriers the broker uses, the broker's DOT identification number, the general information handbook, and a statement that the broker is not a motor carrier.

The Committee intends to deter the current practice of some brokers who advertise over the Internet, providing a low estimate without seeing the items to be shipped, then trying to find a carrier to transport the household goods without regard to the rate the broker quoted the shipper.

Sec. 4208. Consumer complaint information

This section requires the Secretary to establish a system for logging consumer complaints about household goods movers in a database accessible to the public. This section also requires the Secretary to establish a way for carriers to correct any incorrect information on the database. The Secretary is encouraged to use this information when determining which carriers should be the subject of a commercial investigation.

Sec. 4209. Insurance regulations

This section directs the Secretary to review current regulatory requirements regarding insurance coverage provided by household

goods motor carriers to shippers. The review should determine whether the current regulations provide adequate protection, whether the shipper should purchase insurance as opposed to the carrier, and whether there are abuses of the current regulations that leave shippers unprotected.

Sec. 4210. Estimating requirements

This section requires household goods motor carriers to provide written estimates for shipments of household goods. When providing these estimates, the motor carrier must conduct a physical survey of the household goods to be transported. A shipper may waive the on-site survey, but a copy of the waiver must accompany the estimate and remain as an addendum to the bill of lading.

This section also provides definitions of binding, and non-binding, estimates. The binding estimate guarantees the total cost of the move based upon the quantities and services shown on the estimate.

Sec. 4211. Application of State consumer protection laws to certain household goods carriers

This section requires the GAO to conduct a study of the impact on motor carriers and shippers of household goods if State attorneys general and consumer protection agencies were allowed to enforce their State consumer protection laws and regulations with respect to interstate transportation of household goods. The GAO shall provide a report to Congress on the results of this study within 18 months of the date of enactment of this Act.

Sec. 4212. Applicability to household goods motor carriers

This section defines household goods motor carrier as in the business of providing transportation of household goods, and offering some or all of the following services: binding and non-binding estimates, inventorying, protective packing and unpacking of individual items, and loading and unloading at personal residences.

Sec. 4213. Violations of out-of-service orders

This section creates criminal liability for household goods motor carriers who knowingly and willfully operate a commercial motor vehicle in violation of an out-of-service order.

Sec. 4214. Criminal penalty for holding goods hostage

This section creates a criminal penalty for a household goods motor carrier who knowingly and willfully holds household goods hostage by falsifying documents or demanding payment of charges for services that were not performed or were not necessary.

TITLE V—RESEARCH

SUBTITLE A—FUNDING

Sec. 5101. Authorization of appropriations

This section provides authorizations for the programs in the Research Title. The Surface Transportation Research Program and the Technology Deployment program, which were separate programs in the Transportation Equity Act for the 21st Century (TEA

21), are now merged into one program—the Surface Transportation Research, Development, and Deployment Program.

Sec. 5102. Obligation ceiling

This section establishes the obligation ceiling for fiscal years 2004 through 2009.

Sec. 5103. Findings

This section includes congressional findings related to the importance of transportation research and development.

SUBTITLE B—RESEARCH, TECHNOLOGY, AND EDUCATION

Sec. 5201. Research, technology and education

This section establishes basic principles for transportation research, including the federal responsibility and role, stakeholder input, competition, and performance review. This section provides the Secretary with authority to enter into cooperative agreements and establishes a mechanism to facilitate "pooled funding" of projects when several states wish to fund a research project of common interest to those states.

One of the principles governing research and technology investments directs that the Federal highway research program would become more oriented toward exploratory advanced research. The 20-year Long-Term Pavement Performance Program, initiated in the late 1980's will be continued to its conclusion in 2009. The role and function of the Turner-Fairbank Highway Research Center is codified in law.

Sec. 5202. Long-term Bridge Performance Program; Innovative Bridge Research and Deployment Program

This section establishes a 20-year Long-Term Bridge Performance Program, modeled on the Long-Term Pavement Performance Program. An Innovative Bridge Research and Deployment program to demonstrate innovative designs and construction methods for the construction, repair and rehabilitation of bridges is established.

Sec. 5203. Surface Transportation Environment and Planning Cooperative Research Program

This section establishes a new research program to study the interaction between transportation and the environment. The program will be managed and administered by the National Academy of Sciences. An Advisory Committee, appointed by the Secretary, and with a balanced membership representing transportation and environmental perspectives, will recommend the national research agenda for this program.

Sec. 5204. Technology deployment

This section establishes an Innovative Pavement Research and Deployment program to demonstrate innovative pavement technologies, practices, and performance. The goals of this program include new, cost-effective designs to extend pavement life and performance, and the reduction of both initial cost and life-cycle cost of pavements. A Safety Innovation Deployment Program is estab-

lished to foster the deployment and evaluation of safety technologies and innovations at State and local levels.

Sec. 5205. Training and education

The National Highway Institute—the training office of the Federal Highway Administration—is continued and the general topics for courses that it develops and administers are specified. The Local Technical Assistance program is reauthorized. The federal share for State LTAP grant recipients is up to 50 percent and the share for tribal technical assistance centers is 100 percent. Federal law is revised to allow states to spend NHS, IM, STP, CMAQ, and Bridge funds for transportation workforce development, training, and education. The federal share is 100 percent for the workforce development activities. This section also authorizes the Garrett A. Morgan Technology and Transportation Education program.

Sec. 5206. Freight Planning Capacity Building

This section establishes a Freight Planning Capacity Building Program to improve the capabilities of Metropolitan Planning Organizations (MPOs) and other planning agencies in transportation planning for freight.

Sec. 5207. Advanced Travel Forecasting Procedures Program

TRANSIMS is a state-of-the-art travel forecasting model that will have special utility for large MPOs in areas with air quality problems. Funding grants to states and MPOs will support deployment of this forecasting model.

Sec. 5208. National Cooperative Freight Transportation Research Program

The National Academy of Sciences will manage and administer a freight transportation research program. The program's purpose is to discover improved ways to provide surface transportation mobility for freight movement. An Advisory Committee will be appointed by the Academy and will include a representative cross-section of freight stakeholders. The Advisory Committee is directed to recommend a national research agenda for this program.

Sec. 5209. Future Strategic Highway Research Program

This section establishes the Future Strategic Highway Research Program (F–SHRP), which is to be carried out by the National Academy of Sciences. F–SHRP is modeled on the Strategic Highway Research Program that was established by Congress in 1987. TEA 21 directed a study be conducted to determine the research agenda for a new strategic highway research program. F–SHRP will carry out the recommendations made by the study and will focus on four specific research areas—renewal of aging highway infrastructure, human factors related to highway safety, reducing highway congestion, and planning and designing new highway capacity. Projects and researchers will be selected to conduct research for the program on the basis of merit and open solicitation of proposals.

Sec. 5210. Transportation Safety Information Management System Project

Funding is provided over two years to develop a software system that will link driver licensing, vehicle registration, roadway inventory, and motor carrier databases. The purpose of this system is to more easily identify the cause of accidents, injuries, and fatalities, so that appropriate countermeasures can be developed.

Sec. 5211. Surface Transportation Congestion Relief Solutions Research Initiative

Two independent research programs are established to assist State DOTs and MPOs in measuring and addressing surface transportation congestion problems. These research programs will focus on the effectiveness of Congestion Management Systems and identify the best methods for acquiring and reporting congestion information. Funding is included for technical assistance and training.

Sec. 5212. Motor Carrier Efficiency Study

This section provides funding to study the use of wireless technology to improve the safety and productivity of motor carrier freight transportation. The study will assess use of wireless technologies in fuel monitoring and management, Radio Frequency Identification technology, electronic manifest systems, and cargo theft prevention.

Sec. 5213. Transportation research and development strategic planning

This section directs the Secretary to develop a five-year strategic plan for transportation research and development. The plan will describe the primary purposes of the transportation research and development program and describe the topic areas the Department intends to pursue to accomplish each purpose.

Sec. 5214. Limitation on Remedies for Future Strategic Highway Research Program

This section makes claims against the National Academy of Sciences, for activities conducted under 510 U.S.C. 23, subject to the same limitations and exceptions applicable to claims against the United States.

Sec. 5215. Center for Transportation Advancement and Regional Development

This section establishes a Center for Transportation Advancement and Regional Development to assist, through training and research, the development of rural and small metropolitan transportation systems.

SUBTITLE C—UNIVERSITY TRANSPORTATION RESEARCH; SCHOLARSHIP OPPORTUNITIES

Sec. 5301. National University Transportation Centers

This section provides for national university transportation centers and states that the role of such centers shall be to advance significantly transportation research on critical national transpor-

tation issues and to expand the workforce of transportation professionals.

Sec. 5302. University transportation research

This section provides for grants to be made to University Transportation Centers (UTCs). Funding is available to ten Regional University Transportation Centers, ten Tier I Centers, and ten Tier II Centers. The purpose of UTCs is to significantly advance the state-of-the-art in transportation research and expand the workforce of transportation professionals through research, education and technology transfer. Regional UTCs, Tier I Centers, and Tier II Centers will be subject to competitive selection every four years and all institutions must meet eligibility criteria to qualify for competition. The research and education activities of each Center must support a national strategy for surface transportation research. Each Center must match each dollar of federal grant funds with one dollar of local funds.

Sec. 5303. Transportation scholarship opportunities program

This section authorizes the Secretary to establish a scholarship program to attract qualified students for transportation-related critical jobs.

SUBTITLE D—ADVANCED TECHNOLOGIES

Sec. 5401. Advanced heavy-duty vehicle technologies research program

Section 5401 directs the Secretary to conduct research, development, demonstration and testing on advanced heavy-duty vehicle technologies. The Secretary shall consult with the Secretary of Energy and the EPA Administrator. Projects must have a cost share of at least 50 percent from non-federal sources.

Sec. 5402. Commercial remote sensing products and spatial information technologies

This section directs the Secretary, in cooperation with NASA and a consortium of university research centers, to carry out a program to validate commercial remote sensing products and spatial information technologies for application to transportation infrastructure.

SUBTITLE E—TRANSPORTATION DATA AND ANALYSIS

Sec. 5501. Bureau of Transportation Statistics

This section provides for the appointment of the Director of the Bureau of Transportation Statistics (BTS) and defines the Director's responsibilities. The National Transportation Library is retained as part of BTS's activities. Several provisions are included on the collection of freight data, including a requirement for mandatory response by corporations to BTS requests for data. Safeguards are provided to prevent disclosure of freight data that can be identified with any corporation or individual. An Advisory Council on Transportation Statistics is established.

Sec. 5502. Reports of Bureau of Transportation Statistics

This section describes uses and limits of reports produced by the Bureau of Transportation Statistics.

SUBTITLE F—INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH

Sec. 5601. Short title

The short title is "Intelligent Transportation Systems Act of 2004."

Sec. 5602. Goals and purposes

The goals and purposes of the Intelligent Transportation Systems Program are articulated. While the wording is different from TEA 21, the substance is similar.

Sec. 5603. General authorities and requirements

This section grants the Secretary authority to use an advisory committee to carry out this subtitle.

Sec. 5604. National architecture and standards

The Secretary is directed to develop, implement and maintain a national architecture for Intelligent Transportation Systems, as well as the supporting standards and protocols, to promote the widespread use of Intelligent Transportation Systems. The Secretary shall designate a panel of experts to advise the Secretary on ways to expedite development of standards. Any Intelligent Transportation Systems projects that use Highway Trust Fund monies shall conform to the national architecture and applicable standards.

Sec. 5605. Research and development

The Secretary is directed to carry out a comprehensive Intelligent Transportation Systems research, development, and operational test program with priority given to enhancing mobility and productivity, enhancing safety, and integrating vehicle and infrastructure technologies.

Sec. 5606. Infrastructure development

This section states that funds made available in this subtitle shall be used for ITS infrastructure and not for conventional highway and transit infrastructure.

Sec. 5607. Road weather research and development program

This section establishes a program to enhance the development and use of road weather information and technologies.

Sec. 5608. Definitions

This section defines key terms, including ITS, Intelligent Transportation Infrastructure, National Architecture, Standard, and Transportation Systems Management and Operations.

Sec. 5609. Rural interstate corridor communications study

This section provides funding for a study on the feasibility of installing fiber optic cabling and wireless communication infrastruc-

ture along Interstate route corridors for improved communications services to rural communities.

Sec. 5610. Centers for surface transportation excellence

This section directs the Secretary to establish three centers for surface transportation excellence—including centers for environmental excellence, rural safety, and project finance—and outlines the goals, roles, and administration of the centers.

Sec. 5611. Repeal

The Intelligent Transportation Systems subtitle in TEA 21 is repealed and replaced by the sections 5601—5608 described above.

Sec. 5612. Special rule for fiscal year 2004

This section states that where fiscal year 2004 authorized amounts in this title differ from fiscal year 2004 authorized amounts in the Surface Transportation Extension Act of 2004, Part V (STEA Part V), then STEA Part V governs.

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY

Sec. 6001. Transportation planning

This section creates a new chapter 52 in title 49 to address transportation planning and environmental review for transportation projects. Existing planning provisions for the highway (sections 134 and 135 in title 23) and transit programs (sections 5303–5305 in title 49) are combined to form a unified planning title. Minor adjustments are made to eliminate inconsistencies and to reflect updated terminologies and practices.

The section also extends the update cycle of metropolitan long-range transportation plans from 3 years under current regulation to 4 years. It extends the update cycle of metropolitan transportation improvement programs (TIPs) from 2 years under current law to 4 years. It requires MPOs to include in their TIPs projects that are designed to meet the set-aside requirements (for a portion of a state's annual apportionments for NHS, CMAQ, STP, Interstate Maintenance, and Bridge programs) for congestion relief activities as mandated under section 139 of title 23.

The section similarly extends the update cycle of state transportation improvement programs from 2 years to 4 years. It requires the state transportation improvement program to reflect the priorities for congestion relief activities that are included in the metropolitan TIPs.

SUBCHAPTER A—GENERAL PROVISIONS

Sec. 5201. Definitions

All transportation planning definitions used throughout chapter 52, title 49 U.S.C. are included in this section.

SUBCHAPTER B—TRANSPORTATION PLANNING

Sec. 5211. Policy

This section is consistent with section 134 of title 23, United States Code and metropolitan planning provisions in sections 5303 and 5304 of title 49, United States Code.

Sec. 5212. Definitions

Definitions from section 101(a) of title 23 and section 5302 are applicable to this subchapter. In subsection (b) six definitions used in this subchapter are listed. These include metropolitan planning area, metropolitan planning organization, non-metropolitan area, non-metropolitan local official, TIP, and urbanized area.

Sec. 5213. Metropolitan transportation planning

Subsection (a) describes the general requirements for metropolitan transportation planning. More specifically, it directs MPOs, in cooperation with States and public transportation operators, to develop long-range transportation plans and transportation improvement programs. These plans and Transportation Improvement Programs (TIPs) will encompass all modes of transportation and will be intermodal in nature.

Subsection (b) specifies the method by which MPOs are designated. Every urbanized area with a population of more than 50,000 people will have an MPO either by agreement between the Governor and local officials representing at least 75 percent of the affected population or in accordance with State and local law. Each MPO will consist of local officials, officials of major local metropolitan transportation agencies and appropriate State officials. Once an MPO is designated, it will remain so designated until it is redesignated under the procedures outlined in section 5213(b)(5) or (6).

Subsection (c) describes the methods for determining the boundaries of metropolitan planning areas that do not cross State lines. This subsection is consistent with section 134(c) of title 23, United States Code.

Subsection (d) outlines methods for coordinating the planning process between responsible parties in metropolitan areas spanning two or more states.

Subsection (e) involves coordination and consultation between MPOs in the event of jurisdictional conflicts. This must occur in cases in which more than one MPO has jurisdiction over an area or an area is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act. Coordination between MPOs will also occur if a transportation improvement funded by the Highway Trust Fund (HTF) runs through more than one MPO.

Section 5213(e)(3) provides that when planning transportation projects, the Secretary will encourage each MPO to consult with officials involved in planning activities that are affected by transportation in the area. These affected activities include such things as State and local planned growth, economic development, environmental protection, airport operations, and freight movements. The subsection also requires that transportation plans consider other transportation services within the metropolitan area that are provided by other governmental agencies and nonprofit organizations,

so that metropolitan transportation services can be more coordinated.

Section (f) outlines the goals and objectives MPOs should strive to attain when planning area transportation projects. Projects should support economic vitality, increase the safety and security of the transportation system, increase accessibility and mobility for both people and freight, protect and enhance the environment, promote integration between the various modes of transportation, as well as maintaining efficiency of the current transportation system. This subsection also states that failure to consider any and all of the objectives described in section 5213(f)(1) may not be reviewed by any court.

Subsection (g) details the contents of transportation plans and the process MPOs must follow when developing such plans.

Subsection (h) details the contents of metropolitan transportation improvement programs (TIPs) and the process MPOs must follow when developing TIPs. Included in each TIP should be a funding estimate, a priority project list, a description of each project, and a financial plan. TIPs will be published for public comment. Unlike current law section 134(h)(1)(D) of title 23, U.S.C., this subsection specifically details that TIPs must be updated at least every 4 years, as opposed to every 2 years under current law. This section requires the project description in the TIP to include sufficient descriptive material, such as the "type of work, termini, length, and other similar factors", to identify the project or phase of the project. In addition, the TIP shall include a listing of congestion relief activities in 5213(h)(2)(D).

Subsection (i) involves transportation management areas, which are defined as urbanized areas with a population over 200,000. The transportation plans in these areas are based on a continuing and comprehensive planning process carried out by the MPO. Congestion management is achieved through the use of travel demand reduction and operational management strategies. Congestion relief activities under section 139 of title 23 are also to be used. The Secretary must certify that the planning process for each transportation management area is being carried out in accordance with Federal law no less often than every 4 years. This is a change from current law, which mandates certification every 3 years. The Secretary has the authority to withhold up to 20 percent of the funds attributable to the MPO if the metropolitan planning process of an MPO serving a transportation management area is not certified.

Subsection (j) gives the Secretary the authority to permit an abbreviated transportation plan and a TIP for a metropolitan planning area if deemed appropriate, except if the metropolitan planning area is in nonattainment for ozone or carbon monoxide under the Clean Air Act.

Subsection 134(k) of 23 U.S.C. under current law, concerning funds for highways and transit being transferred to the Secretary in accordance with title 23, has been deleted because the transferability provisions contained in section 104(k) of title 23 already apply to all transfers of highway funds to transit, and to the transfer of transit funds to highways.

Subsection (k) is consistent with subsection 134(l) of current law and states that a metropolitan planning area classified as nonattainment for ozone and carbon monoxide under the Clean Air Act

may not receive funds for any highway project that will result in a significant increase in single-occupant vehicles. The only exception would be if the project were addressed through a congestion management process.

Subsection (l) is consistent with subsection 134(m) of current law. This section states that MPOs do not have the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23, United States Code or chapter 53 of title 49, United States Code.

Subsection (m) is consistent with section 134(n) of title 23, United States Code and specifies that funding for the metropolitan transportation planning shall be provided under section 104(f) of title 23 and under section 5338(c) of title 49, United States Code.

Subsection 134(n) is consistent with existing law subsection 5213(n) and section 134(o) of title 23. It restates current methods of review for projects included in plans and programs under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Sec. 5214. Statewide transportation planning

Subsection (a) requires states to develop statewide transportation plans, to cover a period of 4 years and to be updated every 4 years. The statewide transportation plan must provide for integrated transportation facilities, including accessible facilities, and be intermodal in nature.

Subsection (b) is consistent with subsection 135(b) of title 23, USC, but adds new language to recognize the importance of coordinating trade and economic development with transportation planning. This subsection also requires the State to develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

Subsection (d) regarding the scope of the planning process (under existing section 135(c)) is amended to reflect the concept that not only projects, but also transportation services, are developed through the planning process. In section 5214(d)(1)(A), the term "non-metropolitan areas" is inserted into this factor after "States," to require States to consider economic vitality for rural areas.

Subsection (e) corresponds to 135(d) in title 23, and lays out additional requirements for states to consider in carrying out planning.

Subsection (f) is consistent with current law provisions regarding a state's development of 20-year, long-range transportation plans under section 135(e) of title 23, USC.

Subsection (g), regarding statewide transportation improvement programs, is consistent with subsection 135(f) of title 23, United States Code. This subsection has been reorganized and it deletes some current law provisions that have been superseded. Section 135(f)(1)(B)(ii)(II) required that States submit to the Secretary, within one year of TEA–21's passage, the details of their consultation process with non-metropolitan officials. This requirement has been accomplished, so the provision has been eliminated. Subsection 5214(g)(4)(H) is a new provision to ensure that the transportation improvement program reflect the priorities for congestion relief required under section 139 of title 23, USC, as added in this Act. Subsection 5214(g)(5) combines 135(f)(3)(A) and (B) of current law. This subsection, concerning project selection in areas with pop-

ulations of less than 50,000 people, adds projects from state-managed public transportation programs authorized under sections 5310, 5311, 5316, and 5317 of title 49, United States Code to the list of projects to be selected from the TIP by the State in consultation with affected local metropolitan transportation officials. Subsection 5214(g)(6) states that the Secretary must approve a transportation improvement program at least every 4 years, as opposed to a biennial review mandated in current law.

In subsection (h), funding for statewide transportation planning is provided under subsection 104(i) of title 23 and under section 5338(c) of title 49, United States Code.

Subsections (i) and (j) are identical to existing law subsections 135(h) and 135(i), respectively.

Sec. 6002. Efficient environmental reviews for project decisionmaking

Subsection (a) recognizes Enlibra principles as a sound basis for interaction among Federal, state, and local governments and Indian tribes. It encourages the adoption of these principles in the development of highway construction and transit projects. This section is intended as a statement of policy. It is not intended to establish enforceable rights or to modify any existing legal standards applicable to the environmental review process for such projects.

Subsection (b) creates a new Subchapter C of Chapter 52 of Title 49 to address efficient environmental reviews for project decisionmaking.

SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

Sec. 5251. Definitions and applicability

This section sets forth definitions applicable to this subchapter.

Sec. 5252. Project development procedures

This section establishes comprehensive project development procedures for projects that require the approval of the U.S. Department of Transportation. These procedures must be followed for all projects that require preparation of an environmental impact statement (EIS) under NEPA and may be followed for any project that involves preparation of an environmental assessment (EA) or categorical exclusion (CE). The decision about whether to use these procedures for EA or CE projects is committed to the discretion of the Secretary of Transportation, acting in consultation with the project sponsor.

Subsection (a) establishes the U.S. Department of Transportation as the lead agency in the environmental review process for any highway, transit, or multimodal project that requires the Department's approval. As the lead agency, the Department is responsible for the overall direction of the environmental review process. The specific responsibilities of the lead agency are defined in this section. This section also requires any project sponsor that is a state or local government entity receiving funds under Title 23 or Title 52 to serve as a "joint lead agency" in the environmental review process. The Federal lead agency and the State or local agency jointly constitute the "lead agency" for purposes of this section; ac-

cordingly, any decisions to be made by the lead agency under this section must be made jointly by the Federal lead agency and the State or local government that serves as project sponsor. A project sponsor that is not a State or local government (e.g., a project sponsor that is a private company) cannot serve as a joint lead agency.

Subsection (b) establishes a new concept of a "participating agency." This concept is intended to be distinct from, and more inclusive than, the concept of a "cooperating agency" as established in the Council on Environmental Quality (CEQ) regulations for the NEPA process. The status of "cooperating agency" generally has been assigned only to those agencies that are expected to play an extensive role—in particular, an agency that has a permitting responsibility with respect to a project. The term "participating agency" is intended to be more inclusive, so that it encompasses all cooperating agencies as well as any other agencies that submit comments, participate in inter-agency review meetings, or otherwise are engaged in the environmental review process. The lead agency must identify agencies that may have an interest in the project and extend an invitation to participate. The legislation specifically states that designation as a participating agency does not signify support for a project; it is simply a means of identifying the universe of agency participants who must be consulted by the lead agency during the process.

Subsection (c) establishes a new requirement for a project initiation notice. The purpose of this requirement is to provide an opportunity for the project sponsor to identify the specific highway project, transit project, or multimodal project that is being proposed for evaluation in the environmental review process. At the discretion of the project sponsor, the project initiation notice may include a general description of policies, plans, studies, legislation, or other materials that relate to the proposed project. Such information shall be considered by the lead agency in determining the scope of review needed in the environmental review process, including decisions on issues such as the definition of the proposed action, the purpose and need, the range of alternatives, and the approach to evaluating secondary and cumulative impacts.

Subsection (d) makes the lead agency responsible for defining the purpose and need, following an opportunity for involvement by other agencies and the public, and identifies the types of objectives that may be included in a statement of purpose and need. The level of involvement required under this section shall be determined by the lead agency on a case by case basis, taking into account the overall size and complexity of the project. The opportunity for involvement in developing the purpose and need may be combined with other public involvement and agency coordination activities, including involvement in developing the range of alternatives to be considered. The lead agency's definition of purpose and need is not binding on other agencies that have independent responsibilities to comply with NEPA. However, other agencies shall show substantial deference to the purpose and need as defined by the lead agency as required under applicable Council on Environmental Quality (CEQ) guidance, dated May 12, 2003; nothing in this section shall be construed to limit or override the guidance provided in that memorandum, or to preempt or limit any obligations to comply with the National Environmental Policy Act (NEPA) and the regu-

lations issued to implement NEPA including those issued by CEQ. The list of project objectives provided in this section is not intended to be exhaustive; these are examples of the types of objectives that may be included in a purpose and need statement for a highway, transit, or multimodal project.

Subsection (e) makes the lead agency responsible for defining the range of alternatives to be considered, following an opportunity for involvement by other agencies and the public. The level of involvement required under this section shall be determined by the lead agency on a case by case basis, taking into account the overall size and complexity of the project. The opportunity for involvement in determining the range of alternatives may be combined with other public involvement and agency coordination activities, including involvement in developing the purpose and need. This section also establishes that the lead agency is responsible for determining the methodologies to be used in evaluating alternatives, and requires that determination to be made in collaboration with the participating agencies. In this context, collaboration means a cooperative and interactive process. It is not necessary for the lead agency to reach consensus with the participating agencies on these issues; the lead agency must work cooperatively with the participating agencies and consider their views, but the lead agency remains responsible for decisionmaking. However, the intent is to require meaningful deliberation about alternatives, as evidenced by the subsection specifying that, should the lead agency develop a preferred alternative, this must not hinder impartial decision making on other alternatives.

Subsection (f) is intended to establish default comment deadlines that apply in the absence of a specific decision by the lead agency to allow a longer period for comments to be submitted. This section establishes 60 days as the norm for comments on a Draft EIS and 30 days for all other comment/review periods. Lead agencies should provide public notice about when a comment period starts and concludes. The legislation allows the lead agency the flexibility to establish a shorter or longer time frame if there is good cause to do so. In addition, this section allows the lead agency to extend the comment deadline at any time in the environmental review process; while it is preferable to establish a realistic schedule as early as possible, this section does not establish a specific point in the process by which time extensions must be granted.

Subsection (g) establishes a process for identifying and resolving issues that have the potential to delay the environmental review process or prevent an agency from granting a permit or other approval that is needed for a project. The participants in the environmental review process are encouraged to use similar procedures, to the extent practicable, to identify and resolve issues prior to initiation of the environmental review process. Nothing in this section is intended to preclude or limit any ongoing or future efforts by individual States to adopt procedures that call for agency coordination and dispute resolution efforts during the pre-NEPA planning stages of a project.

Subsection (i) is intended to allow federal highway and transit funds to be provided to other State and Federal agencies to support activities that directly and meaningfully contribute to expediting and improving transportation project delivery. These funds may be

used to support activities related to the review of a specific project during the environmental review process, such as reviewing and commenting on environmental documents or attending meetings. These funds also may be used to support activities that contribute to more efficient environmental reviews through early coordination activities prior to initiation of the environmental review (NEPA) process, and also may be used to support activities that contribute to improvements at a programmatic level, such as training of agency personnel, information gathering and mapping, and development of programmatic agreements.

Sec. 6003. Policy on historic sites

This section amends section 303 of title 49 and section 138 of title 23 to provide that requirements under such section(s) are deemed to be satisfied if an agreement under section 106 of the National Historic Preservation Act concludes that a transportation program or project will not have an adverse effect on an historic site, unless the Advisory Council on Historic Preservation determines that using the section 106 consultation procedure to satisfy the requirements of such sections is inconsistent with the objectives of such Act. This section applies only to historic sites. In any case in which an historic site subject to section 106 includes, or is a part of a park, recreation area, or wildlife and waterfowl refuge protected under the sections cited above, this provision shall not apply to such parks, recreation areas or refuges.

Sec. 6004. Exemption of interstate system

This section provides that the Interstate System itself shall not be considered a historic site for purposes of 23 U.S.C. § 138 or 49 U.S.C. § 303(c)—the laws commonly known as "Section 4(f)." This section allows individual elements of the Interstate System to be considered historic sites for purposes of Section 4(f), if those elements possess an independent feature of historic significance.

Sec. 6005. Interstate compacts

This section amends section 5213(d) of title 49, U.S.C., to direct that Congress must consent to interstate compacts between two or more states for cooperative transportation planning efforts. The Secretary will encourage Governors and members of multi-state MPOs to partake in interstate compacts consenting to cooperate in efforts to mutually assist interstate activities as well as establishing joint transportation agencies. The current law provisions regarding the Lake Tahoe Regional Planning Compact are included in this section.

Sec. 6006. Development of transportation plan

This section amends section 5213(g) of title 49, U.S.C. to specify that MPOs must prepare and update their transportation plans no less frequently than every 4 years. (The current law update cycle is "according to a schedule that the Secretary determines to be appropriate," which has been determined by regulation to be every 3 years in nonattainment or maintenance areas and every 5 years in attainment areas.)

Sec. 6007. Interstate agreements

This section amends section 5214(c) of title 49, U.S.C. to authorize States to enter into compacts or agreements for the purpose of formal planning cooperation and coordination, since some projects are multi-state in nature.

Sec. 6008. Regulations relating to transportation planning

This section directs the Secretary to issue regulations that are consistent with the unified transportation planning provisions in this title relating to the Clean Air Act.

Sec. 6009. Special rules relating to project development procedures

This section amends section 5252 of title 49, United States Code, by adding new subsections (j) and (k).

Subsection 5252(j) provides that, except as set forth under subsection 5252(k), nothing in section 5252 shall affect the reviewability of any final Federal agency action in a court of the United States. A savings clause provides that nothing in section 5252 shall be construed as superseding, amending, or modifying NEPA or any other Federal environmental statute.

Subsection 5252(k) establishes a 90-day period for filing any lawsuit challenging a permit, license, or approval issued by a federal agency for a highway or transit project. This period starts when the lead agency gives public notice that a final decision has been issued and that a 90-day period for requesting judicial review has begun. This limitation is intended to apply to any permit, license, or approval issued by a state agency acting under authority delegated by a federal agency pursuant to federal law. The purpose of this limitation is to ensure that any claims challenging a highway project for failure to comply with federal law are filed within 90 days after the final agency action that is the subject of the legal challenge.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

Sec. 7001. Amendment of Title 49, United States Code

This section establishes that any reference to a section or other provision shall be considered a section or provision of title 49, United States Code, unless otherwise specified.

Sec. 7002. Findings and purpose

This section establishes the Congressional findings of the hazardous materials title, and updates and clarifies the purpose of chapter 51.

Sec. 7003. Definitions

This section modifies the definition of "commerce" to include transportation on a U.S.-registered aircraft anywhere in the world. This section also defines the term "Secretary" as the Secretary of Transportation, except where otherwise indicated.

Sec. 7004. General regulatory authority

This section updates the terminology used to describe the materials the Secretary should designate as hazardous, as well as the terminology describing the transportation, and transportation-re-

lated, activities regulated by the DOT. This section amends current law to ensure that persons who design and inspect packages (or components of packages) are subject to the hazardous materials regulations. This section also clarifies that the hazardous materials regulations apply to persons who prepare or accept hazardous materials for transportation in commerce.

Sec. 7005. Chemical or biological materials

This section requires the Secretary of Transportation to develop uniform standards governing the collection of information and transmission of the information for completing background checks on individuals transporting hazardous materials, and notification to those individuals of the results of the background checks. It also requires that drivers from Canada and Mexico who are transporting hazardous materials in the U.S. undergo similar background checks as those conducted on U.S. drivers who transport hazardous materials. It is the Committee's intent that these responsibilities be carried out by the Secretary of Transportation or his designee within the Department of Transportation. The Committee does not intend this section to redesignate responsibilities for security risk determinations currently being undertaken by the Department of Homeland Security. The Committee intends that this section adds to the current responsibilities of the Department of Transportation under 49 USC 5103a.

Sec. 7006. Representation and tampering

This section updates the language in current law without changing the scope of the law.

Sec. 7007. Technical amendments

This section provides technical amendments to update the terminology in current law.

Sec. 7008. Training of certain employees

This section amends section 5107(f) of current law (redesignated in the bill as section 5107(g)) by deleting the reference to section 5108(a)–(g)(1) and (h), and section 5109, but retains the provision in current law that states that an action of the Secretary under subsections (a)–(d) of this section and section 5106 of this title is not an exercise of statutory authority, under section 4(b)(1) of the Occupational Safety and Health Act of 1970, to prescribe or enforce standards or regulations affecting occupational safety or health.

This section also codifies the existing practice of providing hazardous materials training to maintenance-of-way employees and railroad signalmen.

Sec. 7009. Registration

This section amends the current law to include those persons who design and inspect hazardous materials packages, or package components, as persons required to register with the Secretary. This change is consistent with the updated language in Section 7004 concerning persons who are subject to the hazardous materials regulations.

Section 5108(g) is amended to require the Secretary to establish and collect a registration fee sufficient to cover the costs of proc-

essing the registration and that the Secretary must collect a fee at least large enough to cover processing costs from all entities otherwise exempted from paying the registration fee. This section reduces the maximum fee the Secretary may assess from $5,000 to $3,000.

This section also requires the Administrator of RSPA to transmit the annual registration information required in section 5108 for motor carriers to FMCSA. The Committee intends to ensure that FMCSA has the most up-to-date information on motor carriers that transport hazardous materials and expects the transmittal of information to be done as expeditiously as possible.

Sec. 7010. Providing shipping papers

This section requires that each person who prepares a shipping paper must make the disclosures that the Secretary prescribes by regulation.

This section amends section 5110 to extend the time period shippers and carriers are required to retain shipping papers. Under current law, shippers and carriers are required to retain the shipping papers for one year after the hazardous material is no longer in transportation. This section requires shippers and carriers to retain shipping paper for two years after the shipping paper is prepared.

Sec. 7011. Rail tank cars

This section repeals section 5111, which permits a rail car built before January 1, 1971, to be used for hazardous materials transportation only if the air brake equipment support attachments of the car comply with the standard for attachments contained in 49 CFR 179.100–16 and 179.200–19.

Sec. 7012. Unsatisfactory safety ratings

This section amends section 5113 to provide that a motor carrier owner or operator transporting hazardous materials in commerce who, upon review of an unfavorable fitness determination, is determined by the Secretary to be "unfit" is subject to the civil penalties in section 5123 and the criminal penalties set forth in section 5124.

Sec. 7013. Training curriculum for the public sector

This section updates the training curriculum to include appropriate emergency response training and planning programs developed with all Federal assistance, not just those under Federal grant programs.

This section also makes the Secretary responsible for distribution and publication of the training curriculum.

Sec. 7014. Planning and training grants, monitoring, and review

This section amends section 5116(b)(4) to require the Secretary to consider the report established in section 7022 of this bill when determining a State or Indian tribes' emergency response funding needs.

This section also establishes the Secretary of Transportation as the lead for monitoring public sector emergency response planning and training. It also establishes a new account within the Treasury specifically for hazardous materials emergency preparedness.

This section also allows the Secretary to use funds collected from the annual registration fees to publish and distribute the Emergency Response Guidebook.

Sec. 7015. Special permits and exclusions

This section would clarify that the Secretary may issue a special permit to any person who performs a function regulated under section 5103(b)(1).

This section would increase the maximum renewal period of special permits from two years to four years, except that special permits issued related to highway routing of hazardous materials are only renewable for a two-year period.

Sec. 7016. Uniform forms and procedures

This section requires the Secretary to establish a working group to develop uniform forms and procedures for States to register and issue permits to persons who transport, or cause to be transported, hazardous materials in the State. The working group is required to develop a report of its recommendations for the Secretary to consider when issuing regulations to carry out a uniform State registration system. The working group is prohibited from proposing to limit any fee that a State may impose or collect.

Sec. 7017. International uniformity of standards and requirements

This section amends current law to reflect that the Secretary may have additional international requirements, in addition to current international standards, that need to be met.

Sec. 7018. Administrative

This section amends section 5121 to provide for enhanced authority to discover hidden shipments of hazardous materials and to clarify and enhance the inspection and enforcement authority of DOT officials and inspection personnel, thereby enabling them to more effectively identify hazardous materials shipments and to determine whether those shipments are made in accordance with the hazardous materials regulations. This proposal would expand DOT inspection authority to authorize a designated DOT officer or employee to: access, open, and examine a package (except for the packaging immediately adjacent to the hazardous materials contents) offered for or in transportation when the officer or employee has an objectively reasonable and articulable belief that the package may contain a hazardous material; remove from transportation a package or related packages in a shipment when the officer or employee has an objectively reasonable and articulable belief that the package or packages may pose an imminent hazard and contemporaneously documents that belief; gather information from the shipper, packaging manufacturer or retester, or others responsible for the package to determine the nature and hazards of the contents of the package; as necessary, order the shipper, packaging manufacturer or retester, or others responsible for the package to have the package transported to, opened, and the contents analyzed at an appropriate facility; and authorize properly qualified personnel to assist in the package opening and examination when safety might otherwise be compromised.

This section also amends current law to require the Secretary to develop procedures to assist in the safe resumption of transportation of the package and transport unit when an inspection or investigation does not result in discovery of an imminent hazard. This section directs the Secretary to develop expedited procedures for hazardous materials that are perishable.

The Committee believes strongly that DOT officials, law enforcement and inspection personnel must have the tools necessary to accurately determine whether hazardous materials are being transported safely and in accordance with the relevant law and regulations. To that end, the Committee supports the use of new technologies, such as the Hazmat Trucking Enforcer, that enable inspectors to conduct hazardous materials inspections in a more effective manner and to respond swiftly to any incident involving hazardous materials. The Committee notes that States must be in substantial compliance with a number of requirements under 49 U.S.C. 31102 as a condition of receiving MCSAP funding, including requirements to deploy technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs under 49 U.S.C 31102(b)(1)(A), as amended.

This section would also repeal a requirement that the Secretary maintain 30 hazardous materials safety inspectors more than the number authorized at the end of fiscal year 1990. PHMSA currently maintains inspectors in excess of this requirement.

Sec. 7019. Enforcement

This section amends section 5122 to clarify the types of judicial relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties, available to be granted in an action brought by the Attorney General. Subsection (b) is amended for clarity by changing the word "ameliorate" to "mitigate."

Sec. 7020. Civil penalty

This section amends section 5123 to increase the maximum civil penalty from $27,500 to $50,000 for each violation of a law or regulation under Chapter 51. In those cases resulting in death, serious illness, severe injury to any person, or substantial destruction of property, the Secretary would be able to increase the maximum penalty to $100,000.

Sec. 7021. Criminal penalty

Section 5124 would be revised to include a new "reckless" standard and to define the "knowing," "reckless," and "willful" mental-state standards necessary to establish a criminal violation. Section 5124(a) would be amended to provide that a person who knowingly, willfully, or recklessly violates chapter 51 or a regulation, order, special permit, or approval issued under that chapter, is subject to a fine imposed under title 18 and/or imprisonment of not more than 5 years. In cases where a violation involves the release of a hazardous material that results in death or bodily injury to any person, the maximum term of imprisonment is 10 years.

Section 5124(c) defines a "willful" violation as when the person has knowledge of the facts giving rise to the violation and the person has knowledge that the conduct was unlawful.

Section 5124(d) defines a "reckless" violation as when a person displays a deliberate indifference or conscious disregard for the consequences of his or her conduct.

Sec. 7022. Preemption

This section adds language to ensure that when the preemption test required by this section is conducted, each requirement is independent in their application to the State or Indian tribe.

Sec. 7023. Relationship to other laws

This section updates the language in the current law without changing the scope.

Sec. 7024. Judicial review

This section adds a new section 5127 providing for judicial review of final actions taken by the Secretary under chapter 51. This provision establishes the appropriate judicial forum for review of final agency actions in the areas of compliance, enforcement, civil penalties, rulemaking, and preemption.

Under this proposal, the U.S. Court of Appeals for the District of Columbia or the U.S. Court of Appeals for the U.S. circuit in which a person seeking review resides or has his or her principal place of business would review the final action. The petition for review must be filed within 60 days after issuance of the order. The section describes judicial procedures, the authority of the court, and a requirement for prior objection.

Sec. 7025. Authorization of appropriations

This section provides funding for the DOT to implement the programs and grants established and required in chapter 51 for fiscal years 2005 through 2007.

Sec. 7026. Determining amount of undeclared shipments of hazardous materials entering the United States

This section requires the GAO to conduct a study to propose methods to determine the amount of undeclared shipments of hazardous materials entering the United States.

Sec. 7027. Conforming amendments

This section provides conforming amendments necessary for the changes made in Title VII.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

Sec. 8001. Policy

This section retains the principles of guaranteed funding levels and budgetary firewalls for the federal-aid highways program, Federal Motor Carrier Safety Administration, the trust fund portion of the National Highway Traffic Safety Administration, and the general fund and trust fund portion of the Federal Transit Administration.

The Committee ordered the bill reported with the expectation that additional language would be proposed jointly by the Com-

mittee on Transportation and Infrastructure and the Committee on the Budget to address these issues.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 3 was introduced by Chairman Don Young, Ranking Minority Member James Oberstar, Subcommittee Chairman Tom Petri, and Subcommittee Ranking Minority Member Peter DeFazio and 71 cosponsors on February 9, 2005 and referred to the Committee on Transportation and Infrastructure. The Committee on Transportation and Infrastructure met on March 2, 2005 and adopted by voice vote, a manager's amendment offered by Committee Chairman Don Young. The Committee also approved an amendment offered by Mr. Bachus, by voice vote, in addition to an amendment offered by Chairman Young, which passed by unanimous consent. Subsequently, the Committee ordered the bill as amended reported to the House by voice vote.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report. Such a cost estimate will be included in a supplemental report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office that will be included in a supplemental report.
2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to provide for a safe, efficient, and improved surface transportation system.
3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee references the cost estimate for H.R. 3 from the Director of the Congressional Budget Office that will be included in a supplemental report.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee will provide the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act in a supplemental report. (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3 does not preempt any state, local, or tribal law.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

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HIGHWAYS

Chap. Sec.
1. Federal-Aid Highways 101
* * * * * * *
[5. Research and Technology ..... 501]
5. Research, Technology, and Education 501
6. Infrastructure Finance 601

CHAPTER 1—FEDERAL-AID HIGHWAYS

[SUBCHAPTER I—GENERAL PROVISIONS]

Sec.
101. Definitions and declaration of policy
* * * * * * *
139. Motor vehicle congestion relief.
* * * * * * *

150. Deployment of intelligent transportation systems.

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165. Construction of ferry boats and ferry terminal facilities.
166. Transportation systems management and operations.
167. State assumption of responsibilities for certain programs and projects.
168. HOV facilities.

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[SUBCHAPTER II—INFRASTRUCTURE FINANCE

[181. Definitions.
[182. Determination of eligibility and project selection.
[183. Secured loans.
[184. Lines of credit.
[185. Project servicing.
[186. State and local permits.
[187. Regulations.
[188. Funding.
[189. Report to Congress.]

[SUBCHAPTER I—GENERAL PROVISIONS]

§ 101. Definitions and declaration of policy

(a) DEFINITIONS.—In this title, the following definitions apply:

(1) * * *

* * * * * * *

(3) CONSTRUCTION.—The term "construction" means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

(A) * * *

* * * * * * *

(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; [and]

(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses[.]*; and*

(I) surface transportation workforce development, training, and education.

* * * * * * *

(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term "operating costs for traffic monitoring, management, and control" includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with *transportation systems management and operations and* the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

(18) OPERATIONAL IMPROVEMENT.—The term "operational improvement"—

(A) means (i) a capital improvement for *transportation systems management and operations, including* installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, *equipment and programs for transportation response to natural disasters,* and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

* * * * * * *

(30) SAFETY IMPROVEMENT PROJECT.—The term "safety improvement project" means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, *installs fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones,* or installs traffic control or warning devices at locations with high accident potential.

* * * * * * *

[(2)**]** *(38)* MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public *streets, roads, and* highways, but does not include a vehicle operated exclusively on a rail or rails.

(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—The term "transportation systems management and operations" means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

(B) INCLUDED ACTIVITIES AND IMPROVEMENTS.—The term includes regional operations collaboration and coordination activities between transportation and public safety agencies and improvements such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic operations measures to improve capacity, traffic signal coordination, optimization of traffic signal timing, traffic incident management, communications equipment related to traffic incident management (including integrated, interoperable, emergency communications equipment), roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.

(40) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term "advanced truck stop electrification system" means a stationary system that delivers heat, air conditioning, electricity,

and communications, and is capable of providing verifiable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including The Dwight D. Eisenhower System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

* * * * * * *

[It is further declared that since the Interstate System is now in the final phase of completion it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum extent.]

It is further declared that it is in the national interest to preserve and enhance the Dwight D. Eisenhower National System of Interstate and Defense Highways to meet the Nation's needs for the 21st century. The current urban and long distance personal travel and freight movement demands have surpassed the vision of the original Interstate System and travel demand patterns are expected to change. Continued planning for and investment in the Interstate System is critical to assure it adequately meets the changing travel demands of the future. Among the foremost needs that the Interstate System must provide are safe, efficient, and reliable (1) national and interregional personal mobility, (2) flow of interstate commerce, and (3) travel movements essential for national security. To the maximum extent, actions under this title should address congestion, safety, and freight transportation to provide for a strong and vigorous national economy. The Interstate System is hereby declared to be the Nation's premiere highway system, essential for the Nation's economic vitality, national security, and general welfare. The Secretary of Transportation is directed to take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st century in accordance with this title.

* * * * * * *

§ 102. Program efficiencies

[(a) HOV PASSENGER REQUIREMENTS.—

[(1) IN GENERAL.—A State transportation department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupant vehicles.

[(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified

as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312–93(c) of such title. Such permission may be revoked by the State should the State determine it necessary.]

[(b)] *(a)* ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.

[(c)] *(b)* ENGINEERING COST REIMBURSEMENT.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within [10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after] *10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after* the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.

§ 103. Federal-aid systems

(a) * * *

(b) NATIONAL HIGHWAY SYSTEM.—

(1) * * *

* * * * * * *

(6) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

(A) * * *

* * * * * * *

(Q) Capital, operating, and systems maintenance costs for transportation systems management and operations.

(c) INTERSTATE SYSTEM.—

(1) * * *

* * * * * * *

(5) EXEMPTION OF INTERSTATE SYSTEM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), a portion of the Interstate System that possesses an independent feature of historic significance (such as a historic bridge or a highly significant engineering feature) that is listed on, or eligible for listing on, the National Register of

Historic Places, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f).

(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

(A) * * *

(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall not be eligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) [or 118(c)].

* * * * * * *

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

[(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under section 14501 of title 40, the Secretary shall deduct a sum, in an amount not to exceed—

[(A) 1 1/6 percent of all sums so made available, as the Secretary determines necessary—

[(i) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

[(ii) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

[(B) one-third of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.

[(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.]

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for purposes described in paragraph (2) $390,000,000 for fiscal year 2004, $395,000,000 for fiscal year 2005, $395,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $395,000,000 for fiscal year 2008, and $400,000,000 for fiscal year 2009.

(2) USE OF FUNDS.—The amounts authorized to be appropriated by paragraph (1) are authorized for the following purposes:

(A) To administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

(B) To make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

(3) AVAILABILITY.—The [sum deducted under] *amounts authorized to be appropriated by* paragraph (1) shall remain available until expended.

(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any [sums deducted under] *amounts authorized to be appropriated by* paragraph (1) to a Federal agency or entity other than the Federal Highway Administration [and the Federal Motor Carrier Safety Administration].

(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making [the deduction authorized by subsection (a) and] the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, and the Surface Transportation program for that fiscal year, among the several States in the following manner:

(1) NATIONAL HIGHWAY SYSTEM COMPONENT.—

(A) IN GENERAL.—For the National Highway System (excluding funds apportioned under paragraph (4)), [$36,400,000 for each fiscal year] *$40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009* to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, [$18,800,000 for each of fiscal years 1998 through 2002] *$20,000,000 for fiscal year 2004 and $30,000,000 for each of fiscal years 2005 through 2009* for the Alaska Highway, and the remainder apportioned as follows:

(i) * * *

* * * * * * *

(d) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—

(1) OPERATION LIFESAVER.—Before making an apportionment under [subsection (b)(3) of this section] *section 130(f)* for a fiscal year, the Secretary shall set aside [$500,000] *$600,000* for such fiscal year for carrying out a public information and education program to help prevent and reduce motor vehicle acci-

dents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside [$5,250,000] *$7,500,000 for each of fiscal years 2004 and 2005, $10,000,000 for each of fiscal years 2006 and 2007, and $15,000,000 for each of fiscal years 2008 and 2009* of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

* * * * * * *

(E) CERTAIN IMPROVEMENTS.—[Not less than $250,000 of such set-aside] *Of such set-aside, not less than $875,000 for each of fiscal years 2004 and 2005, $1,500,000 for each of fiscal years 2006 and 2007, and $2,750,000 for each of fiscal years 2008 and 2009* shall be available [per fiscal year] for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

* * * * * * *

(f) METROPOLITAN PLANNING.—

(1) SET-ASIDE.—On October 1 of each fiscal year, the Secretary[, after making the deduction authorized by subsection (a) of this section,] shall set aside not to exceed 1 percent of the [remaining] funds authorized to be appropriated for expenditure upon programs authorized under this title, for the purpose of carrying out the requirements of section 134 of this title.

* * * * * * *

(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable requirements of Federal law. *Such distribution of funds to metropolitan planning organizations shall be made within 30 days of the date of receipt of such funds from the Secretary.*

* * * * * * *

(h) RECREATIONAL TRAILS PROGRAM.—

(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 1 1/2 percent of the sums authorized, to cover the cost to the Secretary for administration of and [research and technical assistance under the recreational trails program and for administration of the

National Recreational Trails Advisory Committee] *research, technical assistance, and training under the recreational trails program*. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

* * * * * * *

(i) AUDITS OF HIGHWAY TRUST FUND.—From administrative funds [deducted] *authorized to be appropriated* under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

(j) REPORT TO CONGRESS.—The Secretary shall [submit to Congress a report] *transmit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet,* for each fiscal year on—

(1) * * *

* * * * * * *

§ 106. Project approval and oversight

(a) * * *

* * * * * * *

[(h) FINANCIAL PLAN.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.]

(h) OVERSIGHT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title. At a minimum, the program shall be responsive to all areas related to financial integrity and project delivery.

(2) FINANCIAL INTEGRITY.—

(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).

(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States' practices for estimating project costs, awarding contracts, and reducing project costs.

(C) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have sufficient accounting controls to properly manage such Federal funds. The Secretary shall periodically review the States' monitoring of subrecipients.

(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of a State's project delivery sys-

tem, which includes one or more activities that are involved in the life cycle of a project from its conception to its completion.

(4) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have adequate project delivery systems for projects approved under this section. The Secretary shall periodically review the States' monitoring of subrecipients.

(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law. In addition, the Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

(i) MAJOR PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $500,000,000 or more, or any other project in the discretion of the Secretary, shall submit to the Secretary a project management plan and an annual financial plan.

(2) PROJECT MANAGEMENT PLAN.—The project management plan shall document the procedures and processes in place to provide timely information to the project decision makers to manage effectively the scope, costs, schedules, and quality, and the Federal requirements of the project and the role of the agency leadership and management team in the delivery of the project.

(3) FINANCIAL PLAN.—The financial plan shall be based on detailed estimates of the cost to complete the project. Annual updates shall be submitted based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

(j) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the Secretary's request.

(k) USE OF EXCESS FUNDS.—

(1) AUDITS.—A State may audit projects funded with amounts apportioned under sections 104 and 144 to determine whether any amounts obligated for a project are excess funds.

