

112TH CONGRESS
1ST SESSION

S. 1648

To terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2011

Mr. PAUL (for himself, Mr. McCONNELL, and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Transpor-
5 tation Safety Fund Act”.

1 **TITLE I—EMERGENCY TRANS-**
2 **PORTATION SAFETY FUND**

3 **SEC. 101. ELIMINATION OF TRANSPORTATION ENHANCE-**
4 **MENT PROGRAM.**

5 (a) DEFINITION.—Section 101(a)(35) of title 23,
6 United States Code, is repealed.

7 (b) TRANSPORTATION ENHANCEMENT SET ASIDE.—
8 Section 133 of title 23, United States Code, is amended—

9 (1) in subsection (b), by striking paragraph (8);

10 (2) in subsection (d), by striking paragraphs

11 (2) and (5); and

12 (3) in subsection (e)—

13 (A) by amending paragraph (3) to read as
14 follows:

15 “(3) PAYMENTS.—The Secretary shall make
16 payments to a State of costs incurred by the State
17 for the surface transportation program in accord-
18 ance with procedures to be established by the Sec-
19 retary.”; and

20 (B) by striking paragraph (5).

21 (c) STATE ASSUMPTION OF RESPONSIBILITIES.—

22 Section 325(a)(2) of title 23, United States Code, is
23 amended by striking “the following projects:” and all that
24 follows and inserting “projects funded under section
25 104(h).”.

1 (d) STATEWIDE TRANSPORTATION PLANNING PRIOR-
 2 ITIES.—Section 5304(g)(4)(H) of title 49, United States
 3 Code, is amended by striking “, including transportation
 4 enhancement activities,”.

5 (e) STP SET-ASIDE PROGRAM RESCISSIONS.—Sec-
 6 tion 10212(f) of SAFETEA-LU (Public Law 109–59) is
 7 amended by striking “, transportation enhancement activi-
 8 ties,”.

9 **SEC. 102. ESTABLISHMENT OF EMERGENCY TRANSPOR-**
 10 **TATION SAFETY FUND.**

11 (a) IN GENERAL.—There is established in the Treas-
 12 ury of the United States a trust fund to be known as the
 13 “Emergency Transportation Safety Fund”.

14 (b) EMERGENCY RELIEF EXPENDITURES.—Section
 15 125(e) of title 23, United States Code, is amended—

16 (1) by redesignating paragraphs (1) and (2) as
 17 paragraphs (2) and (3), respectively; and

18 (2) by inserting before paragraph (2), as reded-
 19 icated, the following:

20 “(1) Amounts deposited into the Emergency
 21 Transportation Safety Fund are authorized to be ob-
 22 ligated to carry out, in priority order, the projects on
 23 the current list compiled by the Secretary under sec-
 24 tion 201(b)(1) of the Emergency Transportation

1 Safety Fund Act that meet the eligibility require-
 2 ments set forth in subsection (a).”.

3 (c) FUNDING.—Section 133(d) of title 23, United
 4 States Code, is amended by inserting before paragraph (3)
 5 the following:

6 “(1) EMERGENCY TRANSPORTATION SAFETY
 7 FUND.—In each fiscal year, there shall be deposited
 8 into the Emergency Transportation Safety Fund, es-
 9 tablished under section 102(a) of the Emergency
 10 Transportation Safety Fund Act, an amount equal
 11 to 10 percent of the funds apportioned to a State
 12 under section 104(b)(3) for such fiscal year. At the
 13 end of each fiscal year, any unobligated amounts in
 14 the Fund in excess of \$500,000,000 shall be made
 15 available for the Highway Bridge Program, in ac-
 16 cordance with section 144.”.

17 **TITLE II—EMERGENCY TRANS-**
 18 **PORTATION SAFETY PRI-**
 19 **ORITY LIST**

20 **SEC. 201. EMERGENCY TRANSPORTATION PRIORITIES.**

21 (a) LIST.—The Secretary of Transportation, in con-
 22 sultation with a representative sample of State and local
 23 government transportation officials, shall compile a
 24 prioritized list of emergency transportation projects, which

1 will guide the allocation of funding to the States from the
2 Emergency Transportation Safety Fund.

3 (b) CRITERIA.—In compiling the list under sub-
4 section (a), the Secretary of Transportation, in addition
5 to other criteria established by the Secretary, shall rank
6 priorities in descending order, beginning with—

7 (1) whether the project is part of the interstate
8 highway system;

9 (2) whether the project is a road or bridge that
10 is closed for safety reasons;

11 (3) the impact of the project on interstate com-
12 merce;

13 (4) the volume of traffic affected by the project;
14 and

15 (5) the overall value of the project or entity.

16 (c) REPORT.—Not later than 120 days after the date
17 of the enactment of this Act, the Secretary of Transpor-
18 tation shall submit a report to Congress that includes—

19 (1) a prioritized list of emergency transpor-
20 tation projects to be funded through the Emergency
21 Transportation Safety Fund; and

22 (2) a description of the criteria used to estab-
23 lish the list referred to in paragraph (1).

24 (d) QUARTERLY UPDATES.—Not less frequently than
25 4 times per year, the Secretary of Transportation shall—

1 (1) update the report submitted pursuant to
2 subsection (c);

3 (2) send a copy of the report to Congress; and

4 (3) make a copy of the report available to the
5 public through the Department of Transportation's
6 website.

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