(2) PLANS FOR USE OF EXCESS FUNDS.—If a State determines, after conducting an audit under paragraph (1), that funds obligated for a project are excess funds, the State may develop a plan for obligating the funds for the design and construction of—

(A) with respect to excess funds derived from the surface transportation program under section 133(d)(1), 133(d) (2), or 133(d)(3), the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, or the recreational trails program under section 206, one or

more projects that are eligible for funding under that program; and

(B) with respect to excess funds derived from any other program under this title, one or more projects that are eligible for funding those programs or the surface transportation program under section 133.

(3) CERTIFICATION TO THE SECRETARY.—A State that has developed a plan under paragraph (2) shall transmit to the Secretary a certification that the State has conducted an audit under paragraph (1) and developed the plan in accordance with paragraph (2).

(4) IMPLEMENTATION OF PLANS.—After transmitting a certification to the Secretary with respect to a plan under paragraph (3), the State may carry out the plan.

(5) APPLICABILITY OF REQUIREMENTS.—

(A) IN GENERAL.—Except as provided by subparagraph (B), excess funds used to carry out a project under this section shall be subject to the requirements of this title that are applicable to the program under which the project is carried out.

(B) STP ALLOCATIONS.—Section 133(d) shall not apply to excess funds used to carry out a project under this section, unless such funds are derived from amounts apportioned under 104(b)(3).

(6) EXCESS FUNDS DEFINED.—In this subsection, the term "excess funds" means funds obligated for a project that remain available for the project after the project has been completed or canceled.

* * * * * * *

§ 109. Standards

(a) * * *

* * * * * * *

[(e) No funds]

(e) INSTALLATION OF SAFETY DEVICES.—

(1) HIGHWAY AND RAILROAD GRADE CROSSINGS AND DRAWBRIDGES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures are to be made. In-

stallation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.

* * * * * * *

§ 110. Revenue aligned budget authority

(a) IN GENERAL.—

(1) ALLOCATION.—On October 15 of fiscal year **[**2000**]** *2006* and each fiscal year thereafter, the Secretary shall allocate for such fiscal year *and the succeeding fiscal year* an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) [1] for fiscal year **[**2000**]** *2006* or any fiscal year thereafter is less than zero, the Secretary on **[**October 1 of the succeeding**]** *October 15 of such* fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) *for such fiscal year and the succeeding fiscal year* to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) and the motor carrier safety grant program by an aggregate amount equal to the amount determined pursuant to such section.

(b) GENERAL DISTRIBUTION.—The Secretary shall—

(1) determine the ratio that—

(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the **[**for**]** Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) and the motor carrier safety grant program for which funds are allocated from such Trust Fund by the Secretary under this title, the **[**Transportation Equity Act for the 21st Century**]** *Transportation Equity Act: A Legacy for Users*, and subchapter I of chapter 311 of title 49 for a fiscal year, bears to

* * * * * * *

§ 112. Letting of contracts

(a) * * *

(b) BIDDING REQUIREMENTS.—

(1) * * *

* * * * * * *

(3) DESIGN-BUILD CONTRACTING.—

(A) * * *

* * * * * * *

[(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which—

[(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations issued by the Secretary; and

[(ii) the total costs are estimated to exceed—

[(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

[(II) in the case of any other project, $50,000,000.]

(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which the Secretary has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.

(D) EXPERIMENTAL PROCUREMENT.—As part of any experimental program carried out under this section, the Secretary shall evaluate the use of procurement procedures under this paragraph where subjective evaluation criteria account for the majority of the selection determination.

(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as effecting the authority to carry out any experimental program concerning design-build contracting that is being carried out by the Secretary on the date of enactment of this subparagraph.

(F) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall transmit to Congress a report on the effectiveness of design-build contracting procedures in which the majority of the selection determinations are made based on subjective criteria in accordance with subparagraph (D).

[(D)] *(G)* DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term "design-build contract" means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.

* * * * * * *

[(f) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title, except where employees of a political subdivision of a State are working on a project outside of such political subdivision.]

[(g)] *(f)* SELECTION PROCESS.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required for a project, including environmental impact statements, as well as subsequent engineering and design work on the project if the State conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental impact statement prior to its submission to the Secretary.

(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

(B) incorporate such pay items into contract provisions to be included in each contract entered into by the State with respect to a highway project to ensure compliance with section 109(e)(2).

(3) LIMITATION.—Nothing in the regulations shall be construed to prohibit a State from implementing standards that are more stringent than those required under the regulations.

(4) POSITIVE PROTECTIVE MEASURES DEFINED.—In this subsection, the term "positive protective measures" means temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.

* * * * * * *

§ 114. Construction

(a) CONSTRUCTION WORK IN GENERAL.—The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State transportation departments or under their direct supervision. **[**Except as provided in section 117 of this title, such**]** *Such* construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State transportation department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title. After July 1, 1973, the State transportation department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation.

* * * * * * *

(c) CONSTRUCTION WORK IN ALASKA.—

(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a highway or portion of a highway located on a Federal-aid system in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.

(2) LODGING.—The lodging under paragraph (1) shall be in accordance with section 1910.142 of title 29, Code of Federal Regulations (relating to temporary labor camp requirements).

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) REMOTE.—The term "remote", as used with respect to a project, means that the project is 75 miles or more from the United States Post Office in either Fairbanks, Anchorage, Juno, or Ketchikan, Alaska, or is inaccessible by road in a 2-wheel drive vehicle.

(B) RESIDENT.—The term "resident", as used with respect to a project, means a person living within 75 miles of the midpoint of the project for at least 12 months.

* * * * * * *

§ 116. Maintenance

(a) * * *

(b) In any State wherein the State transportation department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such [highway department] *transportation department* shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

* * * * * * *

§ 117. High priority projects program

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section. Of amounts made available to carry out this section, the Secretary, subject to subsection (b), shall make available to carry out each project described in section [1602 of the Transportation Equity Act for the 21st Century] *1701 of the Transportation Equity Act: A Legacy for Users* the amount listed for such project in such section. Any amounts made available to carry out such program that are not allocated for projects described in such section shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.

(b) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available to carry out the high priority projects program under this section—

[(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

[(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

[(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

[(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

[(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

[(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.]

(1) 22.4 percent of such amount shall be available for obligation beginning in fiscal year 2005;

(2) 20.2 percent of such amount shall be available for obligation beginning in fiscal year 2006;

(3) 19.3 percent of such amount shall be available for obligation beginning in fiscal year 2007;

(4) 19.7 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

(5) 18.4 percent of such amount shall be available for obligation beginning in fiscal year 2009.

(c) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available to carry out this section shall be 80 percent of the total cost thereof[; except that the Federal share on account of the project to be carried out under item 1419 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 309), relating to reconstruction of a road and causeway in Shiloh Military Park in Hardin County, Tennessee, shall be 100 percent of the total cost thereof].

* * * * * * *

(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this section—

(1) has obligated all funds allocated under this section and section [1602 of the Transportation Equity Act for the 21st Century] *1701 of the Transportation Equity Act: A Legacy for Users* for such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section and section [1602 of the Transportation Equity Act for the 21st Century] *1701 of the Transportation Equity Act: A Legacy for Users*.

* * * * * * *

(g) AVAILABILITY OF OBLIGATION LIMITATION.—Obligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated pursuant to section 1102(g) of the [Transportation Equity Act for the 21st Century] *Transportation Equity Act: A Legacy for Users*.

* * * * * * *

§ 118. Availability of funds

(a) * * *

* * * * * * *

[(c) SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—

[(1) IN GENERAL.—Before any apportionment is made under section 104(b)(4), the Secretary shall set aside $50,000,000 in

fiscal year 1998 and $100,000,000 in each of fiscal years 1999 through 2003 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)) and any toll road on the Interstate System not subject to an agreement under section 119(e) (as in effect on December 17, 1991).

[(2) SELECTION CRITERIA.—The amounts set aside under paragraph (1) shall be made available by the Secretary to any State applying for such funds if the Secretary determines that—

[(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(4) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System that has been submitted by the State to the Secretary for approval; and

[(B) the applicant is willing and able to—

[(i) obligate the funds within 1 year of the date the funds are made available;

[(ii) apply the funds to a ready-to-commence project; and

[(iii) in the case of construction work, begin work within 90 days after obligation.

[(3) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under paragraph (1), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

[(4) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this subsection shall remain available until expended.]

[(d)] *(c)* EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.

[(e)] *(d) SPECIAL RULES.*—Funds made available to the State of Alaska and the Commonwealth of Puerto Rico under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

* * * * * * *

§ 120. Federal share payable

(a) * * *

* * * * * * *

(e) EMERGENCY RELIEF.—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a

Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on [such system] *such highway* as provided in subsections (a) and (b) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

* * * * * * *

(j) CREDIT FOR NON-FEDERAL SHARE.—

(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by section 125 *and the Appalachian development highway system program under section 14501 of title 40*) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

* * * * * * *

§ 126. Uniform transferability of Federal-aid highway funds

(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment *under* section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

(b) APPLICATION TO CERTAIN SET-ASIDES.—No funds may be transferred under this section that are subject [to the last sentence of section 133(d)(1) or] to section 104(f) or to [section 133(d)(3)] *section 133(d)(2)*. The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1) [or 133(d)(2)] for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

* * * * * * *

§ 127. Vehicle weight limitations-Interstate System

(a) IN GENERAL.—No funds shall be apportioned in any fiscal year under section 104(b)(1) of this title to any State which does not permit the use of The Dwight D. Eisenhower System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using The Dwight D. Eisenhower System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula: $W = 500 ((LN / N - 1) + 12N + 36)$ where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles (1) is thirty-six feet or more, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1989, is 30 feet or more: Provided, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1989), on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section [118(b)(1)] *118(b)(2)* of this title. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof, other than vehicles or combinations subject to subsection (d) of this section, which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway

Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection. With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection. The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Routes 89, 93, and 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.

* * * * * * *

§ 130. Railway-highway crossings

(a) * * *

* * * * * * *

(e) FUNDS FOR PROTECTIVE DEVICES.—

(1) IN GENERAL.—At least 1/2 of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title.

(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this subsection for other purposes by this section.

[(f) APPORTIONMENT.—Twenty-five percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(2) of this title, 25 percent of such funds shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(6) of this title, and 50 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.**]**

(f) APPORTIONMENT.—

(1) FORMULA.—Fifty percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A), and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives **[**not later than April 1 of each year,**]** *, not later than April 1, 2006, and every 2 years thereafter,* on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

* * * * * * *

(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).

* * * * * * *

§ 133. Surface transportation program

(a) * * *

(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(1) * * *

* * * * * * *

(6) Capital and operating costs for traffic monitoring, management, and control facilities and programs*, including advanced truck stop electrification systems*.

* * * * * * *

[(13)] *(12)* Infrastructure-based intelligent transportation systems capital improvements.

[(14)] *(13)* Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.

(14) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, including activities for traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.

* * * * * * *

(d) ALLOCATIONS OF APPORTIONED FUNDS.—

[(1) FOR SAFETY PROGRAMS.—10 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program for a fiscal year shall only be available for carrying out sections 130 and 152 of this title. Of the funds set aside under the preceding sentence, the State shall reserve in such fiscal year an amount of such funds for carrying out each such section which is not less than the amount of funds apportioned to the State in fiscal year 1991 under such section.]

[(2)] *(1)* FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—10 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall only be available for transportation enhancement activities.

[(3)] *(2)* DIVISION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION AND OTHER AREAS.—

(A) GENERAL RULE.—Except as provided in subparagraphs (C) and (D), 62.5 percent of the remaining [80 percent] *90 percent* of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall be obligated under this section—

(i) * * *

* * * * * * *

(B) SPECIAL RULE FOR AREAS OF LESS THAN 5,000 POPULATION.—Of the amounts required [tobe] *to be* obligated under subparagraph (A)(ii), the State shall obligate in areas of the State (other than urban areas with a population greater than 5,000) an amount which is not less than 110 percent of the amount of funds apportioned to the State for the Federal-aid secondary system for fiscal year 1991.

* * * * * * *

(D) NONCONTIGUOUS STATES EXEMPTION.—Subparagraph (A) shall not apply to Hawaii and Alaska.

* * * * * * *

[(4)] *(3)* APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.

[(5)] *(4)* APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

(A) * * *

* * * * * * *

(e) ADMINISTRATION.—

(1) * * *

* * * * * * *

(3) PAYMENTS.—

(A) * * *

(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

(i) IN GENERAL.—The Secretary may advance funds to the State for transportation enhancement activities funded from the allocation required by subsection [(d)(2)] *(d)(1)* for a fiscal year.

* * * * * * *

(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection [(d)(2)] *(d)(1)*.

(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection [(d)(2)] *(d)(1)*, in accordance with—

(i) * * *

* * * * * * *

(f) OBLIGATION AUTHORITY.—

(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the period of fiscal years [1998 through 2000] *2004 through 2006* and the period of fiscal years [2001 through 2003] *2007 through 2009* an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

(A) * * *

* * * * * * *

[§ 134. Metropolitan planning

[(a) GENERAL REQUIREMENTS.—

[(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

[(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

[(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

[(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

[(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

[(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

[(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

[(B) in accordance with procedures established by applicable State or local law.

[(2) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

[(A) local elected officials;

[(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

[(C) appropriate State officials.

[(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment of this section, of a public agency with multimodal transportation responsibilities to—

[(A) develop plans and programs for adoption by a metropolitan planning organization; and

[(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

[(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

[(5) REDESIGNATION.—

[(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

[(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area (i) whose population is more than 5,000,000 but less than 10,000,000, or (ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act. Such redesignation shall be accomplished using procedures established by subparagraph (A).

[(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

[(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

[(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

[(2) INCLUDED AREA.—Each metropolitan planning area—

[(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

[(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

[(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

[(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

[(A) shall be established in the manner described in subsection (b)(1);

[(B) shall encompass the areas described in paragraph (2)(A);

[(C) may encompass the areas described in paragraph (2)(B); and

[(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

[(d) COORDINATION IN MULTISTATE AREAS.—

[(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

[(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

[(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

[(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

[(3) LAKE TAHOE REGION.—

[(A) DEFINITION.—In this paragraph, the term "Lake Tahoe region" has the meaning given the term "region" in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

[(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

[(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

[(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

[(C) INTERSTATE COMPACT.—

[(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

[(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

[(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

[(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

[(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

[(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

[(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

[(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

[(A) by recipients of assistance under chapter 53 of title 49; and

[(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.

[(e) COORDINATION OF MPOS.—

[(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the

other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

[(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

[(f) SCOPE OF PLANNING PROCESS.—

[(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

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

[(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

[(C) increase the accessibility and mobility options available to people and for freight;

[(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

[(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

[(F) promote efficient system management and operation; and

[(G) emphasize the preservation of the existing transportation system.

[(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.

[(g) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—

[(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long-range transportation plan for its metropolitan area in accordance with the requirements of this subsection.

[(2) LONG-RANGE TRANSPORTATION PLAN.—A long-range transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

[(A) An identification of transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long-range transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

[(B) A financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indi-

cates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

[(C) Assess capital investment and other measures necessary to—

[(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

[(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

[(D) Indicate as appropriate proposed transportation enhancement activities.

[(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

[(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan, in a manner that the Secretary deems appropriate.

[(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

[(i) published or otherwise made readily available for public review; and

[(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

[(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project

from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).

[(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

[(1) DEVELOPMENT.—

[(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

[(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

[(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

[(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

[(2) CONTENTS.—The transportation improvement program shall include—

[(A) a priority list of proposed federally supported projects and strategies to be carried out within each 3-year period after the initial adoption of the transportation improvement program; and

[(B) a financial plan that—

[(i) demonstrates how the transportation improvement program can be implemented;

[(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

[(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

[(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

[(3) INCLUDED PROJECTS.—

[(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under this chapter and chapter 53 of title 49.

[(B) PROJECTS UNDER CHAPTER 2.—

[(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

[(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

[(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

[(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

[(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

[(5) SELECTION OF PROJECTS.—

[(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved transportation improvement program—

[(i) by—

[(I) in the case of projects under this chapter, the State; and

[(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

[(ii) in cooperation with the metropolitan planning organization.

[(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

[(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

[(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

[(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

[(7) PUBLICATION.—

[(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

[(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.

[(i) TRANSPORTATION MANAGEMENT AREAS.—

[(1) DESIGNATION.—

[(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

[(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

[(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

[(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

[(4) SELECTION OF PROJECTS.—

[(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

[(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

[(5) CERTIFICATION.—

[(A) IN GENERAL.—The Secretary shall—

[(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

[(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

[(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

[(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

[(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

[(C) EFFECT OF FAILURE TO CERTIFY.—

[(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

[(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

[(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

[(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

[(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

[(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated long-range transportation plan and transportation improvement program for the metropolitan area that the Secretary determines is appropriate to

achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

[(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

[(k) TRANSFER OF FUNDS.—Funds made available for a highway project under chapter 53 of title 49 shall be transferred to and administered by the Secretary in accordance with the requirements of this title. Funds made available for a transit project under the Federal-Aid Highway Act of 1991 shall be transferred to and administered by the Secretary in accordance with the requirements of chapter 53 of title 49. The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of chapter 53 of title 49 regarding non-Federal share shall apply to chapter 53 funds used for highway projects.

[(l) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

[(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title 49, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any highway project that will result in a significant increase in carrying capacity for single-occupant vehicles unless the project is part of an approved congestion management system.

[(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

[(m) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

[(n) FUNDING.—

[(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 of title 49 shall be available to carry out this section.

[(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.

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

[§ 135. Statewide planning

[(a) GENERAL REQUIREMENTS.—

[(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

[(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

[(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

[(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

[(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall coordinate such planning with the transportation planning activities carried out under section 134 of this title and sections 5303 through 5305 of title 49 for metropolitan areas of the State and shall carry out its responsibilities for the development of the transportation portion of the State implementation plan to the extent required by the Clean Air Act.

[(c) SCOPE OF PLANNING PROCESS.—

[(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

[(A) support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

[(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

[(C) increase the accessibility and mobility options available to people and for freight;

[(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

[(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

[(F) promote efficient system management and operation; and

[(G) emphasize the preservation of the existing transportation system.

[(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by

any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.

[(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

[(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

[(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

[(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

[(e) LONG-RANGE TRANSPORTATION PLAN.—

[(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

[(2) CONSULTATION WITH GOVERNMENTS.—

[(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

[(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

[(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

[(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

[(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

[(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

[(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included

in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

[(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).

[(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

[(1) DEVELOPMENT.—

[(A) IN GENERAL.—Each State shall develop a transportation improvement program for all areas of the State.

[(B) CONSULTATION WITH GOVERNMENTS.—

[(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

[(ii) NONMETROPOLITAN AREAS.—

[(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

[(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

[(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

[(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

[(2) INCLUDED PROJECTS.—

[(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

[(B) CHAPTER 2 PROJECTS.—

[(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

[(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be re-

gionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

[(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be—

[(i) consistent with the long-range transportation plan developed under this section for the State;

[(ii) identical to the project as described in an approved metropolitan transportation improvement program; and

[(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under such Act.

[(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

[(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

[(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

[(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

[(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

[(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title.

[(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

[(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) shall be selected, from the ap-

proved statewide transportation improvement program, by the State in cooperation with the affected local officials.

[(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System and projects carried out in such areas under the bridge program or the Interstate maintenance program shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

[(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section, section 134, and sections 5303 through 5305 of title 49, approved not less frequently than biennially by the Secretary.

[(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project in the program.

[(g) FUNDING.—Funds set aside pursuant to section 505(a) of title 23, United States Code, shall be available to carry out the requirements of this section.

[(h) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT SYSTEMS.—For purposes of this section, section 134, and sections 5303–5306 and 5323(k) of title 49, State laws, rules or regulations pertaining to congestion management systems or programs may constitute the congestion management system under this Act if the Secretary finds that the State laws, rules or regulations are consistent with, and fulfill the intent of, the purposes of this section, section 134 or sections 5303–5306 and 5323(k), as appropriate.

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

§ 134. Metropolitan planning

Metropolitan transportation planning programs funded under section 104(f) shall be carried out in accordance with the metropolitan planning provisions of chapter 52, title 49, United States Code.

§ 135. Statewide planning

Statewide transportation planning programs funded under section 104(f) shall be carried out in accordance with the statewide planning provisions of chapter 52, title 49, United States Code.

* * * * * * *

§ 138. Preservation of parklands

(a) POLICY.—It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project (other than any project for a park road or parkway under section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

(b) SPECIAL RULES FOR HISTORIC SITES.—

(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SECTION 106 CONSULTATION.—The term "section 106 consultation" means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(B) ADVERSE EFFECT.—The term "adverse effect" means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

(c) STUDIES.—In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to con-

duct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.

* * * * * * *

§ 139. Motor vehicle congestion relief

(a) IN GENERAL.—Each State that has an urbanized area with an urbanized area population of over 200,000 individuals shall obligate in each of fiscal years 2005 through 2009 a portion of the State's apportionments under section 104(b) in such fiscal year, as calculated under subsection (b), for congestion relief activities in such urbanized areas in accordance with this section.

(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(1) the total of amounts apportioned to the State under each of paragraphs (1), (2), (3), and (4) of section 104(b) in such fiscal year; by

(2) 10 percent; by

(3) the percentage of the State's population residing in urbanized areas of the State with an urbanized area population of over 200,000 individuals.

(c) ALLOCATION BETWEEN UNDER ONE AND UNDER THREE CONGESTION RELIEF ACTIVITIES.—Of the total amount of a State's apportionments to be obligated for congestion relief activities for a fiscal year as calculated under subsection (b)—

(1) 40 percent shall be obligated for under one congestion relief activities;

(2) 35 percent shall be obligated for under three congestion relief activities; and

(3) 25 percent shall be obligated at the discretion of the State department of transportation for 1 or more of the following:

(A) Under one congestion relief activities.

(B) Under three congestion relief activities.

(C) Capital costs for transit projects that are eligible for assistance under chapter 53 of title 49.

(D) Demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

(d) OBLIGATION OF AMOUNTS.—

(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for congestion relief activities under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the ap-

plicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for congestion relief activities under subsection (a).

(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.

(g) TRANSFERS.—

(1) IN GENERAL.—A State may transfer a portion of the amount that the State must obligate for under one congestion relief activities in a fiscal year under this section to the amount the State must obligate for under three congestion relief activities under this section if the State certifies to the Secretary that there are no under one congestion relief activities for which such portion can be obligated in such fiscal year and the Secretary does not disapprove such transfer within 30 days after the date of such certification.

(2) LIMITATION.—The amount that a State may transfer in a fiscal year under this subsection may not reduce the amount the State must obligate for under one congestion relief activities to less than 10 percent of the total amount of the State's apportionments to be obligated for congestion relief activities for such fiscal year as calculated under subsection (b).

(3) TREATMENT.—Amounts transferred by a State under this subsection for a fiscal year shall be included in the amount of the State's apportionments allocated for under three congestion relief activities for such fiscal year under subsection (c)(2).

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) CONGESTION RELIEF ACTIVITIES.—

(A) IN GENERAL.—The term "congestion relief activity" means any activity, project, or program that has as its primary purpose, as determined by the State transportation department, the relief of motor vehicle congestion.

(B) INCLUSIONS.—Such term includes the following:

(i) Relief of motor vehicle congestion through additional capacity, construction of additional lanes, improvements to interchanges, improved access to major terminals, construction of parallel roads, construction of truck only lanes, and major arterial improvements.

(ii) Transportation systemwide operational improvements targeted at increasing motor vehicle travel reliability through such means as incident management programs, traffic monitoring and surveillance, and traveler information initiatives.

(iii) Maximizing efficient use of existing motor vehicle travel capacity through such means as reversible lanes, coordinated traffic signalization, and managed lanes or other lane management strategies.

(C) EXCLUSIONS.—Such term does not include demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as

telecommuting, ridesharing, alternative work hour programs, and value pricing.

(2) UNDER ONE CONGESTION RELIEF ACTIVITIES.—The term "under one congestion relief activity" means a congestion relief activity that—

(A) will be completed within one year after the date of commencement of onsite improvements;

(B) has a total projected cost of less than $1,000,000; and

(C) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.

(3) UNDER THREE CONGESTION RELIEF ACTIVITIES.—The term "under three congestion relief activities" means congestion relief activities that—

(A) will be completed within 3 years after the date of commencement of onsite improvements; and

(B) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.

* * * * * * *

§ 143. Highway use tax evasion projects

(a) * * *

(b) PROJECTS.—

(1) * * *

(2) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary*; except that of funds so made available for each of fiscal years 2004 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training*.

(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—**[**The**]** *Except as otherwise provided in this section, the* Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

(4) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only—

(A) * * *

* * * * * * *

(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; **[**and**]**

(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes**[**.**]***;*

(H) to support efforts between States and Indian tribes to address issues related to State motor fuel taxes; and

(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.

* * * * * * *

(9) REPORTS.—The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section.

Such report shall specify the annual yield estimated for each project funded under this section.

(c) EXCISE FUEL REPORTING SYSTEM.—

(1) IN GENERAL.—Not later than [August 1, 1998,] *90 days after the date of enactment of the Transportation Equity Act: A Legacy for Users,* the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the [development] *completion, operation,* and maintenance by the Internal Revenue Service of [an excise fuel reporting system (in this subsection referred to as the "system")] *an excise summary terminal activity reporting system*.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

(A) the Internal Revenue Service shall [develop] *complete* and maintain [the system] *the excise summary terminal activity reporting system* through contracts;

(B) the system shall be under the control of the Internal Revenue Service; [and]

(C) the system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986[.]*; and*

(D) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for the completion, operation, and maintenance of the system.

[(3) FUNDING PRIORITY.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, and prior to funding any other activity under this section, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.]

(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the excise summary terminal activity reporting system in accordance with this subsection.

(d) PIPELINE, VESSEL, AND BARGE REGISTRATION SYSTEM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development, operation, and maintenance of a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

(A) the Internal Revenue Service shall develop and maintain the registration system through contracts;

(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for development, operation, and maintenance of the registration system;

(C) the registration system shall be under the control of the Internal Revenue Service; and

(D) the registration system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel in accordance with this subsection.

(e) HEAVY VEHICLE USE TAX PAYMENT DATABASE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the establishment, operation, and maintenance of an electronic database of heavy vehicle highway use tax payments.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

(A) the Internal Revenue Service shall establish and maintain the electronic database through contracts;

(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for establishment, operation, and maintenance of the electronic database;

(C) the electronic database shall be under the control of the Internal Revenue Service; and

(D) the electronic database shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments in accordance with this subsection.

(f) REPORTS.—Not later than March 31 and September 30 of each year, the Commissioner of the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this section related to the excise summary terminal activity reporting system, the pipeline, vessel, and barge registration system, and the heavy vehicle use tax electronic database.

* * * * * * *

§ 144. Highway bridge replacement and rehabilitation program

(a) * * *

* * * * * * *

[(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures to, such structure. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State, except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section. In approving projects (other than projects for bridge structure painting or seismic retrofit or application of such acetate or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures) under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.]

(d) APPLICATIONS FOR AND APPROVAL OF ASSISTANCE.—

(1) BRIDGE REPLACEMENT OR REHABILITATION.—Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge.

(2) PREVENTIVE MAINTENANCE, SCOUR MEASURES, AND APPLICATIONS OF CERTAIN COMPOSITIONS.—Whenever any State makes application to the Secretary for assistance in painting, seismic retrofit, or preventive maintenance of, or installing scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventive maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, such structure.

(3) ELIGIBILITY.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State; except that a State may carry out a project for preventive maintenance on a bridge, seismic retrofit of a bridge, or installing scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.

* * * * * * *

(g) SET ASIDES.—

(1) DISCRETIONARY BRIDGE PROGRAM.—

(A) * * *

* * * * * * *

(D) FISCAL YEARS 2004 THROUGH 2009.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that $25,000,000 shall be available only for projects for the seismic retrofit of bridges, and of which $10,000,000 shall be available only for the seismic retrofit of a bridge described in subsection (l), and except as provided in subparagraph (E).

(E) GRAVINA ACCESS.—

(i) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph, for each of the fiscal years 2005 through 2009, $10,000,000 shall be set aside from the $100,000,000 available at the discretion of the Secretary under subparagraph (D) for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

(ii) SCORING.—The project described in this subparagraph shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

* * * * * * *

(3) OFF-SYSTEM BRIDGES.—Not less than [15 percent] *20 percent* nor more than 35 percent of the amount apportioned to each State in each of fiscal years [1987] *2005* through [2004 and in the period of October 1, 2004, through May 31, 2005,] *2009 for the bridge program,* shall be expended for projects to replace, rehabilitate, paint*, perform systematic preventive maintenance,* or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures*,* to highway bridges located on public roads, other than those on a Federal-aid highway. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid highway when the Secretary determines that such State has inadequate needs to justify such expenditure.

* * * * * * *

(i) INVENTORIES AND REPORTS.—The Secretary shall—

(1) * * *

* * * * * * *

Such reports shall be submitted to such committees biennially [at the same time as the report required by section 307(f) of this title is submitted to Congress].

* * * * * * *

§ 145. Federal-State relationship

(a) * * *

(b) PURPOSE OF PROJECTS.—The projects described in *section 1702 of the Transportation Equity Act: A Legacy for Users,* section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligibility for Federal-aid highway funds made available for such projects by *section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users,* section 1101(a)(13) of the Transportation Equity Act for the 21st Century, ⟦117 of title 23, United States Code,⟧ *section 117 of this title,* sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).

* * * * * * *

§ 149. Congestion mitigation and air quality improvement program

(a) * * *

(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program if the project or program is for an area in the State that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997, and—

(1) * * *

* * * * * * *

(4) to establish or operate a traffic monitoring, management, and control facility or program*, including advanced truck stop electrification systems,* if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; or

(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, *improve transportation systems management and operations,* and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.

* * * * * * *

§ 150. Deployment of intelligent transportation systems

(a) IN GENERAL.—In each of fiscal years 2005 through 2009, each State shall obligate a portion of the funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year, calculated under subsection (b), for projects described in subsection (c) that support deployment of intelligent transportation systems in the State.

(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments to be obligated under subsection (a) for projects described in subsection (c) in a fiscal year shall be determined by multiplying $500,000,000 by the ratio that—

(1) the aggregate of amounts apportioned to the State for such fiscal year under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4); bears to

(2) the aggregate of amounts apportioned to all States for such fiscal year under such sections.

(c) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROJECTS.—Projects for which funds must be obligated under this section include the following:

(1) PERFORMANCE.—Establishment and implementation of operations systems and services that improve performance in the areas of traffic operations, emergency response to surface transportation incidents, surface transportation incident management, weather event response management by State and local authorities, surface transportation network and facility management, construction and work zone management, and traffic flow information.

(2) NETWORKS.—Conducting activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information.

(3) SAFETY.—Implementation of intelligent transportation system technologies that improve highway safety through linkages connecting the vehicle, the infrastructure, and information to the driver.

(4) OPERATION AND MANAGEMENT.—Provision of services necessary to ensure the efficient operation and management of intelligent transportation systems infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services.

(5) INTERAGENCY SUPPORT.—Provision of support for institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, and shippers.

(6) PLANNING.—Conducting cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches.

(d) OBLIGATION OF AMOUNTS.—

(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for projects under subsection (c) that support deployment of intelligent transportation systems in such State under subsection (a) shall be allocated among the individual programs for which funds are ap-

portioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects under this section.

(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.

* * * * * * *

§ 152. Hazard elimination program

(a) IN GENERAL.—

(1) PROGRAM.—Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists, bicyclists, [and] pedestrians, *and the disabled, identify roadway safety improvement needs for such locations, sections, and elements,* assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

(A) identify, through a survey, hazards to motorists, bicyclists, pedestrians, *the disabled,* and users of highway facilities; and

* * * * * * *

(b) The Secretary may approve as a project under this section any safety improvement project, including a project described in subsection (a) *that reduces the likelihood of crashes involving road departures, intersections, pedestrians, the disabled, bicyclists, older drivers, or construction work zones*.

(c) Funds authorized to carry out this section shall be available for expenditure on—

(1) * * *

(2) any public surface transportation facility or any publicly owned bicycle or pedestrian pathway or trail; [or]

(3) any traffic calming measure[.]*;*

(4) police assistance for traffic and speed management in construction work zones;

(5) installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers;

(6) installation of protective devices at railway-highway crossings; and

(7) compilation and analysis of data under subsections (f) and (g) if the funds used for this purpose by a State do not exceed 2 percent of the amount apportioned to such State to carry out this section.

[(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.]

(d) APPORTIONMENT.—

(1) FORMULA.—Funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A).

(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

* * * * * * *

(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. [The Secretary of Transportation shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.]

* * * * * * *

(i) BIENNIAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the program under this section. The report shall include, at a minimum, the following:

(1) A summary of State projects completed under this section categorized by the types of hazards and a statement of the cost of such projects.

(2) An analysis of the effectiveness of such categories of projects in reducing the number and severity of crashes at high hazard locations.

(3) An assessment of the adequacy of authorized funding for the program and State use of such funding to address the national need for such projects.

(4) Recommendations for funding and program improvements to reduce the number of high hazard locations.

(5) An analysis and evaluation of each State program, an identification of any State found not to be in compliance with the schedule of improvements required by subsection (a), and recommendations for future implementation of the hazard elimination program.

§ 153. Use of safety belts and motorcycle helmets

(a) * * *

* * * * * * *

(h) PENALTY.—

(1) * * *

(2) **[**THEREAFTER**]** *FISCAL YEARS 1995–2004.*—If, at any time in a fiscal year beginning after September 30, 1994, *and ending before October 1, 2004,* a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer from the funds apportioned to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such subsections for fiscal year 2003.

[(3)**]** *(4)* FEDERAL SHARE.—The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

[(4)**]** *(5)* TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 **[**which is determined by multiplying**]** *which, for fiscal year 2005 and each fiscal year thereafter, is determined by multiplying—*

(A) * * *

(B) the ratio of the amount of obligation authority distributed for **[**such fiscal year**]** *fiscal year 2003* to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for **[**such fiscal year**]** *fiscal year 2003*.

[(5)] *(6)* Limitation on applicability of highway safety obligations.

* * * * * * *

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

(1) * * *

[(2) MOTOR VEHICLE.—The term "motor vehicle" has the meaning such term has under section 154 of this title.]

[(3)] *(2)* PASSENGER VEHICLE.—The term "passenger vehicle" means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

[(4)] *(3)* SAFETY BELT.—The term "safety belt" means—

(A) * * *

* * * * * * *

§ 154. Open container requirements

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

[(3)] *(2)* OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

(A) * * *

* * * * * * *

[(4)] *(3)* PASSENGER AREA.—The term "passenger area" shall have the meaning given the term by the Secretary by regulation.

* * * * * * *

(c) TRANSFER OF FUNDS.—

(1) * * *

(2) FISCAL YEAR 2003 AND [FISCAL YEARS THEREAFTER] *FISCAL YEAR 2004*.—On October 1, 2002, [and each October 1 thereafter,] if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

[(3)] *(4)* USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)* for activities eligible under section 152.

[(4)] *(5)* FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)*, or used under [paragraph (3)] *paragraph (4)*, shall be 100 percent.

[(5)] *(6)* DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)* may be derived from one or more of the following:

(A) * * *

[(6)] *(7)* TRANSFER OF OBLIGATION AUTHORITY.—

(A) * * *

(B) AMOUNT.—[The] *For fiscal year 2005 and each fiscal year thereafter, the* amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

(i) * * *

(ii) the ratio that—

(I) the amount of obligation authority distributed for [the fiscal year] *fiscal year 2003* to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for [the fiscal year] *fiscal year 2003*.

[(7)] *(8)* LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

* * * * * * *

§ 157. Safety incentive grants for use of seat belts

(a) * * *

* * * * * * *

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $82,000,000 for fiscal year 1999, $92,000,000 for fiscal year 2000, $102,000,000 for fiscal year 2001, $112,000,000 for fiscal year 2002, $112,000,000 for fiscal year 2003, $112,000,000 [for fiscal year 2004, and $74,666,667 for the period of October 1, 2004, through May 31, 2005] *and for each of fiscal years 2003, 2004, and 2005*.

* * * * * * *

§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

(a) * * *

* * * * * * *

(e) PENALTY.—

(1) IN GENERAL.—On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

(2) AMOUNT TO BE WITHHELD.—If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

(A) For fiscal year 2004, 2 percent.

(B) For fiscal year 2005, 4 percent.

(C) For fiscal year 2006, 6 percent.

(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

(3) FAILURE TO COMPLY.—If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.

[(e)**]** *(f)* AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $55,000,000 for fiscal year 1998, $65,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, $110,000,000 for fiscal year 2003, $110,000,000 **[**for fiscal year 2004, and $73,333,333 for the period of October 1, 2004, through May 31, 2005**]** *and for each of fiscal years 2004 and 2005*.

* * * * * * *

§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

* * * * * * *

(4) MOTOR VEHICLE.—The term "motor vehicle" **[**means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or**]** *does not include* a commercial vehicle.

(5) REPEAT INTOXICATED DRIVER LAW.—The term "repeat intoxicated driver law" means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

[(A) receive a driver's license suspension for not less than 1 year;]

(A) receive (i) a driver's license suspension for not less than 1 year, or (ii) a combination of suspension of all driving privileges of an individual for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the propose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

* * * * * * *

(b) TRANSFER OF FUNDS.—

(1) * * *

(2) FISCAL YEAR 2003 [AND FISCAL YEARS THEREAFTER] *FISCAL YEAR 2004*.—On October 1, 2002, [and each October 1 thereafter,] if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

[(3)] *(4)* USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)* for activities eligible under section 152.

[(4)] *(5)* FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)*, or used under [paragraph (3)] *paragraph (4)*, shall be 100 percent.

[(5)] *(6)* DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under [paragraph (1) or (2)] *paragraph (1), (2), or (3)* may be derived from one or more of the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(3).

(C) The apportionment of the State under section 104(b)(4).

[(6)] *(7)* TRANSFER OF OBLIGATION AUTHORITY.—

(A) * * *

(B) AMOUNT.—[The] *For fiscal year 2005 and each fiscal year thereafter, the* amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

(i) * * *

(ii) the ratio that—

(I) the amount of obligation authority distributed for [the fiscal year] *fiscal year 2003* to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for [the fiscal year] *fiscal year 2003*.

[(7)] *(8)* LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

§ 165. Construction of ferry boats and ferry terminal facilities

(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

(c) AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this section shall remain available until expended.

(d) SET-ASIDE FOR PROJECTS ON NHS.—

(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 2004 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

(e) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

§ 166. Transportation systems management and operations

(a) AUTHORITY.—The Secretary may—

(1) encourage transportation system managers, operators, public safety officials, and transportation planners within an urbanized area, who are actively engaged in and responsible for conducting activities relating to day-to-day management, operations, public safety, and planning of transportation facilities and services, to collaborate and coordinate on a regional level in a continuous and sustained manner for improved transportation systems management and operations, including, at a minimum—

(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants for how the region's systems should be managed, operated, and measured;

(B) sharing of information among operators, service providers, public safety officials, and the general public; and

(C) guiding, in a regionally-coordinated manner, the implementation of regional transportation system management and operations initiatives, including emergency evacuation and response, traffic incident management, technology deployment, and traveler information systems delivery, in a manner consistent with and integrated into the ongoing metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, if required; and

(2) encourage States to establish a system of basic real-time monitoring capability for the surface transportation system and provide the capability and means to share that data among agencies (including highway, transit, and public safety agencies), jurisdictions (including States, cities, counties, and areas represented by metropolitan planning organizations), private-sector entities, and the traveling public.

(b) EXECUTION.—To support the successful execution of transportation systems management and operations activities, the Secretary may undertake the following activities:

(1) Assist and cooperate with other Federal departments and agencies, State and local governments, metropolitan planning organizations, private industry representatives, and other interested parties to improve regional collaboration and real-time information sharing between transportation system managers and operators, public safety officials, emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

(2) Issue, if necessary, new guidance or regulations for the procurement of transportation system management and operations facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.

§ 167. State assumption of responsibilities for certain programs and projects

(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

(1) PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of this section, the Secretary may allow up to 5 States to participate in the pilot program.

(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

(A) Projects funded under section 104(h).

(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

(C) Projects as defined in section 101(a)(39) and section 5607 of the Transportation Equity Act: A Legacy for Users.

(3) LIMITATIONS.—

(A) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State that assumes the responsibilities of the Secretary under this section shall be subject to the same procedural and substantive requirements as would apply if the responsibilities were carried out by the Secretary. When a State assumes responsibilities for carrying out a Federal law under this section, the State assents to Federal jurisdiction and shall be solely responsible and solely liable for complying with and carrying out that law instead of the Secretary.

(B) ASSUMPTION OF RESPONSIBILITIES.—Any responsibility of the Secretary not assumed by the State in a memorandum of understanding shall remain a responsibility of the Secretary.

(C) POWERS OF OTHER AGENCIES.—Nothing in this section preempts or limits any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, with respect to a project.

(b) AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mu-

tual agreement on a periodic basis for periods of not more than 3 years.

(4) COMPLIANCE.—

(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

(5) ACCEPTANCE OF FEDERAL COURTS JURISDICTION.—A memorandum of understanding with a State under this section shall include a provision under which the State consents to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State may assume under the memorandum.

(6) TERMINATION OF AGREEMENTS.—A memorandum of understanding with a State under this section shall include a provision authorizing the Secretary to terminate the agreement if the Secretary, after providing an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.

(c) SELECTION OF STATES FOR PILOT PROGRAM.—

(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

(B) a certification that the State has the capability to assume such responsibilities.

(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

(B) provide an opportunity for public comment.

(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

(A) the requirements under paragraph (2) have been met; and

(B) the Secretary determines that the State has the capability to assume the responsibilities.

(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

(d) STATE DEFINED.—With respect to the recreational trails program, the term "State" means the State agency designated by the Governor of the State in accordance with section 206(c)(1).

(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.

(f) STATE SUBJECT TO FEDERAL LAWS.—For purposes of assuming responsibilities of the Secretary under this section, a State agency entering into a memorandum of understanding under subsection (b) is deemed to be a Federal agency to the extent the State is carrying out the Secretary's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this title, and any other provision of Federal law.

§ 168. HOV facilities

(a) IN GENERAL.—

(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

(b) EXCEPTIONS.—Notwithstanding the occupancy requirements of subsection (a)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

(1) MOTORCYCLES AND BICYCLES.—

(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

(B) SAFETY EXCEPTION.—A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification. The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

(2) PUBLIC TRANSPORTATION VEHICLES.—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

(A) establishes requirements for clearly identifying the vehicles; and

(B) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

(3) HIGH OCCUPANCY TOLL VEHICLES.—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

(B) develops, manages, and maintains a system that will automatically collect the toll; and

(C) establishes policies and procedures to—

(i) manage the demand to use the facility by varying the toll amount that is charged;

(ii) enforce violations of use of the facility; and

(iii) permit low-income individuals to pay reduced tolls.

(4) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

(A) INHERENTLY LOW-EMISSION VEHICLE.—Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311–93 of title 40, Code of Federal Regulations, and are labeled in accordance with section 88.312–93 of such title, to use the HOV facility if the agency establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, 2009, the State agency may allow vehicles certified as low emission and energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

(i) establishes a program that addresses the selection of vehicles under this paragraph; and

(ii) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

(C) AMOUNT OF TOLLS.—Under subparagraph (B), a State agency may charge no toll or a toll that is less than tolls charged under paragraph (3).

(c) REQUIREMENTS APPLICABLE TO TOLLS.—

(1) IN GENERAL.—Tolls may be charged under subsections (b)(3) and (b)(4) notwithstanding section 301 and, except as provided in paragraphs (2) and (3), subject to the requirements of section 129.

(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.—Notwithstanding section 129, tolls may be charged under subsections (b)(3) and (b)(4) on a HOV facility on the Interstate System.

(3) EXCESS TOLL REVENUES.—If a State agency makes a certification under the last sentence of section 129(a)(3) with respect to toll revenues collected under subsections (b)(3) and (b)(4), the State, in the use of tolls revenues under that sentence, shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety.

(d) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

(1) IN GENERAL.—A State agency that allows vehicles to use a HOV facility under subsection (b)(3) or (b)(4) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year:

(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assess-

ment, and reporting on the impacts that such vehicles may have on the operation of the facility and adjacent highways.

(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section.

(C) Limiting or discontinuing the use of the facility by such vehicles if the presence of such vehicles has degraded the operation of the facility.

(2) DEGRADED FACILITY.—

(A) IN GENERAL.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 6-month period during morning or evening weekday peak hour periods (or both).

(B) MINIMUM AVERAGE OPERATING SPEED DEFINED.—In subparagraph (A), the term "minimum average operating speed" means—

(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and

(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour.

(e) CERTIFICATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Not later than 6 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of such vehicles.

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

(1) ALTERNATIVE FUEL VEHICLE.—The term "alternative fuel vehicle" means a vehicle that operates on—

(A) methanol, denatured ethanol, or other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(C) natural gas;

(D) liquefied petroleum gas;

(E) hydrogen;

(F) coal derived liquid fuels;

(G) fuels (except alcohol) derived from biological materials;

(H) electricity (including electricity from solar energy); or

(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) HOV FACILITY.—The term "HOV facility" means a high occupancy vehicle facility.

(3) LOW EMISSION AND ENERGY EFFICIENT VEHICLE.—The term "low emission and energy-efficient vehicle" means a vehicle that—

(A) has been certified by the Administrator of the Environmental Protection Agency as meeting the Tier II emission level established in regulations prescribed by the Ad-

ministrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(B)(i) has been certified by the Administrator to have a 45-mile-per-gallon or greater fuel economy highway rating; or

(ii) is an alternative fuel vehicle.

(4) PUBLIC TRANSPORTATION VEHICLE.—The term "public transportation vehicle" means a vehicle that provides public transportation (as defined in section 5302(a) of title 49).

(5) STATE AGENCY.—The term "State agency", as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of the facility and includes a State transportation department.

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[SUBCHAPTER II—INFRASTRUCTURE FINANCE]

* * * * * * *

CHAPTER 2—OTHER HIGHWAYS

* * * * * * *

§ 202. Allocations

(a) * * *

* * * * * * *

(d) INDIAN RESERVATION ROADS.—

(1) * * *

(2) FISCAL YEAR 2000 AND THEREAFTER.—

(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5*; except that, beginning October 1, 2004, the Secretary may use up to 3 percent of such funds for making grants to Indian tribes for the purpose of financing transportation debt for individual Indian reservation roads subject to all requirements governing Federal assistance for Indian roads under this section and section 204*.

* * * * * * *

(E) ALASKA NATIVE ROAD INVENTORY.—

(i) IN GENERAL.—For fiscal year 2005 and each fiscal year thereafter, any allocation of sums authorized to be appropriated for Indian reservation roads in Alaska shall be based on an inventory of roads within the exterior boundaries of village corporation land selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that includes all routes previously included in such an inventory. The Secretary of Transportation and the Secretary of the Interior may include, in the inventory of roads, those proposed for inclusion by tribal village governments from among community streets within the village and those pro-

posed primary access routes for inclusion by tribal village governments, including roads and trails between villages (including links over water), roads and trails to landfills, roads and trails to drinking water sources, roads and trails to natural resources identified for economic development, and roads and trails that provide access to intermodal termini, such as airports, harbors, or boat landings.

(ii) LIMITATION ON PRIMARY ACCESS ROUTES.—For purposes of this subparagraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.

[(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

[(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

[(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of the Interior that has previously carried out such programs, functions, services, or activities.]

(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this title for a highway, road, bridge, parkway, or transit facility project that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction relating to such project.

(B) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (A), all funds for a project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational

level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the Federal lands highway programs, the programs, functions, services, or activities involved.

(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a project to which this title applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

(D) FUNDING.—The amount an Indian tribal government receives for a project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the project in accordance with the funding formula established under this subsection and such additional amount as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the project.

(E) ELIGIBILITY.—An Indian tribal government may receive funding under subparagraph (A) for a project in a fiscal year if the Indian tribal government demonstrates to the satisfaction of the Secretary financial stability and financial management capability as demonstrated in the annual auditing required under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and, during the preceding fiscal year, had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

(F) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to projects under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

(G) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such project under this section if such funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

(H) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary of Transportation or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolu-

tions and appeal procedures authorized by such Act, including regulations issued to carry out such Act.

* * * * * * *

§ 204. Federal Lands Highways Program

(a) * * *

* * * * * * *

(k) REFUGE ROADS.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used by the Secretary and the Secretary of the Interior only to pay the cost of—

(A) * * *

(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), and (6) of subsection (h) that are located in or adjacent to wildlife refuges; [and]

(C) construction, maintenance, and improvement of wildlife observation infrastructure; and

[(C)] *(D)* administrative costs associated with such [maintenance and improvements] *construction, maintenance, and improvements*.

* * * * * * *

§ 206. Recreational trails program

(a) * * *

* * * * * * *

(d) USE OF APPORTIONED FUNDS.—

(1) * * *

[(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

[(A) maintenance and restoration of existing recreational trails;

[(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

[(C) purchase and lease of recreational trail construction and maintenance equipment;

[(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

[(i) permissible under other law;

[(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) and that is in effect;

[(iii) approved by the administering agency of the State designated under subsection (c)(1); and

[(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Envi-

ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

[(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

[(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

[(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.]

(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

(A) maintenance and restoration of existing recreational trails;

(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

(C) purchase and lease of recreational trail construction and maintenance equipment;

(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

(i) permissible under other law;

(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

(iii) approved by the administering agency of the State designated under subsection (c)(1); and

(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

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

(F) assessment of trail conditions for accessibility and maintenance;

(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to ex-

ceed 5 percent of the apportionment made to the State for the fiscal year; and

(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section.

(3) USE OF APPORTIONMENTS.—

(A) * * *

* * * * * * *

[(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2) may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).**]**

[(D)**]** *(C)* STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph **[**(2)(F)**]** *(2)(H)* shall be exempt from the requirements of subparagraph (A).

* * * * * * *

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project *and the Federal share of the administrative costs of a State* under this section shall **[**not exceed 80 percent**]** *be determined in accordance with section 120(b)*.

(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

(A) the share attributable to the Secretary of Transportation may not exceed **[**80 percent of**]** *the amount determined in accordance with section 120(b) for* the cost of a project under this section; and

(B) the share attributable to the Secretary and the Federal agency *sponsoring the project* may not exceed 95 percent of the cost of a project under this section.

* * * * * * *

(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

(B) expended on a project that is eligible for assistance under this section.

[(4)**]** *(5)* PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the

program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed [80 percent] *the Federal share as determined in accordance with section 120(b)*.

[(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).]

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(h) PROJECT ADMINISTRATION.—

(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

(A) * * *

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(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary may allow pre-approval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described under subsection (d)(2) (other than subparagraph (I)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.

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CHAPTER 4—HIGHWAY SAFETY

Sec.

401. Authority of the Secretary

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412. State traffic safety information system improvements.

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§ 402. Highway safety programs

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform guidelines promulgated by the Secretary. Such uniform guidelines shall be expressed in terms of performance criteria. In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to prevent accidents and reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, [and] (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the

Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents. Such uniform guidelines shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition such uniform guidelines shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety, and emergency services. Such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations*; and (7) to reduce deaths and injuries resulting from persons driving motor vehicles while fatigued*.

* * * * * * *

§ 405. Occupant protection incentive grants

(a) GENERAL AUTHORITY.—

(1) * * *

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the [Transportation Equity Act for the 21st Century] *Transportation Equity Act: A Legacy for Users*.

(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, [1997] *2003*.

(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth and sixth fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 25 percent.

(b) GRANT ELIGIBILITY.—[A State shall become eligible] *A State shall be eligible for a grant under this section if the State has a seat belt usage rate of 85 percent or greater as of the date of the grant, as determined by the Secretary. A State shall also become eligible* for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

(1) * * *

* * * * * * *

(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to [25 percent] *100 percent* of the amount apportioned to the State for fiscal year [1997] *2003* under section 402.

* * * * * * *

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

(1) * * *

[(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.]

[(3)] *(2)* MULTIPURPOSE PASSENGER VEHICLE.—The term "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

[(4)] *(3)* PASSENGER CAR.—The term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

[(5)] *(4)* PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" means a passenger car or a multipurpose passenger motor vehicle.

[(6)] *(5)* SAFETY BELT.—The term "safety belt" means—

(A) * * *

* * * * * * *

§ 410. Alcohol-impaired driving countermeasures

(a) GENERAL AUTHORITY.—

(1) * * *

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State en-

ters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the [Transportation Equity Act for the 21st Century] *Transportation Equity Act: A Legacy for Users*.

(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 8 fiscal years beginning after September 30, [1997] *2003*.

(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth, sixth, seventh, and eighth fiscal years *beginning after September 30, 2003,* in which the State receives a grant under this section, 25 percent.

(b) BASIC GRANT ELIGIBILITY.—

(1) BASIC GRANT A.—[A State shall become eligible] *A State shall be eligible for a grant under this paragraph if the State has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.5 or less as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration. A State shall also become eligible* for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary [at least 5 of the following] *at least 6 of the following for fiscal year 2005 and fiscal year 2006 and at least 7 of the following for each fiscal year thereafter*:

(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that—

(i) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

(I) * * *

(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; [and]

(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after

the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the procedures of the State[.]*;*

(iii) the suspension referred to under clause (i)(I) may allow an individual to operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

(iv) the suspension and revocation referred to under clause (i)(II) may allow an individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual.

(B) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system [may include the issuance] *may include—*

(i) the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older and the issuance of drivers' licenses that are tamper resistant[.]*; and*

(ii) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum, the following:

(I) the clinical effects of alcohol;

(II) methods of preventing second party sales of alcohol;

(III) recognizing signs of intoxication;

(IV) methods to prevent underage drinking;

(V) Federal, State, and local laws that are relevant to such personnel.

* * * * * * *

[(F) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessments of first-time offenders; and incorporation of treatment into judicial sentencing.]

(F) OUTREACH PROGRAM.—A judicial and prosecutorial education, training, and outreach program that provides information on the appropriateness and effectiveness of sentencing options.

* * * * * * *

(H) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities that have comprehensive programs for the prevention of such operations of motor vehicles.

(I) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders described in subparagraph (A)(i)(II).

(J) PROGRAM FOR THE IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating that vehicle while under the influence of alcohol.

[(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

[(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

[(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).]

(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph if the State—

(A) has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.8 or more as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

(B) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate and recommend changes to the State's drunk driving programs.

(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to [25 percent] *100 percent* of the amount apportioned to the State for fiscal year [1997] *2003* under section 402.

[(c) SUPPLEMENTAL GRANTS.—

[(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make supplemental grants to the State for meeting 1 or more of the following criteria:

[(A) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in

prosecuting those persons, and to train personnel in the use of that equipment.

[(B) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

[(C) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a "zebra" stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

[(D) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

[(E) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

[(F) OTHER PROGRAMS.—The State provides for other innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances, including programs that seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

[(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (b) in such fiscal year.

[(3) FUNDING.—Of the amounts made available to carry out this section in a fiscal year, not to exceed 10 percent shall be available for making grants under this subsection.]

(c) ALLOCATION FOR BASIC GRANTS B.—Not more than $20,000,000 per fiscal year of amounts made available to carry out this section shall be available for making grants under subsection (b)(2).

* * * * * * *

§ 412. State traffic safety information system improvements

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

(B) evaluate the effectiveness of efforts to make such improvements;

(C) link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and

(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(2) USE OF GRANTS.—A State may use a grant received under this section only to implement such programs.

(3) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze State and national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall certify to the Secretary the State's adoption and use of such model data elements.

(4) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require ensuring that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this section.

(5) FEDERAL SHARE.—The Federal share of the cost of implementing in a fiscal year a program of a State pursuant to paragraph (1) shall not exceed 80 percent.

(b) FIRST-YEAR GRANTS.—To be eligible for a first-year grant under this section, a State shall demonstrate to the satisfaction of the Secretary that the State has—

(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

(2) developed a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State's highway safety data and traffic records system and is approved by the highway safety data and traffic records coordinating committee and—

(A) specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

(B) prioritizes, based on the identified highway safety data and traffic records system deficiencies, the highway safety data and traffic records system needs and goals of the State, including the activities described in subsection (a)(1);

(C) identifies performance-based measures by which progress toward those goals will be determined;

(D) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan; and

(E) includes a current report on the progress in implementing the multiyear plan that documents progress toward the specified goals.

(c) SUCCEEDING-YEAR GRANTS.—

(1) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

(A) submits an updated multiyear plan that meets the requirements of subsection (b)(2);

(B) certifies that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

(C) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan;

(D) demonstrates measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

(E) includes a current report on the progress in implementing the multiyear plan.

(d) GRANT AMOUNTS.—

(1) IN GENERAL.—The amount of a grant made to a State for a fiscal year under this section shall equal an amount determined by multiplying—

(A) the amount appropriated to carry out this section for such fiscal year; by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under section 402 for fiscal year 2003.

(2) MINIMUM AMOUNT.—Notwithstanding subparagraph (A)—

(A) a State eligible for a first-year grant under this section shall not receive less than $300,000; and

(B) a State eligible for a succeeding-year grant under this section shall not receive less than $500,000.

(e) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

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[CHAPTER 5—RESEARCH AND TECHNOLOGY]

CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION

Sec.
501. Definitions

* * * * * * *

[507. Surface transportation-environment cooperative research program
[508. Surface transportation research strategic planning]
507. Surface transportation environment and planning cooperative research program.

508. Transportation research and development strategic planning.
509. National cooperative freight transportation research program.
510. Future strategic highway research program.

* * * * * * *

§ 502. Surface transportation research

(a) BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—

(1) COVERAGE.—Surface transportation research and technology development shall include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

(2) FEDERAL RESPONSIBILITY.—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

(A) is of national significance;

(B) supports research in which there is a clear public benefit and private sector investment is less than optimal;

(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently; or

(D) presents the best means to support Federal policy goals compared to other policy alternatives.

(3) ROLE.—Consistent with these Federal responsibilities, the Secretary shall—

(A) conduct research;

(B) support and facilitate research and technology transfer activities by State highway agencies;

(C) share results of completed research; and

(D) support and facilitate technology and innovation deployment.

(4) PROGRAM CONTENT.—A surface transportation research program shall include—

(A) fundamental, long-term highway research;

(B) research aimed at significant highway research gaps and emerging issues with national implications; and

(C) research related to policy and planning.

(5) STAKEHOLDER INPUT.—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

(6) COMPETITION AND PEER REVIEW.—Except as otherwise provided in this Act, the Secretary shall award all grants, contracts, and cooperative agreements for research and development under this Act based on open competition and peer review of proposals.

(7) PERFORMANCE REVIEW AND EVALUATION.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measures shall

be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.

[(a)] *(b)* GENERAL AUTHORITY.—

(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

(A) * * *

(B) all phases of transportation planning and development (including construction, operation, *transportation system management and operations,* modernization, development, design, maintenance, safety, financing, and traffic conditions); and

* * * * * * *

[(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

[(A) independently;

[(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

[(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.]

(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, any other person.

* * * * * * *

(6) POOLED FUNDING.—

(A) COOPERATION.—To promote effective utilization of available resources, the Secretary may cooperate with a State and an appropriate agency in funding research, development, and technology transfer activities of mutual interest on a pooled funds basis.

(B) SECRETARY AS AGENT.—The Secretary may enter into contracts, cooperative agreements, grants, and other transactions as agent for all participating parties in carrying out such research, development, or technology transfer.

[(b)] *(c)* COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) * * *

[(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).]

(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may directly initiate contracts, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other transactions to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, and their agents to conduct joint transportation research and technology efforts.

* * * * * * *

[(c)] *(d)* CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include in surface transportation research, technology development, and technology transfer programs carried out under this title coordinated activities in the following areas:

(1) * * *

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(5) Dynamic simulation models of surface transportation systems for—

(A) * * *

* * * * * * *

(C) testing the strengths and weaknesses of proposed revisions to surface transportation *system management and* operations programs.

* * * * * * *

(12) Investigation and development of various operational methodologies to reduce the occurrence and impact of recurrent congestion and nonrecurrent congestion and increase transportation system reliability.

(13) Investigation of processes, procedures, and technologies to secure container and hazardous material transport, including the evaluation of regulations and the impact of good security practices on commerce and productivity.

(14) Research, development, and technology transfer related to asset management.

[(d) ADVANCED RESEARCH.—

[(1) IN GENERAL.—The Secretary shall establish an advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508, that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out the program, the Secretary shall strive to develop partnerships with the public and private sectors.

[(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agree-

ments and contracts in such areas as the Secretary determines appropriate, including the following:

[(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

[(B) Diagnostics for evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration, and weather.

[(C) Design and construction details for composite structures.

[(D) Safety technology-based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

[(E) Environmental research, including particulate matter source apportionment and model development.

[(F) Data acquisition techniques for system condition and performance monitoring.

[(G) Human factors, including prediction of the response of travelers to new technologies.

[(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

[(1) AUTHORITY.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) through the midpoint of a planned 20-year life of the long-term pavement performance program.

[(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

[(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

[(B) analyze the data obtained in carrying out subparagraph (A); and

[(C) prepare products to fulfill program objectives and meet future pavement technology needs.]

(e) EXPLORATORY ADVANCED RESEARCH.—

(1) IN GENERAL.—The Secretary shall establish an exploratory advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508 that involves and draws upon basic research results to provide a better understanding of problems and develop innovative solutions. In carrying out the program, the Secretary shall strive to develop partnerships with public and private sector entities.

(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas of surface transportation research and technology as the Secretary determines appropriate, including the following:

(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

(B) Assessment of the effects of transportation decisions on human health.

(C) Development of surrogate measures of safety.

(D) Environmental research.

(E) Data acquisition techniques for system condition and performance monitoring.

(F) System performance data and information processing needed to assess the day-to-day operational performance of the system in support of hour-to-hour operational decision-making.

(f) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

(1) AUTHORITY.—The Secretary shall complete the 20-year long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on June 8, 1998).

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

(B) analyze the data obtained under subparagraph (A); and

(C) prepare products to fulfill program objectives and meet future pavement technology needs.

[(f)**]** *(g)* SEISMIC RESEARCH PROGRAM.—

(1) * * *

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[(g)**]** *(h)* INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

(1) * * *

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(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

(2) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

(A) the conduct of highway research and development related to new highway technology;

(B) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials; and

(C) the development of innovative highway products and practices.

(j) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

(1) AUTHORITY.—The Secretary shall establish a 20-year long-term bridge performance program.

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

(A) monitor, material-test, and evaluate test bridges;

(B) analyze the data obtained under subparagraph (A); and

(C) prepare products to fulfill program objectives and meet future bridge technology needs.

§ 503. Technology deployment

(a) TECHNOLOGY DEPLOYMENT [INITIATIVES AND PARTNERSHIPS] PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program.]

(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment program.

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[(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

[(A) the testing and evaluation of products of the strategic highway research program;

[(B) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts and other alternatives to prevent and mitigate alkali silica reactivity;

[(C) the provision of support for long-term pavement performance product implementation and technology access; and

[(D) other activities to achieve the goals established under paragraph (3).

[(8) REPORTS.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.]

(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer activities concerning innovative materials.

(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve an application based on whether the project that is the sub-

ject of the grant meets the purpose of the program described in paragraph (2).

(8) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall ensure that the information and technology resulting from research conducted under paragraph (7) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

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(b) INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.—

[(1) IN GENERAL.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

[(2) GOALS.—The goals of the program shall include—

[(A) the development of new, cost-effective innovative material highway bridge applications;

[(B) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

[(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

[(D) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

[(E) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

[(F) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

[(G) the development of new nondestructive bridge evaluation technologies and techniques.]

(1) IN GENERAL.—The Secretary shall establish and carry out a program to promote, demonstrate, evaluate, and document the application of innovative designs, materials, and construction methods in the construction, repair, and rehabilitation of bridges and other highway structures.

(2) GOALS.—The goals of the program shall include—

(A) the development of new, cost-effective, innovative highway bridge applications;

(B) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(C) the development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;

(D) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(E) the development of highway bridges and structures that will withstand natural disasters;

(F) the documentation and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

(G) the effective transfer of resulting information and technology; and

(H) the development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.

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(c) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and implement a program to promote, demonstrate, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

(2) GOALS.—The goals of the innovative pavement research and deployment program shall include—

(A) the deployment of new, cost-effective, innovative designs, materials, recycled materials (including taconite tailings and foundry sand), and practices to extend pavement life and performance and to improve customer satisfaction;

(B) the reduction of initial costs and life-cycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

(C) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

(D) the deployment of engineering design criteria and specifications for innovative practices, products, and materials for use in highway pavements;

(E) the deployment of new nondestructive and real-time pavement evaluation technologies and techniques;

(F) the evaluation, refinement, and documentation of the performance and benefits of innovative technologies deployed to improve life, performance, cost effectiveness, safety, and customer satisfaction;

(G) effective technology transfer and information dissemination to accelerate implementation of innovative technologies and to improve life, performance, cost effectiveness, safety, and customer satisfaction; and

(H) the development of designs and materials to reduce storm water runoff.

(3) RESEARCH TO IMPROVE NHS PAVEMENT.—The Secretary shall obligate not less than $2,000,000 for fiscal year 2004 and $6,000,000 for each of fiscal years 2005 through 2009 from funds made available to carry out this subsection to conduct research to improve asphalt pavement, concrete pavement, and aggregates used in highways on the National Highway System.

(d) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and implement a program to demonstrate the application of innovative technologies in highway safety.

(2) GOALS.—The goals of the program shall include—

(A) the deployment and evaluation of safety technologies and innovations at State and local levels; and

(B) the deployment of best practices in training, management, design, and planning.

(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations for research, development, and technology transfer for innovative safety technologies.

(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the application meets the goals of the program described in paragraph (2).

(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

(e) PROMOTIONAL AUTHORITY.—Funds authorized to be appropriated for necessary expenses for administration and operation of the Federal Highway Administration shall be available to purchase promotional items of nominal value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.

§ 504. Training and education

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) * * *

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[(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental mitigation and compliance, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance and operations, contract administration, motor carrier safety activities, inspection, and highway finance.**]**

(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures in areas, including surface transportation, environmental mitigation, compliance, stewardship, and streamlining, acquisition of rights-of-way, relocation assistance, engineering, safety, transportation system management and operations, construction, maintenance, contract administration, inspection, and highway finance.

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(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) * * *

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(3) FEDERAL SHARE.—

(A) GRANTS.—A grant under this subsection may be used to pay up to 50 percent of local technical assistance program costs. Funds available for technology transfer and training purposes under this title and title 49 may be used to cover the remaining 50 percent of the program costs.

(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of activities carried out by the tribal technical assistance centers under paragraph (2)(D)(ii) shall be 100 percent.

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(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.

(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

(A) internships that offer students experience in the transportation field;

(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

(C) developing relevant curriculum that uses examples and problems related to transportation.

(3) APPLICATION AND REVIEW PROCEDURES.—

(A) IN GENERAL.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used and a description of how the funds will be used to serve the purposes described in paragraph (2).

(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

(C) ELIGIBILITY.—Local education agencies and State education agencies, which may partner with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(B) the term "local educational agency" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(C) the term "State educational agency" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—

(1) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development, training and education, including—

(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

(B) employee professional development;

(C) student internships;

(D) university or community college support; and

(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.

(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.

(3) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION DEFINED.—In this subsection, the term "surface transportation workforce development, training, and education" means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.

(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to institutions of higher education that in partnership with industry or State Departments of Transportation will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

(B) providing for practical experience and on-the-job training;

(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

(E) programs or curricula in nontraditional departments which train professionals for work in the transportation

field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

(F) industry or a State's Department of Transportation commitment to the program.

(3) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out this subsection.

(4) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $250,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal no more than 75 percent of a grantee's program costs.

(g) FREIGHT CAPACITY BUILDING PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating to the governance of the freight planning capacity initiative.

(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

(4) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:

(A) The identification and dissemination of best practices in freight transportation.

(B) Providing opportunities for freight transportation staff to engage in peer exchange.

(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation needs.

(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental excellence in connection with long-range multimodal transportation planning and project implementation.

(5) FUNDING.—

(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(B) USE OF NON-FEDERAL FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, Federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.

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[§ 507. Surface transportation-environment cooperative research program

[(a) IN GENERAL.—The Secretary shall establish and carry out a surface transportation-environment cooperative research program.

[(b) CONTENTS.—The program to be carried out under this section shall include research designed—

[(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including metropolitan planning organizations, in designing implementation plans to meet Federal, State, and local environmental requirements;

[(2) to improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies;

[(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

[(4) to study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health, and develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and

[(5) to meet additional priorities as determined by the advisory board established under subsection (c), including recommendations of the National Research Council in the report entitled "Environmental Research Needs in Transportation".

[(c) ADVISORY BOARD.—

[(1) ESTABLISHMENT.—In consultation with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

[(2) MEMBERSHIP.—The advisory board shall include—

[(A) representatives of State transportation and environmental agencies;

[(B) transportation and environmental scientists and engineers; and

[(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

[(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary determines appropriate.

[§ 508. Surface transportation research strategic planning

[(a) IN GENERAL.—The Secretary shall—

[(1) establish a strategic planning process, consistent with section 306 of title 5 for the Department of Transportation to determine national transportation research and technology development priorities related to surface transportation;

[(2) coordinate Federal surface transportation research and technology development activities;

[(3) measure the results of those activities and how they impact the performance of the surface transportation systems of the United States; and

[(4) ensure that planning and reporting activities carried out under this section are coordinated with all other surface transportation planning and reporting requirements.

[(b) IMPLEMENTATION.—The Secretary shall—

[(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities;

[(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs; and

[(3) provide for independent validation of the scientific and technical assumptions underlying the surface transportation research and technology development programs of the Department.

[(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT STRATEGIC PLAN.—

[(1) DEVELOPMENT.—The Secretary shall develop an integrated surface transportation research and technology development strategic plan.

[(2) CONTENTS.—The plan shall include—

[(A) an identification of the general goals and objectives of the Department of Transportation for surface transportation research and development;

[(B) a description of the roles of the Department and other Federal agencies in achieving the goals identified under subparagraph (A), in order to avoid unnecessary duplication of effort;

[(C) a description of the overall strategy of the Department, and the role of each of the operating administrations of the Department, in carrying out the plan over the next 5 years, including a description of procedures for coordination of the efforts of the Secretary with the efforts of the operating administrations of the Department and other Federal agencies;

[(D) an assessment of how State and local research and technology development activities are contributing to the achievement of the goals identified under subparagraph (A);

[(E) details of the surface transportation research and technology development programs of the Department, including performance goals, resources needed to achieve those goals, and performance indicators as described in section 1115(a) of title 31, United States Code, for the next 5 years for each area of research and technology development;

[(F) significant comments on the plan obtained from outside sources; and

[(G) responses to significant comments obtained from the National Research Council and other advisory bodies, and a description of any corrective actions taken pursuant to such comments.

[(3) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

[(A) strategic plan or revision required under section 306 of title 5;

[(B) performance plan required under section 1115 of title 31; and

[(C) program performance report required under section 1116,

with respect to surface transportation research and technology development.

[(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

[(A) a summary of the results for the previous fiscal year of surface transportation research and technology development programs to which the Department of Transportation contributes, along with—

[(i) an analysis of the relationship between those results and the goals identified under paragraph (2)(A); and

[(ii) a description of the methodology used for assessing the results; and

[(B) a description of significant surface transportation research and technology development initiatives, if any, undertaken during the previous fiscal year that were not

in the plan developed under paragraph (1), and any significant changes in the plan from the previous year's plan.

[(d) MERIT REVIEW AND PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report describing competitive merit review procedures for use in selecting grantees and contractors in the programs covered by the plan developed under subsection (c) and performance measurement procedures for evaluating the programs.

[(e) PROCUREMENT PROCEDURES.—The Secretary shall—

[(1) develop model procurement procedures that encourage the use of advanced technologies; and

[(2) develop model transactions for carrying out and coordinating Federal and State surface transportation research and technology development activities.

[(f) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 31.]

§ 507. Surface Transportation environment and planning cooperative research program

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a collaborative, public-private surface transportation environment and planning cooperative research program.

(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to carry out administrative and management activities relating to the governance of the surface transportation environment and planning cooperative research program.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish a committee that will be responsible for program oversight and project selection.

(2) MEMBERSHIP.—The members of the committee shall be appointed by the Secretary and shall be composed of—

(A) representatives of State, regional, and local transportation agencies, including transit agencies;

(B) representatives of State environmental agencies and other environmental organizations;

(C) representatives of the transportation private sector;

(D) transportation and environmental scientists and engineers; and

(E) representatives of the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, United States Fish and Wildlife Service, Corps of Engineers, American Association of State Highway and Transportation Officials, and American Public Transportation Association, who shall serve in an ex officio capacity.

(3) BALANCE.—The majority of the committee's voting members shall be representatives of government transportation agencies.

(4) MEETINGS.—The National Academy of Sciences shall convene meetings of the committee.

(d) GOVERNANCE.—The program established under this section shall include the following administrative and management elements:

(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall carry out and periodically update research and development called for in the Transportation Research Board Special Report 268, entitled "Surface Transportation Environmental Research: A Long-Term Strategy" and published in 2002, as described in subsection (e). The national research agenda shall include a multiyear strategic plan.

(2) INVOLVEMENT.—Interested parties may—

(A) submit research proposals;

(B) participate in merit reviews of research proposals and peer reviews of research products; and

(C) receive research results.

(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award under the program research contracts and grants through open competition and merit review conducted on a regular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and grants may allow peer review of the research results.

(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis.

(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, and publications for the general public.

(e) CONTENTS.—The national research agenda for the program required under subsection (d)(1) shall include research in the following areas for the purposes described:

(1) HUMAN HEALTH.—Human health to establish the links between transportation activities and human health; substantiate the linkages between exposure to concentration levels, emissions, and health impacts; examine the potential health impacts from the implementation and operation of transportation infrastructure and services; develop strategies for avoidance and reduction of these impacts; and develop strategies to understand the economic value of health improvements and for incorporating health considerations into valuation methods.

(2) ECOLOGY AND NATURAL SYSTEMS.—Ecology and natural systems to measure transportation's short- and long-term impact on natural systems; develop ecologically based performance measures; develop insight into both the spatial and temporal issues associated with transportation and natural systems; study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health; develop a rapid assessment methodology for use by transportation and regulatory

agencies in determining the relationship between highway density and ecosystem integrity; and develop ecologically based performance techniques to evaluate the success of highway project mitigation and enhancement measures.

(3) ENVIRONMENTAL AND SOCIOECONOMIC RELATIONSHIPS.—Environmental and socioeconomic relationships to understand differences in mobility, access, travel behavior, and travel preferences across socioeconomic groups; develop improved planning approaches that better reflect and respond to community needs; improve evaluation methods for examining the incidence of benefits and costs; examine the differential impacts of current methods of finance and explore alternatives; understand the socioeconomic implications of emerging land development patterns and new transportation technologies; develop cost-effective applications of technology that improve the equity of the transport system; and develop improved methods for community involvement, collaborative planning, and conflict resolution.

(4) EMERGING TECHNOLOGIES.—Emerging technologies to assist in the transition to environmentally benign fuels and vehicles for passengers and freight; develop responses to and demand for new technologies that could offer improved environmental performance; identify possible applications of intelligent transportation systems technologies for environmental benefit; develop policy instruments that would encourage the development of beneficial new technologies in a cost-effective manner; and respond to the impact of new technologies.

(5) LAND USE.—Land use to assess land consumption trends and contributing factors of transportation investment, housing policies, school quality, and consumer preferences; incorporate impacts of transportation investments on location decision and land use; identify the costs and benefits of current development patterns and their transportation implications; determine the effect of the built environment on people's willingness to walk, drive, or take public transportation; determine the roles of public policy and institutional arrangements in current and prospective land use and transportation choices; and develop improved data, methods, and processes for considering land use, transportation, and the environment in an integrated, systematic fashion.

(6) PLANNING AND PERFORMANCE MEASURES.—Planning and performance measures to improve understanding of travel needs and preferences; improve planning methods for system analysis, forecasting, and decisionmaking; expand information on consumer choice processes and travel and activity patterns for both local and long-distance trips and both passenger and freight transportation analysis of social, environmental, and economic benefits and cost of various transport options; develop tools for measuring and forecasting complex transportation decisions for all modes and users; and develop performance measures and policy analysis approaches that can be used to determine effectiveness.

(7) OTHER RESEARCH AREAS.—Other research areas to identify and address the emerging and future surface transportation research needs related to planning and environment.

(f) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(g) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized to be appropriated to carry out this section, the National Academy of Sciences may seek and accept additional funding sources to carry out this section from public and private entities capable of attracting and accepting funding from the Department of Transportation, Environmental Protection Agency, Department of Energy, United States Fish and Wildlife Service, and other Federal environmental agencies, States, local governments, nonprofit foundations, and the private sector.

§ 508. Transportation research and development strategic planning

(a) IN GENERAL.—

(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

(i) reducing congestion and improving mobility;

(ii) promoting safety;

(iii) promoting security;

(iv) protecting and enhancing the environment;

(v) preserving the existing transportation system; and

(vi) improving the durability and extending the life of transportation infrastructure;

(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

(C) for each research and development topic, describe—

(i) the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

(3) CONSIDERATIONS.—In developing the strategic plan, the Secretary shall ensure that the plan—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department's operating administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and not-for-profit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(B) the amount of funding spent in each topic area;

(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

(D) any amendments to the strategic plan.

(b) The Secretary shall submit to Congress an annual report, along with the President's annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

(c) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

(1) strategic plan under section 508;

(2) performance plan required under section 1115 of title 31; and

(3) program performance report required under section 1116 of title 31,

with respect to transportation research and development.

§ 509. National cooperative freight Transportation research program

(a) ESTABLISHMENT.—The Secretary shall establish and support a national cooperative freight transportation research program.

(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative freight transportation research program.

(c) ADVISORY COMMITTEE.—The National Academy of Sciences shall select an advisory committee consisting of a representative cross-section of freight stakeholders, including the Department of Transportation, other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

(d) GOVERNANCE.—The national cooperative freight transportation research program established under this section shall include the following administrative and management elements:

(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.

(2) INVOLVEMENT.—Interested parties may—

(A) submit research proposals to the advisory committee;

(B) participate in merit reviews of research proposals and peer reviews of research products; and

(C) receive research results.

(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, publications for the general public, and other appropriate means.

(e) CONTENTS.—The national research agenda required under subsection (d)(1) shall include research in the following areas:

(1) Techniques for estimating and quantifying public benefits derived from freight transportation projects.

(2) Alternative approaches to calculating the contribution of truck and rail traffic to congestion on specific highway segments.

(3) The feasibility of consolidating origins and destinations for freight movement.

(4) Methods for incorporating estimates of international trade into landside transportation planning.

(5) The use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic.

(6) Development of physical and policy alternatives for separating car and truck traffic.

(7) Ways to synchronize infrastructure improvements with freight transportation demand.

(8) The effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.

(9) Other research areas to identify and address the emerging and future research needs related to freight transportation by all modes.

(f) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized for this section, the National Academy of Sciences may seek and accept additional funding sources from public and private entities capable of accepting funding from the Department of Transportation, States, local governments, nonprofit foundations, and the private sector.

§ 510. Future strategic highway research program

(a) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall establish and carry out, acting through the National Research Council of the National Academy of Sciences, the future strategic highway research program.

(b) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate.

(c) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available for the fiscal year in which such funds are made available and the 3 succeeding fiscal years.

(d) PROGRAM PRIORITIES.—

(1) PROGRAM ELEMENTS.—The program established under this section shall be based on the National Research Council Special Report 260, entitled "Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life" and the results of the detailed planning work subsequently carried out in 2002 and 2003 to identify the research areas through National Cooperative Research Program Project 20–58. The research program shall include an analysis of the following:

(A) Renewal of aging highway infrastructure with minimal impact to users of the facilities.

(B) Driving behavior and likely crash causal factors to support improved countermeasures.

(C) Reducing highway congestion due to nonrecurring congestion.

(D) Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

(2) DISSEMINATION OF RESULTS.—The research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers for their use, as soon as practicable.

(e) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

(1) projects and researchers are selected to conduct research for the program on the basis of merit and open solicitation of proposals and review by panels of appropriate experts;

(2) State department of transportation officials and other stakeholders, as appropriate, are involved in the governance of the program at the overall program level and technical level through the use of expert panels and committees;

(3) the Council acquires a qualified, permanent core staff with the ability and expertise to manage the program and multiyear budget; and

(4) there is no duplication of research effort between the program and any other research effort of the Department.

(f) REPORT ON IMPLEMENTATION OF RESULTS.—

(1) REPORT.—The Transportation Research Board of the National Research Council shall complete a report on the strategies and administrative structure to be used for implementation of the results of the future strategic highway research program.

(2) COMPONENTS.—The report under paragraph (1) shall include with respect to the program—

(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

(C) an estimate of costs of implementation of those results; and

(D) recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

(A) the Federal Highway Administration;

(B) the National Highway Traffic Safety Administration; and

(C) the American Association of State Highway and Transportation Officials.

(4) SUBMISSION.—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) LIMITATION OF REMEDIES.—

(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action

against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds made available to carry out this section for making payments under this paragraph.

(h) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.

CHAPTER 6—INFRASTRUCTURE FINANCE

Sec.
601. Generally applicable provisions.
602. Determination of eligibility and project selection.
603. Secured loans.
604. Lines of credit.
605. Program administration.
606. State and local permits.
607. Regulations.
608. Funding.
609. State infrastructure bank program.

[§ 181. Definitions]

§ 601. Generally applicable provisions

[In this subchapter] *(a) DEFINITIONS.—In this chapter*, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

(A) * * *

* * * * * * *

(2) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means a secured loan, loan guarantee, or line of credit authorized to be made available under [this subchapter] *this chapter* with respect to a project.

(3) INVESTMENT-GRADE RATING.—The term "investment-grade rating" means a rating [category] of BBB minus, Baa3, or

higher assigned by a rating agency to project obligations [offered into the capital markets].

* * * * * * *

(5) LINE OF CREDIT.—The term "line of credit" means an agreement entered into by the Secretary with an obligor under section [184] *604* to provide a direct loan at a future date upon the occurrence of certain events.

* * * * * * *

[(7) LOCAL SERVICER.—The term "local servicer" means—

[(A) a State infrastructure bank established under this title; or

[(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.]

[(8)] *(7)* OBLIGOR.—The term "obligor" means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

[(9)] *(8)* PROJECT.—The term "project" means—

(A) * * *

(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible[.]*;*

* * * * * * *

[(10)] *(9)* PROJECT OBLIGATION.—The term "project obligation" means any note, [bond] *credit*, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

[(11)] *(10)* RATING AGENCY.—The term "rating agency" means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

[(12)] *(11)* SECURED LOAN.—The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section [183] *603*.

[(13)] *(12)* STATE.—The term "State" has the meaning given the term in section 101.

[(14)] *(13)* SUBSIDY AMOUNT.—The term "subsidy amount" means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

[(15)] *(14)* SUBSTANTIAL COMPLETION.—The term "substantial completion" means the opening of a project to vehicular or passenger traffic.

(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.

§ [182] *602*. Determination of eligibility and project selection

(a) ELIGIBILITY.—To be eligible to receive financial assistance under [this subchapter] *this chapter*, a project shall meet the following criteria:

[(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

[(A) shall be included in the State transportation plan required under section 135; and

[(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

[(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.]

(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under chapter.

(2) APPLICATION.—A State, a local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application to the Secretary.

(3) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under [this subchapter] *this chapter*, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) [$100,000,000] *$50,000,000*; or

* * * * * * *

(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed [$30,000,000] *$15,000,000*.

(4) DEDICATED REVENUE SOURCES.—[Project financing] *The Federal credit instrument* shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources *that also secure the project obligations*.

* * * * * * *

(b) SELECTION AMONG ELIGIBLE PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility [criteria] *requirements* specified in subsection (a).

(2) SELECTION CRITERIA.—

(A) IN GENERAL.—The selection criteria shall include the following:

(i) * * *

* * * * * * *

(iii) The extent to which assistance under [this subchapter] *this chapter* would foster innovative public-private partnerships and attract private debt or equity investment.

(iv) The likelihood that assistance under [this subchapter] *this chapter* would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

* * * * * * *

(vi) The amount of budget authority required to fund the Federal credit instrument made available under [this subchapter] *this chapter*.

* * * * * * *

(viii) The extent to which assistance under this chapter *and chapter 1* would reduce the contribution of Federal grant assistance to the project.

(B) PRELIMINARY RATING OPINION LETTER.—For purposes of subparagraph (A)(ii), the Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the project's senior obligations*, which may be the Federal credit instrument,* have the potential to achieve an investment-grade rating.

* * * * * * *

(c) FEDERAL REQUIREMENTS.—In addition to the requirements of this title for highway projects, chapter 53 of title 49 for transit projects, and section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under [this subchapter] *this chapter* and projects assisted with the funds:

(1) * * *

* * * * * * *

§ [183] *603*. Secured loans

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs *of any project selected under section 602*; or

(B) to refinance interim construction financing of eligible project costs[;

[of any project selected under section 182] *of any project selected under section 602*.

* * * * * * *

(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section [182(b)(2)(B)] *602(b)(2)(B)*, shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account such letter.

(4) INVESTMENT-GRADE RATING REQUIREMENT.—The [funding] *execution* of a secured loan under this section shall be contingent on the project's senior obligations receiving an investment-grade rating[, except that—

[(A) the Secretary may fund an amount of the secured loan not to exceed the capital reserve subsidy amount determined under paragraph (3) prior to the obligations receiving an investment-grade rating; and

[(B) the Secretary may fund the remaining portion of the secured loan only after the obligations have received an investment-grade rating by at least 1 rating agency].

(b) TERMS AND LIMITATIONS.—

(1) * * *

(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed *the lesser of* 33 percent of the reasonably anticipated eligible project costs *or the amount of the senior project obligations*.

(3) PAYMENT.—The secured loan—

(A) shall—

(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources *that also secure the senior project obligations*; and

* * * * * * *

(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on [marketable] United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

* * * * * * *

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under [this subchapter] *this chapter* may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

(c) REPAYMENT.—

(1) * * *

* * * * * * *

[(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.]

[(4)] *(3)* DEFERRED PAYMENTS.—

(A) * * *

* * * * * * *

[(5)] *(4)* PREPAYMENT.—

(A) * * *

* * * * * * *

§ [184] *604*. Lines of credit

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be

made by the Secretary at future dates on the occurrence of certain events for any project selected under section [182] *602*.

* * * * * * *

(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section [182(b)(2)(B)] *602(b)(2)(B)*, shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account such letter.

* * * * * * *

(b) TERMS AND LIMITATIONS.—

(1) * * *

* * * * * * *

(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest[, any debt service reserve fund, and any other available reserve] *but not including reasonably required financing reserves*) are insufficient to pay the costs specified in subsection (a)(2).

(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year [marketable] United States Treasury securities as of the date [on which] *of execution of* the line of credit [is obligated] *agreement*.

(5) SECURITY.—The line of credit—

(A) shall—

(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources *that also secure the senior project obligations*; and

* * * * * * *

(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section [183] *603* of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

(c) REPAYMENT.—

(1) * * *

(2) TIMING.—All [scheduled] repayments of principal or interest on a direct loan under this section shall *be scheduled to* commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and [be fully repaid, with interest,] *conclude, with full repayment of principal and interest,* by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

[(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.]

[§ 185. Project servicing

[(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify

a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

[(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

[(1) shall act as the agent for the Secretary; and

[(2) may receive a servicing fee, subject to approval by the Secretary.

[(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

[(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.]

§ 605. Program Administration

(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instrument made available under this chapter.

(b) FEES.—The Secretary may establish fees at a level to cover all or a portion of the costs to the Federal Government of servicing the Federal credit instrument.

(c) SERVICES.—The Secretary may identify a financial entity to assist the Secretary in servicing a Federal credit instrument. The services—

(1) shall act as the agent for the Secretary; and

(2) shall receive a servicing fee, subject to approval by the Secretary.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of one or more expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

§ [186] *606*. State and local permits

The provision of financial assistance under [this subchapter] *this chapter* with respect to a project shall not—

(1) * * *

* * * * * * *

§ [187] *607*. Regulations

The Secretary may issue such regulations as the Secretary determines appropriate to carry out [this subchapter] *this chapter*.

[§ 188. Funding

[(a) FUNDING.—

[(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

[(A) $80,000,000 for fiscal year 1999;

[(B) $90,000,000 for fiscal year 2000;

[(C) $110,000,000 for fiscal year 2001;

[(D) $120,000,000 for fiscal year 2002;

[(E) $130,000,000 for fiscal year 2003;

[(F) $130,000,000 for fiscal year 2004; and

[(G) $86,666,667 for the period of October 1, 2004, through May 31, 2005.

[(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1999 through 2004 and $1,333,333 for the period of October 1, 2004, through May 31, 2005.

[(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

[(b) CONTRACT AUTHORITY.—

[(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

[(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

[(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1999 through 2005, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

[Maximum amount of credit:
$1,600,000,000
$1,800,000,000
$2,200,000,000
$2,400,000,000
$2,600,000,000
$2,600,000,000
$1,733,333,333.

[§ 189. Report to Congress

[Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

[(1) by continuing the program under the authority of the Secretary;

[(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

[(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.]

§ 608. Funding

(a) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $130,000,000 for fiscal year 2004 and $140,000,000 for each of fiscal years 2005 through 2009 to carry out this chapter.

(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of chapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2004 through 2009, principal amounts of Federal credit instruments made available under this chapter shall be limited to $2,600,000,000.

§ 609. State infrastructure bank program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT.—The term "capital project" has the meaning such term has under section 5302 of title 49, United States Code.

(2) OTHER FORMS OF CREDIT ASSISTANCE.—The term "other forms of credit assistance" includes any use of funds in an infrastructure bank—

(A) to provide credit enhancements;

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

(C) to subsidize interest rates;

(D) to insure or guarantee letters of credit and credit instruments against credit risk of loss;

(E) to finance purchase and lease agreements with respect to transit projects;

(F) to provide bond or debt financing instrument security; and

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

(3) STATE.—The term "State" has the meaning such term has under section 401 of this title.

(4) CAPITALIZATION.—The term "capitalization" means the process used for depositing funds as initial capital into a State infrastructure bank to establish the infrastructure bank.

(5) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means written consent between a State and the Secretary which sets forth the manner in which the infrastructure bank established by the State in accordance with this section will be administered.

(6) LOAN.—The term "loan" means any form of direct financial assistance from a State infrastructure bank that is required

to be repaid over a period of time and that is provided to a project sponsor for all or part of the costs of the project.

(7) GUARANTEE.—The term "guarantee" means a contract entered into by a State infrastructure bank in which the bank agrees to take responsibility for all or a portion of a project sponsor's financial obligations for a project under specified conditions.

(8) INITIAL ASSISTANCE.—The term "initial assistance" means the first round of funds that are loaned or used for credit enhancement by a State infrastructure bank for projects eligible for assistance under this section.

(9) LEVERAGE.—The term "leverage" means a financial structure used to increase funds in a State infrastructure bank through the issuance of debt instruments.

(10) LEVERAGED.—The term "leveraged", as used with respect to a State infrastructure bank, means that the bank has total potential liabilities that exceed the capital of the bank.

(b) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks for making loans and providing other forms of credit assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(c) INTERSTATE COMPACTS.—

(1) IN GENERAL.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under subsection (a) with the Secretary for the establishment by such States of a multi-State infrastructure bank in accordance with this section, to enter into an interstate compact establishing such bank in accordance with this section.

(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) FUNDING.—

(1) HIGHWAY ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the highway account of the bank not to exceed—

(A) 10 percent of the funds apportioned to the State for each of fiscal years 2005 through 2009 under each of sections 104(b)(1), 104(b)(3), 104(b)(4), and 144; and

(B) 10 percent of the funds allocated to the State for each of such fiscal years under section 105.

(2) TRANSIT ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under section 5307, 5309, or 5311 of title 49, to deposit into the transit account of the bank not to exceed 10 percent of the funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

(3) RAIL ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under subtitle V of title 49,

to deposit into the rail account of the bank funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under such subtitle.

(4) CAPITAL GRANTS.—

(A) HIGHWAY ACCOUNT.—Federal funds deposited into a highway account of a State infrastructure bank under paragraph (1) shall constitute for purposes of this section a capitalization grant for the highway account of the bank.

(B) TRANSIT ACCOUNT.—Federal funds deposited into a transit account of a State infrastructure bank under paragraph (2) shall constitute for purposes of this section a capitalization grant for the transit account of the bank.

(C) RAIL ACCOUNT.—Federal funds deposited into a rail account of a State infrastructure bank under paragraph 3 shall constitute for purposes of this section a capitalization grant for the rail account of the bank.

(5) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds in a State infrastructure bank that are attributed to urbanized areas of a State with urbanized populations of over 200,000 under section 133(d)(3) may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

(6) DISCONTINUANCE OF FUNDING.—If the Secretary determines that a State is not implementing the State's infrastructure bank in accordance with a cooperative agreement entered into under subsection (b), the Secretary may prohibit the State from contributing additional Federal funds to the bank.

(e) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other forms of credit assistance to a public or private entity in an amount equal to all or a part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other form of credit assistance provided for the project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds deposited into an infrastructure bank under this section may not be made in the form of a grant.

(f) ELIGIBLE PROJECTS.—Subject to subsection (e), funds in an infrastructure bank established under this section may be used only to provide assistance for projects eligible for assistance under this title and capital projects defined in section 5302 of title 49, and any other projects related to surface transportation that the Secretary determines to be appropriate.

(g) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, the State establishing the bank shall—

(1) deposit in cash, at a minimum, into each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and deposited into such account; except that, if the deposit is into the highway account of the bank and the State has a non-Federal share under section 120(b) that is less than 25 percent, the percentage to be deposited from non-Federal sources shall be the lower percentage of such grant;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt, or has a sufficient level of bond or debt financing instrument insurance, to maintain the viability of the bank;

(3) ensure that investment income derived from funds deposited to an account of the bank are—

(A) credited to the account;

(B) available for use in providing loans and other forms of credit assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(6) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan; and

(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year and such other reports as the Secretary may require under guidelines issued to carry out this section.

(h) APPLICABILITY OF FEDERAL LAW.—

(1) IN GENERAL.—The requirements of this title and title 49 that would otherwise apply to funds made available under this title or such title and projects assisted with those funds shall apply to—

(A) funds made available under this title or such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (g); and

(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of this title and section 5333 of title 49), is not consistent with the objectives of this section.

(2) REPAYMENTS.—The requirements of this title and title 49 shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.

(i) UNITED STATES NOT OBLIGATED.—The deposit of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt-financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(j) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, shall not apply to funds deposited into an infrastructure bank under this section.

(k) PROGRAM ADMINISTRATION.—For each of fiscal years 2005 through 2009, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

* * * * * * *

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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

Sec. 1. Short title; table of contents.

* * * * * * *

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title.

* * * * * * *

[Sec. 3038. Rural transportation accessibility incentive program.**]**
Sec. 3038. Over-the-road bus accessibility program.

* * * * * * *

TITLE I—FEDERAL-AID HIGHWAYS

* * * * * * *

Subtitle B—General Provisions

* * * * * * *

SEC. 1212. MISCELLANEOUS.

(a) * * *

* * * * * * *

(i) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) * * *

* * * * * * *

[(D)**]** *(2)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for each of fiscal years 1998 through 2004 and $333,333 for the period of October 1, 2004, through May 31, 2005.

[(E)**]** *(3)* APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of

title 23, United States Code, except that the funds shall remain available until expended.

* * * * * * *

SEC. 1214. FEDERAL ACTIVITIES.

(a) * * *

* * * * * * *

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section [1101(a)(15) for each of fiscal years 1998 through 2005] *1101(a)(24) for each of fiscal years 2004 through 2009 of the Transportation Equity Act: A Legacy for Users* to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) APPLICABILITY OF TITLE 23.—Amounts made available by section [1101(a)(15) of this Act] *1101(a)(24) of the Transportation Equity Act: A Legacy for Users* shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

* * * * * * *

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.

(a) * * *

[(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

[(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

[(3) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

[(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

[(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

[(C) An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations

made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

[(D) A facility management plan that includes—

[(i) a plan for implementing the imposition of tolls on the facility;

[(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

[(iii) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

[(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

[(v) such other information as the Secretary may require.

[(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines that—

[(A) the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments;

[(B) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

[(C) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

[(D) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable; and

[(E) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

[(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

[(A) all toll revenues received from operation of the toll facility will be used only for—

[(i) debt service;

[(ii) reasonable return on investment of any private person financing the project; and

[(iii) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

[(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

[(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of

title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

[(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this subsection for a term to be determined by the Secretary, but not less than 10 years.

[(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.]

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SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) * * *

* * * * * * *

(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for fiscal year 1999 [and], $25,000,000 for each of fiscal years 2000 through 2003 and [2004 and $16,666,667 for the period of October 1, 2004, through May 31, 2005], *and $25,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $35,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, and $35,000,000 for each of fiscal years 2008 and 2009*.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code*; except that such funds shall not be transferable and the Federal share for projects and activities carried out with such funds shall be determined in accordance with section 120(b) of title 23, United States Code*.

(f) PLANNING ACTIVITIES PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a pilot program using funds set aside under paragraph (4) to support planning and public participation activities related to highway and public transportation projects.

(2) ELIGIBLE ACTIVITIES.—Activities eligible to be carried out under the pilot program may include the following:

(A) Improving data collection and analysis to improve freight movement, intermodal connections, and transportation access and efficiency for all users, including children, older individuals, individuals with disabilities, low-income individuals, and minority communities.

(B) Supporting public participation by holding public meetings using an interactive workshop format facilitated by design or planning experts (or both) to consider public input at the initial stages of project development and during other phases of a project.

(C) Using innovative planning or design visualization and simulation tools to improve the evaluation of alternatives and their impacts and to enhance public participation in the transportation planning process, including tools having a structure that enables modifications to scenarios and assumptions in real time.

(D) Enhancing coordination among transportation, land use, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, senior centers, public schools, universities, and residential areas, including the use of integrated planning and service delivery, especially for transit dependent and low-income individuals.

(E) Contracting with nonprofit organizations, universities, and local agencies to deliver community-oriented transportation plans and projects, including public outreach, context sensitive design, transit-oriented development, multimodal corridor investments, commuter benefits deployment, and brownfield redevelopment.

(F) Measuring and reporting on the annual performance of the transportation system (or parts of) relative to State or locally-established criteria regarding—

(i) maintenance and operating costs of the transportation system, vehicle miles traveled, peak-period travel times, transportation choices, and mode shares;

(ii) location of housing units, jobs, medical facilities, and commercial centers to transit;

(iii) improvements directed to low-income families and older individuals;

(iv) transportation-related pollution emissions into the air and water;

(v) land consumption; and

(vi) other locally-significant factors.

(G) Improving regional travel and emission modeling to examine factors not currently considered, such as induced travel and land use effects of transportation alternatives, types of vehicles owned and used by households, time-of-day of travel and linkage of trips to each other throughout the day, effects of urban design and pedestrian and bicycle environment on travel behavior, and impacts of alternatives on the distribution of benefits and burdens among various groups protected under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(3) FEDERAL SHARE.—Notwithstanding subsection (e)(2), the Federal share of the cost of activities carried out under the pilot program shall be 100 percent.

(4) SET ASIDE.—The Secretary shall make available $1,500,000 of the amounts made available to carry out this section for each of fiscal years 2005 through 2009 to carry out the pilot program under this subsection.

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Subtitle F—High Priority Projects

* * * * * * *

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(13) of

the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

No.	State	Project description	(Dollars in millions)
1.	Georgia	I–75 advanced transportation management system in Cobb County	1.7
*	*	* * * *	*
35.	California	Construct San Diego and Arizona Eastern Intermodal Yard *and for other related purposes*, San Ysidro	10
*	*	* * * *	*
78.	California	Construct [Third Street South Bay Basin Bridge] *Bayview Transportation Improvements Project*, San Francisco	9.375
*	*	* * * *	*
312.	Pennsylvania	Conduct preliminary engineering *through construction* on the relocation of exits 4 and 5 on I–83 in York County	1.5
*	*	* * * *	*
800.	Pennsylvania	Improve ramp junctions at intersection of SR 114 and Interstate 83, [Fairview Township] *or other projects selected by the York County, Pennsylvania MPO*	3
*	*	* * * *	*
820.	Michigan	[Conduct preliminary engineering, acquire right-of-way and construct I–75/North Down River Road interchange] *Conduct a transportation needs study and make improvements to I–75 interchanges in the Grayling area*	1.125
*	*	* * * *	*
897.	Illinois	[Road upgrade and access road near the intersection of I–80 and I–57 in Country Club Hills] *Engineering and construction of a new access road to a development near Interstate 57 and 167th Street in Country Club Hills*, Illinois	1.125
*	*	* * * *	*
1121.	New York	[Construct sound barriers on Grand Central Parkway between 244th Street and Douglaston Parkway] *Provide landscaping along both sides of the Grand Central Parkway from 188th Street to 172nd Street*	0.375
*	*	* * * *	*
1225.	Indiana	[Construct SR 9 bypass] *Study, design, and construct transportation solutions for SR 9 corridor* in Greenfield	2.3625
*	*	* * * *	*
1375.	Michigan	[Preliminary engineering and right-of-way acquisition for "Intertown South" route of U.S. 31 bypass, Emmet County] *Petoskey area transportation needs study and trunkline preservation and safety in the Petoskey area*	1.125

No.	State	Project description	(Dollars in millions)
*	*	* * * *	*
1392.	Pennsylvania	[Construct Towamencin Township multimodal center] *Improve the ramp configuration at the I–476 PA Turnpike Landsdale Interchange*	2.61
*	*	* * * *	*
1447.	Indiana	[Extend SR 149 between SR 130 to U.S. Route 30, Valparaiso] *Design and construction of interchange at I–65 and 109th Avenue, Crown Point*	3
*	*	* * * *	*

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TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

* * * * * * *

[SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS.

[(a) FINDINGS.—Congress finds that—

[(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

[(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

[(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

[(4) not less than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

[(5) 94 percent of welfare recipients do not own cars;

[(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

[(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

[(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

[(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

[(b) DEFINITIONS.—In this section, the following definitions shall apply:

[(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services

Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

[(2) ELIGIBLE PROJECT AND RELATED TERMS.—

[(A) IN GENERAL.—The term "eligible project" means an access to jobs project or a reverse commute project.

[(B) ACCESS TO JOBS PROJECT.—The term "access to jobs project" means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The Secretary may make access to jobs grants for—

[(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

[(ii) promoting the use of transit by workers with nontraditional work schedules;

[(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

[(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

[(C) REVERSE COMMUTE PROJECT.—The term "reverse commute project" means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

[(i) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

[(ii) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

[(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities.

[(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term "existing transportation service providers" means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

[(4) QUALIFIED ENTITY.—The term "qualified entity" means—

[(A) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, the applicant or applicants selected by the appropriate metropolitan planning organization that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among designated re-

cipients under section 5307(a)(2) of title 49, United States Code, local governmental authorities and agencies, and nonprofit organizations; and

[(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the applicant or applicants selected by the chief executive officer of the State in which the area is located that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among designated recipients under section 5307(a)(2) of title 49, United States Code, local governmental authorities and agencies, and nonprofit organizations.

[(5) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

[(c) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

[(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

[(d) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

[(e) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

[(f) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (d), the Secretary shall consider—

[(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

[(2) in the case of an applicant seeking assistance to finance an access to jobs project, the need for additional services (including bicycling) in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

[(3) the extent to which the applicant demonstrates—

[(A) coordination with, and the financial commitment of, existing transportation service providers; and

[(B) coordination with the State agency that administers the State program funded under part A of title IV of the Social Security Act;

[(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

[(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

[(6) the extent to which the applicant—

[(A) in the case of an applicant seeking assistance to finance an access to jobs project, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

[(B) identifies long-term financing strategies to support the services under this section;

[(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

[(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.

[(g) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

[(h) COST SHARING.—

[(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

[(2) NONGOVERNMENTAL SHARE.—

[(A) IN GENERAL.—The portion of the total cost of an eligible project that is not funded under this section—

[(i) shall be provided in cash from sources other than revenues from providing mass transportation, but may include amounts received under a service agreement; and

[(ii) may be derived from amounts appropriated to or made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

[(B) INAPPLICABILITY.—For purposes of subparagraph (A)(ii), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vi) of the Social Security Act shall not apply to Federal or State funds to be used for transportation services.

[(i) PLANNING REQUIREMENTS.—

[(1) IN GENERAL.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to any grant made under this section.

[(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed under this section shall be part of a coordinated public transit-human services transportation planning process.

[(j) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

[(1) all of the terms and conditions to which a grant made under section 5307 of title 49, United States Code, is subject; and

[(2) such other terms and conditions as are determined by the Secretary.

[(k) PROGRAM EVALUATION.—

[(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

[(A) conduct a study to evaluate the grant program authorized under this section; and

[(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

[(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

[(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

[(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

[(l) AUTHORIZATION AND ALLOCATION.—

[(1) IN GENERAL.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section—

[(i) $40,000,000 for fiscal year 1999;
[(ii) $60,000,000 for fiscal year 2000;
[(iii) $80,000,000 for fiscal year 2001;
[(iv) $100,000,000 for fiscal year 2002;
[(v) $120,000,000 for fiscal year 2003;
[(vi) $100,000,000 for fiscal year 2004; and
[(vii) $80,000,000 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out this section—

[(i) $10,000,000 for fiscal year 1999;
[(ii) $15,000,000 for fiscal year 2000;
[(iii) $20,000,000 for fiscal year 2001;
[(iv) $25,000,000 for fiscal year 2002;
[(v) $30,000,000 for fiscal year 2003;
[(vi) $25,000,000 for fiscal year 2004; and
[(vii) $20,000,000 for the period of October 1, 2004, through May 31, 2005.

[(C) ADDITIONAL AMOUNTS.—In addition to amounts made available under subparagraphs (A) and (B)under the Transportation Discretionary Spending Guarantee for the Mass Transit Category, there are authorized to be appropriated to carry out this section—

[(i) $100,000,000 for fiscal year 1999;
[(ii) $75,000,000 for fiscal year 2000;
[(iii) $50,000,000 for fiscal year 2001; and
[(iv) $25,000,000 for fiscal year 2002.

[(2) SET-ASIDE FOR REVERSE COMMUTE PROJECTS.—Of amounts made available by or appropriated under subparagraphs (A) and (B) of paragraph (1) to carry out this section in each fiscal year, not more than $10,000,000 shall be used for grants for reverse commute projects; except that in the period of October 1, 2004, through May 31, 2005, not more than $6,666,667 shall be used for such projects.

[(3) ALLOCATION.—The amounts made available by or appropriated under paragraph (1) to carry out this section in each fiscal year shall be allocated as follows:

[(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of at least 200,000.

[(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

[(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.

[(4) TRANSFER IN FISCAL YEAR 2004.—Of the funds made available or appropriated under paragraph (1) for fiscal year 2004, prior to the allocation under paragraph (3), $20,000,000 shall be administered under the provisions of section 5309 of title 49, United States Code.]

[SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.]

SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) * * *

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[(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 90 percent of the project cost.]

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 80 percent of the project cost.

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[(g) FUNDING.—

[(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code (before allocation under section 5338(a)(2)(C) of that title), the following amounts shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses:

[(A) $2,000,000 for fiscal year 1999.
[(B) $2,000,000 for fiscal year 2000.
[(C) $3,000,000 for fiscal year 2001.
[(D) $5,250,000 for fiscal year 2002.

[(E) $5,250,000 for fiscal year 2003.
[(F) $5,250,000 for fiscal year 2004.
[(G) $3,500,000 for the period of October 1, 2004, through May 31, 2005.
Such sums shall remain available until expended.

[(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code (before allocation under section 5338(a)(2)(C) of that title), $1,700,000 shall be available for each of fiscal years 2000 through 2004 (and $1,133,333 shall be available for the period of October 1, 2004, through May 31, 2005) for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such sums shall remain available until expended.]

(g) FUNDING.—

(1) INTERCITY, FIXED ROUTE OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 75 percent shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 25 percent shall be available for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

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TITLE V—TRANSPORTATION RESEARCH

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Subtitle B—Research and Technology

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SEC. 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) * * *
(b) CONTENTS OF PROGRAM.—
(1) * * *

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(3) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—
(A) * * *

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(E) USE OF RIGHTS-OF-WAY.—

(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3), and an intelligent transportation system project described in paragraph (6), that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund (other than the Mass Transit Account) shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which funds from the Highway Trust Fund (other than the Mass Transit Account) have been used for planning, design, construction, or maintenance if the Secretary determines that such use is in the public interest.

(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the authority of a State, or political subdivision of a State, to regulate highway safety.

[(E)**]** *(F)* DEFINITIONS.—In this paragraph:

(i) * * *

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[(F)**]** *(G)* FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

[(G)**]** *(H)* FEDERAL SHARE.—The Federal share of the cost of a program carried out under this paragraph shall be 80 percent of the cost of such program.

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[Subtitle C—Intelligent Transportation Systems

[SEC. 5201. SHORT TITLE.

[This subtitle may be cited as the "Intelligent Transportation Systems Act of 1998".

[SEC. 5202. FINDINGS.

[Congress finds that—

[(1) investments authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) have demonstrated that intelligent transportation systems can mitigate surface transportation problems in a cost-effective manner; and

[(2) continued investment in architecture and standards development, research, and systems integration is needed to accelerate the rate at which intelligent transportation systems are incorporated into the national surface transportation network, thereby improving transportation safety and efficiency and reducing costs and negative impacts on communities and the environment.

[SEC. 5203. GOALS AND PURPOSES.

[(a) GOALS.—The goals of the intelligent transportation system program include—

[(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

[(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles, with particular emphasis on decreasing the number and severity of collisions;

[(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

[(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial vehicles, passenger vehicles, and motorcycles, and including individuals with disabilities; and

[(5) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility.

[(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

[(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

[(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

[(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

[(4) promote the innovative use of private resources;

[(5) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

[(6) complete deployment of Commercial Vehicle Information Systems and Networks in a majority of States by September 30, 2003.

[SEC. 5204. GENERAL AUTHORITIES AND REQUIREMENTS.

[(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

[(b) POLICY.—Intelligent transportation system operational tests and deployment projects funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

[(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local

governments and other public entities, the United States private sector, the Federal laboratories, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

[(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

[(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

[(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

[(g) INFORMATION CLEARINGHOUSE.—

[(1) IN GENERAL.—The Secretary shall—

[(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle; and

[(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

[(2) DELEGATION OF AUTHORITY.—

[(A) IN GENERAL.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

[(B) FEDERAL ASSISTANCE.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

[(h) ADVISORY COMMITTEES.—

[(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use 1 or more advisory committees.

[(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

[(i) PROCUREMENT METHODS.—

[(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as the Information Technology Omnibus Procurement.

[(2) INTELLIGENT TRANSPORTATION SYSTEM SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering In-

stitute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of intelligent transportation system software.

[(j) EVALUATIONS.—

[(1) GUIDELINES AND REQUIREMENTS.—

[(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under this subtitle.

[(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

[(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test or project that ensure adequate evaluation of the results of the test or project.

[(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

[(k) USE OF RIGHTS-OF-WAY.—Intelligent transportation system projects specified in section 5117(b)(3) and 5117(b)(6) and involving privately owned intelligent transportation system components that is carried out using funds made available from the Highway Trust Fund shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance, if the Secretary of Transportation determines that such use is in the public interest. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate highway safety.

[SEC. 5205. NATIONAL ITS PROGRAM PLAN.

[(a) IN GENERAL.—

[(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of Transportation and the Intelligent Transportation Society of America.

[(2) SCOPE.—The National ITS Program Plan shall—

[(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle operations;

[(B) specify how specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5- and 10-year timeframes for the goals and objectives;

[(C) identify activities that provide for the dynamic development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish critical standards; and

[(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for incorporation of specific intelligent transportation system capabilities into surface transportation systems.

[(b) REPORTING.—The plan described in subsection (a) shall be transmitted and updated as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code.

[SEC. 5206. NATIONAL ARCHITECTURE AND STANDARDS.

[(a) IN GENERAL.—

[(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

[(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

[(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards development organizations as the Secretary determines to be appropriate.

[(b) REPORT ON CRITICAL STANDARDS.—Not later than June 1, 1999, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives identifying which standards are critical to ensuring national interoperability or critical to the development of other standards and specifying the status of the development of each standard identified.

[(c) PROVISIONAL STANDARDS.—

[(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

[(2) CRITICAL STANDARDS.—If a standard identified as critical in the report under subsection (b) is not adopted and published by the appropriate standards development organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties, and using, to

the extent practicable, the work product of appropriate standards development organizations.

[(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

[(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARD.—

[(1) IN GENERAL.—The Secretary may waive the requirement under subsection (c)(2) to establish a provisional standard if the Secretary determines that additional time would be productive or that establishment of a provisional standard would be counterproductive to achieving the timely achievement of the objectives identified in subsection (a).

[(2) NOTICE.—The Secretary shall publish in the Federal Register a notice describing each standard for which a waiver of the provisional standard requirement has been granted, the reasons for and effects of granting the waiver, and an estimate as to when the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

[(3) WITHDRAWAL OF WAIVER.—At any time the Secretary may withdraw a waiver granted under paragraph (1). Upon such withdrawal, the Secretary shall publish in the Federal Register a notice describing each standard for which a waiver has been withdrawn and the reasons for withdrawing the waiver.

[(e) CONFORMITY WITH NATIONAL ARCHITECTURE.—

[(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

[(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

[(A) projects designed to achieve specific research objectives outlined in the National ITS Program Plan under section 5205 or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code; or

[(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subtitle, if the Secretary determines that the upgrade or expansion—

[(i) would not adversely affect the goals or purposes of this subtitle;

[(ii) is carried out before the end of the useful life of such system; and

[(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

[(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subtitle.

[(f) SPECTRUM.—The Federal Communications Commission shall consider, in consultation with the Secretary, spectrum needs for the operation of intelligent transportation systems, including spectrum for the dedicated short-range vehicle-to-wayside wireless standard. Not later than January 1, 2000, the Federal Communications Commission shall have completed a rulemaking considering the allocation of spectrum for intelligent transportation systems.

[SEC. 5207. RESEARCH AND DEVELOPMENT.

[(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subtitle.

[(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

[(1) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

[(2) focus on crash-avoidance and integration of in-vehicle crash protection technologies with other on-board safety systems, including the interaction of air bags and safety belts;

[(3) incorporate human factors research, including the science of the driving process;

[(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies, including magnetic guidance control systems or other materials or magnetics research; or

[(5) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates.

[(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for the collection of data to permit objective evaluation of the results of the tests, derivation of cost-benefit information that is useful to others contemplating deployment of similar systems, and development and implementation of standards.

[(d) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

[SEC. 5208. INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.

[(a) IN GENERAL.—The Secretary shall conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of inter-

modal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

[(b) SELECTION OF PROJECTS.—Under the program, the Secretary shall give priority to funding projects that—

[(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 5205;

[(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment;

[(3) encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

[(4) demonstrate commitment to a comprehensive plan of fully integrated intelligent transportation system deployment in accordance with the national architecture and standards and protocols established under section 5206;

[(5) are part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time at which Federal funds are sought;

[(6) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

[(7) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

[(8) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

[(9) mitigate any adverse impacts on bicycle and pedestrian transportation and safety; or

[(10) in the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria as determined by the Secretary.

[(c) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section for a fiscal year—

[(1) not more that $15,000,000 may be used for projects in a single metropolitan area;

[(2) not more than $2,000,000 may be used for projects in a single rural area; and

[(3) not more than $35,000,000 may be used for projects in a State.

[(d) FUNDING LIMITATIONS.—

[(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be used primarily for activities necessary to integrate intelligent transportation infrastructure

elements that are either deployed or to be deployed with other sources of funds.

[(2) OTHER PROJECTS.—For projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

[(e) FUNDING FOR RURAL AREAS.—The Secretary shall allocate not less than 10 percent of funds authorized by section 5001(c)(4)(A) in rural areas for intelligent transportation infrastructure deployment activities funded under this section to carry out intelligent transportation infrastructure deployment activities in rural areas.

[(f) FEDERAL SHARE.—

[(1) FUNDS MADE AVAILABLE UNDER THIS SECTION.—The Federal share of the cost of a project payable from funds made available under this section shall not exceed 50 percent.

[(2) FUNDS MADE AVAILABLE FROM ALL FEDERAL SOURCES.—The total Federal share of the cost of a project payable from all eligible sources (including this section) shall not exceed 80 percent.

[(g) CORRIDOR DEVELOPMENT AND COORDINATION.—

[(1) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

[(2) GREAT LAKES ITS IMPLEMENTATION.—

[(A) IN GENERAL.—The Secretary shall make grants under this subsection to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991 and other areas of the State.

[(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

[(3) NORTHEAST ITS IMPLEMENTATION.—

[(A) IN GENERAL.—The Secretary shall make grants under this subsection to the States to continue ITS activities in the Interstate Route I–95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

[(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

[SEC. 5209. COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.

[(a) IN GENERAL.—The Secretary shall carry out a comprehensive program to deploy intelligent transportation systems that—

[(1) improve the safety and productivity of commercial vehicles and drivers; and

[(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

[(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

[(c) PRIORITY AREAS.—In carrying out the program, the Secretary shall give priority to projects that—

[(1) encourage multistate cooperation and corridor development;

[(2)(A) improve the safety of commercial vehicle operations; and

[(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

[(3)(A) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

[(B) promote communication of the information among the States; or

[(4) enhance the safe passage of commercial vehicles across the United States and across international borders.

[(d) LEVERAGING OF FEDERAL FUNDS.—Federal funds used to carry out the program shall, to the maximum extent practicable—

[(1) be leveraged with non-Federal funds; and

[(2) be used for activities not carried out through the use of private funds.

[(e) FEDERAL SHARE.—The Federal share of the cost of the project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of the project payable from all eligible sources shall not exceed 80 percent.

[SEC. 5210. USE OF FUNDS.

[(a) OUTREACH AND PUBLIC RELATIONS LIMITATION.—

[(1) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subtitle shall be used for intelligent transportation system outreach, public relations, displays, scholarships, tours, and brochures.

[(2) APPLICABILITY.—Paragraph (1) shall not apply to intelligent transportation system training or the publication or distribution of research findings, technical guidance, or similar documents.

[(b) INFRASTRUCTURE DEVELOPMENT.—Funds made available to carry out this subtitle for operational tests and deployment projects—

[(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

[(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to

the implementation of an intelligent transportation system project.

[(c) LIFE CYCLE COST ANALYSIS AND FINANCING AND OPERATIONS PLAN.—The Secretary shall require an applicant for funds made available under sections 5208 and 5209 to submit to the Secretary—

[(1) an analysis of the life-cycle costs of operation and maintenance of intelligent transportation system elements, if the total initial capital costs of the elements exceed $3,000,000; and

[(2) a multiyear financing and operations plan that describes how the project will be cost-effectively operated and maintained.

[(d) USE OF INNOVATIVE FINANCING.—

[(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

[(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.

[SEC. 5211. DEFINITIONS.

[In this subtitle, the following definitions apply:

[(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term "Commercial Vehicle Information Systems and Networks" means the information systems and communications networks that support commercial vehicle operations.

[(2) COMMERCIAL VEHICLE OPERATIONS.—The term "commercial vehicle operations"—

[(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

[(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

[(3) CORRIDOR.—The term "corridor" means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

[(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

[(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term "intelligent transportation system" means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

[(6) NATIONAL ARCHITECTURE.—The term "national architecture" means the common framework for interoperability adopted by the Secretary that defines—

[(A) the functions associated with intelligent transportation system user services;

[(B) the physical entities or subsystems within which the functions reside;

[(C) the data interfaces and information flows between physical subsystems; and

[(D) the communications requirements associated with the information flows.

[(7) STANDARD.—The term "standard" means a document that—

[(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

[(B) may support the national architecture and promote—

[(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

[(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

[(8) STATE.—The term "State" has the meaning given the term under section 101 of title 23, United States Code.

[SEC. 5212. PROJECT FUNDING.

[(a) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

[(1) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

[(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(6) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

[(b) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

[(1) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

[(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(5) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

[(c) TRANSLINK.—

[(1) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

[(2) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 by section 5001(a)(6) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.]

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TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

* * * * * * *

CHAPTER 1—ORGANIZATION

* * * * * * *

§ 102. Department of Transportation

(a) * * *

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(f) DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS.—The Department of Transportation shall have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations and to coordinate tribal transportation programs and activities in all offices and administrations of the Department and to be a participant in any negotiated rulemaking related to, or has impact on, projects, programs, or funding associated with the tribal transportation program.

[(f)**]** *(g)* The Department shall have a seal that shall be judicially recognized.

[(g)**]** *(h)* The Department has an Associate Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Associate Deputy Secretary shall carry out powers and duties prescribed by the Secretary.

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[§ 111. Bureau of Transportation Statistics

[(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.

[(b) DIRECTOR.—

[(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.

[(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.

[(c) RESPONSIBILITIES.—The Director of the Bureau shall be responsible for carrying out the following duties:

[(1) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including compari-

sons among individual transportation modes and intermodal transport systems) and shall include information on—

[(A) productivity in various parts of the transportation sector;

[(B) traffic flows;

[(C) travel times;

[(D) vehicle weights;

[(E) variables influencing traveling behavior, including choice of transportation mode;

[(F) travel costs of intracity commuting and intercity trips;

[(G) availability of mass transit and the number of passengers served by each mass transit authority;

[(H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

[(I) accidents;

[(J) collateral damage to the human and natural environment;

[(K) the condition of the transportation system; and

[(L) transportation-related variables that influence global competitiveness.

[(2) IMPLEMENTING LONG-TERM DATA COLLECTION PROGRAM.—Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the transportation systems of the United States. Such program shall—

[(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.) and the amendments made by such Act;

[(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and

[(C) ensure that data collected under this subsection is controlled for accuracy, made relevant to the States and metropolitan planning organizations, and disseminated to the States and other interested parties.

[(3) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.

[(4) COORDINATING COLLECTION OF INFORMATION.—Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.

[(5) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

[(6) IDENTIFYING INFORMATION NEEDS.—Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

[(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.

[(d) INTERMODAL TRANSPORTATION DATA BASE.—

[(1) IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

[(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

[(3) CONTENTS.—The data base shall include—

[(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

[(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

[(C) information on the location and connectivity of transportation facilities and services; and

[(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

[(e) NATIONAL TRANSPORTATION LIBRARY.—

[(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

[(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(5).

[(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

[(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

[(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

[(A) transportation networks;

[(B) flows of people, goods, vehicles, and craft over the networks; and

[(C) social, economic, and environmental conditions that affect or are affected by the networks.

[(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

[(g) RESEARCH AND DEVELOPMENT GRANTS.—

[(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

[(A) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

[(B) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

[(C) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

[(2) LIMITATION.—Not more than $500,000 of the amounts made available to carry out this section in a fiscal year may be used to carry out this subsection.

[(h) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

[(1) to authorize the Bureau to require any other department or agency to collect data; or

[(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

[(i) PROHIBITION ON CERTAIN DISCLOSURES.—

[(1) IN GENERAL.—An officer or employee of the Bureau may not—

[(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

[(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

[(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

[(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

[(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

[(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

[(i) shall be immune from legal process; and

[(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

[(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably inferred by direct or indirect means.

[(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

[(j) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

[(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.]

§ 111. Bureau of Transportation Statistics

(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary's senior advisor on data and statistics, and shall be responsible for carrying out the following duties:

(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.

(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau's data programs and to improve the coordination of information collection efforts with other Federal agencies.

(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.

(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

(5) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

(A) productivity in various parts of the transportation sector;

(B) traffic flows for all modes of transportation;

(C) other elements of the Intermodal Transportation Database established under subsection (g);

(D) travel times and measures of congestion;

(E) vehicle weights and other vehicle characteristics;

(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode, and goods movement;

(G) transportation costs for passenger travel and goods movement;

(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;

(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

(J) safety and security for travelers, vehicles, and transportation systems;

(K) consequences of transportation for the human and natural environment;

(L) the extent, connectivity, and condition of the transportation system, building on the National Transportation Atlas Database developed under subsection (g); and

(M) transportation-related variables that influence the domestic economy and global competitiveness.

(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial data standards, compiling intermodal

geospatial data, and collecting geospatial data that is not being collected by others.

(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

(8) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

(d) INFORMATION NEEDS ASSESSMENT.—

(1) IN GENERAL.—Within 60 days after the date of the enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall enter into an arrangement with the National Research Council to develop and publish a National Transportation Information Needs Assessment (referred to in this subsection as the "Assessment"). The Assessment shall be transmitted to the Secretary and the Congress not later than 24 months after such arrangement is entered into.

(2) CONTENT.—The Assessment shall—

(A) identify, in priority order, transportation data that is not being collected by the Bureau, Department of Transportation operating administrations, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local level and to fulfill the requirements of subsection (c)(5);

(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is a higher priority than data currently being collected;

(C) identify any data the Bureau or other Federal, State, and local entities is collecting that is not needed;

(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, and local entities should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

(E) estimate the cost of implementing any recommendations.

(3) CONSULTATION.—In developing the Assessment, the National Research Council shall consult with the Department's Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

(4) REPORT TO CONGRESS.—Not later than 6 months after the National Research Council transmits the Assessment under paragraph (1), the Secretary shall transmit a report to Congress that describes—

(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

(E) any findings of the Assessment under paragraph (1) with which the Secretary disagrees, and why; and

(F) any proposed statutory changes needed to implement the findings of the Assessment under paragraph (1).

(e) INTERMODAL TRANSPORTATION DATA BASE.—

(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

(3) CONTENTS.—The data base shall include—

(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

(C) information on the location and connectivity of transportation facilities and services; and

(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

(f) NATIONAL TRANSPORTATION LIBRARY.—

(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(8).

(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

(g) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

(A) transportation networks;

(B) flows of people, goods, vehicles, and craft over the networks; and

(C) social, economic, and environmental conditions that affect or are affected by the networks.

(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than $500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than $10,000.

(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

(2) demonstration programs by States, local governments, and metropolitan planning organizations to harmonize data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

(4) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the Bureau to require any other department or agency to collect data; or

(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

(k) PROHIBITION ON CERTAIN DISCLOSURES.—

(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

(B) use the information provided under subsection (c) for a nonstatistical purpose; or

(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

(2) COPIES OF REPORTS.—

(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

(i) shall be immune from legal process; and

(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

(l) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

(n) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—

(1) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(2) FUNCTION.—It shall be the function of the Advisory Council established under this subsection to—

(A) advise the Director of the Bureau of Transportation Statistics on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau of Transportation Statistics and the Department of Transportation;

(B) provide input to and review the report to Congress under subsection (d)(4); and

(C) advise the Director on methods to encourage harmonization and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

(3) MEMBERSHIP.—The Advisory Council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

(4) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for one additional 3-year term.

(B) Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Users shall serve until the end of their appointed terms.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.

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§ 113. Federal Motor Carrier Safety Administration

(a) * * *

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(j) MEDICAL REVIEW BOARD.—

(1) ESTABLISHMENT AND FUNCTION.—The Administrator shall establish a Medical Review Board as an advisory committee to provide the Administration with medical advice and recommendations on driver qualification medical standards and guidelines, medical examiner education, and medical research.

(2) COMPOSITION.—The Medical Review Board shall consist of 5 members appointed for a term not to exceed 3 years by the Secretary from medical institutions and private medical practice. The membership shall reflect expertise in a variety of medical specialties relevant to the functions of the Administration.

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CHAPTER 3—GENERAL DUTIES AND POWERS

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SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

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§ 303. Policy on lands, wildlife and waterfowl refuges, and historic sites

(a) * * *

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(d) SPECIAL RULES FOR HISTORIC SITES.—

(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SECTION 106 CONSULTATION.—The term "section 106 consultation" means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(B) ADVERSE EFFECT.—The term "adverse effect" means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

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SUBCHAPTER III—MISCELLANEOUS

§ 351. Judicial review of actions in carrying out certain transferred duties and powers

(a) JUDICIAL REVIEW.—An action of the Secretary of Transportation in carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89–670, 80 Stat. 931), or an action of the Administrator of the Federal Railroad Administration, the [Federal Highway Administration] *Federal Motor Carrier Safety Administration*, or the Federal Aviation Administration in carrying out a duty or power specifically assigned to the Administrator by that Act, may be reviewed judicially to the same extent and in the same way as if the action had been an action by the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer or assignment.

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§ 352. Authority to carry out certain transferred duties and powers

In carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89–670, 80 Stat. 931), the Secretary of Transportation and the Administrators of the Federal Railroad Administration, the [Federal Highway Administration] *Federal Motor Carrier Safety Administration*, and the Federal Aviation Administration have the same authority that was vested in the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer. An action of the Secretary or Administrator in carrying out the duty or power has the same effect as when carried out by the department, agency, or instrumentality.

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CHAPTER 5—SPECIAL AUTHORITY

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SUBCHAPTER II—PENALTIES

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§ 521. Civil penalties

(a) * * *

[(b)(1)(A) If the Secretary]

(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.—

(1) NOTICE.—

(A) IN GENERAL.—If the Secretary finds that a violation of a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a violation of a regulation issued under any of those provisions, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the pro-

vision which has been violated. The notice shall specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

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(2) CIVIL PENALTY.—

(A) * * *

(B) RECORDKEEPING AND REPORTING VIOLATIONS.—A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person—

(i) who does not make that report, does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, or does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed **[**$500**]** *$1,000* for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed **[**$5,000**]** *$10,000*; or

(ii) who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed **[**$5,000**]** *$10,000* for each violation, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.

* * * * * * *

(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT, LANDS, AND BUILDINGS.—A person subject to chapter 51 or part B of subtitle VI who fails to allow the Secretary, or an employee designated by the Secretary, promptly upon demand to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property in ac-

cordance with section 504(c), 5121(c), or 14122(b) shall be liable to the United States for a civil penalty not to exceed $1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property shall constitute a separate offense; except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary's request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph shall be construed as amending or superseding any remedy available to the Secretary under section 502(d), section 507(c), or any other provision of this title.

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SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

CHAPTER		Sec.
51.	TRANSPORTATION OF HAZARDOUS MATERIAL	5101
52.	*TRANSPORTATION PLANNING AND PROJECT DELIVERY*	*5201*
53.	[MASS] *PUBLIC* TRANSPORTATION	5301

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CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

Sec.
5101. Purpose.

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[5111. Rail tank cars.]

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[5117. Exemptions and exclusions.
[5118. Inspectors.]
5117. Special permits and exclusions.

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[5127. Authorization of appropriations.]
5127. Judicial review.
5128. Authorization of appropriations.

§ 5101. Purpose

[The purpose of this chapter is to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation.] *The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.*

§ 5102. Definitions

In this chapter—

(1) "commerce" means trade or transportation in the jurisdiction of the United States—

(A) between a place in a State and a place outside of the State; [or]

(B) that affects trade or transportation between a place in a State and a place outside of the State[.]*; or*

(C) on a United States registered aircraft.

(2) "hazardous material" means a substance or material the Secretary [of Transportation] designates under section 5103(a) of this title.

* * * * * * *

(8) "[national response team] *National Response Team*" means the [national response team] *National Response Team* established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

* * * * * * *

(11) "Secretary" means the Secretary of Transportation.

[(11)] *(12)* "State" means—

(A) * * *

* * * * * * *

[(12)] *(13)* "transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement.

[(13)] *(14)* "United States" means all of the States.

§ 5103. General regulatory authority

(a) DESIGNATING MATERIAL AS HAZARDOUS.—The Secretary [of Transportation] shall designate material (including an explosive, radioactive material, [etiologic agent,] *infectious substance,* flammable or combustible liquid or solid, [poison,] *toxic,* oxidizing or corrosive material, and compressed gas) or a group or class of material as hazardous when the Secretary decides that transporting the material in commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.

(b) REGULATIONS FOR SAFE TRANSPORTATION.—(1) The Secretary shall prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. The regulations—

(A) apply to a person—

(i) [transporting] *that transports* hazardous material in commerce;

(ii) [causing] *that causes* hazardous material to be transported in commerce; [or]

[(iii) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing a packaging or a container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce; and]

(iii) that designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package or container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce;

(iv) that prepares or accepts hazardous material for transportation in commerce;

(v) that is responsible for the safety of transporting hazardous material in commerce;

(vi) that certifies compliance with any requirement of this chapter; or

(vii) that misrepresents whether the person is engaged in any of the activities described in this subparagraph; and

* * * * * * *

(2) A proceeding to prescribe the regulations must be conducted under section 553 of title 5, including an opportunity for informal oral presentation.

[(C)**]** *(3)* CONSULTATION.—When prescribing a security regulation or issuing a security order that affects the safety of the transportation of hazardous material, the Secretary of Homeland Security shall consult with the Secretary.

§ 5103a. Limitation on issuance of hazmat licenses

(a) LIMITATION.—

(1) ISSUANCE OF LICENSES.—A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary **[**of Transportation**]** has first determined, upon receipt of a notification under subsection (c)(1)(B), that the individual does not pose a security risk warranting denial of the license.

(2) RENEWALS INCLUDED.—For the purposes of this section, the term "issue", with respect to a license, includes renewal of the license.

(b) HAZARDOUS MATERIALS DESCRIBED.—The limitation in subsection (a) shall apply with respect to—

(1) any material defined as a hazardous material by the Secretary **[**of Transportation**]**; and

(2) any chemical or biological material or agent determined by the Secretary of Health and Human Services or the Attorney General as being a threat to the national security of the United States.

(c) BACKGROUND RECORDS CHECK.—

(1) IN GENERAL.—Upon the request of a State regarding issuance of a license described in subsection (a)(1) to an individual, the Attorney General—

(A) * * *

(B) upon completing the background records check, shall notify the Secretary **[**of Transportation**]** of the completion and results of the background records check.

(2) SCOPE.—A background records check regarding an individual under **[**this subsection**]** *paragraph (1)* shall consist of the following:

(A) * * *

* * * * * * *

(3) STANDARDS.—The Secretary shall prescribe by regulation uniform standards (including standards used to disqualify applicants) governing—

(A) the collection by States of background information authorized by paragraph (1);

(B) the collection, transmission, and review of background information; and

(C) the notification of an applicant of the results of the background check.

(4) FEES.—A State may impose and collect an appropriate fee to carry out paragraph (1) consistent with section 5125(f).

(5) OPERATORS REGISTERED IN MEXICO AND CANADA.—No operator of a commercial motor vehicle (as defined in section 31101) licensed in Mexico or Canada may operate in the United States a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to the background records check required of operators of commercial motor vehicles licensed in the United States to transport hazardous materials.

(d) REPORTING REQUIREMENT.—Each State shall submit to the Secretary **[**of Transportation**]**, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require, concerning—

(1) * * *

* * * * * * *

§ 5104. Representation and tampering

(a) REPRESENTATION.—**[**A**]** *No* person may represent, by marking or otherwise, that—

(1) a container, package, or packaging (or a component of a container, package, or packaging) for transporting hazardous material is safe, certified, or complies with this chapter **[**only if the container, package, or packaging (or a component of a container, package, or packaging) meets**]** *if it does not conform to* the requirements of each applicable regulation prescribed under this chapter; or

(2) hazardous material is present in a package, container, motor vehicle, rail freight car, aircraft, or vessel **[**only if**]** *unless* the material is present.

(b) TAMPERING.—**[**A person may not**]** *No person may* alter, remove, destroy, or otherwise tamper unlawfully with—

(1) * * *

* * * * * * *

§ 5105. Transporting certain highly radioactive material

(a) * * *

(b) TRANSPORTATION SAFETY STUDY.—In consultation with the Secretary of Energy, the Nuclear Regulatory Commission, potentially affected States and Indian tribes, representatives of the rail transportation industry, and shippers of high-level radioactive waste and spent nuclear fuel, the Secretary **[**of Transportation**]** shall conduct a study comparing the safety of using trains operated only to transport high-level radioactive waste and spent nuclear fuel with the safety of using other methods of rail transportation for transporting that waste and fuel. The Secretary **[**of Transportation**]** shall submit to Congress not later than November 16, 1991, a report on the results of the study.

(c) SAFE RAIL TRANSPORTATION REGULATIONS.—Not later than November 16, 1992, after considering the results of the study con-

ducted under subsection (b) of this section, the Secretary [of Transportation] shall prescribe amendments to existing regulations that the Secretary considers appropriate to provide for the safe rail transportation of high-level radioactive waste and spent nuclear fuel, including trains operated only for transporting high-level radioactive waste and spent nuclear fuel.

[(d) ROUTES AND MODES STUDY.—Not later than November 16, 1991, the Secretary of Transportation shall conduct a study to decide which factors, if any, shippers and carriers should consider when selecting routes and modes that would enhance overall public safety related to the transportation of high-level radioactive waste and spent nuclear fuel. The study shall include—

[(1) notice and opportunity for public comment; and

[(2) an assessment of the degree to which at least the following affect the overall public safety of the transportation:

[(A) population densities.

[(B) types and conditions of modal infrastructures (including highways, railbeds, and waterways).

[(C) quantities of high-level radioactive waste and spent nuclear fuel.

[(D) emergency response capabilities.

[(E) exposure and other risk factors.

[(F) terrain considerations.

[(G) continuity of routes.

[(H) available alternative routes.

[(I) environmental impact factors.]

[(e)] *(d)* INSPECTIONS OF MOTOR VEHICLES TRANSPORTING CERTAIN MATERIAL.—(1) Not later than November 16, 1991, the Secretary [of Transportation] shall require by regulation that before each use of a motor vehicle to transport a highway-route-controlled quantity of radioactive material in commerce, the vehicle shall be inspected and certified as complying with this chapter and applicable United States motor carrier safety laws and regulations. The Secretary may require that the inspection be carried out by an authorized United States Government inspector or according to appropriate State procedures.

(2) The Secretary [of Transportation] may allow a person, transporting or causing to be transported a highway-route-controlled quantity of radioactive material, to inspect the motor vehicle used to transport the material and to certify that the vehicle complies with this chapter. The inspector qualification requirements the Secretary prescribes for an individual inspecting a motor vehicle apply to an individual conducting an inspection under this paragraph.

§ 5106. Handling criteria

The Secretary [of Transportation] may prescribe criteria for handling hazardous material, including—

(1) * * *

* * * * * * *

§ 5107. Hazmat employee training requirements and grants

(a) TRAINING REQUIREMENTS.—The Secretary [of Transportation] shall prescribe by regulation requirements for training that a hazmat employer must give hazmat employees of the employer

on the safe loading, unloading, handling, storing, and transporting of hazardous material and emergency preparedness for responding to an accident or incident involving the transportation of hazardous material. The regulations—

(1) * * *

* * * * * * *

(b) BEGINNING AND COMPLETING TRAINING.—A hazmat employer shall begin the training of hazmat employees of the employer not later than 6 months after the Secretary [of Transportation] prescribes the regulations under subsection (a) of this section. The training shall be completed within a reasonable period of time after—

(1) * * *

* * * * * * *

(c) CERTIFICATION OF TRAINING.—After completing the training, each hazmat employer shall certify, with documentation the Secretary [of Transportation] may require by regulation, that the hazmat employees of the employer have received training and have been tested on appropriate transportation areas of responsibility, including at least one of the following:

(1) * * *

* * * * * * *

(d) COORDINATION OF TRAINING REQUIREMENTS.—In consultation with the Administrator of the Environmental Protection Agency and the Secretary of Labor, the Secretary [of Transportation] shall ensure that the training requirements prescribed under this section do not conflict with or duplicate—

(1) * * *

* * * * * * *

(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way employees and railroad signalmen receive general awareness/familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.

[(f)] *(g)* RELATIONSHIP TO OTHER LAWS.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary [of Transportation] under subsections (a)–(d) of this section.

(2) An action of the Secretary [of Transportation] under subsections (a)–(d) of this section and [sections 5106, 5108(a)–(g)(1) and (h), and 5109 of this title] *section 5106* is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

[(g)] *(h)* EXISTING EFFORT.—No grant under subsection (e) shall supplant or replace existing employer-provided hazardous materials training efforts or obligations.

§ 5108. Registration

(a) PERSONS REQUIRED TO FILE.—(1) A person shall file a registration statement with the Secretary [of Transportation] under this subsection if the person is transporting or causing to be transported in commerce any of the following:

(A) * * *

(B) more than 25 kilograms of a [class A or B] *Division 1.1, 1.2, or 1.3* explosive in a motor vehicle, rail car, or transport container.

* * * * * * *

(2) The Secretary [of Transportation] may require any of the following persons to file a registration statement with the Secretary under this subsection:

(A) * * *

(B) a person [manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing] *designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing* a package or container the person represents, marks, certifies, or sells for use in transporting in commerce hazardous material the Secretary designates.

(3) A person required to file a registration statement under this subsection may transport or cause to be transported, or manufacture, fabricate, mark, maintain, recondition, repair, or test a package or container for use in transporting, hazardous material, only if the person has a statement on file as required by this subsection.

(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer.

(b) FORM, CONTENTS, AND LIMITATION ON FILINGS.—(1) A registration statement under subsection (a) of this section shall be in the form and contain information the Secretary [of Transportation] requires by regulation. The Secretary may use existing forms of the Department of Transportation and the Environmental Protection Agency to carry out this subsection. The statement shall include—

(A) * * *

* * * * * * *

(c) [FILING DEADLINES AND AMENDMENTS.—] *FILING SCHEDULE*.—(1) Each person required to file a registration statement under subsection (a) of this section [must file the first] *shall file that* statement [not later than March 31, 1992. The Secretary of Transportation may extend that date to September 30, 1992, for activities referred to in subsection (a)(1) of this section.] *in accordance with regulations issued by the Secretary.* A person shall renew the statement periodically consistent with regulations the Secretary prescribes, but not more than once each year and not less than once every 5 years.

(2) The Secretary [of Transportation] shall decide by regulation when and under what circumstances a registration statement must be amended and the procedures to follow in amending the statement.

(d) SIMPLIFYING THE REGISTRATION PROCESS.—The Secretary [of Transportation] may take necessary action to simplify the registration process under subsections (a)–(c) of this section and to minimize the number of applications, documents, and other information a person is required to file under this chapter and other laws of the United States.

(e) COOPERATION WITH ADMINISTRATOR.—The Administrator of the Environmental Protection Agency shall assist the Secretary [of Transportation] in carrying out subsections (a)–(g)(1) and (h) of this section by providing the Secretary with information the Secretary requests to carry out the objectives of subsections (a)–(g)(1) and (h).

(f) AVAILABILITY OF STATEMENTS.—The Secretary [of Transportation] shall make a registration statement filed under subsection (a) of this section available for inspection by any person for a fee the Secretary establishes. However, this subsection does not require the release of information described in section 552(b) of title 5 or otherwise protected by law from disclosure to the public.

(g) FEES.—(1) The Secretary [of Transportation may] *shall* establish, impose, and collect from a person required to file a registration statement under subsection (a) of this section a fee necessary to pay for the costs of the Secretary in processing the statement.

(2)(A) In addition to a fee established under paragraph (1) of this subsection, the Secretary [of Transportation] shall establish and impose by regulation and collect an annual fee. Subject to subparagraph (B) of this paragraph, the fee shall be at least $250 but not more than [$5,000] *$3,000* from each person required to file a registration statement under this section. The Secretary shall determine the amount of the fee under this paragraph on at least one of the following:

(i) * * *

* * * * * * *

(B) The Secretary [of Transportation] shall adjust the amount being collected under this paragraph to reflect any unexpended balance in the account established under section 5116(i) of this title. However, the Secretary is not required to refund any fee collected under this paragraph.

(C) The Secretary [of Transportation] shall transfer to the Secretary of the Treasury amounts the Secretary of Transportation collects under this paragraph for deposit in the account the Secretary of the Treasury establishes under section 5116(i) of this title.

(3) FEES ON EXEMPT PERSONS.—Notwithstanding subsection (a)(4), the Secretary shall impose and collect a fee of $25 from a person who is required to register under this section but who is otherwise exempted by the Secretary from paying any fee under this section. The fee shall be used to pay the cost of the Secretary in processing registration statements filed by such persons.

(h) MAINTAINING PROOF OF FILING AND PAYMENT OF FEES.—The Secretary [of Transportation] may prescribe regulations requiring a person required to file a registration statement under subsection (a) of this section to maintain proof of the filing and payment of fees imposed under subsection (g) of this section.

(i) RELATIONSHIP TO OTHER LAWS.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary [of Transportation] under subsections (a)–(g)(1) and (h) of this section.

(2)(A) * * *

(B) Subsections (a)–(h) of this section do not apply to a department, agency, or instrumentality of the United States Government, an authority of a State*, Indian tribe,* or political subdivision of a State, or an employee of a department, agency, instrumentality, or authority carrying out official duties.

§ 5109. Motor carrier safety permits

(a) REQUIREMENT.—A motor carrier may transport or cause to be transported by motor vehicle in commerce hazardous material only if the carrier holds a safety permit the Secretary [of Transportation] issues under this section authorizing the transportation and keeps a copy of the permit, or other proof of its existence, in the vehicle. The Secretary shall issue a permit if the Secretary finds the carrier is fit, willing, and able—

(1) * * *

* * * * * * *

§ 5110. Shipping papers and disclosure

(a) PROVIDING SHIPPING PAPERS.—Each person offering for transportation in commerce hazardous material to which the shipping paper requirements of the Secretary [of Transportation] apply shall provide to the carrier providing the transportation a shipping paper that makes the disclosures the Secretary prescribes [under subsection (b) of this section] *by regulation*.

* * * * * * *

(e) RETENTION OF PAPERS.—After the hazardous material to which a shipping paper provided to a carrier under subsection (a) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or electronic image thereof for a period of [1 year] *2 years after the date of preparation of the shipping paper* to be accessible through their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations.

[§ 5111. Rail tank cars

[A rail tank car built before January 1, 1971, may be used to transport hazardous material in commerce only if the air brake equipment support attachments of the car comply with the standards for attachments contained in sections 179.100-16 and 179.200-19 of title 49, Code of Federal Regulations, in effect on November 16, 1990.]

§ 5112. Highway routing of hazardous material

(a) APPLICATION.—(1) This section applies to a motor vehicle only if the vehicle is transporting hazardous material in commerce for which placarding of the vehicle is required under regulations prescribed under this chapter. However, the Secretary [of Transpor-

tation] by regulation may extend application of this section or a standard prescribed under subsection (b) of this section to—

(A) * * *

* * * * * * *

§ 5113. Unsatisfactory safety rating

[See section 31144.] *A person who violates section 31144(c)(3) shall be subject to the penalties in sections 5123 and 5124.*

§ 5114. Air transportation of ionizing radiation material

(a) * * *

(b) PROCEDURES.—The Secretary [of Transportation] shall prescribe procedures for monitoring and enforcing regulations prescribed under this section.

* * * * * * *

§ 5115. Training curriculum for the public sector

(a) DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in coordination with the Director of the Federal Emergency Management Agency, Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental Protection Agency, Secretaries of Labor, Energy, and Health and Human Services, and Director of the National Institute of Environmental Health Sciences, and using the existing coordinating mechanisms of the national response team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee, the Secretary of Transportation shall develop and update periodically a curriculum consisting of a list of courses necessary to train public sector emergency response and preparedness teams. Only in developing the curriculum, the Secretary [of Transportation] shall consult with regional response teams established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), representatives of commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001), persons (including governmental entities) that provide training for responding to accidents and incidents involving the transportation of hazardous material, and representatives of persons that respond to those accidents and incidents.

(b) REQUIREMENTS.—The curriculum developed under subsection (a) of this section—

(1) shall include—

(A) * * *

* * * * * * *

(C) appropriate emergency response training and planning programs for public sector employees developed [under other United States Government grant programs, including those] *with Federal financial assistance, including programs* developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a); and

* * * * * * *

(c) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—A recommended basic course described in subsection (b)(1)(B) of this section shall provide the training necessary for public sector employees to comply with—

(1) * * *

* * * * * * *

(3) standards related to emergency response training prescribed by the National Fire Protection Association *and such other voluntary consensus standard-setting organizations as the Secretary determines appropriate*.

(d) DISTRIBUTION AND PUBLICATION.—With the [national response team] *National Response Team*—

(1) the [Director of the Federal Emergency Management Agency] *Secretary* shall distribute the curriculum and any updates to the curriculum to the regional response teams and all committees and commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); and

(2) the Secretary [of Transportation] may publish *and distribute* a list of [programs that uses a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material] *programs and courses developed under this section*.

§ 5116. Planning and training grants, monitoring, and review

(a) PLANNING GRANTS.—(1) The Secretary [of Transportation] shall make grants to States and Indian tribes—

(A) * * *

* * * * * * *

(2) The Secretary [of Transportation] may make a grant to a State or Indian tribe under paragraph (1) of this subsection in a fiscal year only if—

(A) * * *

* * * * * * *

(b) TRAINING GRANTS.—(1) The Secretary [of Transportation] shall make grants to States and Indian tribes to train public sector employees to respond to accidents and incidents involving hazardous material.

(2) The Secretary [of Transportation] may make a grant under paragraph (1) of this subsection in a fiscal year—

(A) * * *

* * * * * * *

(3) A grant under this subsection may be used—

(A) * * *

* * * * * * *

(C) to make an agreement the Secretary [of Transportation] approves authorizing a person (including an authority of a State or political subdivision of a State or Indian tribe) to provide the training—

(i) * * *

* * * * * * *

(4) The Secretary [of Transportation] shall allocate amounts made available for grants under this subsection for a fiscal year among eligible States and Indian tribes based on the needs of the States and tribes for emergency response training. In making a decision about those needs, the Secretary shall consider—

(A) * * *

* * * * * * *

(D) whether the fee is used only to carry out a purpose related to transporting hazardous material; [and]

(E) the report submitted by the State to the Secretary under section 5125(f)(2); and

[(E)] *(F)* other factors the Secretary decides are appropriate to carry out this subsection.

(c) COMPLIANCE WITH CERTAIN LAW.—The Secretary [of Transportation] may make a grant to a State *or Indian tribe* under this section in a fiscal year only if the State *or Indian tribe* certifies that *(1) the State or Indian tribe is complying with all applicable requirements of this chapter (including section 5125(f)), and (2) in the case of a State,* the State complies with sections 301 and 303 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001, 11003).

(d) APPLICATIONS.—A State or Indian tribe interested in receiving a grant under this section shall submit an application to the Secretary [of Transportation]. The application must be submitted at the time, and contain information, the Secretary requires by regulation to carry out the objectives of this section.

(e) GOVERNMENT'S SHARE OF COSTS.—A grant under this section is for 80 percent of the cost the State or Indian tribe incurs in the fiscal year to carry out the activity for which the grant is made. [Amounts of the State or tribe under subsections (a)(2)(A) and (b)(2)(A) of this section are not part of the non-Government share under this subsection.] *Amounts received by the State or tribe under subsections (a)(1) and (b)(1) are not part of the non-Government share under this subsection.*

(f) MONITORING AND TECHNICAL ASSISTANCE.—In coordination with the [Secretaries of Transportation and Energy,] *Secretary of Energy, Director of the Federal Emergency Management Agency,* Administrator of the Environmental Protection Agency, and Director of the National Institute of Environmental Health Sciences, the [Director of the Federal Emergency Management Agency shall] *Secretary of Transportation shall* monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, [the Secretaries, Administrator, and Directors each shall] *the Secretary shall* provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the [national response team] *National Response Team* and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.

(g) DELEGATION OF AUTHORITY.—To minimize administrative costs and to coordinate [Government grant programs] *Federal financial assistance* for emergency response training and planning, the Secretary of Transportation may delegate to the Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental Protection Agency, and Secretaries of Labor and Energy any of the following:

(1) * * *

* * * * * * *

(i) [ANNUAL REGISTRATION FEE ACCOUNT AND ITS USES.—] *HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.*—The Secretary of the Treasury shall establish an account in the Treasury*, to be known as the "Hazardous Materials Emergency Preparedness Fund",* into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation collects under [section 5108(g)(2)(A) of this title and transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title] *this chapter*. Without further appropriation, amounts in the account are available—

(1) to make grants under this section;

(2) to monitor and provide technical assistance under subsection (f) of this section; [and]

(3) to publish and distribute the Emergency Response Guidebook; and

[(3)] *(4)* to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10 percent of the amounts made available from the account in a fiscal year may be used to pay those costs.

* * * * * * *

(k) REPORTS.—[Not later than September 30, 1997, the Secretary shall submit to Congress a report on the allocation and uses of training grants authorized under subsection (b) for fiscal year 1993 through fiscal year 1996 and grants authorized under subsection (j) and section 5107 for fiscal years 1995 and 1996. Such] *The Secretary shall submit to Congress and make available to the public annually a report on the allocation and uses of planning grants under subsection (a), training grants under subsection (b), and grants under subsection (j) and under section 5107. The* report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures by grant recipients, the number of persons trained under the grant programs, and an evaluation of the efficacy of training programs carried out.

[§ 5117. Exemptions and exclusions]

§ 5117. Special permits and exclusions

(a) AUTHORITY TO [EXEMPT] *ISSUE SPECIAL PERMITS*.—(1) As provided under procedures prescribed by regulation, the Secretary [of Transportation] may issue [an exemption]*, modify, or terminate a special permit authorizing a variance* from this chapter or a regulation prescribed under section 5103(b), 5104, 5110, or 5112 of this title to a person [transporting, or causing to be transported,

hazardous material] *performing a function regulated by the Secretary under section 5103(b)(1)* in a way that achieves a safety level—

(A) * * *

* * * * * * *

[(2) An exemption under this subsection is effective for not more than 2 years and may be renewed on application to the Secretary.]

(2) A special permit issued under this section shall be effective for an initial period of not more than 2 years and may be renewed by the Secretary upon application for an additional period of not more than 4 years or, in the case of a special permit relating to section 5112, for an additional period of not more than 2 years.

(b) APPLICATIONS.—When applying for [an exemption] *a special permit* or renewal of [an exemption] *a special permit* under this section, the person must provide a safety analysis prescribed by the Secretary that justifies [the exemption] *the special permit*. The Secretary shall publish in the Federal Register notice that an application for [an exemption] *a special permit* has been filed and shall give the public an opportunity to inspect the safety analysis and comment on the application. This subsection does not require the release of information protected by law from public disclosure.

(c) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall issue or renew [the exemption] *the special permit* for which an application was filed or deny such issuance or renewal within 180 days after the first day of the month following the date of the filing of such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on [the exemption] *the special permit* is delayed, along with an estimate of the additional time necessary before the decision is made.

* * * * * * *

(e) LIMITATION ON AUTHORITY.—Unless the Secretary decides that an emergency exists, [an exemption] *a special permit* or renewal granted under this section is the only way a person subject to this chapter may [be exempt] *be granted a variance* from this chapter.

[§ 5118. Inspectors

[(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall maintain the employment of 30 hazardous material safety inspectors more than the total number of safety inspectors authorized for the fiscal year that ended September 30, 1990, for the Federal Railroad Administration, the Federal Highway Administration, and the Research and Special Programs Administration.

[(b) ALLOCATION TO PROMOTE SAFETY IN TRANSPORTING RADIOACTIVE MATERIAL.—(1) The Secretary shall ensure that 10 of the 30 additional inspectors focus on promoting safety in transporting radioactive material, as defined by the Secretary, including inspecting—

[(A) at the place of origin, shipments of high-level radioactive waste or nuclear spent material (as those terms are defined in section 5105(a) of this title); and

[(B) to the maximum extent practicable shipments of radioactive material that are not high-level radioactive waste or nuclear spent material.

[(2) In carrying out their duties, those 10 additional inspectors shall cooperate to the greatest extent possible with safety inspectors of the Nuclear Regulatory Commission and appropriate State and local government officials.

[(3) Those 10 additional inspectors shall be allocated as follows:

[(A) one to the Pipeline and Hazardous Materials Safety Administration.

[(B) 3 to the Federal Railroad Administration.

[(C) 3 to the Federal Highway Administration.

[(D) the other 3 among the administrations referred to in clauses (A)–(C) of this paragraph as the Secretary decides.

[(c) ALLOCATION OF OTHER INSPECTORS.—The Secretary shall allocate, as the Secretary decides, the 20 additional inspectors authorized under this section and not allocated under subsection (b) of this section among the administrations referred to in subsection (b)(3)(A)–(C) of this section.

[§ 5119. Uniform forms and procedures

[(a) WORKING GROUP.—The Secretary of Transportation shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, and the National Conference of State Legislatures. The purposes of the working group are—

[(1) to establish uniform forms and procedures for a State—

[(A) to register persons that transport or cause to be transported hazardous material by motor vehicle in the State; and

[(B) to allow the transportation of hazardous material in the State; and

[(2) to decide whether to limit the filing of any State registration and permit forms and collection of filing fees to the State in which the person resides or has its principal place of business.

[(b) CONSULTATION AND REPORTING.—The working group—

[(1) shall consult with persons subject to registration and permit requirements described in subsection (a) of this section; and

[(2) not later than November 16, 1993, shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a final report that contains—

[(A) a detailed statement of its findings and conclusions; and

[(B) its joint recommendations on the matters referred to in subsection (a) of this section.

[(c) REGULATIONS ON RECOMMENDATIONS.—(1) The Secretary shall prescribe regulations to carry out the recommendations contained in the report submitted under subsection (b) of this section with which the Secretary agrees. The regulations shall be prescribed by the later of the last day of the 3-year period beginning

on the date the working group submitted its report or the last day of the 90-day period beginning on the date on which at least 26 States adopt all of the recommendations of the report. A regulation prescribed under this subsection may not define or limit the amount of a fee a State may impose or collect.

[(2) A regulation prescribed under this subsection takes effect one year after it is prescribed. The Secretary may extend the one-year period for an additional year for good cause. After a regulation is effective, a State may establish, maintain, or enforce a requirement related to the same subject matter only if the requirement is the same as the regulation.

[(3) In consultation with the working group, the Secretary shall develop a procedure to eliminate differences in how States carry out a regulation prescribed under this subsection.

[(d) RELATIONSHIP TO OTHER LAWS.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the working group.]

§ 5119. Uniform forms and procedures

(a) ESTABLISHMENT OF WORKING GROUP.—The Secretary shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Conference of State Legislatures, and the Alliance for Uniform Hazmat Transportation Procedures.

(b) PURPOSE OF WORKING GROUP.—The purpose of the working group shall be to establish uniform forms and procedures for a State to register, and to issue permits to, persons that transport, or cause to be transported, hazardous material by motor vehicle in the State.

(c) LIMITATION ON WORKING GROUP.—The working group may not propose to define or limit the amount of a fee a State may impose or collect.

(d) PROCEDURE.—The Secretary shall develop a procedure by which the working group shall harmonize existing State registration and permit laws and regulations relating to the transportation of hazardous materials, with special attention paid to each State's unique safety concerns and interest in maintaining strong hazmat safety standards.

(e) REPORT OF WORKING GROUP.—Not later than 18 months after the date of enactment of this subsection, the working group shall transmit to the Secretary a report containing recommendations for establishing uniform forms and procedures described in subsection (b).

(f) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to carry out such recommendations of the working group as the Secretary considers appropriate.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from voluntarily participating in a program of uniform forms and procedures until such time as the Secretary issues regulations under subsection (f).

§ 5120. International uniformity of standards and requirements

(a) * * *

(b) CONSULTATION.—The Secretary [of Transportation] may consult with interested authorities to ensure that, to the extent practicable, regulations the Secretary prescribes under sections 5103(b), 5104, 5110, and 5112 of this title are consistent with standards *and requirements* related to transporting hazardous material that international authorities adopt.

(c) DIFFERENCES WITH INTERNATIONAL STANDARDS AND REQUIREMENTS.—This section—

(1) does not require the Secretary [of Transportation] to prescribe a standard *or requirement* identical to a standard *or requirement* adopted by an international authority if the Secretary decides the standard *or requirement* is unnecessary or unsafe; and

(2) does not prohibit the Secretary from prescribing a safety *standard or* requirement more stringent than a *standard or* requirement [included in a standard] adopted by an international authority if the Secretary decides the *standard or* requirement is necessary in the public interest.

§ 5121. Administrative

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary [of Transportation] may investigate, *conduct tests,* make reports, issue subpenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. [After] *Except as provided in subsections (c) and (d), after* notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a [regulation prescribed] *regulation, order, special permit, or approval issued* under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

(1) maintain records *and property*, make reports, and provide information the Secretary by regulation or order requires; and

(2) make the records, *property,* reports, and information available *for inspection* when the Secretary [requests] *undertakes an investigation or makes a request*.

[(c) INSPECTION.—(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

[(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

[(B) the transportation of hazardous material in commerce.

[(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.]

(c) INSPECTIONS AND INVESTIGATIONS.—

(1) IN GENERAL.—A designated officer, employee, or agent of the Secretary—

(A) may inspect and investigate, at a reasonable time and in a reasonable manner, records and property relating to a function described in section 5103(b)(1);

(B) except in the case of packaging immediately adjacent to its hazardous material contents, may gain access to, open, and examine a package offered for, or in, transportation when the officer, employee, or agent has an objectively reasonable and articulable belief that the package may contain a hazardous material;

(C) may remove from transportation a package or related packages in a shipment offered for or in transportation for which—

(i) such officer, employee, or agent has an objectively reasonable and articulable belief that the package may pose an imminent hazard; and

(ii) such officer, employee, or agent contemporaneously documents such belief in accordance with procedures set forth in guidance or regulations prescribed under subsection (e);

(D) may gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package, to ascertain the nature and hazards of the contents of the package;

(E) as necessary, under terms and conditions specified by the Secretary, may order the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package to have the package transported to, opened, and the contents examined and analyzed, at a facility appropriate for the conduct of such examination and analysis; and

(F) when safety might otherwise be compromised, may authorize properly qualified personnel to assist in the activities conducted under this subsection.

(2) DISPLAY OF CREDENTIALS.—An officer, employee, or agent acting under this subsection shall display proper credentials when requested.

(3) SAFE RESUMPTION OF TRANSPORTATION.—In instances when, as a result of an inspection or investigation under this subsection, an imminent hazard is not found to exist, the Secretary, in accordance with procedures set forth in regulations prescribed under subsection (e), shall assist—

(A) in the safe resumption of transportation of the package concerned; or

(B) in any case in which the hazardous material being transported is perishable, in the safe and expeditious resumption of transportation of the perishable hazardous material.

(d) EMERGENCY ORDERS.—

(1) IN GENERAL.—If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

(2) WRITTEN ORDERS.—An emergency order issued under paragraph (1) shall be in writing, describe the violation, condition, or practice that is causing the imminent hazard, and state

the restrictions, prohibitions, recalls, or out-of-service orders issued. The emergency order also shall describe the standards and procedures for obtaining relief from the order.

(3) OPPORTUNITY FOR REVIEW.—After issuing an emergency order under paragraph (1), the Secretary shall provide an opportunity for review of the order under section 554 of title 5 if a petition for review is filed within 20 calendar days after the date of issuance of the order.

(4) EXPIRATION OF EFFECTIVENESS OF EMERGENCY ORDER.—If a petition for review is filed for an order and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the order shall cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

(e) REGULATIONS.—

(1) TEMPORARY REGULATIONS.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall issue temporary regulations to carry out subsections (c) and (d). The temporary regulations shall expire on the date of issuance of the regulations under paragraph (2).

(2) FINAL REGULATIONS.—Not later than 1 year after such date of enactment, the Secretary shall issue regulations to carry out subsections (c) and (d) in accordance with subchapter II of chapter 5 of title 5.

[(d)**]** *(f)* FACILITY, STAFF, AND REPORTING SYSTEM ON RISKS, EMERGENCIES, AND ACTIONS.—(1) * * *

* * * * * * *

[(e)**]** *(g)* REPORT.—The Secretary shall, once every 2 years, prepare and **[**submit to the President for transmittal to the Congress**]** *transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate* a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years. The report shall include—

(1) * * *

* * * * * * *

(4) an evaluation of the effectiveness of enforcement activities *relating to a function regulated by the Secretary under section 5103(b)(1)* and the degree of voluntary compliance with regulations;

* * * * * * *

§ 5122. Enforcement

(a) GENERAL.—At the request of the Secretary **[**of Transportation**]**, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. **[**The court may award appropriate relief, including punitive damages.**]** *The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as pre-*

scribed for the Secretary in an administrative case under section 5123.

(b) IMMINENT HAZARDS.—(1) If the Secretary has reason to believe that an imminent hazard exists, the Secretary may bring a civil action in an appropriate district court of the United States—

(A) * * *

(B) to eliminate [or ameliorate the] *or mitigate the* hazard.

* * * * * * *

§ 5123. Civil penalty

(a) PENALTY.—(1) A person that knowingly violates this chapter or a [regulation prescribed or order issued] *regulation, order, special permit, or approval issued* under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than [$25,000] *$50,000* for each violation. A person acts knowingly when—

(A) * * *

* * * * * * *

(2) If the Secretary finds that a violation under paragraph (1) results in death, serious illness, or severe injury to any person or substantial destruction of property, the Secretary may increase the amount of the civil penalty for such violation to not more than $100,000.

[(2)] *(3)* A separate violation occurs for each day the violation, committed by a person that transports or causes to be transported hazardous material, continues.

(b) HEARING REQUIREMENT.—The Secretary [of Transportation] may find that a person has violated this chapter or a [regulation prescribed] *regulation, order, special permit, or approval issued* under this chapter only after notice and an opportunity for a hearing. The Secretary shall impose a penalty under this section by giving the person written notice of the amount of the penalty.

* * * * * * *

(d) CIVIL ACTIONS TO COLLECT.—The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty under this section. *In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.*

(e) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section [before referral to the Attorney General].

* * * * * * *

[§ 5124. Criminal penalty

[A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.]

§ 5124. Criminal penalty

(a) IN GENERAL.—A person knowingly violating section 5104(b) or willfully or recklessly violating this chapter or a regulation, order, special permit, or approval issued under this chapter shall be fined

under title 18, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation involves the release of a hazardous material that results in death or bodily injury to any person.

(b) KNOWING VIOLATIONS.—For purposes of this section—

(1) a person acts knowingly when—

(A) the person has actual knowledge of the facts giving rise to the violation; or

(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and

(2) knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary, is not an element of an offense under this section.

(c) WILLFUL VIOLATIONS.—For purposes of this section, a person acts willfully when—

(1) the person has knowledge of the facts giving rise to the violation; and

(2) the person has knowledge that the conduct was unlawful.

(d) RECKLESS VIOLATIONS.—For purposes of this section, a person acts recklessly when the person displays a deliberate indifference or conscious disregard to the consequences of that person's conduct.

§ 5125. Preemption

(a) [GENERAL.—] *DUAL COMPLIANCE AND OBSTACLE TESTS*.—Except as provided in subsections (b), (c), and (e) of this section and unless authorized by another law of the United States, a requirement of a State, political subdivision of a State, or Indian tribe is preempted if—

(1) * * *

* * * * * * *

(b) SUBSTANTIVE DIFFERENCES.—(1) * * *

(2) If the Secretary [of Transportation] prescribes or has prescribed under section 5103(b), 5104, 5110, or 5112 of this title or prior comparable provision of law a regulation or standard related to a subject referred to in paragraph (1) of this subsection, a State, political subdivision of a State, or Indian tribe may prescribe, issue, maintain, and enforce only a law, regulation, standard, or order about the subject that is substantively the same as a provision of this chapter or a regulation prescribed or order issued under this chapter. The Secretary shall decide on and publish in the Federal Register the effective date of section 5103(b) of this title for any regulation or standard about any of those subjects that the Secretary prescribes [after November 16, 1990]. However, the effective date may not be earlier than 90 days after the Secretary prescribes the regulation or standard nor later than the last day of the 2-year period beginning on the date the Secretary prescribes the regulation or standard.

* * * * * * *

(d) DECISIONS ON PREEMPTION.—(1) A person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision, or tribe may apply to the Secretary, as provided by regulations prescribed by the Secretary, for a decision on whether the requirement is preempted by subsection (a), (b)(1), or (c) of this section. The Secretary shall pub-

lish notice of the application in the Federal Register. The Secretary shall issue *and publish in the Federal Register* a decision on an application for a determination within 180 days after the date of the publication of the notice of having received such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on the application is delayed, along with an estimate of the additional time necessary before the decision is made. After notice is published, an applicant may not seek judicial relief on the same or substantially the same issue until the Secretary takes final action on the application or until 180 days after the application is filed, whichever occurs first.

* * * * * * *

[(f) JUDICIAL REVIEW.—A party to a proceeding under subsection (d) or (e) of this section may bring a civil action in an appropriate district court of the United States for judicial review of the decision of the Secretary not later than 60 days after the decision becomes final.**]**

[(g)**]** *(f)* FEES.—(1) * * *

(2) A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

(A) the basis on which the fee is levied upon persons involved in such transportation;

(B) the purposes for which the revenues from the fee are used;

(C) the annual total amount of the revenues collected from the fee; and

(D) such other matters as the Secretary requests.

(g) INDEPENDENT APPLICATION OF EACH STANDARD.—Subsections (b), (c)(1), (d), and (g) are independent in their application to a requirement of any State, political subdivision of a State, or Indian tribe and shall be reviewed independently.

§ 5126. Relationship to other laws

(a) CONTRACTS.—A person under contract with a department, agency, or instrumentality of the United States Government that transports or causes to be transported hazardous material, or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container that the person represents, marks, certifies, or sells as qualified for use in transporting hazardous material **[**must comply**]** *shall comply* with this chapter, regulations prescribed and orders issued under this chapter, and all other requirements of the Government, State and local governments, and Indian tribes (except a requirement preempted by a law of the United States) in the same way and to the same extent that any person engaging in that transportation, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing that is in or affects commerce must comply with the provision, regulation, order, or requirement.

* * * * * * *

[§ 5127. Authorization of appropriations

[(a) GENERAL.—Not more than $18,000,000 may be appropriated to the Secretary of Transportation for fiscal year 1993, $18,000,000 for fiscal year 1994, $18,540,000 for fiscal year 1995, $19,100,000 for fiscal year 1996, and $19,670,000 for fiscal year 1997 to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119).

[(b) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—(1) There is authorized to be appropriated to the Secretary $3,000,000 for each of fiscal years 1995, 1996, 1997, and 1998 to carry out section 5107(e).

[(2)(A) There shall be available to the Secretary for carrying out section 5116(j), from amounts in the account established pursuant to section 5116(i), $250,000 for each of fiscal years 1995, 1996, 1997, and 1998.

[(B) In addition to amounts made available under subparagraph (A), there is authorized to be appropriated to the Secretary for carrying out section 5116(j) $1,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

[(c) TRAINING CURRICULUM.—(1) Not more than $1,000,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5115 of this title.

[(2) The Secretary of Transportation may transfer to the Director of the Federal Emergency Management Agency from amounts available under this subsection amounts necessary to carry out section 5115(d)(1) of this title.

[(d) PLANNING AND TRAINING.—(1) Not more than $5,000,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(a) of this title.

[(2) Not more than $7,800,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(b) of this title.

[(3) Not more than the following amounts are available from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(f) of this title:

[(A) $750,000 each to the Secretaries of Transportation and Energy, Administrator of the Environmental Protection Agency, and Director of the Federal Emergency Management Agency.

[(B) $200,000 to the Director of the National Institute of Environmental Health Sciences.

[(e) UNIFORM FORMS AND PROCEDURES.—Not more than $400,000 may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 1993, to carry out section 5119 of this title.

[(f) CREDITS TO APPROPRIATIONS.—The Secretary of Transportation may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public author-

ity or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

[(g) AVAILABILITY OF AMOUNTS.—Amounts available under subsections (c)–(e) of this section remain available until expended.]

§ 5127. Judicial review

(a) FILING AND VENUE.—Except as provided in section 20114(c), a person adversely affected or aggrieved by a final action of the Secretary under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary's action becomes final.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a), the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II of chapter 5 of title 5, to affirm or set aside any part of the Secretary's final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.

§ 5128. Authorizations of appropriations

(a) IN GENERAL.—In order to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119), the following amounts are authorized to be appropriated to the Secretary:

(1) For fiscal year 2005, $27,000,000.

(2) For fiscal year 2006, $29,000,000.

(3) For fiscal year 2007, $30,000,000.

(b) EMERGENCY PREPAREDNESS FUND.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), for each of fiscal years 2005 through 2007 the following:

(1) To carry out section 5115, $200,000.

(2) To carry out section 5116(a), $8,000,000.

(3) To carry out section 5116(b), $13,800,000.

(4) To carry out section 5116(f), $150,000.

(5) To publish and distribute the Emergency Response Guidebook under section 5116(i)(3), $500,000.

(6) To pay administrative expenses in accordance with section 5116(i)(4), $150,000.

(7) To carry out section 5116(j), $1,000,000.

(c) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), to carry out section 5107(e) $4,000,000 for each of fiscal years 2005 through 2007.

(d) UNIFORM FORMS AND PROCEDURES.—There is authorized to be appropriated to the Secretary for making grants to States participating in the working group established under section 5119 $1,000,000 for each of the fiscal years 2005 and 2006.

(e) ISSUANCE OF HAZMAT LICENSES.—There are authorized to be appropriated for the Department of Transportation such amounts as may be necessary to carry out section 5103a.

(f) CREDITS TO APPROPRIATIONS.—The Secretary may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

(g) AVAILABILITY OF AMOUNTS.—Amounts made available by or under this section remain available until expended.

CHAPTER 52—TRANSPORTATION PLANNING AND PROJECT DELIVERY

SUBCHAPTER A—GENERAL PROVISIONS

Sec.
5201. Definitions.

SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

5211. Policy.
5212. Definitions.
5213. Metropolitan transportation planning.
5214. Statewide transportation planning.

SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

5251. Definitions and applicability.
5252. Project development procedures.

SUBCHAPTER A—GENERAL PROVISIONS

§ 5201. Definitions

In this chapter, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) STATE.—The term "State" means a State of the United States, the District of Columbia, and Puerto Rico.

SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

§ 5211. Policy

(a) IN GENERAL.—It is in the national interest to—

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of

transportation, and public transit operators as guided by the planning factors identified in sections 5213(f) and 5214(d).

(b) COMMON TRANSPORTATION PLANNING PROGRAM.—This subchapter provides a common transportation planning program to be administered by the Federal Highway Administration and the Federal Transit Administration.

§ 5212. Definitions

(a) APPLICABILITY BY REFERENCE.—Unless otherwise specified in subsection (b), the definitions in section 101(a) of title 23 and section 5302 are applicable to this subchapter.

(b) ADDITIONAL DEFINITIONS.—In this subchapter, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under section 5213(c).

(2) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" means the policy board of an organization created as a result of the designation process in section 5213(b).

(3) NONMETROPOLITAN AREA.—The term "nonmetropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term "nonmetropolitan local official" means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) TIP.—The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under section 5213.

(6) URBANIZED AREA.—The term "urbanized area" means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

§ 5213. Metropolitan Transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in section 5211, metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and

comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as named by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) STRUCTURE.—Each metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

(C) appropriate State officials.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

(A) develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

(5) REDESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this section.

(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by

agreement between the metropolitan planning organization and the Governor.

(2) INCLUDED AREA.—Each metropolitan planning area—

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of this paragraph, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained; except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

(A) shall be established in the manner described in subsection (b)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

(d) COORDINATION IN MULTISTATE AREAS.—

(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) LAKE TAHOE REGION.—

(A) DEFINITION.—In this paragraph, the term "Lake Tahoe region" has the meaning given the term "region" in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section and section 5214.

(C) INTERSTATE COMPACT.—

(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and under chapter 53, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.

(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

(e) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement funded from the Highway Trust Fund or authorized under chapter 53 is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—The Secretary shall encourage each metropolitan planning organization to consult with those officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities. Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

(A) recipients of assistance under chapter 53;

(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(C) recipients of assistance under section 204 of title 23.

(f) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—The goals and objectives developed through the metropolitan planning process for a metropolitan planning area under this section shall address the following factors as they relate to the performance of the metropolitan area transportation systems:

(A) Support of the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

(B) Increases in the safety and security of the transportation system for motorized and nonmotorized users.

(C) Increases in the accessibility and mobility of people and for freight.

(D) Protection and enhancement of the environment, promotion of energy conservation, improvement of the quality of life, and promotion of consistency between transportation improvements and State and local planned growth and economic development patterns.

(E) Enhancement of the integration and connectivity of the transportation system, across and between modes, for people and freight.

(F) Promotion of efficient system management and operation.

(G) Emphasis on the preservation of the existing transportation system.

(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection. The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(A) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(B) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 4 years unless the metropolitan planning organization elects to update more frequently.

(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable ad-

ditional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(C) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(D) Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

(E) Proposed transportation and transit enhancement activities.

(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan, in a manner that the Secretary deems appropriate.

(5) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).

(h) METROPOLITAN TIP.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation oper-

ator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with a reasonable opportunity to comment on the proposed TIP.

(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

(2) CONTENTS.—

(A) PRIORITY LIST.—The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

(i) demonstrates how the TIP can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) CONGESTION RELIEF ACTIVITIES.—The TIP shall include a listing of congestion relief activities to be carried out to meet the requirements of section 139 of title 23, categorized as either under one or under three congestion relief activities.

(3) INCLUDED PROJECTS.—

(A) PROJECTS UNDER TITLE 23 AND CHAPTER 53.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of title 23 and chapter 53.

(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the TIP.

(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(I) in the case of projects under title 23, the State; and

(II) in the case of projects under chapter 53, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning or-

ganization for public review. The listing shall be consistent with the categories identified in the TIP.

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) IDENTIFICATION AND DESIGNATION.—

(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) TRANSPORTATION PLANS.—In a metropolitan planning area serving a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(3) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and chapter 53 through the use of travel demand reduction and operational management strategies and shall identify a sufficient number of congestion relief activities under section 139 of title 23 to meet the requirements of such section. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than one year after the identification of a transportation management area.

(4) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects, carried out within the boundaries of a metropolitan planning area serving a transportation management area, on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program under title 23 shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

(5) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

(C) EFFECT OF FAILURE TO CERTIFY.—

(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under title 23 and chapter 53.

(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

(j) ABBREVIATED PLANS FOR CERTAIN AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provisions of title 23 or chapter 53, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23 or chapter 53.

(m) FUNDING.—

(1) SET-ASIDES.—Funds set aside under section 104(f) of title 23 or section 5305(h) shall be available to carry out this section.

(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

(n) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under such Act.

§ 5214. Statewide Transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives stated in section 5211, each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State subject to section 5213. Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 5211, and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 5213 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) INTERSTATE AGREEMENTS.—

(1) IN GENERAL.—The consent of Congress is granted to 2 or more States entering into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

(C) increase the accessibility and mobility of people and freight;

(D) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

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

(F) promote efficient system management and operation; and

(G) emphasize the preservation of the existing transportation system.

(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall consider, at a minimum—

(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) coordination of transportation plans, the transportation improvement program, and planning activities with related

planning activities being carried out outside of metropolitan planning areas and between States.

(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

(B) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The Secretary shall not review or approve the consultation process in each State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the statewide transportation plan, the State shall—

(A) provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

(4) FINANCIAL PLAN.—The statewide transportation plan may include a financial plan that demonstrates how the adopted statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (4).

(6) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the pres-

ervation and most efficient use of the existing transportation system.

(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) DEVELOPMENT.—Each State shall develop a statewide transportation improvement program for all areas of the State.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

(4) INCLUDED PROJECTS.—

(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

(C) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

(i) consistent with the statewide transportation plan developed under this section for the State;

(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the

project within the time period contemplated for completion of the project.

(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

(G) PRIORITIES.—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by title 23 and chapter 53.

(H) PRIORITIZATION OF CONGESTION RELIEF ACTIVITIES.—The transportation improvement program shall reflect the priorities for congestion relief activities included in the metropolitan transportation plan to meet the requirements of section 139 of title 23.

(5) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 or sections 5310, 5311, 5316, and 5317), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under title 23 or under sections 5310, 5311, 5316, and 5317 shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

(6) TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 5213.

(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

(h) FUNDING.—

(1) SET-ASIDE.—Funds set aside pursuant to section 104(i) of title 23 shall be available to carry out this section.

(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 5213, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under section 5213(i)(3) if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5213, as appropriate.

(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.

SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

§ 5251. Definitions and applicability

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AGENCY.—The term "agency" means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term "environmental review process" means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) LEAD AGENCY.—The term "lead agency" means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(5) MULTIMODAL PROJECT.—The term "multimodal project" means a project funded, in whole or in part, under title 23 or chapter 53 and involving the participation of more than one Department of Transportation administration or agency.

(6) PROJECT.—The term "project" means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

(7) PROJECT SPONSOR.—The term "project sponsor" means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

(8) STATE TRANSPORTATION DEPARTMENT.—The term "State transportation department" means any statewide agency of a State with responsibility for one or more modes of transportation.

(b) APPLICABILITY.—This subchapter is applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). This subchapter may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act. Any authorities granted in this subchapter may be exercised for a project, class of projects, or program of projects.

§ 5252. Project development procedures

(a) LEAD AGENCIES.—

(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

(2) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under title 23 or chapter 53 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

(3) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation

commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

(b) PARTICIPATING AGENCIES.—

(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(c) PROJECT INITIATION.—

(1) IN GENERAL.—The project sponsor shall initiate the environmental review process for a project by submitting an initiation notice to the Secretary.

(2) CONTENTS OF NOTICE.—The initiation notice shall include, at a minimum, a brief description of the type of work, termini, length, and general location of the proposed project, together with a statement of any Federal approvals anticipated to be needed for the project.

(d) PURPOSE AND NEED.—

(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

(e) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

(3) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

(f) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(1) For comments by agencies and the public on a draft environmental impact statement, a period of no more than 60 days from the date of public availability of such document, unless—

(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(B) the deadline is extended by the lead agency for good cause.

(2) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(B) the deadline is extended by the lead agency for good cause.

(g) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

(4) ISSUE RESOLUTION.—Whenever issues of concern are identified or at any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies. If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all Federal agencies involved in the meeting and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and shall publish such notification in the Federal Register.

(h) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under title 23 or chapter 53, a State may require, under procedures established by State law, that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State agency's participation would not be in the

public interest. A State participating in the review process must require all State agencies with jurisdiction to be subject to and comply with the review process to the same extent as a Federal agency.

(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under title 23 or chapter 53, the Secretary may approve a request by the State to provide funds so made available to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the project. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery. Such activities may include dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements. The Secretary may also use funds made available under section 204 of title 23 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

(2) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

(3) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

(j) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Except as set forth under subsection (k), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(A) any practice of seeking, considering, or responding to public comment; or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

(k) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 90 days after the permit, license,

or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 90 days after the date of such action.

CHAPTER 53—[MASS] *PUBLIC* TRANSPORTATION

Sec.
5301. Policies, findings, and purposes.

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[5304. Transportation improvement program.
[5305. Transportation management areas.
[5306. Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations.]
5304. Statewide planning.
5305. Planning programs.
5306. Private enterprise participation in planning; relationship to other limitations.

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[5309. Capital investment grants and loans.
[5310. formula Grants and loans for special needs of elderly individuals and individuals with disabilities.
[5311. Formula grant for other than urbanized areas.
[5312. Research, development, demonstration, and training projects.
[5313. State planning and research programs.
[5314. National planning and research programs.]
5309. Capital investment grants.
5310. Formula grants for special needs of elderly individuals and individuals with disabilities.
5311. Formula grants for other than urbanized areas.
5312. Research, development, demonstration, and deployment projects.
5313. Cooperative research program.
5314. National research and technology programs.

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5316. Job access and reverse commute formula grants.
5317. New freedom program.

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[5320. Suspended light rail system technology pilot project.]
5320. Transit in the parks pilot program.

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[5324. Limitations on discretionary and special needs grants and loans.]
5324. Special provisions for capital projects.
5325. Contract requirements.
[5326. Special procurements.]

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[5329. Investigation of safety hazards.
[5330. Withholding amounts for noncompliance with safety requirements.]
5329. Investigation of safety and hazards.
5330. State safety oversight.

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[5335. Reports and audits.]

5335. National transit database.
5336. Apportionment of appropriations for formula grants.
[5337. Apportionment of appropriations for fixed guideway modernization.]
5337. Apportionment based on fixed guideway factors.

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§ 5301. Policies, findings, and purposes

[(a) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems that embrace various modes of transportation and efficiently maximize mobility of individuals and goods in and through urbanized areas and minimize transportation-related fuel consumption and air pollution.]

(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States to foster the development and revitalization of public transportation systems that—

(1) maximize the safe, secure, and efficient mobility of individuals;

(2) minimize environmental impacts; and

(3) minimize transportation-related fuel consumption and reliance on foreign oil.

* * * * * * *

(b) GENERAL FINDINGS.—Congress finds that—

(1) * * *

* * * * * * *

(4) for many years the [mass] *public* transportation industry capably and profitably satisfied the transportation needs of the urban areas of the United States but in the early 1970's continuing even minimal [mass] *public* transportation service in urban areas was threatened because maintaining that transportation service was financially burdensome;

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(6) some urban areas were developing preliminary plans for, or carrying out, projects in the early 1970's to revitalize their [mass] *public* transportation operations;

(7) significant [mass] *public* transportation improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals in urban and rural areas of the United States;

(8) financial assistance by the Government to develop efficient and coordinated [mass] *public* transportation systems is essential to solve the urban transportation problems referred to in clause (2) of this subsection; and

(9) immediate substantial assistance by the Government is needed to enable [mass] *public* transportation systems to continue providing vital transportation service.

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(d) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.—It is the policy of the Government that elderly individuals and individuals with disabilities have the same right as other individuals to use [mass] *public* transportation service and facilities. Special

efforts shall be made in planning and designing [mass] *public* transportation service and facilities to ensure that [mass] *public* transportation can be used by elderly individuals and individuals with disabilities. All programs of the Government assisting [mass] *public* transportation shall carry out this policy.

(e) PRESERVING THE ENVIRONMENT.—It is the policy of the Government that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets when planning, designing, and carrying out [an urban mass] *a public* transportation capital project with assistance from the Government [under sections 5309 and 5310 of this title].

(f) GENERAL PURPOSES.—The purposes of this chapter are—

(1) to assist in developing improved [mass] *public* transportation equipment, facilities, techniques, and methods with the cooperation of [public and private mass transportation companies] *both public transportation companies and private companies engaged in public transportation*;

(2) to encourage the planning and establishment of areawide [urban mass] *public* transportation systems needed for economical and desirable urban development with the cooperation of [public and private mass transportation companies] *both public transportation companies and private companies engaged in public transportation*;

(3) to assist States and local governments and their authorities in financing areawide [urban mass] *public* transportation systems that are to be operated by [public or private mass transportation companies] *public transportation companies or private companies engaged in public transportation* as decided by local needs;

* * * * * * *

(5) to establish a partnership that allows a community, with financial assistance from the Government, to satisfy its [urban mass] *public* transportation requirements.

§ 5302. Definitions

(a) IN GENERAL.—[In this chapter] *Except as otherwise specifically provided, in this chapter*, the following definitions apply:

(1) CAPITAL PROJECT.—The term "capital project" means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in [mass] *public* transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

* * * * * * *

(F) leasing equipment or a facility for use in [mass] *public* transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to

those that are more cost-effective than purchase or construction;

(G) a [mass] *public* transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a [mass] *public* transportation facility, *construction, renovation, and improvement of intercity bus stations and terminals,* and the renovation and improvement of historic transportation facilities, because the improvement enhances the effectiveness of a [mass] *public* transportation project and is related physically or functionally to that [mass] *public* transportation project, or establishes new or enhanced coordination between [mass] *public* transportation and other transportation, and provides a fair share of revenue for [mass] *public* transportation that will be used for [mass] *public* transportation—

(i) * * *

(ii) excluding construction of a commercial revenue-producing facility *(other than an intercity bus station or terminal)* or a part of a public facility not related to [mass] *public* transportation;

(H) the introduction of new technology, through innovative and improved products, into [mass] *public* transportation; [or]

(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient"s annual formula apportionment under sections 5307 and 5311[.]*;*

(J) crime prevention and security—

(i) including—

(I) projects to refine and develop security and emergency response plans;

(II) projects aimed at detecting chemical and biological agents in public transportation;

(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

(IV) security training for public transportation employees; but

(ii) excluding all expenses related to operations, other than such expenses incurred in conducting activities described in subclauses (III) and (IV);

(K) establishment of a debt service reserve made up of deposits with a bondholders' trustee in a noninterest bearing account for the purpose of ensuring timely payment of principal and interest on bonds issued by a grant recipient for purposes of financing an eligible project under this chapter; or

(L) mobility management—

(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

(ii) excluding operating public transportation services.

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(4) FIXED GUIDEWAY.—The term "fixed guideway" means a [mass] *public* transportation facility—

(A) using and occupying a separate right-of-way or rail for the exclusive use of [mass] *public* transportation and other high occupancy vehicles; or

* * * * * * *

(5) [HANDICAPPED INDIVIDUAL] *INDIVIDUAL WITH A DISABILITY*.—The term "[handicapped individual] *individual with a disability*" means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, [mass] *public* transportation service or a [mass] *public* transportation facility.

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[(7) MASS TRANSPORTATION.—The term "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.]

(7) MASS TRANSPORTATION.—The term "mass transportation" means public transportation.

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(9) NEW BUS MODEL.—The term "new bus model" means a bus model (including a model using alternative fuel)—

(A) that has not been used in [mass] *public* transportation in the United States before the date of production of the model; or

(B) used in [mass] *public* transportation in the United States, but being produced with a major change in configuration or components.

[(10) PUBLIC TRANSPORTATION.—The term "public transportation" means mass transportation.]

(10) PUBLIC TRANSPORTATION.—The term "public transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.

* * * * * * *

(14) TRANSIT.—The term "transit" means [mass] *public* transportation.

(15) TRANSIT ENHANCEMENT.—The term "transit enhancement" means, with respect to any project or an area to be served by a project, projects that are designed to enhance [mass] *public* transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

(A) historic preservation, rehabilitation, and operation of historic [mass] *public* transportation buildings, structures, and facilities (including historic bus and railroad facilities);

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(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on [mass] *public* transportation vehicles;

(G) transit connections to parks within the recipient's transit service area;

(H) signage; and

(I) enhanced access for persons with disabilities to [mass] *public* transportation.

(16) URBAN AREA.—The term "urban area" means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local [mass] *public* transportation system to serve individuals in the locality.

[(17) URBANIZED AREA.—The term "urbanized area" means an area—

[(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

[(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary.]

(17) URBANIZED AREA.—The term "urbanized area" means an area encompassing a population of at least 50,000 people that has been defined and designated in the latest decennial census as an urbanized area by the Secretary of Commerce.

(b) AUTHORITY TO MODIFY "[HANDICAPPED INDIVIDUAL] *INDIVIDUAL WITH A DISABILITY*".—The Secretary may by regulation modify the definition of the term "[handicapped individual] *individual with a disability*" in subsection (a)(5) as it applies to section 5307(d)(1)(D).

[§ 5303. Metropolitan planning

[(a) GENERAL REQUIREMENTS.—

[(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c), in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

[(2) CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropoli-

tan area and as an integral part of an intermodal transportation system for the State and the United States.

[(3) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

[(b) SCOPE OF PLANNING PROCESS.—

[(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

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

[(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

[(C) increase the accessibility and mobility options available to people and for freight;

[(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

[(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

[(F) promote efficient system management and operation; and

[(G) emphasize the preservation of the existing transportation system.

[(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.

[(c) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—(1) To carry out the planning process required by this section and sections 5304–5306 of this title, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000—

[(A) by agreement of the chief executive officer of a State and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities, as defined by the Bureau of the Census); or

[(B) under procedures established by State or local law.

[(2) Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation authorities included in the organization on June 1, 1991), and appropriate State officials.

[(3) More than one metropolitan planning organization may be designated within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine that the size and complexity of the ex-

isting metropolitan planning area make designation of more than one organization appropriate.

[(4) A designation is effective until—

[(A) the organization is redesignated under paragraph (5) of this subsection; or

[(B) revoked—

[(i) by agreement of the chief executive officer and units of general local government representing at least 75 percent of the affected population; or

[(ii) as otherwise provided by State or local procedures.

[(5)(A) The chief executive officer and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities, as defined by the Bureau of the Census) may redesignate by agreement a metropolitan planning organization when appropriate to carry out this section and sections 5304–5306 of this title.

[(B) A metropolitan planning organization shall be redesignated on request of one or more units of general local government representing at least 25 percent of the affected population (including the central city or cities, as defined by the Bureau of the Census) in an urbanized area with a population of more than 5,000,000, but less than 10,000,000 or that is an extreme nonattainment area for ozone or carbon monoxide (as defined in the Clean Air Act (42 U.S.C. 7401 et seq.)).

[(C) A metropolitan planning organization shall be redesignated using procedures established to carry out this paragraph.

[(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.

[(6) This subsection does not affect the authority, under State law in effect on December 18, 1991, of a public authority with multimodal transportation responsibilities—

[(A) to develop plans and programs for a metropolitan planning organization to adopt; and

[(B) to develop long-range capital plans, coordinate mass transportation services and projects, and carry out other activities under State law.

[(d) METROPOLITAN PLANNING AREA BOUNDARIES.—

[(1) IN GENERAL.—To carry out this section, the metropolitan planning organization and the chief executive officer shall decide by agreement on the boundaries of a metropolitan planning area.

[(2) INCLUDED AREA.—Each metropolitan planning area—

[(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

[(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

[(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be

retained, except that the boundaries may be adjusted by agreement of the chief executive officer of the State and any affected metropolitan planning organizations, in the manner described in subsection (c)(5).

[(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan planning area—

[(A) shall be established in the manner described in subsection (c)(1);

[(B) shall encompass the areas described in paragraph (2)(A);

[(C) may encompass the areas described in paragraph (2)(B); and

[(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

[(e) COORDINATION.—(1) The Secretary of Transportation shall establish requirements the Secretary considers appropriate to encourage chief executive officers and metropolitan planning organizations with responsibility for part of a multi-State metropolitan area to provide coordinated transportation planning for the entire area.

[(2) Congress consents to at least 2 States making an agreement or compact, not in conflict with a law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

[(3) If more than one metropolitan planning organization has authority in a metropolitan area or an area designated a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each organization shall consult with the other organizations designated for the area and the State to coordinate plans and projects required by this section and sections 5304–5306 of this title.

[(4) The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

[(A) by recipients of assistance under this chapter; and

[(B) by governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Governmental assistance from a source other than the Department of Transportation to provide non-emergency transportation services.

[(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

[(6) LAKE TAHOE REGION.—

[(A) DEFINITION.—In this paragraph, the term "Lake Tahoe region" has the meaning given the term "region" in subdivision (a) of article II of the Tahoe Regional Planning

Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

[(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

[(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

[(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

[(C) INTERSTATE COMPACT.—

[(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

[(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

[(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

[(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

[(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

[(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

[(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.

[(f) DEVELOPING LONG-RANGE TRANSPORTATION PLANS.—(1) Each metropolitan planning organization shall prepare and update periodically, according to a schedule the Secretary of Transportation decides is appropriate, a long-range plan for its metropolitan area

under the requirements of this section. The plan shall be in the form the Secretary considers appropriate and at least shall—

[(A) identify transportation facilities (including major roadways, mass transportation, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, emphasizing transportation facilities that serve important national, regional, and metropolitan transportation functions;

[(B) include a financial plan that—

[(i) demonstrates how the long-range plan can be carried out;

[(ii) indicates resources from public and private sources reasonably expected to be made available to carry out the plan; and

[(iii) recommends any additional financing strategies for needed projects and programs;

[(C) identify transportation strategies necessary—

[(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

[(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area;

[(D) indicate appropriate proposed transportation enhancement activities; and

[(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.

[(2) When formulating a long-range transportation plan, the metropolitan planning organization shall consider the factors described in subsection (b) of this section and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

[(3) In a metropolitan area that is in a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of the long-range plan with the development of the transportation control measures of the State Implementation Plan required by the Act.

[(4) Before approving a long-range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of mass transportation authority employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the plan in a way the Secretary of Transportation considers appropriate.

[(5) A long-range plan shall be—

[(A) published or otherwise made readily available for public review; and

[(B) submitted for information purposes to the chief executive officer of the State at the time and in the way the Secretary of Transportation establishes.

[(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).

[(g) GRANTS.—Under criteria the Secretary of Transportation establishes, the Secretary may make contracts for, and grants to, States, local governmental authorities, and authorities of the States and governmental authorities, or may make agreements with other departments, agencies, and instrumentalities of the Government, to plan, engineer, design, and evaluate a mass transportation project and for other technical studies, including—

[(1) studies related to management, operations, capital requirements, and economic feasibility;

[(2) evaluating previously financed projects; and

[(3) other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

[(h) BALANCED AND COMPREHENSIVE PLANNING.—(1) To the extent practicable, the Secretary of Transportation shall ensure that amounts made available under subsection (c) or (h)(1) of section 5338 of this title to carry out this section and sections 5304 and 5305 of this title are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

[(2)(A) The Secretary of Transportation shall apportion 80 percent of the amount made available under subsection (c) or (h)(1) of section 5338 of this title to States in a ratio equal to the population in urbanized areas in each State divided by the total population in urbanized areas in all States, as shown by the latest available decennial census. A State may not receive less than .5 percent of the amount apportioned under this subparagraph.

[(B) Amounts apportioned to a State under subparagraph (A) of this paragraph shall be allocated to metropolitan planning organizations in the State designated under this section under a formula—

[(i) the State develops in cooperation with the metropolitan planning organizations;

[(ii) the Secretary of Transportation approves; and

[(iii) that considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section.

[(C) A State shall make amounts available promptly to eligible metropolitan planning organizations according to procedures the Secretary of Transportation approves.

[(3)(A) The Secretary of Transportation shall apportion 20 percent of the amount made available under subsection (c) or (h)(1) of section 5338 of this title to States to supplement allocations made

under paragraph (2)(B) of this subsection for metropolitan planning organizations.

[(B) Amounts under this paragraph shall be allocated under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under this section and sections 5304–5306 of this title in those areas.

[(4) To the maximum extent practicable, the Secretary of Transportation shall ensure that no metropolitan planning organization is allocated less than the amount it received by administrative formula under this section in the fiscal year that ended September 30, 1991. To carry out this subsection, the Secretary may make a proportionate reduction in other amounts made available to carry out subsection (c) or (h)(1) of section 5338 of this title.

[(5) Amounts available for an activity under this subsection are for 80 percent of the cost of the activity unless the Secretary of Transportation decides it is in the interests of the Government not to require a State or local match.

[(6) An amount apportioned under this subsection—

[(A) remains available for 3 years after the fiscal year in which the amount is apportioned, and

[(B) that is unobligated at the end of the 3-year period shall be reapportioned among the States for the next fiscal year.

[§ 5304. Transportation improvement program

[(a) DEVELOPMENT AND UPDATE.—

[(1) IN GENERAL.—In cooperation with the State and affected mass transportation operators, a metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area. In developing the program, the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator, shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, providers of freight transportation services, other affected employee representatives, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the organization and the chief executive officer of the State.

[(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

[(b) CONTENTS.—A transportation improvement program for a metropolitan area shall include—

[(1) a priority list of projects and parts of projects to be carried out in each 3-year period after the program is adopted; and

[(2) a financial plan that—

[(A) demonstrates how the program can be carried out;

[(B) indicates resources from public and private sources that reasonably are expected to be made available to carry out the plan;

[(C) identifies innovative financing techniques to finance projects, programs, and strategies; and

[(D) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

[(c) PROJECT SELECTION.—(1) Except as otherwise provided in section 5305(d)(1) and in addition to the transportation improvement program development required under subsection (b), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

[(A) by—

[(i) in the case of projects under title 23, the State; and

[(ii) in the case of projects under this chapter, the designated transit funding recipients; and

[(B) in cooperation with the metropolitan planning organization.

[(2) A transportation improvement program for a metropolitan area shall include—

[(A) projects within the area that are proposed for financing under this chapter and title 23 and that are consistent with the long-range plan developed under section 5303(f) of this title; and

[(B) a project or an identified phase of a project only if full financing reasonably can be anticipated to be available for the project in the period estimated for completion.

[(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

[(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

[(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

[(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.

[(5) PUBLICATION.—(A) A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

[(B) An annual listing of projects for which Government funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organiza-

tion for public review. The listing shall be consistent with the categories identified in the transportation improvement program.

[(6) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.

[(d) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and an opportunity to comment on the proposed program.

[(e) REGULATORY PROCEEDING.—Not later than June 18, 1992, the Secretary of Transportation shall begin a regulatory proceeding to conform review requirements for mass transportation projects under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to comparable requirements under that Act applicable to highway projects. This section and sections 5303, 5305, and 5306 of this title do not affect the applicability of the Act to mass transportation or highway projects. A mass transportation project that has an approved draft Environmental Impact Statement is exempt from complying with requirements under the Act applicable to highway projects.

[§ 5305. Transportation management areas

[(a) DESIGNATION.—The Secretary of Transportation shall designate as a transportation management area—

[(1) each urbanized area with a population of more than 200,000; and

[(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.

[(b) TRANSPORTATION PLANS AND PROGRAMS.—Transportation plans and programs in a transportation management area shall be based on a continuing and comprehensive transportation planning process the metropolitan planning organization carries out in cooperation with the State and affected mass transportation operators.

[(c) CONGESTION MANAGEMENT SYSTEM.—The transportation planning process under sections 5303, 5304, and 5306 of this title in a transportation management area shall include a congestion management system providing for effective management, through travel demand reduction and operational management strategies, of new and existing transportation facilities eligible for financing under this chapter and title 23.

[(d) PROJECT SELECTION.—(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

[(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

[(2)(A) A selection under this subsection must comply with the transportation improvement program for the area.

[(B) A selection under paragraph (1)(A) of this subsection must comply with priorities established in the program.

[(e) CERTIFICATION.—(1) At least once every 3 years, the Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States. The Secretary may make the certification only if the organization is complying with section 134 of title 23 and other applicable requirements of laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

[(2)(A) If a metropolitan planning process is not certified, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23.

[(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

[(3) The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) of this title for deciding the feasibility of private enterprise participation.

[(4) In making certification determinations under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

[(f) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Government amounts may be made available for a mass transportation project resulting in a significant increase in carrying capacity for single occupant vehicles in a transportation management area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) only if the project is part of an approved congestion management system.

[(g) AREAS NOT DESIGNATED TRANSPORTATION MANAGEMENT AREAS.—(1) The Secretary may provide for the development of abbreviated metropolitan transportation plans and programs the Secretary decides are appropriate to carry out this section and sections 5303, 5304, and 5306 of this title for metropolitan areas not designated transportation management areas under this section. The Secretary shall consider the complexity of transportation problems in those areas, including transportation-related air quality problems.

[(2) The Secretary may not provide an abbreviated plan or program for a metropolitan area in a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

[(h) 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 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).]

§ 5303. Metropolitan planning

(a) IN GENERAL.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the metropolitan planning provisions of chapter 52.

(b) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States. The Secretary may make the certification only if the organization is complying with chapter 52 and other applicable requirements of laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

(2) LIMITATION ON WITHHOLDING CERTIFICATION.—The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) for deciding the feasibility of private enterprise participation.

§ 5304. Statewide planning

Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the statewide planning provisions of chapter 52.

§ 5305. Planning programs

(a) STATE DEFINED.—In this section the term "State" means a State of the United States, the District of Columbia, and Puerto Rico.

(b) GENERAL AUTHORITY.—

(1) ASSISTANCE.—Under criteria to be established by the Secretary, the Secretary may provide assistance for—

(A) the development of transportation plans and programs;

(B) planning, engineering, designing, and evaluating a public transportation project; and

(C) for other technical studies.

(2) GRANTS, AGREEMENTS, AND CONTRACTS.—The Secretary may provide assistance under paragraph (1)—

(A) by making grants to States, authorities of States, metropolitan planning organizations, and local governmental authorities; or

(B) by making agreements with other departments, agencies, and instrumentalities of the Government.

(3) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under paragraph (1) include the following:

(A) Studies related to management, planning, operations, capital requirements, and economic feasibility.

(B) Evaluating previously financed projects.

(C) Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analyses among metropolitan planning organizations and other transportation planners.

(D) Other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

(c) PURPOSE.—To the extent practicable, the Secretary shall ensure that amounts appropriated or made available under section 5338 to carry out this section and sections 5303 and 5304 are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

(d) METROPOLITAN PLANNING PROGRAM.—

(1) APPORTIONMENT TO STATES.—

(A) IN GENERAL.—The Secretary shall apportion 80 percent of the amounts made available under subsection (g)(1) among the States to carry out sections 5303 and 5306 in the ratio that—

(i) the population of urbanized areas in each State, as shown by the latest available decennial census of population; bears to

(ii) the total population of urbanized areas in all States, as shown by that census.

(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

(2) ALLOCATION TO MPO'S.—Amounts apportioned to a State under paragraph (1) shall be made available within 30 days after allocation to metropolitan planning organizations in the State designated under this section under a formula that—

(A) considers population of urbanized areas;

(B) provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section;

(C) the State develops in cooperation with the metropolitan planning organizations; and

(D) the Secretary approves.

(3) SUPPLEMENTAL AMOUNTS.—

(A) IN GENERAL.—The Secretary shall apportion 20 percent of the amounts made available under subsection (g)(1) among the States to supplement allocations made under paragraph (1) for metropolitan planning organizations.

(B) FORMULA.—The Secretary shall apportion amounts referred to in subparagraph (A) under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under sections 5303 and 5306 in certain urbanized areas.

(e) STATE PLANNING AND RESEARCH PROGRAM.—

(1) APPORTIONMENT TO STATES.—

(A) IN GENERAL.—The Secretary shall apportion the amounts made available under subsection (g)(2) among the States for grants and contracts to carry out sections 5303 through 5306, 5312, 5315, and 5322 in the ratio that—

(i) the population of urbanized areas in each State, as shown by the latest available decennial census; bears to

(ii) the population of urbanized areas in all States, as shown by that census.

(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

(2) SUPPLEMENTAL AMOUNTS.—A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts made available under subsection (d).

(f) GOVERNMENT'S SHARE OF COSTS.—The Government's share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government not to require a State or local match.

(g) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated to carry out this section under section 5338(c) for fiscal years 2004 through 2009—

(1) 82.72 percent shall be available for the metropolitan planning program under subsection (d); and

(2) 17.28 percent shall be available to carry out subsection (e).

(h) AVAILABILITY OF FUNDS.—Funds apportioned under this section in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned that remain unobligated at the end of that period shall be reapportioned among the States.

[§ 5306. Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations]

§ 5306. Private enterprise participation in planning; relationship to other limitations

(a) * * *

* * * * * * *

§ 5307. Urbanized area formula grants

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

(2) DESIGNATED RECIPIENT.—The term "designated recipient" means—

(A) **[**a person**]** *an entity* designated, consistent with the planning process under sections 5303–5306 of this title, by the chief executive officer of a State, responsible local officials, and publicly owned operators of **[**mass**]** *public* transportation to receive and apportion amounts under section 5336 of this title that are attributable to transportation

management areas established under [section 5305(a) of this title] *chapter 52*; or

(B) a State or regional authority if the authority is responsible under the laws of a State for a capital project and for financing and directly providing [mass] *public* transportation.

(b) GENERAL AUTHORITY.—[(1) The Secretary of Transportation may make grants under this section for capital projects and to finance the planning and improvement costs of equipment, facilities, and associated capital maintenance items for use in mass transportation, including the renovation and improvement of historic transportation facilities with related private investment. The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.]

(1) GRANTS.—The Secretary may make grants under this section for—

(A) capital projects and associated capital maintenance items;

(B) planning;

(C) transit enhancements; and

(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of less than 200,000.

(2) SPECIAL RULE FOR [FISCAL YEARS 2003 AND 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005] *FISCAL YEARS 2003 THROUGH 2005*.—

(A) INCREASED FLEXIBILITY.—The Secretary may make grants under this section, from funds made available to carry out this section for [fiscal years 2003 and 2004 and for the period of October 1, 2004, through May 31, 2005] *fiscal years 2003, 2004, and 2005*, to finance the operating cost of equipment and facilities for use in [mass] *public* transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 decennial census of population if—

(i) * * *

* * * * * * *

(3) In a transportation management area designated under [section 5305(a) of this title] *chapter 52*, amounts that cannot be used to pay operating expenses under this section also are available for a highway project if—

(A) that use is approved, in writing, by the metropolitan planning organization under [section 5303 of this title] *chapter 52* after appropriate notice and an opportunity for comment and appeal is provided to affected [mass] *public* transportation providers;

* * * * * * *

(c) PUBLIC PARTICIPATION REQUIREMENTS.—Each recipient of a grant shall—

(1) * * *

* * * * * * *

(5) ensure that the proposed program of projects provides for the coordination of [mass] *public* transportation services as-

sisted under section 5336 of this title with transportation services assisted from other United States Government sources;

* * * * * * *

(d) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a chief executive officer of a State under this section)—

(A) has or will have the legal, financial, and technical capacity to carry out the program*, including safety and security aspects of the program*;

* * * * * * *

(H) will comply with [sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title] *subsections (a) and (d) of section 5301 and sections 5303 through 5306*;

(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation; [and]

(J)(i) will expend for each fiscal year for [mass] *public* transportation security projects, including increased lighting in or adjacent to a [mass] *public* transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned [mass] *public* transportation system, at least one percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

(ii) has decided that the expenditure for security projects is not necessary; and

(K) in the case of a recipient for an urbanized area with a population of at least 200,000—

(i) will expend one percent of the amount the recipient receives each fiscal year under this section for projects for transit enhancements, as defined in section 5302(a); and

(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and

(2) the Secretary accepts the certification.

[(e) GOVERNMENT'S SHARE OF COSTS.—A grant of the Government for a capital project (including associated capital maintenance items) under this section is for 80 percent of the net project cost of the project. A recipient may provide additional local matching amounts. A grant for operating expenses may not be more than 50 percent of the net project cost of the project. The remainder of the net project cost shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation (excluding revenues derived from the sale of adver-

tising and concessions that are more than the amount of those revenues in the fiscal year that ended September 30, 1985). Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.]

(e) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project (including associated capital maintenance items) under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

(3) REMAINDER.—The remainder of the net project cost shall be provided—

(A) in cash from sources other than amounts of the Government or revenues from providing public transportation (excluding revenues derived from the sale of advertising and concessions);

(B) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; and

(C) from amounts received under a service agreement with a State or local social service agency or private social service organization.

(f) STATEWIDE OPERATING ASSISTANCE.—(1) A State authority that is a designated recipient and providing [mass] *public* transportation in at least 2 urbanized areas may apply for operating assistance in an amount not more than the amount for all urbanized areas in which it provides transportation.

* * * * * * *

[(h) STREAMLINED ADMINISTRATIVE PROCEDURES.—The Secretary shall prescribe streamlined administrative procedures for complying with the certification requirement under subsection (d)(1)(B) and (C) of this section for track and signal equipment used in existing operations.]

[(i)] *(h)* REVIEWS, AUDITS, AND EVALUATIONS.—(1)(A) At least annually, the Secretary [shall] *may* carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

(i) * * *

* * * * * * *

[(j)] *(i)* REPORTS.—A recipient (including a person receiving amounts from a chief executive officer of a State under this section) shall submit annually to the Secretary a report on the revenues the recipient derives from the sale of advertising and concessions.

[(k) TRANSIT ENHANCEMENT ACTIVITIES.—

[(1) IN GENERAL.—One percent of the funds apportioned to urbanized areas with a population of at least 200,000 under section 5336 for a fiscal year shall be made available for transit enhancement activities in accordance with section 5302(a)(15).

[(2) PERIOD OF AVAILABILITY.—Funds apportioned under paragraph (1) shall be available for obligation for 3 years fol-

lowing the fiscal year in which the funds are apportioned. Funds that are not obligated at the end of such period shall be reapportioned under the urbanized area formula program of section 5336.

[(3) REPORT.—A recipient of funds apportioned under paragraph (1) shall submit, as part of the recipient's annual certification to the Secretary, a report listing the projects carried out during the preceding fiscal year with those funds.]

[(l)] *(j)* PROCUREMENT SYSTEM APPROVAL.—A recipient may request the Secretary to approve its procurement system. The Secretary shall approve the system for use for procurements financed under section 5336 of this title if, after consulting with the Administrator for Federal Procurement Policy, the Secretary decides the system provides for competitive procurement. Approval of a system under this subsection does not relieve a recipient of the duty to certify under subsection (d)(1)(E) of this section.

[(m)] *(k)* OPERATING FERRIES OUTSIDE URBANIZED AREAS.—A vessel used in ferryboat operations financed under section 5336 of this title that is part of a State-operated ferry system may be operated occasionally outside the urbanized area in which service is provided to accommodate periodic maintenance if existing ferry service is not reduced significantly by operating outside the area.

[(n)] *(l)* RELATIONSHIP TO OTHER LAWS.—[(1) Section 1001 of title 18 applies to a certificate or submission under this section. The Secretary may end a grant under this section and seek reimbursement, directly or by offsetting amounts available under section 5336 of this title, when a false or fraudulent statement or related act within the meaning of section 1001 is made in connection with a certification or submission.]

[(2)] *(1) THIS CHAPTER.*—Sections 5302, 5318, 5319, 5323 (a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made under this section.

(2) CHAPTER 15 OF TITLE 5.—The provision of assistance under this chapter shall not be construed as bringing within the application of chapter 15 of title 5 any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to which such chapter is otherwise inapplicable.

(m) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

[§ 5308. Clean fuels formula grant program

[(a) DEFINITIONS.—In this section—

[(1) the term "clean fuel vehicle" means a vehicle that—

[(A) is powered by—

[(i) compressed natural gas;

[(ii) liquefied natural gas;

[(iii) biodiesel fuels;

[(iv) batteries;

[(v) alcohol-based fuels;

[(vi) hybrid electric;

[(vii) fuel cell;

[(viii) clean diesel, to the extent allowed under this section; or

[(ix) other low or zero emissions technology; and

[(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions;

[(2) the term "designated recipient" has the same meaning as in section 5307(a)(2); and

[(3) the term "eligible project"—

[(A) means a project for—

[(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

[(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment;

[(iii) improving existing mass transportation facilities to accommodate clean fuel buses;

[(iv) repowering pre-1993 engines with clean fuel technology that meets the current urban bus emission standards; or

[(v) retrofitting or rebuilding pre-1993 engines if before half life to rebuild; and

[(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

[(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

[(c) APPLICATION.—

[(1) IN GENERAL.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

[(2) CERTIFICATION REQUIRED.—An application submitted under paragraph (1) shall contain a certification by the applicant that the grantee will operate vehicles purchased with a grant under this section only with clean fuels.

[(d) APPORTIONMENT OF FUNDS.—

[(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available to carry out this section to designated recipients submitting applications under subsection (c), of which—

[(A) two-thirds shall be apportioned to designated recipients with eligible projects in urban areas with a population of at least 1,000,000, of which—

[(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

[(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the

area in which the eligible project is located, as provided in paragraph (2); and

[(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

[(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

[(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

[(II) the total number of bus passenger miles of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2); and

[(B) one-third shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000, of which—

[(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

[(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

[(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

[(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

[(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

[(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

[(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

[(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

[(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

[(ii) 1.1 if, at the time of the apportionment, the area is classified as—

[(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

[(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

[(iii) 1.2 if, at the time of the apportionment, the area is classified as—

[(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

[(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

[(iv) 1.3 if, at the time of the apportionment, the area is classified as—

[(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

[(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

[(v) 1.4 if, at the time of the apportionment, the area is classified as—

[(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

[(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.); or

[(vi) 1.5 if, at the time of the apportionment, the area is classified as—

[(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

[(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.).

[(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment

area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

[(3) MAXIMUM GRANT AMOUNT.—

[(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

[(i) for an eligible project in an area—

[(I) with a population of less than 1,000,000, $15,000,000; and

[(II) with a population of at least 1,000,000, $25,000,000; or

[(ii) 80 percent of the total cost of the eligible project.

[(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

[(e) ADDITIONAL REQUIREMENTS.—

[(1) LIMITATION ON USES.—Not less than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section shall be available for any eligible projects for which an application is received from a designated recipient, for—

[(A) the purchase or construction of hybrid electric or battery-powered buses; or

[(B) facilities specifically designed to service those buses.

[(2) CLEAN DIESEL BUSES.—Not more than 35 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

[(3) BUS RETROFITTING AND REPLACEMENT.—Not more than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund retrofitting or replacement of the engines of buses that do not meet the clean air standards of the Environmental Protection Agency, as in effect on the date on which the application for such retrofitting or replacement is submitted under subsection (c)(1).

[(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

[(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

[(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.]

§ 5308. Clean fuels formula grant program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CLEAN FUEL BUS.—The term "clean fuel bus" means a passenger vehicle used to provide public transportation that—

(A) is powered by—

(i) compressed natural gas;
(ii) liquefied natural gas;
(iii) biodiesel fuels;
(iv) batteries;
(v) alcohol-based fuels;
(vi) hybrid electric;
(vii) fuel cell;
(viii) clean diesel, to the extent allowed under this section; or
(ix) other low or zero emissions technology; and

(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions.

(2) ELIGIBLE PROJECT.—The term "eligible project"—

(A) means a project in a nonattainment or maintenance area described in paragraph (4)(A) for—

(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;
(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment for such buses; or
(iii) constructing new or improving existing public transportation facilities to accommodate clean fuel buses; and

(B) at the discretion of the Secretary, may include a project located in a nonattainment or maintenance area described in paragraph (4)(A) relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

(3) MAINTENANCE AREA.—The term "maintenance area" has the meaning such term has under section 101 of title 23.

(4) RECIPIENT.—

(A) IN GENERAL.—The term "recipient" means a designated recipient (as defined in section 5307(a)(2)) for an area that, and a recipient for an urbanized area with a population of less than 200,000 that—

(i) is designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or
(ii) is a maintenance area for ozone or carbon monoxide.

(B) SMALLER URBANIZED AREAS.—In the case of an urbanized area with a population of less than 200,000, the State in which the area is located shall act as the recipient for the area under this section.

(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to recipients to finance eligible projects.

(c) APPORTIONMENT OF FUNDS.—

(1) FORMULA.—The Secretary shall apportion among recipients amounts made available to carry out this section for a fiscal year. Of such amounts—

(A) two-thirds shall be apportioned to recipients serving urbanized areas with a population of at least 1,000,000, of which—

(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients; and

(B) one-third shall be apportioned to recipients serving urbanized areas with a population of less than 1,000,000, of which—

(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients.

(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the number of buses in the bus fleet, or the number of passenger miles, shall be multiplied by a factor of—

(i) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;

(ii) 1.1 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area

under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

(iii) 1.2 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under subpart 2 of such part;

(iv) 1.3 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under subpart 2 of such part;

(v) 1.4 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under subpart 2 of such part; or

(vi) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under subpart 2 of such part.

(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone under subpart 2 of such part, the area was also classified under subpart 3 of such part as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the recipient, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

(d) CLEAN DIESEL BUSES.—Not more than 35 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

(e) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

(2) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to projects carried out under this section.

(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

(2) that remains unobligated at the end of the period described in paragraph (1) shall be added to the amount made available in the following fiscal year.

[§ 5309. Capital investment grants and loans]

§ 5309. Capital investment grants

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants **[**and loans**]** under this section to assist State and local governmental authorities in financing—

(A) * * *

(B) capital projects, including property and improvements (except public highways other than fixed guideway facilities), needed for an efficient and coordinated **[**mass**]** *public* transportation system;

(C) the capital costs of coordinating **[**mass**]** *public* transportation with other transportation;

(D) the introduction of new technology, through innovative and improved products, into [mass] *public* transportation;

* * * * * * *

(G) [mass] *public* transportation projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

(H) the development of corridors to support fixed guideway systems, including protecting rights of way through acquisition, construction of dedicated bus and high occupancy vehicle lanes and park and ride lots, and other nonvehicular capital improvements that the Secretary may decide would result in increased [mass] *public* transportation usage in the corridor.

(2) The Secretary of Transportation shall require that all grants [and loans] under this subsection be subject to all terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

[(b) LOANS FOR REAL PROPERTY INTERESTS.—(1) The Secretary of Transportation may make loans under this section to State and local governmental authorities to acquire interests in real property for use on urban mass transportation systems as rights of way, station sites, and related purposes, including reconstruction, renovation, the net cost of property management, and relocation payments made under section 5324(a) of this title.

[(2) The Secretary of Transportation may make a loan under paragraph (1) of this subsection for an approved project only after finding that the property reasonably is expected to be required for a mass transportation system and that it will be used for that system within a reasonable time.

[(3) An applicant for a loan under this subsection shall provide a copy of the application to the planning agency for the community affected by the project at the same time the application is submitted to the Secretary of Transportation. If the planning agency submits comments to the Secretary not later than 30 days after the application is submitted, or, if the agency requests more time within those 30 days, within a period the Secretary establishes, the Secretary shall consider those comments before taking final action on the application.

[(4) A loan agreement under this subsection shall provide that a capital project on the property will be started not later than 10 years after the fiscal year in which the agreement is made. If an interest in property acquired under this subsection is not used for the purpose for which it was acquired, an appraisal of the current value of the property or interest shall be made when a decision is made about the use. The decision shall be made within the 10-year period. Two-thirds of the increase in value shall be paid to the Secretary of Transportation for deposit in the Treasury as miscellaneous receipts.

[(5) A loan under this subsection must be repaid not later than 10 years after the date of the loan agreement or on the date a grant agreement for a capital project on the property is made, whichever is earlier. Payments made to repay the loan shall be deposited in the Treasury as miscellaneous receipts.

[(c) [Reserved.]]

[(d)] *(b)* PROJECT AS PART OF APPROVED PROGRAM OF PROJECTS.—[Except as provided in subsections (b)(2) and (e) of this section, the] *The* Secretary of Transportation may approve a grant [or loan] for a project under this section only after finding that the project is part of the approved program of projects required under sections 5303–5306 of this title and that an applicant—

(1) * * *

* * * * * * *

[(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

[(1) IN GENERAL.—The Secretary may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

[(A) based on the results of an alternatives analysis and preliminary engineering;

[(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

[(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

[(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

[(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

[(A) consider the direct and indirect costs of relevant alternatives;

[(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed, and recognize reductions in local infrastructure costs achieved through compact land use development;

[(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of suburban sprawl;

[(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

[(E) consider population density and current transit ridership in the corridor;

[(F) consider the technical capability of the grant recipient to construct the project;

[(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

[(H) consider other factors that the Secretary determines appropriate to carry out this chapter.

[(4) LOCAL FINANCIAL COMMITMENT.—

[(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

[(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

[(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

[(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

[(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing under subparagraph (A), the Secretary shall consider—

[(i) existing grant commitments;

[(ii) the degree to which financing sources are dedicated to the purposes proposed;

[(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

[(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

[(5) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Transit Act of 1998, the Secretary shall issue regulations on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment, as required under this subsection.

[(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as "highly recommended", "recommended", or "not recommended", based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established under the regulations issued under paragraph (5).

[(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

[(8) LIMITATIONS ON APPLICABILITY.—

[(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

[(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

[(i) located in a nonattainment area;

[(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

[(iii) required to carry out the State Implementation Plan.

[(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

[(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1998.

[(f) [Reserved.]

[(g) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—(1)(A) The Secretary of Transportation may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. The amount shall be sufficient to complete at least an operable segment when a letter is issued for a fixed guideway project.

[(B) At least 60 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary of Transportation shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

[(C) The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31 or an administrative commitment.

[(D) An obligation or administrative commitment may be made only when amounts are appropriated.

[(2)(A) The Secretary of Transportation may make a full funding grant agreement with an applicant. The agreement shall—

[(i) establish the terms of participation by the United States Government in a project under this section;

[(ii) establish the maximum amount of Government financial assistance for the project;

[(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

[(iv) make timely and efficient management of the project easier according to the law of the United States.

[(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

[(3)(A) The Secretary of Transportation may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

[(i) a full funding grant agreement for the project will be made; and

[(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

[(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary of Transportation decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government

payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

[(4)(A) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the greater of the amount authorized under section 5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems, less an amount the Secretary of Transportation reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

[(B) For fiscal year 2001 and thereafter, the amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems referred to in subparagraph (A) shall be the amount equivalent to the last 3 fiscal years of such authorized funding.

[(C) Any increase in the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements as a result of application of subparagraph (B) instead of subparagraph (A) shall be available as follows:

[(1) $269,100,000 for the Chicago, Illinois Metra commuter rail project, that consists of the following elements: the Kane County extension; the North Central double-tracking project; and the Southwest corridor extension.

[(2) $565,600,000 for the Chicago Transit Authority project that consists of the following elements: Ravenswood Branch station and line improvements and the Douglas Branch reconstruction project.

[(3) For new fixed guideways and extensions to existing fixed guideway systems other than for projects referred to in paragraphs (1) and (2); except that for fiscal year 2001, such increase under this paragraph shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.

[(D) Of the amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2) shall be available as follows:

[(1) $60,000,000 for the Minneapolis Hiawatha corridor light rail project, which shall be in addition to amounts otherwise allocated under subparagraph (A), for a total of $334,300,000.

[(2) $217,800,000 for the Dulles corridor bus rapid transit project, that consists of a rail extension from the West Falls Church metrorail station to Tysons Corner, Virginia and bus

rapid transit from Tysons Corner to the Dulles International Airport.

[(E) Any amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2), shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001, except for those projects referred to in subparagraph (D)(1) and (D)(2).

[(F) Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005 and 2006 shall be charged against section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991.

[(G) Any amount that would be available under subparagraph (A) if subparagraph (F) were not in effect and would otherwise have been allocated by the Federal Transit Administration to the project in subparagraph (F) shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.

[(h) GOVERNMENT'S SHARE OF NET PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary of Transportation shall estimate the net project cost. A grant for the project is for 80 percent of the net project cost, unless the grant recipient requests a lower grant percentage. The remainder shall be provided in cash from a source other than amounts of the Government. Transit system amounts that make up the remainder must be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. The remainder for a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

[(i) LOAN TERM REQUIREMENTS.—Except for a loan under subsection (b) of this section, a loan, including a renewal or extension of the loan, may be made, and a security or obligation may be bought, only if it has a maturity date of not more than 40 years. Interest on a loan may not be less than—

[(1) a rate the Secretary of the Treasury establishes, considering the current average yield on outstanding marketable obligations of the Government that have remaining periods of maturity comparable to the average maturity of the loan, adjusted to the nearest .125 percent; plus

[(2) an allowance the Secretary of Transportation considers adequate to cover administrative costs and probable losses.

[(j) LOAN PAYMENT FORGIVENESS.—A grant agreement for a capital project may forgive repaying the loan and interest in place of a cash grant for the amount forgiven. The amount is part of the

grant and part of the contribution of the Government to the cost of the project.

[(k) LIMITATION ON MAKING LOANS AND GRANTS FOR PROJECTS.—The Secretary of Transportation may not make a loan under this section for a project for which a grant (except a relocation payment grant) is made under this section. However, the Secretary may make a project grant even though real property for the project has been or will be acquired through a loan under subsection (b) of this section.

[(l) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary of Transportation gives priority consideration to financing projects that include more than the non-Government share required under subsection (h) of this section, the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

[(m) ALLOCATING AMOUNTS.—

[(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338(b) for grants and loans under this section for each of fiscal years 1998 through 2004 and for the period of October 1, 2004, through May 31, 2005—

[(A) 40 percent shall be available for fixed guideway modernization, except for fiscal year 2004 during which $1,206,506,000 will be available;

[(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems, except for fiscal year 2004 during which $1,323,794,000 will be available; and

[(C) 20 percent shall be available to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, except for fiscal year 2004 during which $607,200,000 will be available;.

[(2) NEW FIXED GUIDEWAY GRANTS.—

[(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

[(B) FUNDING FOR FERRY BOAT SYSTEMS.—

[(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2004 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

[(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

[(iii) OCTOBER 1, 2004 THROUGH MAY 31, 2005.—Of the amounts made available under paragraph (1)(B), $6,933,333 shall be available for the period of October 1, 2004, through May 31, 2005, for capital projects described in clause (i).

[(3) BUS AND BUS FACILITY GRANTS.—

[(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

[(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available under paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2004 (and $2,000,000 shall be available for the period October 1, 2004, through May 31, 2005) to carry out section 5318.

[(C) FUNDING FOR CLEAN FUELS.—Of the amounts made available under paragraph (1)(C), $50,000,000 shall be available in each of fiscal years 1999 through 2004 (and $50,000,000 shall be transferred to and administered under section 5309 for buses and bus facilities for fiscal year 2004), and $33,333,333 shall be available for the period October 1, 2004, through May 31, 2005, to carry out section 5308.

[(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

[(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.

[(n) UNDERTAKING PROJECTS IN ADVANCE.—(1) The Secretary of Transportation may pay the Government's share of the net project cost to a State or local governmental authority that carries out any part of a project described in this section or a substitute transit project described in section 103(e)(4) of title 23 without the aid of amounts of the Government and according to all applicable procedures and requirements if—

[(A) the State or local governmental authority applies for the payment;

[(B) the Secretary approves the payment; and

[(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section or section 103(e)(4) of title 23.

[(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary of Transportation, that the applicant has

shown reasonable diligence in seeking the most favorable financial terms.

[(3) The Secretary of Transportation shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

[(o) USE OF DEOBLIGATED AMOUNTS.—

[An amount available under this section that is deobligated may be used for any purpose under this section.

[(o) REPORTS.—

[(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

[(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

[(B) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1998 or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

[(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

[(3) ANNUAL GAO REVIEW.—The Government Accountability Office shall—

[(A) conduct an annual review of—

[(i) the processes and procedures for evaluating and rating projects and recommending projects; and

[(ii) the Secretary's implementation of such processes and procedures; and

[(B) shall report to Congress on the results of such review by April 30 of each year.

[(p) PROJECT DEFINED.—In this section, the term "project" means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.]

(c) MAJOR CAPITAL INVESTMENT GRANTS OF $75,000,000 OR MORE.—

(1) FULL FUNDING GRANT AGREEMENT.—A major new fixed guideway capital project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

(2) APPROVAL OF GRANTS.—The Secretary may approve a grant under this section for a major new fixed guideway capital project only if the Secretary, based upon evaluations and considerations set forth in paragraph (3), determines that the proposal is—

(A) based on the results of an alternatives analysis and preliminary engineering;

(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, operating efficiencies, and transit supportive policies, and existing land use; and

(C) supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain, and operate the system or extension.

(3) CONSIDERATIONS.—

(A) RESULTS OF ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

(B) PROJECT JUSTIFICATION.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(B), the Secretary shall—

(i) consider the direct and indirect costs of relevant alternatives;

(ii) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed and recognize reductions in local infrastructure costs achieved through compact land use development;

(iii) identify and consider public transportation supportive existing land use policies and future patterns and the cost of suburban sprawl;

(iv) consider the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development;

(v) consider population density and current transit ridership in the corridor;

(vi) consider the technical capability of the grant recipient to construct the project;

(vii) adjust the project justification to reflect differences in local land, construction, and operating costs; and

(viii) consider other factors that the Secretary determines appropriate to carry out this chapter.

(C) LOCAL FINANCIAL COMMITMENT.—In evaluating a proposed project under paragraph (2)(C), the Secretary shall require that—

(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(iii) local resources are available to operate the overall proposed public transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing public transportation services to operate the proposed project.

(D) ASSESSMENT OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing under paragraph (2)(C), the Secretary shall consider—

(i) existing grant commitments;

(ii) the degree to which financing sources are dedicated to the purposes proposed;

(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other public transportation purpose; and

(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

(4) EVALUATION AND RATING OF PROJECTS.—A proposed project under this subsection may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making the findings, the Secretary shall evaluate and rate the project as "highly recommended", "recommended", or "not recommended" based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by regulation.

(5) MAJOR DEFINED.—In this section, the term "major", as used with respect to a new fixed guideway capital project, means the Federal assistance provided or to be provided under this section for the project is $75,000,000 or more.

(d) CAPITAL INVESTMENT GRANTS LESS THAN $75,000,000.—

(1) IN GENERAL.—Subject to the provisions of this subsection, if the Federal assistance provided or to be provided under this section with respect to a new fixed guideway capital project is less than $75,000,000, and not less than $25,000,000, the project shall be subject to the requirements in this subsection. A new fixed guideway capital project is not subject to the requirements of this subsection if the assistance provided under this section with respect to the project is less than $25,000,000.

(2) SELECTION CRITERIA.—The Secretary may provide Federal assistance under this subsection with respect to a proposed project only if the Secretary finds that the project is—

(A) based on the results of planning and alternatives analysis;

(B) justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect on local economic development; and

(C) supported by an acceptable degree of local financial commitment.

(3) PLANNING AND ALTERNATIVES.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of planning and alternatives analysis for the project.

(4) PROJECT JUSTIFICATION.—For purposes of making the finding under paragraph (2)(B), the Secretary shall—

(A) determine the degree to which the project is consistent with local land use policies and is likely to achieve local developmental goals;

(B) determine the cost effectiveness of the project at the time of the initiation of revenue service;

(C) determine the degree to which the project will have a positive effect on local economic development;

(D) consider the reliability of the forecasts of costs and ridership associated with the project; and

(E) consider other factors that the Secretary determines appropriate to carry out this subsection.

(5) LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (2)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

(6) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—

(A) GENERAL RULE.—A proposed project under this subsection may advance from planning and alternatives analysis to project development and construction only if—

(i) the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements; and

(ii) the metropolitan planning organization has adopted the locally preferred alternative for the project into the long-range transportation plan.

(B) EVALUATION.—In making the findings under subparagraph (A), the Secretary shall evaluate and rate the project as "recommended" or "not recommended" based on the results of the analysis of the project justification criteria

and the degree of local financial commitment, as required by this subsection.

(7) CONTENTS OF PROJECT CONSTRUCTION GRANT AGREEMENT.—A project construction grant agreement under this subsection shall specify the scope of the project to be constructed, the estimated net project cost of the project, the schedule under which the project shall be constructed, the maximum amount of funding to be obtained under this subsection, the proposed schedule for obligation of future Federal grants, and the sources of funding from other than the Government. The agreement may include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(8) LIMITATION ON ENTRY INTO CONSTRUCTION GRANT AGREEMENT.—The Secretary may enter into a project construction grant agreement for a project under this subsection only if the project is authorized for construction and has been rated as "recommended" under this subsection.

(9) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations establishing an evaluation and rating process for proposed projects under this subsection that is based on the results of project justification and local financial commitment, as required under this subsection.

(10) FIXED GUIDEWAY CAPITAL PROJECT.—In this subsection, the term "fixed guideway capital project" includes a corridor-based public transportation bus capital project if the majority of the project's corridor right-of-way is dedicated alignment for exclusive use by public transportation vehicles for all or part of the day.

(e) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (c) and (d) do not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005. Subsection (d) also does not apply to projects for which the Secretary has received an application for final design before such date of enactment.

(f) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

(1) LETTERS OF INTENT.—

(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for fixed guideway projects, the amount shall be sufficient to complete at least an operable segment.

(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1108(d), 1501, and 1502(a) of title 31 or an administrative commitment.

(2) FULL FUNDING GRANT AGREEMENTS.—

(A) TERMS.—The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

(i) establish the terms of participation by the Government in a project under this section;

(ii) establish the maximum amount of Government financial assistance for the project;

(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(B) SPECIAL FINANCIAL RULES.—

(i) IN GENERAL.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

(3) EARLY SYSTEM WORK AGREEMENTS.—

(A) CONDITIONS.—The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

(i) a full funding grant agreement for the project will be made; and

(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

(B) CONTENTS.—

(i) IN GENERAL.—A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

(ii) PERIOD COVERED.—A work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

(4) LIMITATION ON AMOUNTS.—

(A) MAJOR CAPITAL INVESTMENT GRANTS CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(b) and 5338(h)(1) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(B) and (m)(2)(B)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by a letter or agreement. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

(B) OTHER CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all project construction grant agreements and early system work agreements under this subsection for small capital projects described in subsection (d) may be not more than the greater of the amount allocated under subsection (m)(2)(A) for such projects or an amount equivalent to the last fiscal year of funding allocated under subsection (m)(2)(A) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by an agreement. The total amount covered by new contingent commitments included in project construction grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

(C) INCLUSION OF CERTAIN COMMITMENTS.—Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (106 Stat. 2125) for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005, and 2006 shall be charged against section 3032(g)(2) of that Act.

(D) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

(5) NOTIFICATION OF CONGRESS.—At least 60 days before issuing a letter of intent or entering into a full funding grant agreement or project construction grant agreement under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(g) GOVERNMENT'S SHARE OF NET PROJECT COST.—

(1) FEDERAL SHARE.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost. A grant for the project shall be for 80 percent of the net capital project cost, unless the grant recipient requests a lower grant percentage.

(2) REMAINDER OF NET PROJECT COST.—The remainder of net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraph (1) and subsections (c)(3)(D)(iv) and (c)(4), shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

(4) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(5) LIMITATION ON APPLICABILITY.—This subsection does not apply to projects for which the Secretary has entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005.

(h) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (g), the Secretary

shall give equal consideration to differences in the fiscal capacity of State and local governments.

(i) REPORTS ON NEW STARTS.—

(1) ANNUAL DOT REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes—

(A) a proposal of allocations of amounts to be available to finance grants for new fixed guideway capital projects among applicants for these amounts;

(B) evaluations and ratings, as required under subsection (c), for each such project that is authorized by the Federal Public Transportation Act of 2005; and

(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

(2) ANNUAL GAO REVIEW.—The Comptroller General shall—

(A) conduct an annual review of—

(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects; and

(ii) the Secretary's implementation of such processes and procedures; and

(B) report to Congress on the results of such review by May 31 of each year.

(j) UNDERTAKING PROJECTS IN ADVANCE.—

(1) IN GENERAL.—The Secretary may pay the Government's share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the State or local governmental authority applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

(2) FINANCING COSTS.—

(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

(3) CAPITAL PROJECT COST INDICES.—The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2).

(k) BUS AND BUS FACILITIES PROJECTS.—In making grants under subsections (m)(1)(C) and (m)(2)(B)(iii), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

(l) AVAILABILITY OF AMOUNTS.—An amount made available or appropriated under section 5338(b), 5338(g), or 5338(h) for replacement, rehabilitation, and purchase of buses and related equipment and construction of bus-related facilities or for new fixed guideway capital projects shall remain available for 3 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any of such amounts that are unobligated at the end of the 3-fiscal-year period shall be deobligated and may be used by the Secretary for any purpose under this section.

(m) ALLOCATING AMOUNTS.—

(1) FISCAL YEAR 2004.—The total amount of funds made available by or appropriated under section 5338(b) for fiscal year 2004 shall be allocated as follows:

(A) 40 percent for fixed guideway modernization;

(B) 40 percent for major new fixed guideway capital projects; and

(C) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

(2) FISCAL YEARS 2005–2009.—The total amount of funds made available by section 5338(g), and appropriated under section 5338(h), for each of fiscal years 2005 through 2009 shall be allocated in the fiscal year as follows:

(A) SMALL CAPITAL PROJECTS.—From funds appropriated under section 5338(h) for new fixed guideway capital projects described in subsection (d)—

(i) $135,000,000 in fiscal year 2005;

(ii) $175,000,000 in fiscal year 2006;

(iii) $200,000,000 in fiscal year 2007;

(iv) $200,000,000 in fiscal year 2008; and

(v) $225,000,000 in fiscal year 2009.

(B) REMAINDER.—After the allocation under subparagraph (A), the remainder of such total amount shall be allocated as follows:

(i) 40 percent for fixed guideway modernization, to be derived from funds made available under section 5338(g).

(ii) 40 percent for major new fixed capital guideway projects, to be derived from funds appropriated under section 5338(h).

(iii) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, to be derived from funds made available under section 5338(g).

(3) FUNDING FOR FERRY BOAT SYSTEMS.—Of the amounts made available under paragraphs (1)(B) and (2)(B)(ii), $10,400,000 shall be available in each of fiscal years 2004 through 2009 for new fixed guideway capital projects in Alaska

or Hawaii that are for ferry boats or ferry terminal facilities or that are for approaches to ferry terminal facilities. Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), $10,000,000 shall be available in each of fiscal years 2005 through 2009 for ferry boats or ferry terminal facilities.

(4) FUEL CELL BUS PROGRAM.—Of the amounts made available under subsections (m)(1)(C) and (m)(2)(B)(iii) for a fiscal year, the following amounts shall be set aside for the national fuel cell bus technology development program under section 3039 of the Federal Public Transportation Act of 2005:

(A) $4,849,950 for fiscal year 2004.
(B) $10,000,000 for fiscal year 2005.
(C) $11,000,000 for fiscal year 2006.
(D) $12,000,000 for fiscal year 2007.
(E) $13,000,000 for fiscal year 2008.
(F) $14,000,000 for fiscal year 2009.

(n) NEW FIXED GUIDEWAY CAPITAL PROJECT DEFINED.—In this section, the term "new fixed guideway capital project" means a minimum operable segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system.

[§ 5310. Formula grants and loans for special needs of elderly individuals and individuals with disabilities

[(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants and loans to—

[(1) State and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

[(2) the chief executive officer of each State for allocation to—

[(A) private nonprofit corporations and associations to help them provide that transportation service when the transportation service provided under clause (1) of this subsection is unavailable, insufficient, or inappropriate; or

[(B) governmental authorities—

[(i) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

[(ii) that certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection.

[(b) APPORTIONING AND TRANSFERRING AMOUNTS.—The Secretary shall apportion amounts made available under section 5338(a) of this title under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State. Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the chief executive officer of the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1) of this title.

[(c) STATE PROGRAM OF PROJECTS.—Amounts made available for this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individ-

uals with disabilities that are included in a State program of projects. A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other United States Government sources.

[(d) ELIGIBLE CAPITAL EXPENSES.—A recipient of amounts under this section may include acquiring transportation services as an eligible capital expense.

[(e) APPLICATION OF SECTION 5309.—(1) A grant or loan under subsection (a)(1) of this section is subject to all requirements of a grant or loan under section 5309 of this title, and is deemed to have been made under section 5309.

[(2) A grant or loan under subsection (a)(2) of this section is subject to requirements similar to those under paragraph (1) of this subsection to the extent the Secretary considers appropriate.

[(f) MINIMUM REQUIREMENTS AND PROCEDURES FOR RECIPIENTS.—In carrying out section 5301(d) of this title, section 165(b) of the Federal-Aid Highway Act of 1973 (Public Law 93–87, 87 Stat. 282), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (consistent with Government-wide standards to carry out section 504), the Secretary shall prescribe regulations establishing minimum criteria a recipient of Government financial assistance under this chapter or a law referred to in section 165(b) shall comply with in providing mass transportation service to elderly individuals and individuals with disabilities and procedures for the Secretary to monitor compliance with the criteria. The regulations shall include provisions for ensuring that organizations and groups representing elderly individuals and individuals with disabilities are given adequate notice of, and an opportunity to comment on, the proposed activity of a recipient to achieve compliance with the regulations.

[(g) LEASING VEHICLES.—The Secretary shall prescribe guidelines allowing vehicles bought under this section to be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.]

§ 5310. Formula grants for special needs of elderly individuals and individuals with disabilities

(a) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects, and operating costs associated with public transportation capital projects, planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

(2) SUBRECIPIENTS.—A State that receives a grant under this section may allocate the amounts of the grant to—

(A) a private nonprofit organization if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

(B) a governmental authority that—

(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

(3) ACQUIRING PUBLIC TRANSPORTATION SERVICES.—A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

(4) ADMINISTRATIVE EXPENSES.—A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section to administer, plan, and provide technical assistance for a project funded under this section.

(b) APPORTIONMENT AND TRANSFERS.—

(1) APPORTIONMENT.—

(A) FORMULA.—The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

(B) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under subparagraph (A)—

(i) in the case of a State with a population density of 10 or fewer persons per square mile, the Secretary shall multiply by a factor of 2 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census); and

(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census).

(2) TRANSFERS.—Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1), or both. Any funds transferred pursuant to this paragraph shall be made available only for eligible projects as described in this section.

(c) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of the net project costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant under this section shall be subject to all requirements of a grant under section 5307. A grant to a subrecipient under this section shall be subject to such requirements to the extent the Secretary considers appropriate.

(2) COORDINATION WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336(a)(1) pursuant to subsection (b)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

(3) PROJECT SELECTION AND PLANNING.—Beginning in fiscal year 2007, a recipient of funds under this section shall certify that—

(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

(4) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

(e) STATE PROGRAM.—

(1) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

(2) SUBMISSION AND APPROVAL.—A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.

[(h)**]** *(g)* MEAL DELIVERY SERVICE TO HOMEBOUND INDIVIDUALS.—**[**Mass**]** *Public* transportation service providers receiving

assistance under this section or section 5311(c) of this title may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing [mass] *public* transportation service or reduce service to [mass] *public* transportation passengers.

[(i)] *(h)* TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

[(j)] *(i)* FARES NOT REQUIRED.—This chapter does not require that elderly individuals and individuals with disabilities be charged a fare.

§ 5311. Formula grants for other than urbanized areas

[(a) DEFINITION.—In this section, "recipient" includes a State authority, a local governmental authority, a nonprofit organization, and an operator of mass transportation service.

[(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants for transportation projects that are included in a State program of mass transportation service projects (including service agreements with private providers of mass transportation service) for areas other than urbanized areas. The program shall be submitted annually to the Secretary. The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of mass transportation service assisted under this section with transportation service assisted by other United States Government sources.

[(2) The Secretary of Transportation shall carry out a rural transportation assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary may make grants and contracts for transportation research, technical assistance, training, and related support services in nonurbanized areas.

[(c) APPORTIONING AMOUNTS.—The Secretary of Transportation shall apportion amounts made available under section 5338(a) of this title so that the chief executive officer of each State receives an amount equal to the total amount apportioned multiplied by a ratio equal to the population of areas other than urbanized areas in a State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent of the following: the latest Government census, the population estimate the Secretary of Commerce prepares after the 4th year after the date the latest census is published, or the population estimate the Secretary of Commerce prepares after the 8th year after the date the latest census is published. The amount may be obligated by the chief executive officer for 2 years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.]

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) RECIPIENT.—The term "recipient" means a State that receives a Federal transit program grant directly from the Government.

(2) SUBRECIPIENT.—The term "subrecipient" means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a Federal transit program grant indirectly through a recipient.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—Except as provided in paragraph (2), the Secretary may make grants to other than urbanized areas under this section for the following:

(A) Public transportation capital projects.

(B) Operating costs of equipment and facilities for use in public transportation.

(C) Acquisition of public transportation services, including service agreements with private providers of public transportation services.

(2) STATE PROGRAM.—

(A) IN GENERAL.—Amounts made available to carry out this section shall be used for projects included in a State program for public transportation projects, including service agreements with private providers of public transportation.

(B) SUBMISSION.—The program shall be submitted annually to the Secretary for approval.

(C) APPROVAL.—The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

(B) GRANTS AND CONTRACTS.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available to carry out this section to make grants and contracts for transportation research, technical assistance, training, and related support services in other than urbanized areas.

(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.

(c) APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall apportion amounts made available to carry out this section among the States in the ratio that—

(A) the population of other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

(B) the population of all other than urbanized areas in the United States, as shown by that census.

(2) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (1)—

(A) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the population of such other than urbanized areas (as determined using the most recent decennial United States Census); and

(B) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the population of such other than urbanized areas (as determined using the most recent decennial United States Census).

(3) AVAILABILITY.—The amount apportioned to a State under this subsection may be obligated by the State for 2 fiscal years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.

* * * * * * *

(e) USE FOR ADMINISTRATION, *PLANNING,* AND TECHNICAL ASSISTANCE.—[(1)] The Secretary of Transportation may allow a State to use not more than 15 percent of the amount apportioned under this section to administer this section and provide technical assistance to a [recipient] *subrecipient*, including project planning, program and management development, coordination of [mass] *public* transportation programs, and research the State considers appropriate to promote effective delivery of [mass] *public* transportation to an area other than an urbanized area.

[(2) Except as provided in this section, a State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.]

(f) INTERCITY BUS TRANSPORTATION.—(1) A State shall expend at least 15 percent of the amount made available in each fiscal year [after September 30, 1993,] to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—

(A) * * *

* * * * * * *

(E) coordinating rural connections between small [mass] *public* transportation operations and intercity bus carriers.

(2) [A State] *After consultation with affected intercity bus service providers, a State* does not have to comply with paragraph (1) of this subsection in a fiscal year in which the chief executive officer of the State certifies to the Secretary of Transportation that the intercity bus service needs of the State are being met adequately.

[(g) GOVERNMENT'S SHARE OF COSTS.—(1) In this subsection, "amounts of the Government or revenues" do not include amounts received under a service agreement with a State or local social service agency or a private social service organization.

[(2) A grant of the Government for a capital project under this section may not be more than 80 percent of the net cost of the project, as determined by the Secretary of Transportation. A grant to pay a subsidy for operating expenses may not be more than 50 percent of the net cost of the operating expense project. At least 50

percent of the remainder shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation. Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

[(h) AMOUNTS FOR OPERATING ASSISTANCE.—An amount made available under this section may be used for operating assistance.]

(g) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of net project costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

[(i)] *(h)* TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

[(j)] *(i)* RELATIONSHIP TO OTHER LAWS.—(1) Sections 5323(a)(1)(D) and 5333(b) of this title apply to this section but the Secretary of Labor may waive the application of section 5333(b).

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[§ 5312. Research, development, demonstration, and training projects]

§ 5312. Research, development, demonstration, and deployment projects

(a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.—The Secretary of Transportation [(or the Secretary of Housing and Urban Development when required by section 5334(i) of this title)] may undertake, or make grants [or contracts], *contracts, cooperative agreements, or other transactions* (including agreements with

departments, agencies, and instrumentalities of the United States Government) for, research, development, [and demonstration projects], *demonstration or deployment projects, or evaluation of technology of national significance* related to [urban mass] *public* transportation that the Secretary decides will [help reduce urban transportation needs, improve mass transportation service,] *improve transportation service* or help [mass] *public* transportation service meet the total [urban] transportation needs at a minimum cost. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under another law.

[(b) RESEARCH, INVESTIGATIONS, AND TRAINING.—(1) The Secretary of Transportation (or the Secretary of Housing and Urban Development when required by section 5334(i) of this title) may make grants to nonprofit institutions of higher learning—

[(A) to conduct competent research and investigations into the theoretical or practical problems of urban transportation; and

[(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages an urban transportation system.

[(2) Research and investigations under this subsection include—

[(A) the design and use of urban mass transportation systems and urban roads and highways;

[(B) the interrelationship between various modes of urban and interurban transportation;

[(C) the role of transportation planning in overall urban planning;

[(D) public preferences in transportation;

[(E) the economic allocation of transportation resources; and

[(F) the legal, financial, engineering, and esthetic aspects of urban transportation.

[(3) When making a grant under this subsection, the appropriate Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to urban transportation problems.

[(c) TRAINING FELLOWSHIPS AND INNOVATIVE TECHNIQUES AND METHODS.—(1) The Secretary of Transportation may make grants to States, local governmental authorities, and operators of mass transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the mass transportation field.

[(2) The Secretary of Transportation may make grants to State and local governmental authorities for projects that will use innovative techniques and methods in managing and providing mass transportation.

[(3) A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the mass transportation industry. The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient mass transportation operation. A grant for a fellowship may not be more than the lesser of $24,000 or 75 percent of—

[(A) tuition and other charges to the fellowship recipient;

[(B) additional costs incurred by the training institution and billed to the grant recipient; and

[(C) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.]

[(d)] *(b)* JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

(1) DEFINITION OF CONSORTIUM.—In this subsection, the term "consortium"—

(A) means 1 or more public or private organizations located in the United States that provide [mass] *public* transportation service to the public and 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to [mass] *public* transportation operators; and

(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and [other agreements] *other transactions* with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in [mass] *public* transportation services, management, operational practices, or technology that has broad applicability. This paragraph shall be carried out in consultation with the transit industry by competitively selected consortia that will share costs, risks, and rewards of early deployment of innovation.

* * * * * * *

[(e)] *(c)* INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic [mass] *public* transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of [mass] *public* transportation products and services. Such activities may include—

(A) development, monitoring, assessment, and dissemination domestically of information about worldwide [mass] *public* transportation market opportunities;

(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

(C) advocacy, in international [mass] *public* transportation markets, of firms, products, and services available from the United States;

(D) informing the international market about the technical quality of [mass] *public* transportation products and services through participation in seminars, expositions, and similar activities; and

(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the

United States private sector to foreign public authorities planning or undertaking [mass] *public* transportation projects if the cost of these services will be recovered under the terms of each project.

(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, [public and] *public or* private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

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[§ 5313. State planning and research programs]

§ 5313. Cooperative research program

(a) COOPERATIVE RESEARCH PROGRAM.—[(1) The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d) of this title] *The amounts made available under paragraphs (1)(C)(iv) and (2)(C) of section 5338(d)* are available for a [mass] *public* transportation cooperative research program. The Secretary of Transportation shall establish an independent governing board for the program. The board shall recommend [mass] *public* transportation research, development, and technology transfer activities the Secretary considers appropriate.

[(2) The] *(b) FEDERAL ASSISTANCE.—The* Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary decides are appropriate.

[(b) STATE PLANNING AND RESEARCH.—(1) The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(c) of this title shall be apportioned to States for grants and contracts consistent with the purposes of sections 5303–5306, 5312, 5315, 5317, and 5322 of this title. The amounts shall be apportioned so that each State receives an amount equal to the population in urbanized areas in the State, divided by the population in urbanized areas in all States, as shown by the latest available decennial census. However, a State must receive at least .5 percent of the amount apportioned under this subsection.

[(2) A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts available under subsection (a) of this section.

[(3) An amount apportioned under this subsection—

[(A) remains available for 3 years after the fiscal year in which the amount is apportioned; and

[(B) that is unobligated at the end of the 3-year period shall be reapportioned among the States for the next fiscal year.]

(c) GOVERNMENT'S SHARE.—When there would be a clear and direct financial benefit to an entity under a grant or contract financed under [subsection (a) of] this section, the Secretary shall establish a United States Government share consistent with the benefit.

[§ 5314. National planning and research programs]

§ 5314. National research and technology programs

(a) PROGRAM.—(1) The amounts made available under [subsections (d) and (h)(7) of section 5338 of this title] *section 5338(d)* are available to the Secretary of Transportation for grants [and contracts], *contracts, cooperative agreements, or other transactions* for the purposes of sections [5303–5306,] 5312, 5315, [5317,] and 5322 of this title, as the Secretary considers appropriate.

(2) [Of the amounts made available under paragraph (1) of this subsection, the Secretary shall make available at least $3,000,000 to] *The Secretary shall* provide [mass] *public* transportation-related technical assistance, demonstration programs, research, public education, and other activities the Secretary considers appropriate to help [mass] *public* transportation providers comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). To the extent practicable, the Secretary shall carry out this paragraph through a contract with a national nonprofit organization serving individuals with disabilities that has a demonstrated capacity to carry out the activities.

* * * * * * *

(4)(A) The Secretary may undertake a program of [mass] *public* transportation technology development in coordination with affected entities.

[(B) The Secretary shall establish an Industry Technical Panel composed of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the supply industry. The Panel shall assist the Secretary in identifying priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.]

[(C)] *(B)* The Secretary shall develop guidelines for cost sharing in technology development projects financed under this paragraph. The guidelines shall be flexible and reflect the extent of technical risk, market risk, and anticipated supplier benefits and payback periods.

* * * * * * *

(b) GOVERNMENT'S SHARE.—When there would be a clear and direct financial benefit to an entity under a grant [or contract financed under subsection (a) of this section,], *contract, cooperative agreement, or other transaction under subsection (a) or section 5312,* the Secretary shall establish a United States Government share consistent with the benefit.

§ 5315. National transit institute

(a) ESTABLISHMENT AND DUTIES.—The Secretary of Transportation shall make grants to Rutgers University to establish a national transit institute. In cooperation with the Federal Transit Administration, State transportation departments, public [mass] transportation authorities, and national and international entities, the institute shall develop and conduct training programs of instruction for United States Government, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid mass transportation

work. The programs may include courses in recent developments, techniques, and procedures related to—

(1) * * *

* * * * * * *

(d) AVAILABILITY OF AMOUNTS.—Not more than .5 percent of the amounts made available for a fiscal year beginning after September 30, 1991, to a State or public [mass] transportation authority in the State to carry out sections 5307 and 5309 of this title is available for expenditure by the State and public [mass] transportation authorities in the State, with the approval of the Secretary, to pay not more than 80 percent of the cost of tuition and direct educational expenses related to educating and training State and local transportation employees under this section.

§ 5316. Job access and reverse commute formula grants

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ACCESS TO JOBS PROJECT.—The term "access to jobs project" means a project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

(A) transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;

(B) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;

(C) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

(D) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

(3) RECIPIENT.—The term "recipient" means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

(4) REVERSE COMMUTE PROJECT.—The term "reverse commute project" means a public transportation project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities, including any projects to—

(A) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urbanized areas and other than urbanized areas to suburban workplaces;

(B) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

(C) otherwise facilitate the provision of public transportation services to suburban employment opportunities.

(5) SUBRECIPIENT.—The term "subrecipient" means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

(6) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section to a recipient for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

(c) APPORTIONMENTS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

(i) the number of eligible low-income individuals and welfare recipients in each such urbanized area; bears to

(ii) the number of eligible low-income individuals and welfare recipients in all such urbanized areas.

(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in each State; bears to

(ii) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in all States.

(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in each State; bears to

(ii) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in all States.

(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

(3) EXCEPTIONS.—A State may use funds apportioned under paragraphs (1)(B) and (1)(C)—

(A) for projects serving areas other than the area specified in paragraph (2)(B) or (2)(C), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the specified area; or

(B) for projects anywhere in the State if the State has established a statewide program for meeting the objectives of this section.

(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

(e) TRANSFERS.—

(1) IN GENERAL.—A State may transfer any funds apportioned to it under subsection (c)(1)(B) or (c)(1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

(2) LIMITED TO ELIGIBLE PROJECTS.—Any apportionment transferred under this subsection shall be made available only for eligible job access and reverse commute projects as described in this section.

(3) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

(f) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

(2) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

(g) COORDINATION.—

(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) WITH NONPROFIT PROVIDERS.—A State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall certify to the Secretary that any project for

which the funds are requested under this section has been coordinated with nonprofit providers of services.

(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify to the Secretary that—

(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

(h) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of the net project costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

(i) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Beginning 1 year after the date of enactment of the Federal Public Transportation Act of 2005, and every 2 years thereafter, the Comptroller General shall—

(A) conduct a study to evaluate the grant program authorized by this section; and

(B) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

(2) DEPARTMENT OF TRANSPORTATION.—Not later than 3 years after the date of enactment of Federal Public Transportation Act of 2005, the Secretary shall—

(A) conduct a study to evaluate the effectiveness of the grant program authorized by this section and the effectiveness of recipients making grants to subrecipients under this section; and

(B) transmit to the committees referred to in paragraph (1)(B) a report describing the results of the study under subparagraph (A).

§ 5317. New Freedom program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) RECIPIENT.—The term "recipient" means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

(2) SUBRECIPIENT.—The term "subrecipient" means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

(c) APPORTIONMENTS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

(i) the number of individuals with disabilities in each such urbanized area; bears to

(ii) the number of individuals with disabilities in all such urbanized areas.

(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State; bears to

(ii) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.

(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of individuals with disabilities in other than urbanized areas in each State; bears to

(ii) the number of individuals with disabilities in other than urbanized areas in all States.

(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

(3) LOW DENSITY ADJUSTMENT.—

(A) SMALLER URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(B)—

(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 2 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census); and

(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census).

(B) OTHER THAN URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(C)—

(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census); and

(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census).

(4) TRANSFERS.—

(A) IN GENERAL.—A State may transfer any funds apportioned to it under paragraph (1)(B) or (1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

(B) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to this paragraph shall be made available only for eligible projects selected under this section.

(C) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an

areawide solicitation for applications for grants to the recipient and subrecipients under this section.

(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

(e) GRANT REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

(2) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 5333(b) shall apply to grants under this section, except that the Secretary of Labor shall utilize, for urbanized areas with a population of less than 200,000 and for other than urbanized areas, a special warranty described in section 215.7 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Federal Public Transportation Act of 2005), that provides a fair and equitable arrangement to protect the interest of employees.

(3) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

(f) COORDINATION.—

(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336 pursuant to subsection (c)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

(3) PROJECT SELECTION AND PLANNING.—Beginning in fiscal year 2007, a recipient of funds under this section shall certify that—

(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

(g) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of the net project costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

§ 5318. Bus testing facility

[(a) ESTABLISHMENT.—The Secretary of Transportation shall establish one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise. The facility shall be established by renovating a facility built with assistance of the United States Government to train rail personnel.**]**

(a) FACILITY.—The Secretary of Transportation shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

(b) OPERATION AND MAINTENANCE.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, a qualified person or organization to operate and maintain the facility. The contract, cooperative agreement, or grant may provide for the testing of rail cars and other **[**mass**]** *public* transportation vehicles at the facility.

* * * * * * *

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, the operator of the facility under which the Secretary shall pay 80 percent of the cost of testing a vehicle at the facility from amounts available **[**under section 5309(m)(1)(C) of this title**]** *to carry out this section*. The entity having the vehicle tested shall pay 20 percent of the cost.

[(e) REVOLVING LOAN FUND.—The Secretary has a bus testing revolving loan fund consisting of amounts authorized for the fund under section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The Secretary shall make available as repayable advances from the fund to the person operating and maintaining the facility amounts to operate and maintain the facility.**]**

(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a).

§ 5319. Bicycle facilities

A project to provide access for bicycles to [mass] *public* transportation facilities, to provide shelters and parking facilities for bicycles in or around [mass] *public* transportation facilities, or to install equipment for transporting bicycles on [mass] *public* transportation vehicles is a capital project eligible for assistance under sections 5307, 5309, [and 5311] *5311, and 5320* of this title. Notwithstanding sections 5307(e), [5309(h),] *5309(g),* and 5311(g) of this title, a grant of the United States Government under this chapter for a project made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to [mass] *public* transportation, that grant or portion of that grant shall be at a Federal share of 95 percent.

[§ 5320. Suspended light rail system technology pilot project

[(a) PURPOSE.—The purpose of this section is to provide for the construction by a public entity of a suspended light rail system technology pilot project—

[(1) to assess the state of new technology for a suspended light rail system; and

[(2) to establish the feasibility, costs, and benefits of using the system to transport passengers.

[(b) GENERAL REQUIREMENTS.—The project shall—

[(1) use new rail technology with individual vehicles on a prefabricated elevated steel guideway;

[(2) be stability-seeking with a center of gravity for the detachable passenger vehicles located below the point of wheel-rail contact; and

[(3) use vehicles that are driven by overhead bogies with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from vertical for the wheels and the running rails, to further increase stability, acceleration, and braking performance.

[(c) COMPETITION.—(1) The Secretary of Transportation shall conduct a national competition to select a public entity with which to make a full funding grant agreement to construct the project. Not later than April 16, 1992, the Secretary shall select 3 public entities to be finalists in the competition. In conducting the competition and selecting public entities, the Secretary shall consider—

[(A) the public entity's demonstrated understanding and knowledge of the project and its technical, managerial, and financial capacity to construct, manage, and operate the project; and

[(B) maximizing potential contributions to the cost of the project by State, local, and private sector entities, including donation of in-kind services and materials.

[(2) The Secretary shall award a grant to each finalist to be used to participate in the final phase of the competition under proce-

dures the Secretary prescribes. A grant may not be more than 80 percent of the cost of participating. A finalist may not receive more than one-third of the amount made available under subsection (h)(1)(A) of this section.

[(3) Not later than July 15, 1992, the Secretary shall select from among the 3 finalists a public entity with which to make a full funding grant agreement.

[(d) ENVIRONMENTAL IMPACT.—Not later than 270 days after a public entity is selected under subsection (c) of this section, the Secretary shall approve and publish in the Federal Register a notice announcing either a finding of no significant impact or a draft environmental impact statement for the project. The alternatives analysis for the project shall include a decision on whether to construct the project. If a draft statement is published, the Secretary, not later than 180 days after publication, shall approve and publish in the Federal Register a notice of completion of a final environmental impact statement.

[(e) FULL FUNDING GRANT AGREEMENT.—Not later than 60 days after carrying out the requirements of subsection (d) of this section, the Secretary shall make a full funding grant agreement under section 5309 of this title with the public entity selected under subsection (c) of this section to construct the project. The agreement shall provide that the system vendor for the project shall finance—

[(1) 100 percent of any deficit incurred in operating the project in the first 2 years of revenue operations of the project; and

[(2) 50 percent of any deficit incurred in operating the project in the 3d year of revenue operations of the project.

[(f) NOTICE TO PROCEED.—Not later than 30 days after making the full funding grant agreement, the Secretary shall issue a notice to proceed with construction.

[(g) OPTION NOT TO CONSTRUCT AND REAWARDING THE GRANT.—(1) Not later than 30 days after completing preliminary engineering and design, the selected public entity shall decide whether to proceed to constructing the project. If the entity decides not to proceed—

[(A) the Secretary shall not make the full funding grant agreement;

[(B) remaining amounts received shall be returned to the Secretary and credited to the Mass Transit Account of the Highway Trust Fund; and

[(C) the Secretary shall use the credited amount and other amounts to be provided under this section to award to another entity selected under subsection (c)(1) of this section a grant under section 5309 of this title to construct the project.

[(2) Not later than 60 days after a decision is made under paragraph (1) of this subsection, a grant shall be awarded under paragraph (1)(C) of this subsection after completing a competitive process for selecting the grant recipient.

[(h) FINANCING.—(1) The Secretary shall pay from amounts provided under section 5309 of this title the following:

[(A) at least $1,000,000 for the fiscal year ending September 30, 1992, for grants under subsection (c)(2) of this section.

[(B) at least $4,000,000 for the fiscal year ending September 30, 1993, for the United States Government share of the costs

(as determined under section 5309 of this title) if the systems planning, alternatives analysis, preliminary engineering, and design and environmental impact statement are required by law for the project.

[(C) at least $30,000,000 for the fiscal year ending September 30, 1994, as provided in the grant agreement under subsection (e) of this section, for the Government share of the construction costs of the project.

[(2) The grant agreement under subsection (e) of this section shall provide that for the 3d year of revenue operations of the project, the Secretary shall pay from amounts provided under this section the Government share of operating costs in an amount equal to the lesser of 50 percent of the deficit incurred in operating the project in that year or $300,000.

[(3) Amounts not expended under paragraph (1)(A) of this subsection are available for the Government share of costs described in paragraph (1)(B) and (C) of this subsection.

[(4) Amounts under paragraph (1)(B) and (C) of this subsection remain available until expended.

[(i) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of constructing the project is 80 percent of the net cost of the project.

[(j) PROJECT NOT SUBJECT TO MAJOR CAPITAL INVESTMENT POLICY.—The project is not subject to the major capital investment policy of the Federal Transit Administration.

[(k) REPORT.—Not later than January 30, 1993, and each year after that date, the Secretary shall submit to Congress a report on the progress and results of the project.]

§ 5320. Transit in the parks pilot program

(a) PUBLIC TRANSPORTATION DEFINED.—In this section, the term "public transportation" means general or special transportation to the public by a conveyance that is publicly or privately owned. Such term does not include schoolbus or charter transportation but does include sightseeing transportation.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary of Transportation and the Secretary of the Interior shall enter into a memorandum of understanding to establish a transit in the parks pilot program in accordance with the requirements of this section.

(c) PURPOSE.—The purpose of the pilot program shall be to encourage and promote the development of transportation systems described in section 5301(a) within units of the National Park System to improve visitor mobility and enjoyment (including visitors with disabilities), reduce pollution and congestion, and enhance resource protection through the use of public transportation.

(d) ADMINISTRATION OF PROGRAM.—The program shall be administered by the Secretary of Transportation, in consultation with the Secretary of the Interior.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) PLANNING.—The memorandum of understanding under subsection (b) shall include transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under chapter 52.

(2) PROGRAMS.—The memorandum of understanding shall include descriptions of programs and activities eligible for assistance under the pilot program.

(3) EXCEPTIONS.—The memorandum of understanding shall limit or modify the applicability of the provisions referred to in subsection (f) to the extent necessary to carry out the objectives of this section and to be compatible with the laws and regulations governing units of the National Park System.

(f) ELIGIBLE USE OF FUNDS.—Except as provided under subsection (e)(3), the Secretary may provide funds made available to carry out this section to the Secretary of the Interior under interagency agreements for the following purposes:

(1) PLANNING, ENGINEERING, DESIGN, AND EVALUATION.—Planning, engineering, design, and evaluation of public transportation projects in units of the National Park System, and for technical studies, in accordance with section 5305(b)(2).

(2) PUBLIC TRANSPORTATION CAPITAL PROJECTS.—Public transportation capital projects (as defined in section 5302(a)(1)) for such units in accordance with all the terms and conditions to which a grant is made under subsections (a), (b), (c), and (d) of section 5307 and such other terms and conditions as are determined by the Secretary. The Secretary of the Interior shall act as the designated recipient for the purposes of subsection (a)(2) of section 5307.

(3) OPERATING COSTS.—Operating costs of equipment and facilities used in public transportation for such units.

(g) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—The Government share of the cost of any capital project or activity under this section shall be 100 percent of the costs of the project, as determined by the Secretary.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(h) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, modifying, or repealing any provision of law applicable to units of the National Park System.

§ 5321. Crime prevention and security

The Secretary of Transportation may make capital grants from amounts available under section 5338 of this title to [mass] *public* transportation systems for crime prevention and security. This chapter does not prevent the financing of a project under this section when a local governmental authority other than the grant applicant has law enforcement responsibilities.

§ 5322. Human resource programs

(a) IN GENERAL.—The Secretary of Transportation may undertake, or make grants and contracts for, programs that address human resource needs as they apply to [mass] *public* transportation activities. A program may include—

(1) an employment training program;

(2) an outreach program to increase minority and female employment in [mass] *public* transportation activities;

(3) research on [mass] *public* transportation personnel and training needs; and

(4) training and assistance for minority business opportunities.

(b) GRANTS TO HIGHER LEARNING INSTITUTIONS.—

(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to nonprofit institutions of higher learning—

(A) to conduct research and investigations into the theoretical or practical problems of public transportation; and

(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages a public transportation system.

(2) RESEARCH AND INVESTIGATIONS.—Research and investigations under this subsection include—

(A) the design and use of public transportation systems and public roads and highways;

(B) the interrelationship between various modes of urban, suburban, rural, and intercity transportation;

(C) the role of transportation planning in overall urban planning;

(D) public preferences in transportation;

(E) the economic allocation of transportation resources; and

(F) the legal, financial, engineering, and esthetic aspects of public transportation.

(3) PREFERENCE.—When making a grant under this subsection, the Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to public transportation problems.

(c) FELLOWSHIPS.—

(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the public transportation field.

(2) TERMS.—

(A) PERIOD OF TRAINING.—A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the public transportation industry.

(B) SELECTION OF INDIVIDUALS.—The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

(C) AMOUNT.—A grant for a fellowship may not be more than the lesser of $65,000 or 75 percent of—

(i) tuition and other charges to the fellowship recipient;

(ii) additional costs incurred by the training institution and billed to the grant recipient; and

(iii) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.

§ 5323. General provisions on assistance

(a) INTERESTS IN PROPERTY.—(1) Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or buy property of, a [private mass transportation company] *private company engaged in public transportation*, for a capital project for property acquired from a [private mass transportation company] *private company engaged in public transportation* after July 9, 1964, or to operate [mass transportation equipment or a mass transportation facility] *a public transportation facility or equipment* in competition with, or in addition to, transportation service provided by an existing [mass transportation company] *public transportation company*, only if—

(A) the Secretary of Transportation finds the assistance is essential to a program of projects required under sections 5303–5306 of this title;

(B) the Secretary of Transportation finds that the program, to the maximum extent feasible, provides for the participation of [private mass transportation companies] *private companies engaged in public transportation*;

(C) just compensation under State or local law will be paid to the company for its franchise or property; and

(D) the Secretary of Labor certifies that the assistance complies with section 5333(b) of this title.

(2) A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in [mass] *public* transportation from another governmental authority in the same geographic area.

(b) NOTICE AND PUBLIC HEARING.—[(1) An application]

(1) APPLICATIONS.—An application for a grant [or loan] under this chapter for a capital project that will affect substantially a community, or the [mass] *public* transportation service of a community, must include a certificate of the applicant that the applicant has—

(A) provided an adequate opportunity for a public hearing with adequate prior notice;

(B) held that hearing unless no one with a significant economic, social, or environmental interest requested one;

(C) considered the economic, social, and environmental effects of the project; and

(D) found that the project is consistent with official plans for developing the urban area.

[(2) Notice of]

(2) NOTICE.—Notice of a hearing under this subsection shall include a concise description of the proposed project and shall be published in a newspaper of general circulation in the geographic area the project will serve. If a hearing is held, a copy of the transcript of the hearing shall be submitted with the application.

(3) ENVIRONMENTAL RECORD.—An applicant shall include in the environmental record for a project under this chapter evidence that the applicant has complied with the requirements of subparagraphs (A) through (D) of paragraph (1).

[(c) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter after September 30, 1989, may be obligated or expended to acquire a new bus model only if a bus

of the model has been tested at the facility established under section 5318 of this title.]

(d) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—[(1) Financial assistance]

(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of [mass] *public* transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled [mass] *public* transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

[(2) On receiving a complaint about a violation of an agreement, the Secretary of Transportation shall investigate and decide whether a violation has occurred. If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement. In addition to a remedy specified in the agreement, the Secretary may bar a recipient under this subsection or an operator from receiving further assistance when the Secretary finds a continuing pattern of violations of the agreement.]

(2) VIOLATIONS.—

(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

[(e) BUS PASSENGER SEAT FUNCTIONAL SPECIFICATIONS.—The initial advertising by a State or local governmental authority for bids to acquire buses using financial assistance under this chapter may include passenger seat functional specifications that are at least equal to performance specifications the Secretary of Transportation prescribes. The specifications shall be based on a finding by the State or local governmental authority of local requirements for safety, comfort, maintenance, and life cycle costs.]

(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307 or 5309 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary

finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under chapter 52 is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that recipient established pursuant to section 5302(a)(1)(K) from amounts made available to the recipient under section 5307 or 5309, or both; except that such reimbursement in a fiscal year may not exceed 10 percent of the amounts made available to the recipient under section 5307 in such fiscal year.

(f) SCHOOLBUS TRANSPORTATION.—**[**(1) Financial assistance**]**

(1) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project, or to operate **[**mass**]** *public* transportation equipment or a **[**mass**]** *public* transportation facility, only if the applicant agrees not to provide schoolbus transportation that exclusively transports students and school personnel in competition with a private schoolbus operator. This subsection does not apply—

(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system;

(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates; and

(C) to a State or local governmental authority if it or a direct predecessor in interest from which it acquired the duty of transporting school children and personnel, and facilities to transport them, provided schoolbus transportation at any time after November 25, 1973, but before November 26, 1974.

[(2) An applicant violating an agreement under this subsection may not receive other financial assistance under this chapter.**]**

(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

(g) BUYING BUSES UNDER OTHER LAWS.—Subsections (d) and (f) of this section apply to financial assistance to buy a bus under sections **[**103(e)(4)**]** *133* and 142(a) or (c) of title 23. However, subsection (f)(1)(C) of this section applies to sections **[**103(e)(4)**]** *133* and 142(a) or (c) only if schoolbus transportation was provided at any time after August 12, 1972, but before August 13, 1973.

* * * * * * *

(j) BUY AMERICA.—(1) * * *

* * * * * * *

(3) WRITTEN JUSTIFICATION FOR PUBLIC INTEREST WAIVER.—When issuing a waiver based on a public interest determination under

paragraph (2)(A), the Secretary shall issue a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish such justification in the Federal Register and provide the public with a reasonable period of time for notice and comment.

[(3)**]** *(4)* In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

[(4)**]** *(5)* The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

[(5)**]** *(6)* A person is ineligible under subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, to receive a contract or subcontract made with amounts authorized under the **[**Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914)**]** *Federal Public Transportation Act of 2004* if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(A) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

(B) represented that goods described in clause (A) of this paragraph were produced in the United States.

[(6)**]** *(7)* The Secretary of Transportation may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

[(7)**]** *(8)* OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

* * * * * * *

[(l) APPLICATION OF SECTION 135 OF TITLE 23.—The planning and programming requirements of section 135 of title 23 apply to a grant made under sections 5307–5311 of this title.**]**

(l) RELATIONSHIP TO OTHER LAWS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter, when a false or fraudulent statement or related act within the meaning of such section 1001 is made in connection with a Federal transit program.

* * * * * * *

(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance or other financing under [the Transportation Infrastructure Finance and Innovation Act of 1998] *chapter 6 (other than section 609) of title 23*.

[§ 5324. Limitations on discretionary and special needs grants and loans

[(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 of this title only if the Secretary of Transportation decides that—

[(1) an adequate relocation program is being carried out for families displaced by a project; and

[(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

[(b) ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—(1) In carrying out section 5301(e) of this title, the Secretary of Transportation shall cooperate and consult with the Secretaries of Agriculture, Health and Human Services, Housing and Urban Development, and the Interior and the Council on Environmental Quality on each project that may have a substantial impact on the environment.

[(2) In carrying out section 5309 of this title, the Secretary of Transportation shall review each transcript of a hearing submitted under section 5323(b) of this title to establish that an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest and that the project application includes a statement on—

[(A) the environmental impact of the proposal;

[(B) adverse environmental effects that cannot be avoided;

[(C) alternatives to the proposal; and

[(D) irreversible and irretrievable impacts on the environment.

[(3)(A) The Secretary of Transportation may approve an application for financial assistance under section 5309 of this title only if the Secretary makes written findings, after reviewing the application and any hearings held before a State or local governmental authority under section 5323(b) of this title, that—

[(i) an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest;

[(ii) the preservation and enhancement of the environment, and the interest of the community in which a project is located, were considered; and

[(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

[(B) If a hearing has not been conducted or the Secretary of Transportation decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

[(C) A finding of the Secretary of Transportation under subparagraph (A) of this paragraph shall be made a matter of public record.

[(c) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—The Secretary of Transportation may not regulate the operation of a mass transportation system for which a grant is made under section 5309 of this title and, after a grant is made, may not regulate any charge for the system. However, the Secretary may require the local governmental authority, corporation, or association to comply with any undertaking provided by it related to its grant application.]

§ 5324. Special provisions for capital projects

(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 only if the Secretary decides that—

(1) an adequate relocation program is being carried out for families displaced by a project; and

(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

(b) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

(1) COOPERATION AND CONSULTATION.—In carrying out the policy of section 5301(e), the Secretary shall cooperate and consult with the Secretaries of the Interior, Health and Human Services, and Housing and Urban Development and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

(2) PUBLIC PARTICIPATION IN ENVIRONMENTAL REVIEWS.—In performing environmental reviews, the Secretary shall review each transcript of a hearing submitted under section 5323(b) to establish that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that the project application includes a record of—

(A) the environmental impact of the proposal;

(B) adverse environmental effects that cannot be avoided;

(C) alternatives to the proposal; and

(D) irreversible and irretrievable impacts on the environment.

(3) APPROVAL OF APPLICATIONS FOR ASSISTANCE.—

(A) FINDINGS BY THE SECRETARY.—The Secretary may approve an application for financial assistance for a capital project in accordance with this chapter only if the Secretary makes written findings, after reviewing the application and the transcript of any hearing held before a State or local governmental authority under section 5323(b), that—

(i) an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;

(ii) the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and

(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

(B) HEARING.—If a hearing has not been conducted or the Secretary decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

(C) AVAILABILITY OF FINDINGS.—The Secretary's findings under subparagraph (A) shall be made a matter of public record.

§ 5325. Contract requirements

[(a) NONCOMPETITIVE BIDDING.—A capital project or improvement contract for which a grant or loan is made under this chapter, if the contract is not made through competitive bidding, shall provide that records related to the contract shall be made available to the Secretary of Transportation and the Comptroller General, or an officer or employee of the Secretary or Comptroller General, when conducting an audit and inspection.

[(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—A contract or requirement for program management, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which a grant or loan is made under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement of a State. When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23. This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.]

(a) COMPETITION.—Recipients of Federal assistance under this chapter shall conduct all procurement transactions involving such

assistance in a manner providing full and open competition, as determined by the Secretary.

(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—

(1) PROCEDURES FOR AWARDING CONTRACT.—A contract or requirement for program management, architectural engineering, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which Federal assistance is provided under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement of a State.

(2) EFFECT OF STATE LAWS.—This subsection does not apply to the extent a State has adopted, before the date of enactment of the Federal Public Transportation Act of 2005, by law a formal procedure for procuring those services.

(3) ADMINISTRATION OF CONTRACTS.—When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies as follows:

(A) PERFORMANCE OF AUDITS.—Any contract or subcontract awarded under this chapter shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulation (part 31 of title 48, Code of Federal Regulations).

(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded under this chapter shall accept indirect cost rates established in accordance with the Federal Acquisition Regulation for one-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

(C) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings.

(D) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in paragraph (3) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency that is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

* * * * * * *

(d) DESIGN-BUILD SYSTEM PROJECTS.—

(1) DEFINITION.—In this section, the term "design-build system project" means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a public transportation system or an operable seg-

ment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

(2) FINANCIAL ASSISTANCE.—Government financial assistance under this chapter may be made available for the capital costs of a design-build system project after the recipient complies with Government requirements.

(e) MULTIYEAR ROLLING STOCK.—

(1) CONTRACTS.—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

(2) COOPERATION AMONG RECIPIENTS.—The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

(f) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

(1) based on—

(A) initial capital costs; or

(B) performance, standardization, life cycle costs, and other factors; or

(2) with a party selected through a competitive procurement process.

(g) EXAMINATION OF THE RECORDS.—Upon request, the Secretary, the Comptroller General, or a representative of the Secretary or the Comptroller General shall have access to and the right to examine and inspect all records, documents, papers, including contracts, related to a project for which a grant is made under this chapter.

(h) GRANT PROHIBITIONS.—A grant may not be used to support a procurement that uses an exclusionary or discriminatory specification.

[§ 5326. Special procurements

[(a) TURNKEY SYSTEM PROJECTS.—

[(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term "turnkey system project" means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

[(2) SELECTION OF TURNKEY PROJECTS.—To advance new technologies and lower the cost of a capital project for a new mass transportation system or an operable segment of a mass transportation system, the Secretary of Transportation shall allow solicitation for a turnkey system project to be financed under this chapter to be awarded conditionally before United

States Government requirements have been met on the project if the award is made without prejudice to carrying out those requirements. Government financial assistance under this chapter may be made available for the project after the recipient complies with Government requirements.

[(3) DEMONSTRATIONS.—To develop guidelines applying generally to turnkey system projects, the Secretary may approve at least 2 projects for an initial demonstration phase. The results of the demonstration projects (and other projects using this procurement method on December 18, 1991) shall be considered in developing guidelines to carry out this subsection.

[(b) MULTIYEAR ROLLING STOCK.—(1) A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

[(2) The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

[(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

[(1) based on—

[(A) initial capital costs; or

[(B) performance, standardization, life cycle costs, and other factors; or

[(2) with a party selected through a competitive procurement process.

[(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of assistance under section 5307 procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

[(1) the manufacturer or supplier is the only source for the item; and

[(2) the price of the item is no more than the price that similar customers pay for the item.]

§ 5327. Project management oversight

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive United States Government financial assistance for a major capital project under this chapter or the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320), a recipient must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

(1) * * *

* * * * * * *

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, ridership estimates, and the status of local efforts to enhance ridership where ridership estimates partly depend on the success of those efforts; [and]

(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month[.]*; and*

(13) safety and security management.

* * * * * * *

[(c) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—(1) The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5307, 5309, or 5311 of this title, an interstate transfer mass transportation project under section 103(e)(4) of title 23 as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320) to make a contract to oversee the construction of a major project under section 5307, 5309, 5311, or 103(e)(4) or that Act. The Secretary may use when necessary not more than an additional .25 percent of amounts made available in a fiscal year to carry out a major project under section 5309 to make a contract to oversee the construction of the project.

[(2) The Secretary may use amounts available under paragraph (1) of this subsection to enter into contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1) and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section. Subsections (a), (b), and (e) of this section do not apply to contracts under this paragraph.

[(3) The Government shall pay the entire cost of carrying out a contract under this subsection.]

(c) LIMITATIONS.—

(1) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5311, not more than .75 percent of amounts made available for a fiscal year to carry out section 5307, and not more than 1 percent of amounts made available for a fiscal year to carry out section 5309 to make contracts for the following activities:

(A) To oversee the construction of a major project.

(B) To review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under sections 5307, 5309, and 5311.

(C) To provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

(2) LIMITATIONS ON APPLICABILITY.—Subsections (a), (b), and (e) do not apply to contracts under this section for activities described in paragraphs (1)(B) and (1)(C).

(3) GOVERNMENT'S SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

* * * * * * *

§ 5328. Project review

(a) SCHEDULE.—(1) * * *

(2) After the draft is circulated and not later than 30 days after the applicant selects a locally preferred alternative, the Secretary

shall allow the project to advance to the preliminary engineering stage if the Secretary finds the project is consistent with section [5309(e)] *5309(c)*.

* * * * * * *

(4) The Secretary shall make a full funding grant agreement under section 5309 of this title for a project not later than 120 days after the project enters the final design stage of construction. The agreement shall provide for a United States Government share of the construction cost at least equal to the Government share estimated in the Secretary's most recent report required [under section 5309(o)(1)] *under section 5309(i)(1)* of this title or an update of the report unless the applicant requests otherwise.

* * * * * * *

[§ 5329. Investigation of safety hazards

[(a) GENERAL.—The Secretary of Transportation may investigate a condition in equipment, a facility, or an operation financed under this chapter that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate or correct it. If the Secretary establishes that a condition causes a hazard, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for correcting it. The Secretary may withhold further financial assistance under this chapter until a plan is approved and carried out.

[(b) REPORT.—Not later than June 15, 1992, the Secretary shall submit to Congress a report containing—

[(1) a description of actions taken to identify and investigate conditions in a facility, equipment, or way of operating as part of the findings and decisions required of the Secretary in providing a grant or loan under this chapter;

[(2) a description of actions of the Secretary to correct or eliminate, as a requirement for making an amount available through a grant or loan under this chapter, a condition found to create a serious hazard of death or injury;

[(3) a summary of all passenger-related deaths and injuries resulting from an unsafe condition in a facility, equipment, or way of operating a facility or equipment at least partly financed under this chapter;

[(4) a summary of all employee-related deaths and injuries resulting from an unsafe condition in a facility, equipment, or way of operating a facility or equipment at least partly financed under this chapter;

[(5) a summary of action of the Secretary to correct or eliminate the unsafe condition to which the deaths and injuries referred to in clauses (3) and (4) of this subsection were attributed;

[(6) a summary of actions of the Secretary to alert mass transportation operators of the nature of the unsafe condition found to create a serious hazard of death or injury; and

[(7) recommendations of the Secretary to Congress of any legislative or administrative actions necessary to ensure that all recipients of amounts under this chapter will undertake the

best way available to correct or eliminate hazards of death or injury, including—

[(A) a timetable for undertaking actions;

[(B) an estimate of the capital and operating cost to take the actions; and

[(C) minimum standards for establishing and carrying out safety plans by recipients of amounts under this chapter.]

§ 5329. Investigation of safety and hazards

(a) IN GENERAL.—The Secretary may investigate safety and security risks associated with a condition in equipment, a facility, or an operation financed under this chapter that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

(b) PLANS FOR ELIMINATING, MITIGATING, OR CORRECTING HAZARDS.—If the Secretary establishes that a condition causes a hazard, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for eliminating, mitigating, or correcting it.

(c) WITHHOLDING FINANCIAL ASSISTANCE.—Financial assistance under this chapter, in an amount to be determined by the Secretary, may be withheld until a plan is approved and carried out.

[§ 5330. Withholding amounts for noncompliance with safety requirements

[(a) APPLICATION.—This section applies only to States that have rail fixed guideway mass transportation systems not subject to regulation by the Federal Railroad Administration.]

§ 5330. State safety oversight

(a) APPLICATION.—This section applies only to—

(1) States that have rail fixed guideway public transportation systems not subject to regulation by the Federal Railroad Administration; and

(2) States that are designing rail fixed guideway public transportation systems that will not be subject to regulation by the Federal Railroad Administration.

* * * * * * *

(c) STATE REQUIREMENTS.—A State meets the requirements of this section if the State—

(1) establishes and is carrying out a safety program plan for each fixed guideway [mass] *public* transportation system in the State that establishes at least safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the system; and

* * * * * * *

(d) MULTISTATE INVOLVEMENT.—When more than one State is subject to this section in connection with a single [mass] *public* transportation authority, the affected States *shall ensure uniform safety standards and enforcement and* may designate an entity (except the [mass] *public* transportation authority) to ensure uniform

safety standards and enforcement and to meet the requirements of subsection (c) of this section.

* * * * * * *

[(f) REGULATIONS.—Not later than December 18, 1992, the Secretary shall prescribe regulations stating the requirements for complying with subsection (c) of this section.]

§ 5331. Alcohol and controlled substances testing

(a) DEFINITIONS.—In this section—

(1) * * *

* * * * * * *

(3) "[mass] *public* transportation" means any form of [mass] *public* transportation, except a form the Secretary decides is covered adequately, for employee alcohol and controlled substances testing purposes, under section 20140 or 31306 of this title[.] *or section 2303a, 7101(i), or 7302(e) of title 46. The Secretary may also decide that a form of public transportation is covered adequately, for employee alcohol and controlled substances testing purposes, under the alcohol and controlled substance statutes or regulations of an agency within the Department of Transportation or the Coast Guard.*

(b) TESTING PROGRAM FOR [MASS] *PUBLIC* TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of [mass] *public* transportation safety, the Secretary shall prescribe regulations that establish a program requiring [mass] *public* transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title [or section 103(e)(4) of title 23] to conduct preemployment, reasonable suspicion, random, and post-accident testing of [mass] *public* transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.

(B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of [mass] *public* transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of such a [mass] *public* transportation employee be conducted when loss of human life occurs in an accident involving [mass] *public* transportation; and

(B) may require that post-accident testing of such a [mass] *public* transportation employee be conducted when bodily injury or significant property damage occurs in any other serious accident involving [mass] *public* transportation.

(c) DISQUALIFICATIONS FOR USE.—(1) * * *

(2) This section does not supersede any penalty applicable to a [mass] *public* transportation employee under another law.

* * * * * * *

(e) REHABILITATION.—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs that provide for the identification and opportunity for treatment of any [mass] *public* transportation employee referred to in subsection (b)(1) of this section who is found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which employees shall be required to participate in a program. This subsection does not prevent a [mass] *public* transportation operation from establishing a program under this section in cooperation with another [mass] *public* transportation operation.

(f) RELATIONSHIP TO OTHER LAWS, REGULATIONS, STANDARDS, AND ORDERS.—(1) * * *

* * * * * * *

[(3) This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by mass transportation employees.]

(g) INELIGIBILITY FOR ASSISTANCE.—A person is not eligible for financial assistance under section 5307, 5309, or 5311 of this title [or section 103(e)(4) of title 23] if the person is required, under regulations the Secretary of Transportation prescribes under this section, to establish a program of alcohol and controlled substances testing and does not establish the program.

* * * * * * *

§ 5333. Labor standards

(a) * * *

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—(1) As a condition of financial assistance under sections 5307–5312, [5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)] *5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5338(b), 5338(g), and 5338(h)* of this title, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. The agreement granting the assistance under sections 5307–5312, [5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)] *5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5338(b), 5338(g), and 5338(h)* shall specify the arrangements.

(2) Arrangements under this subsection shall include provisions that may be necessary for—

(A) * * *

* * * * * * *

(D) assurances of employment to employees of acquired [mass] *public* transportation systems;

* * * * * * *

§ 5334. Administrative provisions

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) * * *

* * * * * * *

(9) include in an agreement or instrument under this chapter a covenant or term the Secretary of Transportation considers necessary to carry out this chapter; [and]

(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote [mass] *public* transportation and credit amounts collected to the appropriation concerned[.]*; and*

(11) issue regulations as necessary to carry out the purposes of this chapter.

(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

(1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter, nor may the Secretary regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.

[(b)] *(c)* PROCEDURES FOR PRESCRIBING REGULATIONS.—(1) * * *

* * * * * * *

(4) The Secretary of Transportation shall comply with this section (except [subsections (h) and (i)] *subsection (i)*) and sections 5323(a)(2), [5323(c), 5323(e), 5324(c),] 5325(a), 5325(b), 5326(c), and 5326(d) when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.

(5) NONREGULATORY SUBSTANTIVE POLICY STATEMENTS.—The Secretary shall provide notice and an opportunity for public comment at least 60 days before issuing any nonregulatory substantive policy statements (regardless of the form of issuance), including guidance, policy statements, and regulatory interpretations.

[(c)] *(d)* BUDGET PROGRAM AND SET OF ACCOUNTS.—The Secretary of Transportation shall—

(1) * * *

* * * * * * *

[(d)] *(e)* DEPOSITORY AND AVAILABILITY OF AMOUNTS.—The Secretary of Transportation shall deposit amounts made available to the Secretary under this chapter in a checking account in the Treasury. Receipts, assets, and amounts obtained or held by the Secretary to carry out this chapter are available for administrative expenses to carry out this chapter.

[(e)] *(f)* BINDING EFFECT OF FINANCIAL TRANSACTION.—A financial transaction of the Secretary of Transportation under this chapter and a related voucher are binding on all officers and employees of the United States Government.

[(f)] *(g)* DEALING WITH ACQUIRED PROPERTY.—Notwithstanding another law related to the Government acquiring, using, or disposing of real property, the Secretary of Transportation may deal with property acquired under subsection (a)(3) or (4) of this section in any way. However, this subsection does not—

(1) * * *

* * * * * * *

[(g)] *(h)* TRANSFER OF ASSETS NO LONGER NEEDED.—(1) If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. The Secretary may authorize a transfer for a public purpose other than [mass] *public* transportation only if the Secretary decides—

(A) * * *

* * * * * * *

(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for [mass] *public* transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

* * * * * * *

[(h)] *(i)* TRANSFER OF AMOUNTS AND NON-GOVERNMENT SHARE.—(1) Amounts made available for a [mass] *public* transportation project under title 23 shall be transferred to and administered by the Secretary of Transportation under this chapter. Amounts made available for a highway project under this chapter shall be transferred to and administered by the Secretary under title 23.

(2) The provisions of title 23 related to the non-Government share apply to amounts under title 23 used for [mass] *public* transportation projects. The provisions of this chapter related to the non-Government share apply to amounts under this chapter used for highway projects.

[(i) AUTHORITY OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development shall—

[(1) carry out section 5312(a) and (b)(1) of this title related to—

[(A) urban transportation systems and planned development of urban areas; and

[(B) the role of transportation planning in overall urban planning; and

[(2) advise and assist the Secretary of Transportation in making findings under section 5323(a)(1)(A) of this title.]

* * * * * * *

[§ 5335. Reports and audits]

§ 5335. National transit database

(a) NATIONAL TRANSIT DATABASE.—[(1) To help] *To help* meet the needs of individual [mass] *public* transportation systems, the United States Government, State and local governments, and the public for information on which to base [mass] *public* transportation service planning, the Secretary of Transportation shall maintain a reporting system, using uniform categories to accumulate [mass] *public* transportation financial and operating information and using a uniform system of accounts. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision. The Secretary may request and receive appropriate information from any source.

[(2) The Secretary] *(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary* may make a grant under section 5307 of this title only if the applicant, and any person that will receive benefits directly from the grant, are subject to the reporting and uniform systems.

[(b) BIENNIAL TRANSFERABILITY REPORT.—In January 1993, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on carrying out section 5307(b)(5) of this title. The report shall—

[(1) identify, by State, the amount of mass transportation money transferred for non-mass transportation purposes under section 5307(b)(5) of this title during the prior fiscal year;

[(2) include an assessment of the impact of the transfers on the mass transportation needs of individuals and communities in the State, including the impact on—

[(A) the State's ability to meet the mass transportation needs of elderly individuals and individuals with disabilities;

[(B) efforts to meet the objectives of the Clean Air Act (42 U.S.C. 7401 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

[(C) the State's efforts to extend public mass transportation services to unserved rural areas; and

[(3) examine the relative levels of Government mass transportation assistance and services in urban and rural areas in the fiscal year that ended September 30, 1991, and the extent to which the assistance and service has changed in later fiscal years because of mass transportation resources made available under this chapter and the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914).]

§ 5336. Apportionment of appropriations for formula grants

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount made available or appropriated under section 5338(a) [of this title] *to carry out section 5307*—

(1) * * *

(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section, *except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations*.

(b) BASED ON FIXED GUIDEWAY REVENUE VEHICLE-MILES, ROUTE-MILES, AND PASSENGER-MILES.—(1) In this subsection, "fixed guideway revenue vehicle-miles" and "fixed guideway route-miles" include ferry boat operations directly or under contract by the designated recipient *and the Alaska Railroad passenger operations*.

* * * * * * *

(g) TRANSFERS OF APPORTIONMENTS.—(1) The chief executive officer of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under this subsection. The chief executive officer may make a transfer only after consulting with responsible local officials and publicly owned operators of **[**mass**]** *public* transportation in each area for which the amount originally was apportioned under this section.

* * * * * * *

(j) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to **[**a grant made under**]** *a grant made with funds apportioned under* this section. Except as provided in this section, no other provision of this chapter applies to this section or to **[**a grant made under**]** *a grant made with funds apportioned under* this section.

(k) CERTAIN URBANIZED AREAS GRANDFATHERED.—An area designated an urbanized area under the 1980 census and not designated an urbanized area under the 1990 census for the fiscal year ending September 30, 1993, is eligible to receive—

(1) 50 percent of the amount the area would have received if the area had been an urbanized area as defined by **[**section 5302(a)(13) of this title**]** *section 5302(a)*; and

* * * * * * *

[§ 5337. Apportionment of appropriations for fixed guideway modernization

[(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:**]**

§ 5337. Apportionment based on fixed guideway factors

(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under sections 5338(b) and 5338(g) as follows:

(1) * * *

(2) The next $70,000,000 shall be apportioned as follows:

(A) * * *

(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection [(e)(1)] *(e)* of this section.

(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

(A) * * *

* * * * * * *

(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection [(e)(1)] *(e)* of this section.

(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection [(e)(1)] *(e)* of this section.

(5) The next $70,000,000 shall be apportioned as follows:

(A) 65 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

(6) The next $50,000,000 shall be apportioned as follows:

(A) 60 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

(7) Remaining amounts shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection [(e)(2)] *(e)* of this section.

* * * * * * *

(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

[(1) 1997 STANDARD.—Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

[(2) OTHER STANDARDS.—] Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.

[§ 5338. Authorizations

[(a) FORMULA GRANTS.—

[(1) FISCAL YEAR 1998.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311, $2,260,000,000 for fiscal year 1998.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5310, and 5311, $240,000,000 for fiscal year 1998.

[(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

[(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

[(ii) $62,219,389 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

[(iii) $134,077,934 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

[(iv) $2,298,852,727 shall be available to provide financial assistance for urbanized areas under section 5307.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, and 5311—

[(i) $2,280,000,000 for fiscal year 1999;

[(ii) $2,478,400,000 for fiscal year 2000;

[(iii) $2,676,000,000 for fiscal year 2001;

[(iv) $2,873,600,000 for fiscal year 2002;

[(v) $3,071,200,000 for fiscal year 2003;

[(vi) $3,071,200,000 for fiscal year 2004; and

[(vii) $2,201,760,000 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, and 5311—

[(i) $570,000,000 for fiscal year 1999;

[(ii) $619,600,000 for fiscal year 2000;

[(iii) $669,000,000 for fiscal year 2001;

[(iv) $718,400,000 for fiscal year 2002;

[(v) $767,800,000 for fiscal year 2003;

[(vi) $767,800,000 for fiscal year 2004; and

[(vii) $550,440,000 for the period of October 1, 2004, through May 31, 2005.

[(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for each of fiscal years 1999 through 2005 (other than for the period of October 1, 2004, through May 31, 2005)—

[(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

[(ii) $50,000,000 shall be available to carry out section 5308; and

[(iii) of the remaining amount—

[(I) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

[(II) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

[(III) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

[(b) CAPITAL PROGRAM GRANTS AND LOANS.—

[(1) FISCAL YEAR 1998.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,000,000,000 for fiscal year 1998.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309—

[(i) $1,805,600,000 for fiscal year 1999;

[(ii) $1,960,800,000 for fiscal year 2000;

[(iii) $2,116,800,000 for fiscal year 2001;

[(iv) $2,272,800,000 for fiscal year 2002;

[(v) $2,428,800,000 for fiscal year 2003;

[(vi) $2,510,000,000 for fiscal year 2004; and

[(vii) $1,740,960,000 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5309—

[(i) $451,400,000 for fiscal year 1999;

[(ii) $490,200,000 for fiscal year 2000;

[(iii) $529,200,000 for fiscal year 2001;

[(iv) $568,200,000 for fiscal year 2002;

[(v) $607,200,000 for fiscal year 2003;

[(vi) $627,500,000 for fiscal year 2004; and

[(vii) $435,240,000 for the period of October 1, 2004, through May 31, 2005.

[(c) PLANNING.—

[(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b), $47,750,000 for fiscal year 1998.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b)—

[(i) $42,200,000 for fiscal year 1999;

[(ii) $48,400,000 for fiscal year 2000;

[(iii) $50,200,000 for fiscal year 2001;

[(iv) $53,800,000 for fiscal year 2002;

[(v) $58,600,000 for fiscal year 2003;

[(vi) $58,600,000 for fiscal year 2004; and

[(vii) $41,813,334 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

[(i) $10,800,000 for fiscal year 1999;

[(ii) $11,600,000 for fiscal year 2000;

[(iii) $12,800,000 for fiscal year 2001;

[(iv) $13,200,000 for fiscal year 2002;

[(v) $14,400,000 for fiscal year 2003;

[(vi) $14,400,000 for fiscal year 2004; and

[(vii) $10,453,333 for the period of October 1, 2004, through May 31, 2005.

[(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year or any portion of a fiscal year—

[(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

[(ii) 17.28 percent shall be available for State planning under section 5313(b).

[(d) RESEARCH.—

[(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $44,250,000 for fiscal year 1998.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

[(i) $36,000,000 for fiscal year 1999;

[(ii) $37,600,000 for fiscal year 2000;

[(iii) $37,600,000 for fiscal year 2001;

[(iv) $39,200,000 for fiscal year 2002;

[(v) $39,200,000 for fiscal year 2003;

[(vi) $42,200,000 for fiscal year 2004; and

[(vii) $28,266,667 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are author-

ized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

[(i) $9,000,000 for fiscal year 1999;

[(ii) $9,400,000 for fiscal year 2000;

[(iii) $9,400,000 for fiscal year 2001;

[(iv) $9,800,000 for fiscal year 2002;

[(v) $9,800,000 for fiscal year 2003;

[(vi) $10,800,000 for fiscal year 2004; and

[(vii) $7,066,667 for the period of October 1, 2004, through May 31, 2005.

[(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year (other than for the period of October 1, 2004, through May 31, 2005)—

[(i) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

[(ii) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

[(iii) not less than $4,000,000 shall be available to carry out programs under the National Transit Institute under section 5315, including not more than $1,000,000 shall be available to carry out section 5315(a)(16); and

[(iv) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

[(e) UNIVERSITY TRANSPORTATION RESEARCH.—

[(1) FISCAL YEAR 1998.—Subject to paragraph (2)(C), there are authorized to be appropriated to carry out section 5505 $6,000,000 for fiscal year 1998.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—Subject to subparagraph (C), there shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505, $4,800,000 for each of fiscal years 1999 through 2004 and $3,200,000 for the period of October 1, 2004, hrough May 31, 2005.

[(B) FROM THE GENERAL FUND.—Subject to subparagraph (C), in addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5505, $1,200,000 for each of fiscal years 1999 through 2004 and $800,000 for the period of October 1, 2004, through May 31, 2005.

[(C) FUNDING OF CENTERS.—

[(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year (other than for the period of October 1, 2004, through May 31, 2005)—

[(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

[(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

[(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

[(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

[(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

[(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year (other than for the period of October 1, 2004, through May 31, 2005) that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.

[(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.

[(f) ADMINISTRATION.—

[(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5334, $45,738,000 for fiscal year 1998.

[(2) FISCAL YEARS 1999 THROUGH 2004 AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005.—

[(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334—

[(i) $43,200,000 for fiscal year 1999;
[(ii) $48,000,000 for fiscal year 2000;
[(iii) $51,200,000 for fiscal year 2001;
[(iv) $53,600,000 for fiscal year 2002;
[(v) $58,400,000 for fiscal year 2003;
[(vi) $60,400,000 for fiscal year 2004; and
[(vii) $41,600,000 for the period of October 1, 2004, through May 31, 2005.

[(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334—

[(i) $10,800,000 for fiscal year 1999;
[(ii) $12,000,000 for fiscal year 2000;
[(iii) $12,800,000 for fiscal year 2001;
[(iv) $13,400,000 for fiscal year 2002;
[(v) $14,600,000 for fiscal year 2003;
[(vi) $15,100,000 for fiscal year 2004; and
[(vii) $10,400,000 for the period of October 1, 2004, through May 31, 2005.

[(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

[(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1)(A), (a)(2)(A), (b)(1), (b)(2)(A), (c)(2)(A), (d)(2)(A), (e)(2)(A), or

(f)(2)(A) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

[(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(1)(B), (a)(2)(B), (b)(2)(B), (c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

[(h) ADDITIONAL AMOUNTS.—In addition to amounts made available by or appropriated under subsections (a) through (f) under the Transportation Discretionary Spending Guarantee for the Mass Transit Category, there are authorized to be appropriated—

[(1) to carry out sections 5303, 5304, 5305, and 5313(b)—

[(A) for fiscal year 1999, $32,000,000;

[(B) for fiscal year 2000, $33,000,000;

[(C) for fiscal year 2001, $34,000,000;

[(D) for fiscal year 2002, $35,000,000; and

[(E) for fiscal year 2003, $36,000,000;

[(2) to carry out section 5307, $150,000,000 for each of fiscal years 1999 through 2003;

[(3) to carry out section 5308, $100,000,000 for each of fiscal years 1999 through 2003;

[(4) to carry out section 5309(m)(1)(A), $100,000,000 for each of fiscal years 1999 through 2003;

[(5) to carry out section 5309(m)(1)(B)—

[(A) for fiscal year 1999 $400,000,000;

[(B) for fiscal year 2000 $410,000,000;

[(C) for fiscal year 2001 $420,000,000;

[(D) for fiscal year 2002 $430,000,000; and

[(E) for fiscal year 2003 $430,000,000;

[(6) to carry out section 5309(m)(1)(C), $100,000,000 for each of fiscal years 1999 through 2003;

[(7) to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

[(A) for fiscal year 1999, $31,000,000;

[(B) for fiscal year 2000, $31,000,000;

[(C) for fiscal year 2001, $33,000,000;

[(D) for fiscal year 2002, $33,000,000; and

[(E) for fiscal year 2003, $34,000,000; and

[(8) to carry out section 5334—

[(A) for fiscal year 1999, $13,000,000;

[(B) for fiscal year 2000, $14,000,000;

[(C) for fiscal year 2001, $16,000,000;

[(D) for fiscal year 2002, $17,000,000; and

[(E) for fiscal year 2003, $18,000,000.

[(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e), and paragraphs (1) through (7) of subsection (h), shall remain available until expended.]

§ 5338. Authorizations

(a) FORMULA GRANTS.—

(1) FISCAL YEAR 2004.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, and 5318 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $3,132,304,000 for fiscal year 2004.

(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $783,076,000 for fiscal year 2004.

(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

(ii) $125,000,000 shall be available to provide job access and reverse commute formula grants under section 5316;

(iii) $50,000,000 shall be available to provide clean fuels formula grants under section 5308;

(iv) $8,000,000 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

(v) $3,100,000 shall be available to carry out bus testing under section 5318;

(vi) $93,110,751 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

(vii) $297,954,404 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

(viii) $3,333,364,895 shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

(2) FISCAL YEARS 2005 THROUGH 2009.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, 5318, and 5320 of this chapter, section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393), and section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program)—

(i) $4,133,500,000 for fiscal year 2005;

(ii) $4,592,000,000 for fiscal year 2006;
(iii) $4,898,000,000 for fiscal year 2007;
(iv) $5,223,000,000 for fiscal year 2008; and
(v) $5,570,000,000 for fiscal year 2009.

(B) ALLOCATION OF FUNDS FOR BUS TESTING AND OVER-THE-ROAD BUS ACCESSIBILITY.—Of the aggregate of amounts made available by this paragraph for a fiscal year—

(i) $3,100,000 shall be available to carry out section 5318; and

(ii) $8,000,000 shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

(C) ALLOCATION OF FUNDS FOR CLEAN FUELS FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $75,000,000 for fiscal year 2005 and $100,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 shall be available to carry out section 5308.

(D) ALLOCATION OF FUNDS FOR JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009 shall be available to carry out section 5316.

(E) ALLOCATION OF FUNDS FOR NEW FREEDOM PROGRAM.—Of the aggregate of amounts made available by this paragraph, $95,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $105,000,000 for fiscal year 2007, $115,000,000 for fiscal year 2008, and $125,000,000 for fiscal year 2009 shall be available to carry out section 5317.

(F) ALLOCATION OF FUNDS FOR TRANSIT IN THE PARKS PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $8,000,000 for fiscal year 2005, $16,000,000 for fiscal year 2006, $16,000,000 for fiscal year 2007, $16,000,000 for fiscal year 2008, and $16,000,000 for fiscal year 2009 shall be available to carry out section 5320.

(G) ALLOCATION OF FUNDS FOR NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $4,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, $4,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, and $8,000,000 for fiscal year 2009 shall be available to carry out section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program).

(H) ALLOCATION OF FUNDS FOR THE ALASKA RAILROAD.—Of the aggregate of amounts made available by this paragraph, $10,000,000 for fiscal year 2005, $11,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $13,000,000 for fiscal year 2008, and $14,000,000 for fiscal year 2009 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307.

(I) REMAINDER.—Of the remainder of the aggregate amounts made available by this paragraph for a fiscal year after the allocations under subparagraphs (B) through (H) for such fiscal year—

(i) 2.5 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

(ii) 8.0 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

(iii) 89.5 percent shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

(b) CAPITAL PROGRAM GRANTS IN FISCAL YEAR 2004.—

(1) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,499,504,000 for fiscal year 2004.

(2) FROM GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated to carry out section 5309, $624,876,200 for fiscal year 2004.

(c) PLANNING.—

(1) FISCAL YEAR 2004.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305, $72,660,000 for fiscal year 2004.

(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5303, 5304, and 5305, $18,165,000 for fiscal year 2004.

(2) FISCAL YEARS 2005 THROUGH 2009.—

(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305—

(i) $96,875,000 for fiscal year 2005;

(ii) $103,325,000 for fiscal year 2006;

(iii) $110,200,000 for fiscal year 2007;

(iv) $117,537,500 for fiscal year 2008; and

(v) $125,362,500 for fiscal year 2009.

(B) ALLOCATION OF FUNDS.—Of the funds made available by this paragraph for a fiscal year—

(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305 (other than 5305(e)); and

(ii) 17.28 percent shall be available for State planning under section 5305(e).

(d) RESEARCH.—

(1) FISCAL YEAR 2004.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $41,888,000 for fiscal year 2004.

(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $10,472,000 for fiscal year 2004.

(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated pursuant to this paragraph for fiscal year 2004—

(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

(ii) not less than $3,500,000 shall be available to carry out section 5335;

(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2); and

(iv) not less than $8,860,000 shall be available to carry out section 5313(a).

(2) FISCAL YEARS 2005 THROUGH 2009.—

(A) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5312, 5313, 5314, 5315, 5322, and 5335—

(i) $54,500,000 for fiscal year 2005;

(ii) $57,000,000 for fiscal year 2006;

(iii) $59,500,000 for fiscal year 2007;

(iv) $62,000,000 for fiscal year 2008; and

(v) $64,500,000 for fiscal year 2009.

(B) ALLOCATION OF FUNDS.—Of the funds appropriated pursuant to this paragraph for a fiscal year—

(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

(ii) not less than $3,500,000 shall be available to carry out section 5335; and

(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2).

(C) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Of the funds appropriated pursuant to this paragraph, $9,000,000 for fiscal year 2005, $9,500,000 for fiscal year 2006, $10,000,000 for fiscal year 2007, $10,500,000 for fiscal year 2008, and $11,000,000 for fiscal year 2009 shall be available to carry out section 5313(a).

(D) REMAINDER.—The remainder of the funds appropriated pursuant to this paragraph for a fiscal year after the allocations under subparagraphs (A) and (B) for such fiscal year shall be available to carry out national research and technology programs under sections 5312, 5314, and 5322.

(e) UNIVERSITY TRANSPORTATION RESEARCH.—

(1) FISCAL YEAR 2004.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5505 and 5506, $6,400,000 for fiscal year 2004.

(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be ap-

propriated to carry out sections 5505 and 5506, $1,600,000 for fiscal year 2004.

(2) FISCAL YEARS 2005 THROUGH 2009.—Subject to paragraph (3), there is authorized to be appropriated to carry out sections 5505 and 5506, $8,000,000 for each of fiscal years 2005 through 2009.

(3) FUNDING OF UNIVERSITY TRANSPORTATION CENTERS.—

(A) IN GENERAL.—Of the amounts made available by and appropriated under paragraphs (1) and (2) $2,000,000 for each of fiscal years 2004, 2005, and 2006 shall be available for the institution identified in section 5505(j)(3)(E), as so in effect.

(B) USE OF FUNDS.—Funds made available for the institution identified in subparagraph (A)(iii) shall be used to make grants under 5506(f)(5) for that institution

(C) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.

(f) ADMINISTRATION.—

(1) FISCAL YEAR 2004.—

(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334, $60,044,000 for fiscal year 2004.

(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334, $15,011,000 for fiscal year 2004.

(2) FISCAL YEARS 2005 THROUGH 2009.—There are authorized to be appropriated to carry out section 5334—

(A) $78,000,000 for fiscal year 2005;
(B) $80,000,000 for fiscal year 2006;
(C) $82,000,000 for fiscal year 2007;
(D) $84,000,000 for fiscal year 2008; and
(E) $86,000,000 for fiscal year 2009.

(g) TRUST FUND CAPITAL PROGRAM GRANTS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5309(m)(2)(B)(i) and 5309(m)(2)(B)(iii)—

(1) $1,884,255,000 for fiscal year 2005;
(2) $2,080,005,000 for fiscal year 2006;
(3) $2,210,580,000 for fiscal year 2007;
(4) $2,366,677,500 for fiscal year 2008; and
(5) $2,518,882,500 for fiscal year 2009.

(h) GENERAL FUND CAPITAL PROGRAM GRANTS.—There are authorized to be appropriated to carry out sections 5309(m)(2)(A) and 5309(m)(2)(B)(ii)—

(1) $1,391,170,000 for fiscal year 2005;
(2) $1,561,670,000 for fiscal year 2006;
(3) $1,673,720,000 for fiscal year 2007;
(4) $1,777,785,000 for fiscal year 2008; and
(5) $1,904,255,000 for fiscal year 2009.

(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(A), (a)(2), (b)(1), (c)(2), (d)(1)(A), (e)(1)(A), (f)(1)(A), or (g) is a contractual

obligation of the Government to pay the Government's share of the cost of the project.

(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(B), (b)(2), (c)(1)(B), (d)(1)(B), (d)(2), (e)(1)(B), (e)(2), (f)(1)(B), (f)(2), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (h) shall remain available until expended.

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CHAPTER 55—INTERMODAL TRANSPORTATION

SUBCHAPTER I—GENERAL

Sec.
5501. National Intermodal Transportation System policy.

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[5505. University transportation research.
[5506. Advanced vehicle technologies program.]
5505. National university transportation centers.
5506. University transportation research.
5507. Advanced heavy-duty vehicle technologies research program.

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SUBCHAPTER I—GENERAL

* * * * * * *

§ 5502. Intermodal Transportation Advisory Board

(a) * * *

(b) MEMBERSHIP.—The Board consists of the Secretary, who serves as chairman, and the Administrator, or the Administrator's designee, of—

(1) * * *

* * * * * * *

(4) the Federal Railroad Administration; [and]
(5) the Federal Transit Administration[.]*; and*
(6) the Federal Motor Carrier Safety Administration.

* * * * * * *

[§ 5505. University transportation research

[(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

[(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development matters, with special attention to

increasing the number of highly skilled individuals entering the field of transportation.

[(c) SELECTION OF GRANT RECIPIENTS.—

[(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

[(2) SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

[(A) For regional centers, the location of the center within the Federal region to be served.

[(B) The demonstrated research and extension resources available to the recipient to carry out this section.

[(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

[(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

[(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

[(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

[(G) The strategic plan the recipient proposes to carry out under the grant.

[(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

[(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

[(2) An education program that includes multidisciplinary course work and participation in research.

[(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

[(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

[(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23, United States Code.

[(g) PROGRAM COORDINATION.—

[(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

[(2) ANNUAL REVIEW AND EVALUATION.—At least annually and consistent with the plan developed under section 508 of title 23, United States Code, the Secretary shall review and evaluate programs the grant recipients carry out.

[(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

[(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

[(i) NUMBER AND AMOUNT OF GRANTS.—Subject to section 5338(e):

[(1) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, the Secretary shall make the following grants under this section:

[(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions or groups of institutions in group A.

[(B) GROUP B.—The Secretary shall make a grant in the amount of $300,000 to each of the institutions or groups of institutions in group B.

[(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions or groups of institutions in group C.

[(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions or groups of institutions in group D.

[(2) FISCAL YEARS 2000 AND 2001.—For each of fiscal years 2000 and 2001, the Secretary shall make the following grants under this section:

[(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions or groups of institutions in group A.

[(B) GROUP B.—The Secretary shall make a grant in the amount of $500,000 to 8 of the institutions or groups of institutions in group B.

[(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions or groups of institutions in group C.

[(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions or groups of institutions in group D.

[(3) FISCAL YEARS 2002 AND 2003.—For each of fiscal years 2002 and 2003, the Secretary shall make the following grants under this section:

[(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions or groups of institutions in group A.

[(B) GROUPS B AND C.—The Secretary shall make a grant in the amount of $1,000,000 to 10 of the institutions or groups of institutions in groups B and C that received grants under this section in fiscal years 2000 and 2001.

[(C) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions or groups of institutions in group D.

[(j) IDENTIFICATION OF GROUPS.—For the purpose of making grants under this section, the following groups are identified:

[(1) GROUP A.—Group A shall consist of the 10 regional centers selected under subsection (a).

[(2) GROUP B.—Group B shall consist of the following:

[(A) The University of Denver and Mississippi State University.

[(B) The University of Central Florida.

[(C) University of Southern California and California State University at Long Beach.

[(D) Rutgers University.

[(E) University of Missouri at Rolla.

[(F) South Carolina State University.

[(G) Joseph P. Kennedy Science and Technology Center, Assumption College, Massachusetts.

[(H) Purdue University.

[(3) GROUP C.—Group C shall consist of the following:

[(A) University of Arkansas.

[(B) New Jersey Institute of Technology.

[(C) University of Idaho.

[(D) The University of Alabama.

[(E) Morgan State University.

[(F) North Carolina State University.

[(G) San Jose State University.

[(H) University of South Florida.

[(I) North Carolina A. and T. State University.

[(4) GROUP D.—Group D shall consist of the following:

[(A) University of Minnesota.

[(B) Marshall University, West Virginia, on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College.

[(C) George Mason University, along with the University of Virginia and Virginia Tech University.

[(D) Western Transportation Institute.

[(E) Rhode Island Transportation Research Center.

[(F) Northwestern University.

[§ 5506. Advanced vehicle technologies program

[(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient, safe, and cost-effective national transportation system.

[(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term "eligible consortium" means a consortium that receives fund-

ing under the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

[(1) Businesses incorporated in the United States.

[(2) Public or private educational or research organizations located in the United States.

[(3) Entities of State or local governments in the United States.

[(4) Federal laboratories.

[(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

[(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

[(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

[(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

[(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

[(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

[(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

[(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

[(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

[(g) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

[(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.]

§ 5505. National university Transportation centers

(a) IN GENERAL.—

(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible

nonprofit institutions of higher learning to establish and operate national university transportation centers.

(2) ROLE OF CENTERS.—The role of each center shall be to advance significantly transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term "eligible nonprofit institution of higher learning" means each of the lead institutions identified in subsections (j)(4)(A), (j)(4)(B), and (j)(4)(F) of section 5505 as in effect on the day before the date of enactment of the Transportation Equity Act: A Legacy for Users, the university referred to in section 704 of Public Law 103–206 (107 Stat. 2447), and the university that, as of the day before such date of enactment, is the lead institution for the regional university transportation center for region 5 of the Standard Federal Regional Boundary System.

(d) GRANTS.—In each of fiscal years 2004 through 2009, the Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount not to exceed $3,500,000.

§ 5506. University Transportation research

(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation centers.

(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary course work and participation in research.

(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

(c) REGIONAL, TIER I, AND TIER II CENTERS.—

(1) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

(A) 10 regional university transportation centers; and

(B) 10 Tier I university transportation centers.

(2) TIER II CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate 10 Tier II university transportation centers.

(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for a fiscal year for more than one university transportation center.

(d) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

(A) The demonstrated research and extension resources available to the recipient to carry out this section.

(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

(C) The recipient's demonstrated commitment of at least $400,000 each year in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

(D) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

(E) The strategic plan the recipient proposes to carry out under the grant.

(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

(1) COMPETITION.—Not later than August 31, 2005, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

(A) the criteria described in subsection (d)(2);

(B) the location of the center within the Federal region to be served; and

(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

(i) not less than $2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

(ii) not less than 10 graduate degrees awarded in professional fields closely related to highways and pub-

lic transportation for year for each of the preceding 5 years; and

(iii) not less than 5 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.

(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

(4) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

(5) AMOUNT OF GRANTS.—For each of fiscal years 2004 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a regional university transportation center shall not exceed $3,500,000.

(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

(1) COMPETITION.—Not later than March 31, 2006, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

(A) the criteria described in subsection (d)(2); and

(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

(i) not less than $1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than $6,000,000 in such expenditures during the 5 preceding years;

(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

(iii) not less than 3 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 20 refereed journal publications on highway or

public transportation research during the preceding 5 years.

(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

(4) SPECIAL RULE FOR FISCAL YEARS 2004, 2005, AND 2006.—For each of fiscal years 2004, 2005, and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

(5) AMOUNT OF GRANTS.—A grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier I university transportation center shall not exceed $1,000,000 for fiscal year 2004 and $1,500,000 for each of fiscal years 2005 through 2009.

(g) TIER II UNIVERSITY TRANSPORTATION CENTERS.—

(1) COMPETITION.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, not later than March 31, 2008, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier II university transportation centers referred to in subsection (c)(2).

(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of the criteria described in subsection (f)(2).

(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall—

(A) in the case of the competition to be completed not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, make a grant to the recipient to establish and operate a Tier II university transportation center in each of fiscal years 2005 through 2008; and

(B) in the case of each subsequent competition, make a grant to the recipient to establish and operate a Tier II university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

(4) AMOUNT OF GRANTS.—For each of fiscal years 2005 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier II university transportation center shall not exceed $1,000,000.

(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support

the national strategy for surface transportation research, as identified by—

(1) the report of the National Highway Research and Technology Partnership entitled "Highway Research and Technology: The Need for Greater Investment", dated April 2002; and

(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

(i) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

(k) PROGRAM COORDINATION.—

(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

(3) MANAGEMENT AND OVERSIGHT.—The Secretary shall expend $1,500,000 for each of fiscal years 2005 through 2009 from amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section.

(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Innovative Technology Administration.

(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

§ 5507. Advanced heavy-duty vehicle technologies research program

(a) IN GENERAL.—The Secretary of Transportation shall conduct research, development, demonstration, and testing to integrate emerging advanced heavy-duty vehicle technologies in order to provide seamless, safe, secure, and efficient transportation and to benefit the environment.

(b) CONSULTATION.—To ensure the activities performed pursuant to this section achieve the maximum benefit, the Secretary of Transportation shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and other relevant Federal agencies on research, development, and demonstration ac-

tivities authorized under this section related to advanced heavy-duty vehicle technologies.

(c) GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—The Secretary may make grants to, and enter into cooperative agreements and other transactions with, Federal and other public agencies (including State and local governments) and persons to carry out subsection (a).

(d) COST SHARING.—At least 50 percent of the funding for projects carried out under this section must be provided by non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out subsection (a) $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009.

(f) CONTRACT AUTHORITY.—The funds authorized to be appropriated by subsection (e) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any limitation on obligations imposed on funds made available to carry out title V of the Transportation Equity Act: A Legacy for Users.

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CHAPTER 131—GENERAL PROVISIONS

* * * * * * *

§ 13102. Definitions

In this part, the following definitions shall apply:

(1) * * *

* * * * * * *

(6) FOREIGN MOTOR CARRIER.—The term "foreign motor carrier" means a person (including a motor carrier of property but excluding a motor private carrier)—

(A) * * *

(B) in the case of a person that is not a motor carrier of property, that provides interstate transportation of property by [motor vehicle] *commercial motor vehicle (as defined in section 31132)* under an agreement or contract entered into with a motor carrier of property (other than a motor private carrier or a motor carrier of property described in subparagraph (A)).

(7) FOREIGN MOTOR PRIVATE CARRIER.—The term "foreign motor private carrier" means a person (including a motor private carrier but excluding a motor carrier of property)—

(A) * * *

(B) in the case of a person that is not a motor private carrier, that provides interstate transportation of property by [motor vehicle] *commercial motor vehicle (as defined in section 31132)* under an agreement or contract entered into with a person (other than a motor carrier of property or a motor private carrier described in subparagraph (A)).

* * * * * * *

(12) MOTOR CARRIER.—The term "motor carrier" means a person providing [motor vehicle] *commercial motor vehicle (as defined in section 31132)* transportation for compensation.

(13) MOTOR PRIVATE CARRIER.—The term "motor private carrier" means a person, other than a motor carrier, transporting property by [motor vehicle] *commercial motor vehicle (as defined in section 31132)* when—

(A) * * *

* * * * * * *

CHAPTER 139—REGISTRATION

* * * * * * *

§ 13902. Registration of motor carriers

(a) MOTOR CARRIER GENERALLY.—

(1) IN GENERAL.—Except as provided in this section, the Secretary shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 of this title as a motor carrier if the Secretary finds that the person is willing and able to comply with—

(A) * * *

[(B) any safety regulations imposed by the Secretary and the safety fitness requirements established by the Secretary under section 31144; and]

(B) (i) any safety regulations imposed by the Secretary;

(ii) the duties of employers and employees established by the Secretary under section 31135; and

(iii) the safety fitness requirements established by the Secretary under section 31144; and

* * * * * * *

§ 13903. Registration of freight forwarders

(a) IN GENERAL.—[The Secretary]

(1) HOUSEHOLD GOODS.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder *of household goods* if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.

(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.

* * * * * * *

§ 13908. Registration and other reforms

(a) REGULATIONS REPLACING CERTAIN PROGRAMS.—The Secretary, in cooperation with the States, and after notice and opportunity for public comment, shall issue regulations to replace the current Department of Transportation identification number sys-

tem, [the single State registration system under section 14504,] the registration system contained in this chapter, and the financial responsibility information system under section 13906 with a single, on-line, Federal system. The new system shall serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with the Department as well as information on safety fitness and compliance with required levels of financial responsibility. In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

(b) FACTORS TO BE CONSIDERED.—In conducting the rulemaking under subsection (a), the Secretary shall, at a minimum, consider the following factors:

(1) * * *

[(2) Whether the existing single State registration system is duplicative and burdensome.

[(3) The justification and need for collecting the statutory fee for such system under section 14504(c)(2)(B)(iv).]

[(4)] *(2)* The public safety.

[(5)] *(3)* The efficient delivery of transportation services.

[(6)] *(4)* How, and under what conditions, to extend the registration system to motor private carriers and to carriers exempt under sections 13502, 13503, and 13506.

* * * * * * *

[(d) STATE REGISTRATION PROGRAMS.—If the Secretary determines that no State should require insurance filings or collect fees for such filings (including filings and fees authorized under section 14504), the Secretary may prevent any State or political subdivision thereof, or any political authority of 2 or more States, from imposing any insurance filing requirements or fees that are for the same purposes as filings or fees the Secretary requires under the new system under subsection (a). The Secretary may not take any action pursuant to this subsection unless—

[(1) fees that will be collected by the Secretary under subsection (c) and distributed in each fiscal year to the States will provide each State with at least as much revenue as that State received in fiscal year 1995 under section 11506, as in effect on December 31, 1995; and

[(2) all States will receive from the distribution of such fees a minimum apportionment.]

[(e) DEADLINE FOR CONCLUSION; MODIFICATIONS.—Not later than 24 months after January 1, 1996,] *(d) DEADLINE FOR COMPLETION.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users,* the Secretary—

(1) * * *

* * * * * * *

CHAPTER 141—OPERATIONS OF CARRIERS

* * * * * * *

§ 14104. Household goods carrier operations

(a) * * *

(b) ESTIMATES.—

[(1) AUTHORITY TO PROVIDE WITHOUT COMPENSATION.—Every motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135, upon request of a prospective shipper, may provide the shipper with an estimate of charges for transportation of household goods and for the proposed services. The Secretary shall not prohibit any such carrier from charging a prospective shipper for providing a written, binding estimate for the transportation and proposed services.]

(1) REQUIRED TO BE IN WRITING.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, every motor carrier providing transportation of household goods described in section 13102(10)(A) subject to jurisdiction under subchapter I of chapter 135 shall conduct a physical survey of the household goods to be transported on behalf of a prospective individual shipper and shall provide the shipper with a written estimate of charges for the transportation and all related services.

(B) WAIVER.—A shipper may elect to waive a physical survey under this paragraph by written agreement signed by the shipper before the shipment is loaded. A copy of the waiver agreement must be retained as an addendum to the bill of lading and shall be subject to the same record inspection and preservation requirements of the Secretary as are applicable to bills of lading.

(C) ESTIMATE.—

(i) IN GENERAL.—Notwithstanding a waiver under subparagraph (B), a carrier's statement of charges for transportation must be submitted to the shipper in writing and must indicate whether it is binding or nonbinding.

(ii) BINDING.—A binding estimate under this paragraph must indicate that the carrier and shipper are bound by such charges. The carrier may impose a charge for providing a written binding estimate.

(iii) NONBINDING.—A nonbinding estimate under this paragraph must indicate that the actual charges will be based upon the actual weight of the individual shipper's shipment and the carrier's lawful tariff charges. The carrier may not impose a charge for providing a nonbinding estimate.

* * * * * * *

CHAPTER 145—FEDERAL-STATE RELATIONS

Sec.

14501. Federal authority over intrastate transportation.

* * * * * * *

[14504. Registration of motor carriers by a State.]

* * * * * * *

14506. Enforcement of Federal regulations by State attorneys general.

§ 14501. Federal authority over intrastate transportation

(a) * * *

* * * * * * *

(c) MOTOR CARRIERS OF PROPERTY.—

(1) * * *

(2) MATTERS NOT COVERED.—Paragraph (1)—

(A) * * *

(B) does not apply to the *intrastate* transportation of household goods; and

* * * * * * *

[§ 14504. Registration of motor carriers by a State

[(a) DEFINITIONS.—In this section, the terms "standards" and "amendments to standards" mean the specification of forms and procedures required by regulations of the Secretary to prove the lawfulness of transportation by motor carrier referred to in section 13501.

[(b) GENERAL RULE.—The requirement of a State that a motor carrier, providing transportation subject to jurisdiction under subchapter I of chapter 135 and providing transportation in that State, must register with the State is not an unreasonable burden on transportation referred to in section 13501 when the State registration is completed under standards of the Secretary under subsection (c). When a State registration requirement imposes obligations in excess of the standards of the Secretary, the part in excess is an unreasonable burden.

[(c) SINGLE STATE REGISTRATION SYSTEM.—

[(1) IN GENERAL.—The Secretary shall maintain standards for implementing a system under which—

[(A) a motor carrier is required to register annually with only one State by providing evidence of its Federal registration under chapter 139;

[(B) the State of registration shall fully comply with standards prescribed under this section; and

[(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

[(2) SPECIFIC REQUIREMENTS.—

[(A) EVIDENCE OF FEDERAL REGISTRATION; PROOF OF INSURANCE; PAYMENT OF FEES.—Under the standards of the Secretary implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier registered by the Secretary under this part—

[(i) to file and maintain evidence of such Federal registration;

[(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

[(iii) to pay directly to such State fee amounts in accordance with the fee system established under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

[(iv) to file the name of a local agent for service of process.

[(B) RECEIPTS; FEE SYSTEM.—The standards of the Secretary—

[(i) shall require that the registration State issue a receipt, in a form prescribed under the standards, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this paragraph and has paid fee amounts in accordance with the fee system established under clause (iv) of this subparagraph;

[(ii) shall require that copies of the receipt issued under clause (i) of this subparagraph be kept in each of the carrier's commercial motor vehicles;

[(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

[(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this paragraph that—

[(I) is based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates;

[(II) minimizes the costs of complying with the registration system; and

[(III) results in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

[(v) shall not authorize the charging or collection of any fee for filing and maintaining evidence of Federal registration under subparagraph (A)(i) of this paragraph.

[(C) PROHIBITED FEES.—The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.

[(D) LIMITATION ON PARTICIPATION BY STATES.—Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.]

* * * * * * *

§ 14506. Enforcement of Federal regulations by State attorneys General

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of a resident of the State in an appropriate district court of the United States to enforce a regulation or order of the Secretary or Board—

(1) to protect an individual shipper of household goods if such regulation or order governs the delivery of the shipper's household goods; or

(2) to impose a civil penalty under section 14915 whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by—

(A) a carrier or broker providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 who is committing repeat violations of section 14915; or

(B) a foreign motor carrier providing transportation of household goods who is registered under section 13902 and who is committing repeat violations of section 14915.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) as preventing an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence;

(2) as prohibiting a State official from proceeding in State court to enforce a criminal statute of the State;

(3) as authorizing a State or political subdivision of a State to bring an enforcement action under a consumer protection law, regulation, or other provision of the State relating to interstate transportation of household goods (as defined in section 13102(10)(A)) with respect to an activity that is inconsistent with Federal laws and regulations relating to interstate transportation of household goods; or

(4) as authorizing a State, as parens patriae, to bring a class civil action on behalf of its residents to enforce a regulation or order of the Secretary or Board.

(c) ACTIONS BY THE SECRETARY OR BOARD.—Whenever a civil action has been instituted by or on behalf of the Secretary or Board for violation of section 14915, no State may, during the pendency of such action, institute a civil action under subsection (a) against any defendant named in the complaint relating to such violation.

(d) VENUE; SERVICE OF PROCESS.—Any civil action to be brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

* * * * * * *

CHAPTER 147—ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES

* * * * * * *

§ 14708. Dispute settlement program for household goods carriers

(a) OFFERING SHIPPERS ARBITRATION.—As a condition of registration under section 13902 or 13903, a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 must agree to offer in accordance with this section to shippers of household goods arbitration as a means of settling disputes between such carriers and shippers of household goods concerning damage or loss to the household goods transported *and to determine whether carrier charges, in addition to those collected at delivery, must be paid by the shipper for transportation and services related to the transportation of household goods*.

(b) ARBITRATION REQUIREMENTS.—

(1) * * *

* * * * * * *

(6) REQUESTS.—The carrier must not require the shipper to agree to utilize arbitration prior to the time that a dispute arises. If the dispute involves a claim for **[**$5,000**]** *$10,000* or less and the shipper requests arbitration, such arbitration shall be binding on the parties. If the dispute involves a claim for more than **[**$5,000**]** *$10,000* and the shipper requests arbitration, such arbitration shall be binding on the parties only if the carrier agrees to arbitration.

* * * * * * *

(8) DEADLINE FOR DECISION.—The arbitrator must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered; except that, in any case in which a party to the dispute fails to provide in a timely manner any information concerning such dispute which the person settling the dispute may reasonably require to resolve the dispute, the arbitrator may extend such 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, **[**and**]** compensation for damages*, and an order requiring the payment of additional carrier charges*.

* * * * * * *

(d) ATTORNEY'S FEES TO SHIPPERS.—In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 concerning the transportation of household goods by such carrier, the shipper shall be awarded reasonable attorney's fees if—

(1) * * *

* * * * * * *

(3)*(A) the shipper was not advised by the carrier during the claim settlement process that a dispute settlement program was available to resolve the dispute;*

[(A)**]** *(B)* a decision resolving the dispute was not rendered through arbitration under this section within the period provided under subsection (b)(8) of this section or an extension of such period under such subsection; or

[(B)] *(C)* the court proceeding is to enforce a decision rendered through arbitration under this section and is instituted after the period for performance under such decision has elapsed.

* * * * * * *

CHAPTER 149—CIVIL AND CRIMINAL PENALTIES

Sec.
14901. General civil penalties.
* * * * * * *
14915. Holding household goods hostage.

§ 14901. General civil penalties

(a) * * *

* * * * * * *

(d) PROTECTION OF HOUSEHOLD GOODS SHIPPERS.—[If a carrier]

(1) IN GENERAL.—If a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 or a receiver or trustee of such carrier fails or refuses to comply with any regulation issued by the Secretary or the Board relating to protection of individual shippers, such carrier, receiver, or trustee is liable to the United States for a civil penalty of not less than $1,000 for each violation and for each additional day during which the violation continues.

(2) ESTIMATE OF BROKER WITHOUT CARRIER AGREEMENT.—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods subject to such jurisdiction, the broker is liable to the United States for a civil penalty of not less than $10,000 for each violation.

(3) UNAUTHORIZED TRANSPORTATION.—If a person provides transportation of household goods subject to jurisdiction under subchapter I of chapter 135 or provides broker services for such transportation without being registered under chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than $25,000 for each violation.

* * * * * * *

§ 14915. Holding household goods hostage

(a) HOLDING HOUSEHOLD GOODS HOSTAGE DEFINED.—For purposes of this section, the term "holding household goods hostage" means the knowing and willful refusal to relinquish possession of a shipment of household goods described in section 13102(10)(A) upon payment of not more than 100 percent of a binding estimate (or, in the case of a nonbinding estimate, not more than 110 percent of the estimated charges for such shipment).

(b) CIVIL PENALTY.—Whoever is found holding a household goods shipment hostage is liable to the United States for a civil penalty

of not less than $10,000 for each violation. If such person is a carrier or broker, the Secretary may suspend for a period of not less than 6 months the registration of such carrier or broker under chapter 139.

(c) CRIMINAL PENALTY.—A motor carrier that has been convicted of knowingly and willfully holding household goods hostage by falsifying documents or demanding the payment of charges for services that were not performed or were not necessary in the safe and adequate movement of a shipment of household goods shall be fined under title 18, or imprisoned not more than 2 years, or both.

* * * * * * *

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

* * * * * * *

PART B—COMMERCIAL

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

[SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS]

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

Sec.
31100. Purpose.
* * * * * * *
[31107. Contract authority funding for information systems.
[31108. Authorization of appropriations.]
31107. Border enforcement grants.
31108. Motor carrier research and technology program.
31109. Performance and registration information system management.
* * * * * * *
SUBCHAPTER IV—MISCELLANEOUS
31161. International cooperation.

[SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS]

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

* * * * * * *

§ 31102. Grants to States

(a) * * *

(b) STATE PLAN PROCEDURES AND CONTENTS.—(1) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to assume responsibility for improving motor carrier safety and to adopt and enforce regulations, standards, and orders of the Government on commercial motor vehicle safety, hazardous materials transportation safety, or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

[(A) implements performance-based activities by fiscal year 2000;]

(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

* * * * * * *

[(Q) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;]

(Q) provides that the State has established a program to ensure accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary and that the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;

(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;

(S) ensures consistent, effective, and reasonable sanctions; [and]

(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel[.]*;*

(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of commercial motor vehicles and in the vicinity of noncommercial motor vehicles, respectively;

(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to be operating beyond the scope of such registration; and

(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors.

(3) In estimating the average level of State expenditure under paragraph [(1)(D)] *(1)(E)* of this subsection, the Secretary—

(A) * * *

* * * * * * *

[(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

[(1) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports

where intermodal shipping containers enter and leave the United States.

[(2) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle.

[(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles.]

(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of roadside safety inspections conducted in the State is maintained at a level at least equal to the average number conducted in the State in fiscal years 2001, 2002, and 2003; except that the State may not use more than 5 percent of the aggregate amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph.

* * * * * * *

(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that describes the effect of activities carried out with funds from grants made under this section on commercial motor vehicle safety.

§ 31103. United States Government's share of costs

(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial motor ve-

hicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)[(1)(D)] *(1)(E)* of this title may not be included as part of the share not provided by the United States Government. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

* * * * * * *

§ 31104. Availability of amounts

[(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

[(1) Not more than $79,000,000 for fiscal year 1998.
[(2) Not more than $90,000,000 for fiscal year 1999.
[(3) Not more than $95,000,000 for fiscal year 2000.
[(4) Not more than $100,000,000 for fiscal year 2001.
[(5) Not more than $105,000,000 for fiscal year 2002.
[(6) Not more than $110,000,000 for fiscal year 2003.
[(7) Not more than $169,000,000 for fiscal year 2004.
[(8) Not more than $112,512,329 for the period of October 1, 2004, through May 31, 2005.]

(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

(1) $188,852,000 for fiscal year 2004;
(2) $188,480,000 for fiscal year 2005;
(3) $188,000,000 for fiscal year 2006;
(4) $197,000,000 for fiscal year 2007;
(5) $202,000,000 for fiscal year 2008; and
(6) $209,000,000 for fiscal year 2009.

* * * * * * *

(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the [deduction under subsection (e)] *deductions under subsection (e) and paragraphs (2) and (3)*, the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(2) HIGH-PRIORITY [AND BORDER ACTIVITIES.—

[(A) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent] *ACTIVITIES.—The Secretary may designate up to 10 percent* of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that

are national in scope, increase public awareness and education, [or] demonstrate new technologies*, or improve the quality and accuracy of data provided by the State*. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

[(B) BORDER COMMERCIAL MOTOR VEHICLE SAFETY AND ENFORCEMENT PROGRAMS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.]

* * * * * * *

(3) NEW ENTRANT AUDITS.—The Secretary may deduct up to $15,000,000 of the amounts available under subsection (a) for a fiscal year for audits of new entrant motor carriers under section 31144(g).

* * * * * * *

(i) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) $173,450,000 for fiscal year 2004;
(B) $254,849,000 for fiscal year 2005;
(C) $215,000,000 for fiscal year 2006;
(D) $230,000,000 for fiscal year 2007;
(E) $234,000,000 for fiscal year 2008; and
(F) $240,000,000 for fiscal year 2009.

(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development (including a medical review board), the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(3) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

(4) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out subtitle IV, part B, and subtitle VI, part B, of this title, or the provisions of title IV of the Transportation Equity Act: A Legacy for Users, shall be available for obligation on the

date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(5) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under paragraph (4) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

* * * * * * *

§ 31106. Information systems

(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

(1) * * *

* * * * * * *

(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

(A) * * *

* * * * * * *

(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures; [and]

(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate[.]*;*

(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

(G) establish and implement a national motor carrier safety data correction system.

* * * * * * *

(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

(1) * * *

[(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State driver and commercial vehicle registration and licensing systems and shall be designed to enable a State to—

[(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

[(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

[(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

[(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

[(B) possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

[(4) FUNDING.—The Secretary may make available up to 50 percent of the amounts available to carry out this section by section 31107 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection. The Secretary is encouraged to direct no less than 80 percent of amounts made available to carry out this subsection to States that have not previously received financial assistance to develop or implement the information systems authorized by this section.]

(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

(B) possess or seek the authority to deny, suspend, or revoke commercial motor vehicle registrations based on the issuance of an operations out-of-service order by the Secretary.

* * * * * * *

[§ 31107. Contract authority funding for information systems

[(a) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

[(1) $6,000,000 for fiscal year 1998;

[(2) $10,000,000 for each of fiscal years 1999 and 2000;

[(3) $12,000,000 for each of fiscal years 2001 through 2002;

[(4) $15,000,000 for fiscal year 2003;

[(5) $20,000,000 for the fiscal year 2004; and

[(6) $13,315,068 for the period of October 1, 2004 through May 31, 2005.

The amounts made available under this subsection shall remain available until expended.

[(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

[(c) EMERGENCY CDL GRANTS.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to $1,000,000 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a).

[§ 31108. Authorization of appropriations

[Not more than $————— may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 19—, to carry out the safety duties and powers of the Federal Highway Administration.**]**

§ 31107. Border enforcement grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to a State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

(c) GOVERNMENTS SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.

§ 31108. Motor carrier research and technology program

(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier research and technology program.

(2) MULTIYEAR PLAN.—The program must include a multiyear research plan that focuses on nonredundant innovative research.

(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

(C) improving commercial motor vehicle and motor carrier safety, and industry efficiency, through technological improvement;

(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

(E) increasing the safety and security of hazardous materials transportation.

(4) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

(6) PROCEDURES.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

(B) Federal laboratories.

(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

(3) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent; except that, if there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software

development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

§ 31109. Performance and registration information system management

(a) IN GENERAL.—The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

(b) AVAILABILITY OF AMOUNTS.—Amounts made available to a State under this section shall remain available until expended.

* * * * * * *

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

§ 31111. Length limitations

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

* * * * * * *

(4) DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT VEHICLE TRANSPORTER COMBINATION.—The term "drive-away saddlemount with fullmount vehicle transporter combination" means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it.

(b) GENERAL LIMITATIONS.—(1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that—

(A) * * *

* * * * * * *

(D) imposes a vehicle length limitation of not less than or more than 97 feet on a driveaway saddlemount with fullmount vehicle transporter combinations;

[(D)**]** *(E)* has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semitrailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State; or

[(E)**]** *(F)* imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.

* * * * * * *

SUBCHAPTER III—SAFETY REGULATION

* * * * * * *

§ 31132. Definitions

In this subchapter—

(1) "commercial motor vehicle" means a self-propelled or towed vehicle *(including intermodal equipment, including trailers, chassis and associated devices, commonly used for the transportation of intermodal freight via highway)* used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) * * *

* * * * * * *

§ 31135. Duties of employers and employees

(a) IN GENERAL.—Each employer and employee shall comply with regulations on commercial motor vehicle safety prescribed by the Secretary of Transportation under this subchapter that apply to the employer's or employee's conduct.

(b) PATTERN OF NONCOMPLIANCE.—If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier's registration under section 13905.

(c) REGULATIONS.—The Secretary shall by regulation establish standards to implement subsection (b).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTOR CARRIER.—The term "motor carrier" has the meaning such term has under section 13102.

(2) OFFICER.—The term "officer" means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.

* * * * * * *

§ 31136. United States Government regulations

(a) * * *

* * * * * * *

(g) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary, or an employee of the Department of Transportation designated by the Secretary, may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials to inspect intermodal equipment.

* * * * * * *

§ 31138. Minimum financial responsibility for transporting passengers

(a) * * *

* * * * * * *

(d) CIVIL PENALTY.—(1) * * *

* * * * * * *

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the [Treasury as miscellaneous receipts] *Highway Trust Fund (other than the Mass Transit Account)*.

* * * * * * *

§ 31139. Minimum financial responsibility for transporting property

(a) * * *

* * * * * * *

(f) CIVIL PENALTY.—(1) * * *

* * * * * * *

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the [Treasury as miscellaneous receipts] *Highway Trust Fund (other than the Mass Transit Account)*.

* * * * * * *

§ 31144. Safety fitness of owners and operators

[(a) IN GENERAL.—The Secretary shall—

[(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

[(2) periodically update such safety fitness determinations;

[(3) make such final safety fitness determinations readily available to the public; and

[(4) prescribe by regulation penalties for violations of this section consistent with section 521.]

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator in operations that affect interstate commerce;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

* * * * * * *

(c) PROHIBITED TRANSPORTATION.—

(1) * * *

* * * * * * *

(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(d) DETERMINATION OF UNFITNESS BY A STATE.—If a State that receives a grant under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of commercial motor vehicles that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicles in the State, the Secretary shall prohibit the owner or operator from operating such vehicles in interstate commerce until the State determines that the owner or operator is fit.

[(d)] *(e)* REVIEW OF FITNESS DETERMINATIONS.—

(1) * * *

* * * * * * *

[(e)] *(f)* PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

* * * * * * *

[(c)] *(g)* SAFETY REVIEWS OF NEW OPERATORS.—

(1) * * *

* * * * * * *

(5) GRANTS FOR AUDITS.—From amounts deducted under section 31104(f)(3), the Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States or local governments.

(6) DOT AUDITS.—If the Secretary determines that a State or local government is unable to use government employees to conduct new entrant motor carrier audits, the Secretary may utilize the funds deducted under section 31104(f)(3) to conduct such audits in areas under the jurisdiction of such State or local government.

* * * * * * *

SUBCHAPTER IV—MISCELLANEOUS

§ 31161. International cooperation

The Secretary of Transportation is authorized to use funds made available by section 31104(i) to participate and cooperate in international activities to enhance motor carrier, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.

31301. Definitions.

* * * * * * *

[31313. [Repealed.]]
31313. Grants for commercial driver's license program improvements.

* * * * * * *

§ 31310. Disqualifications

(a) * * *

* * * * * * *

(i) OUT-OF-SERVICE ORDERS.—(1) * * *

* * * * * * *

(2) [Not later than December 18, 1992, the] *The* Secretary shall prescribe regulations establishing sanctions and penalties related to violations of out-of-service orders by individuals operating commercial motor vehicles. The regulations shall require at least that—

(A) an operator of a commercial motor vehicle found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for at least [90 days] *180 days* and liable for a civil penalty of at least [$1,000] *$2,500*;

(B) an operator of a commercial motor vehicle found to have committed a 2d violation of an out-of-service order shall be disqualified from operating such a vehicle for at least [one year] *2 years* and not more than 5 years and liable for a civil penalty of at least [$1,000; and] *$5,000;*

(C) an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be liable for a civil penalty of not more than [$10,000.] *$25,000; and*

(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.

* * * * * * *

§ 31313. Grants for commercial driver's license program improvements

(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.—

(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

(A) to comply with the requirements of section 31311; and

(B) in the case of a State that is in substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving implementation of the State's commercial driver's li-

cense program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. The grant may not be used to rent, lease, or buy land or buildings.

(3) APPLICATION.—In order to receive a grant under this section, a State must submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the State's assessment of its commercial drivers license program.

(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for the State's commercial driver's license program will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver's license program. In determining such costs, the Secretary shall include in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs.

(b) HIGH-PRIORITY ACTIVITIES.—

(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.

§ 31314. Withholding amounts for State noncompliance

(a) FIRST FISCAL YEAR.—The Secretary of Transportation shall withhold *up to* 5 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4) of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) SECOND FISCAL YEAR.—The Secretary shall withhold *up to* 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4) of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

* * * * * * *

CHAPTER 315—MOTOR CARRIER SAFETY

* * * * * * *

§ 31502. Requirements for qualifications, hours of service, safety, and equipment standards

(a) * * *

* * * * * * *

(e) EXCEPTION.—

(1) * * *

(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the [Regional Director of the Federal Highway Administration] *Field Administrator of the Federal Motor Carrier Safety Administration* with jurisdiction over the area covered by the declaration.

(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the [Regional Director] *Field Administrator* a report of each safety-related incident or accident that occurred during the emergency period involving—

(A) * * *

* * * * * * *

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

* * * * * * *

TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

* * * * * * *

SEC. 1012. TOLL ROADS, BRIDGES, AND TUNNELS.

* * * * * * *

(b) [VALUE PRICING] *CONGESTION PRICING* PILOT PROGRAM.—[(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more value pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 such State or local governments or public authorities to establish, maintain, and monitor value pricing programs.]

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary may enter into cooperative agreements with State and local governments to carry out not more than 25 congestion pricing pilot projects.

(B) PREVIOUSLY APPROVED PROJECTS.—Projects carried out under paragraph (1) shall include each project approved under this subsection before the date of enactment of the Transportation Equity Act: A Legacy for Users and

under which highway tolls are being collected as of such date of enactment.

[(2) Notwithstanding]

(2) FEDERAL SHARE; ELIGIBLE COSTS.—Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such [programs] *projects* shall be 80 percent. The Secretary shall fund all preimplementation costs and project design, and all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the [program] *project* to fund its operating costs without Federal participation, except that the Secretary may not fund the preimplementation or implementation costs of any project for more than 3 years.

[(3) Revenues]

(3) USE OF REVENUES.—Revenues generated by any pilot project under this subsection must be applied to projects eligible under such title.

[(4) Notwithstanding]

(4) USE OF TOLLS ON INTERSTATE SYSTEM.—Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of any [value pricing pilot program] *congestion pricing pilot project* under this subsection.

[(5) The Secretary]

(5) MONITORING.—The Secretary shall monitor the effect of such [programs] *projects* for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives every 2 years on the effects such [programs] *projects* are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102(a) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a [value pricing pilot program] *congestion pricing pilot project* under this subsection.

[(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, an analysis of the potential effects of the pilot program on low-income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.]

(7) REDUCED TOLLS FOR LOW-INCOME DRIVERS.—Any congestion pricing pilot project carried out under this subsection that involves the collection of highway tolls shall include a program to permit low-income drivers to pay a reduced toll amount.

(8) FUNDING.—

(A) * * *

* * * * * * *

(D) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, $3,000,000 per fiscal year shall be available

only for congestion pricing pilot projects that do not involve highway tolls.

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SEC. 1023. GROSS VEHICLE WEIGHT RESTRICTION.

(a) * * *

* * * * * * *

(h) OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, for the period beginning on October 6, 1992, and ending on October 1, [2005] *2009*, to—

(A) * * *

* * * * * * *

SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) * * *

* * * * * * *

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) * * *

* * * * * * *

(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota, including I–29 between Kansas City and the Canadian border *and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I–135 from Wichita, Kansas to Salina, Kansas, United States Route 81 from Saline, Kansas, to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I–29 in Sioux City, Iowa*.

* * * * * * *

[(34) The Alameda Corridor East and Southwest Passage, California. The Alameda Corridor East is generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernardino. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.]

(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line.

* * * * * * *

(45) The United States Route 78 Corridor from Memphis, Tennessee, to Corridor X of the Appalachian development highway system near Fulton, Mississippi, and Corridor X of the Appalachian development highway system extending from near Fulton, Mississippi, to near Birmingham, Alabama.

(46) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 60.

(47) Interstate Route 87 from the Quebec border to New York City.

(48) The Route 50 High Plains Corridor along the United States Route 50 corridor from Newton, Kansas, to Pueblo, Colorado.

(49) The Atlantic Commerce Corridor on Interstate Route 95 from Jacksonville, Florida, to Miami, Florida.

(50) The East-West Corridor commencing in Watertown, New York, continuing northeast through New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.

(51) The SPIRIT Corridor on United States Route 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas.

(52) The route in Arkansas running south of and parallel to Arkansas State Highway 226 from the relocation of United States Route 67 to the vicinity of United States Route 49 and United States Route 63.

(53) United States Highway Route 6 from Interstate Route 70 to Interstate Route 15, Utah.

(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.

(55) In Texas, Interstate Route 20 from Interstate Route 35E in Dallas County, east to the intersection of Interstate Route 635, north to the intersection of Interstate Route 30, northeast through Texarkana to Little Rock, Arkansas, Interstate Route 40 northeast from Little Rock east to the proposed Interstate Route 69 corridor.

(56) In the State of Texas, the La Entrada al Pacifico Corridor consisting of the following highways and any portion of a highway in a corridor on 2 miles of either side of the center line of the highway:

(A) State Route 349 from Lamesa to the point on that highway that is closest to 32 degrees, 7 minutes, north latitude, by 102 degrees, 6 minutes, west longitude.

(B) The segment or any roadway extending from the point described by subparagraph (A) to the point on Farm-to-Market Road 1788 closest to 32 degrees, 0 minutes, north latitude, by 102 degrees, 16 minutes, west longitude.

(C) Farm-to-Market Road 1788 from the point described by subparagraph (B) to its intersection with Interstate Route 20.

(D) Interstate Route 20 from its intersection with Farm-to-Market Road 1788 to its intersection with United States Route 385.

(E) United States Route 385 from Odessa to Fort Stockton, including those portions that parallel United States Route 67 and Interstate Route 10.

(F) United States Route 67 from Fort Stockton to Presidio, including those portions that parallel Interstate Route 10 and United States Route 90.

(57) United States Route 41 corridor between Interstate Route I–94 near Milwaukee and Interstate Route I–43 near Green Bay in the State of Wisconsin.

* * * * * * *

TITLE III—FEDERAL TRANSIT ACT AMENDMENTS OF 1991

* * * * * * *

SEC. 3031. NEW JERSEY URBAN CORE PROJECT.

(a) * * *

* * * * * * *

(d) ELEMENTS OF URBAN CORE PROJECT.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer (including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and [associated components to and at the contiguous New Jersey Meadowlands Sports Complex),] *to and at the contiguous New Jersey Meadowlands Sports Complex), including a connection to the Hudson River Waterfront Transportation System, the Lackawanna Cutoff,* Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System (including a connection from the Vince Lombardi Station to Saddlebrook and Edgewater), restoration of commuter rail service along the Northern Branch Line or the West Shore Line, Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport), a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, the restoration of commuter rail service [in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131)] *from Lakehurst to the Northeast Corridor or the New Jersey Coast Line*, a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County, and the equipment needed to operate revenue service associated with improvements made by the project.

The project includes elements advanced with 100 percent non-Federal funds.

* * * * * * *

SECTION 351 OF THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

[SEC. 351. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, in fiscal year 2005, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; in fiscal year 2006, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; and beginning in fiscal year 2007, and in each fiscal year thereafter, the Secretary shall withhold 8 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code. If within four years from the date the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such four-year period, any State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.]

* * * * * * *

SECTION 124 OF THE TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

(Title I of division F of the Consolidated Appropriations Act, 2004)

* * * * * * *

[SEC. 124. MOTORIST INFORMATION CONCERNING PHARMACY SERVICES. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall amend the Manual on Uniform Traffic Control Devices to include a provision permitting information to be provided to motorists to

assist motorists in locating licensed 24-hour pharmacy services open to the public.

[(b) LOGO PANEL.—The provision under subsection (a) may allow placement of a logo panel that displays information disclosing the names or logos of pharmacies described in subsection (a) that are located within 3 miles of an interchange on the Federal-aid system (as defined in section 101 of title 23, United States Code).]

SECTION 14102 OF TITLE 4O, UNITED STATES CODE

§ 14102. Definitions

(a) DEFINITIONS.—In this subtitle—

(1) APPALACHIAN REGION.—The term "Appalachian region" means that area of the eastern United States consisting of the following counties (including any political subdivision located within the area):

(A) * * *

* * * * * * *

(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, *Nicholas,* Owsley, Perry, Pike, Powell, Pulaski, *Robertson,* Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe.

* * * * * * *

(H) In Ohio, the counties of Adams, *Ashtabula,* Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, *Fayette,* Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, *Mahoning,* Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, *Trumbull,* Tuscarawas, Vinton, and Washington.

* * * * * * *

(K) In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, *Giles,* Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, *Lawrence, Lewis, Lincoln,* Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White.

(L) In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, *Henry,* Highland, Lee, Montgomery, *Pat-*

rick, Pulaski, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

* * * * * * *

SECTION 3 OF THE SMALL BUSINESS ACT

SEC. 3. (a) * * *

* * * * * * *

(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

(1) * * *

* * * * * * *

(4) QUALIFIED AREAS.—

(A) * * *

(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term "qualified nonmetropolitan county" means any county—

(i) * * *

(ii) in which—

(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; **[**or**]**

(II) the unemployment rate is not less than 140 percent of the average unemployment rate for the United States or for the State in which such county is located, whichever is less, based on the most recent data available from the Secretary of Labor**[**.**]***; or*

(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986, within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States.

* * * * * * *

SECTION 176 OF THE CLEAN AIR ACT

LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE

SEC. 176.

(c)(1) * * *

* * * * * * *

(2) Any transportation plan or program developed pursuant to title 23, United States Code, or the Urban Mass Transportation Act shall implement the transportation provisions of any applicable implementation plan approved under this Act applicable to all or part of the area covered by such transportation plan or program. No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has

been found to conform to any applicable implementation plan in effect under this Act. In particular—

(A) * * *

* * * * * * *

(E) The appropriate metropolitan planning organization shall redetermine conformity for existing transportation plans and programs not later than 2 years after the date on which the Administrator—

(i) finds a motor vehicle emissions budget in a submitted implementation plan to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003); or

(ii) approves an implementation plan under section 110(k) or promulgates an implementation plan under section 110(c) that establishes a motor vehicle emissions budget where there was no prior budget or that establishes a budget that significantly varies from any motor vehicle emissions budget in effect pursuant to an adequacy determination in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003) or as part of an implementation plan approved or promulgated under section 110.

* * * * * * *

(4)(A) No later than ⟦one year after the date of enactment of the Clean Air Act Amendments of 1990⟧ *one year after the date of enactment of the Transportation Equity Act: A Legacy for Users*, the Administrator shall promulgate criteria and procedures for determining conformity (except in the case of transportation plans, programs, and projects) of, and for keeping the Administrator informed about, the activities referred to in paragraph (1). No later than one year after such date of enactment, the Administrator, with the concurrence of the Secretary of Transportation, shall promulgate criteria and procedures for demonstrating and assuring conformity in the case of transportation plans, programs, and projects. A suit may be brought against the Administrator and the Secretary of Transportation under section 304 to compel promulgation of such criteria and procedures and the Federal district court shall have jurisdiction to order such promulgation.

(B) The procedures and criteria shall, at a minimum—

(i) * * *

⟦(ii) address the appropriate frequency for making conformity determinations, but in no case shall such determinations for transportation plans and programs be less frequent than every three years; and⟧

(ii) provide that conformity determinations for transportation plans and programs be determined every 4 years in areas designated as nonattainment or redesignated to attainment (unless a metropolitan planning organization as designated in section 5213(b) of title 49, United States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E)).

* * * * * * *

(7) TIME HORIZON FOR DETERMINATIONS.—Each conformity determination required under this section for a transportation plan under section 5213(g) of title 49 of the United States Code shall require a demonstration of conformity during the period ending on either the final year of the transportation plan or, at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling air pollution within the area covered by the transportation plan on the later of the following dates (hereinafter in this paragraph referred to as the "final transportation conformity date"):

(A) The tenth year of the transportation plan.

(B) The attainment date set forth in the applicable implementation plan for the air pollutant concerned.

(C) The year after the completion of a regionally significant project, if the project will be programmed in the transportation improvement program or requires approval before the subsequent conformity determination.

Such conformity determination shall be accompanied by a regional emissions analysis for any years of the transportation plan that extend beyond such final conformity date. In the case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect October 1, 2003), or has approved the revision, the demonstration of conformity (at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling pollution within the area covered by the transportation plan) and the metropolitan planning organization shall be required to extend only through the last year of the implementation plan required under section 175A(b).

(8)(A) Transportation control measures that are specified in an implementation plan may be replaced in the implementation plan with substitute transportation control measures if—

(i) the substitute measures achieve equivalent or greater emission reductions than the control measures to be replaced, as determined by the Administrator;

(ii) the substitute measures utilize an emissions impact analysis that is consistent with the current methodology used for evaluating replaced control measures in the implementation plan;

(iii) the substitute control measures are implemented not later than the date on which such emission reductions are necessary to achieve the purpose of the implementation plan;

(iv) the substitute control measures were developed with reasonable public notice and the opportunity for comments; and

(v) the metropolitan planning organization finds that adequate funding is included in the transportation im-

provement program to ensure timely implementation of the substitute control measures.

(B) After the requirements of subparagraph (A) are met, a State may adopt the substitute measures in the applicable implementation plan within a reasonable period of time.

(C) The substitution of a transportation control measure in accordance with this paragraph shall not be contingent on the existence of any provision in the applicable implementation plan that expressly permits such substitution.

(D) The substitution of a transportation control measure in accordance with this paragraph shall not require—

(i) a new conformity determination for the transportation plan, or

(ii) a revision of the applicable implementation plan.

(E) A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted.

(F) Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.

Transportation control measures may be added to an implementation plan subject to subparagraphs (B), (C), and (D), on the same basis as if such measures were substitute transportation control measures if such measures do not increase emissions for which limitations have been established in an implementation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).

(9) LAPSE OF CONFORMITY.—If a conformity determination required under this subsection for a transportation plan under section 5213(g) of title 49 of the United States Code or a transportation improvement program under section 5213(h) of title 49 of the United States Code is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other measures sufficient to correct such failures, the transportation plan shall lapse.

(10) LAPSE.—The term "lapse" means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.

* * * * * * *

SECTION 2342 OF TITLE 28, UNITED STATES CODE

§ 2342. Jurisdiction of court of appeals

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of—

(1) * * *

* * * * * * *

(3) all rules, regulations, or final orders of—

(A) the Secretary of Transportation issued pursuant to section 2, 9, 37, or 41 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, and 841a) or pursuant to part B or C of subtitle IV*, subchapter III of chapter 311, chapter 313, or chapter 315* of title 49; and

* * * * * * *

SECTION 345 OF THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SEC. 345. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

[(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.]

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time. *Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence, no additional off-duty time shall be required in order to operate such vehicle.*

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[(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.]

(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle.

(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.

* * * * * * *

(b) PREEMPTION.—**[**Nothing**]** *Except as provided in subsection (a)(4), nothing* contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than **[**paragraph (2)**]** *an exemption under paragraph (2) or (4)*) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

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(e) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

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(7) AGRICULTURAL COMMODITY.—The term "agricultural commodity" means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term "farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 3, 2005.

The Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 3, the Transportation Equity Act: A Legacy for Users, which was ordered reported by the Committee on Transportation and Infrastructure on March 2, 2005. As you know, the Energy and Commerce Committee has jurisdiction over matters involving air quality planning and the air quality impact of transportation projects, the Congestion Mitigation Air Quality Program, provisions involving energy production, supply and storage and other matters contained within H.R. 3 as reported.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 3. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 3 or similar legislation.

I request that you include this letter as part of the Committee's Report on H.R. 3 and in the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 3, 2005.

The Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 3, 2005 regarding H.R. 3, the Transportation Equity Act: A Legacy for Users. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are certain provisions in the bill that are of jurisidictional interest to the Committee on Energy and Commerce and I agree that by foregoing a sequential referral, the Committee on Commerce is not waving its jurisdicition. Be assured that I will support your request to be represented in the conference on those provisions in the jurisdiction of the Energy and Commerce Committee.

As you have requested, I will include this exchange of letters in the Committee report on the bill and in the RECORD when the bill is on the Floor. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

Sincerely,

DON YOUNG,
Chairman.

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