

105TH CONGRESS  
1ST SESSION

# S. 1173

To authorize funds for construction of highways, for highway safety programs,  
and for mass transit programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 1997

Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. BOND, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. REID, Mr. KEMPTHORNE, Mr. THOMAS, Mr. ALLARD, Mr. INHOFE, Mr. DORGAN, Mr. HARKIN, Mr. GRASSLEY, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

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

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Intermodal Transportation Act of 1997”.

6       (b) **TABLE OF CONTENTS.**—The table of contents of  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

## TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

### Subtitle A—General Provisions

- Sec. 1101. Authorizations.
- Sec. 1102. Apportionments.
- Sec. 1103. Obligation ceiling.
- Sec. 1104. Obligation authority under surface transportation program.
- Sec. 1105. Emergency relief.
- Sec. 1106. Federal lands highways program.
- Sec. 1107. Recreational trails program.
- Sec. 1108. Value pricing pilot program.
- Sec. 1109. Highway use tax evasion projects.
- Sec. 1110. Bicycle transportation and pedestrian walkways.
- Sec. 1111. Disadvantaged business enterprises.
- Sec. 1112. Federal share payable.
- Sec. 1113. Studies and reports.
- Sec. 1114. Definitions.
- Sec. 1115. Cooperative Federal Lands Transportation Program.
- Sec. 1116. Trade corridor and border crossing planning.
- Sec. 1117. Appalachian development highway system.
- Sec. 1118. Interstate 4R and bridge discretionary program.
- Sec. 1119. Magnetic levitation transportation technology deployment program.
- Sec. 1120. Woodrow Wilson Memorial Bridge.
- Sec. 1121. National Highway System components.
- Sec. 1122. Highway bridge replacement and rehabilitation.
- Sec. 1123. Congestion mitigation and air quality improvement program.
- Sec. 1124. Safety belt use law requirements.

### Subtitle B—Program Streamlining and Flexibility

## CHAPTER 1—GENERAL PROVISIONS

- Sec. 1201. Administrative expenses.
- Sec. 1202. Real property acquisition and corridor preservation.
- Sec. 1203. Availability of funds.
- Sec. 1204. Payments to States for construction.
- Sec. 1205. Proceeds from the sale or lease of real property.
- Sec. 1206. Metric conversion at State option.
- Sec. 1207. Report on obligations.
- Sec. 1208. Terminations.
- Sec. 1209. Interstate maintenance.

## CHAPTER 2—PROJECT APPROVAL

- Sec. 1221. Transfer of highway and transit funds.
- Sec. 1222. Project approval and oversight.
- Sec. 1223. Surface transportation program.
- Sec. 1224. Design-build contracting.

## CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

- Sec. 1231. Definition of operational improvement.
- Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.

- Sec. 1233. Flexibility of safety programs.
- Sec. 1234. Eligibility of projects on the National Highway System.
- Sec. 1235. Eligibility of projects under the surface transportation program.
- Sec. 1236. Design flexibility.

#### Subtitle C—Finance

#### CHAPTER 1—GENERAL PROVISIONS

- Sec. 1301. State infrastructure bank program.

#### CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

- Sec. 1311. Short title.
- Sec. 1312. Findings.
- Sec. 1313. Definitions.
- Sec. 1314. Determination of eligibility and project selection.
- Sec. 1315. Secured loans.
- Sec. 1316. Lines of credit.
- Sec. 1317. Project servicing.
- Sec. 1318. Office of Infrastructure Finance.
- Sec. 1319. State and local permits.
- Sec. 1320. Regulations.
- Sec. 1321. Funding.
- Sec. 1322. Report to Congress.

#### Subtitle D—Safety

- Sec. 1401. Operation lifesaver.
- Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.
- Sec. 1403. Railway-highway crossings.
- Sec. 1404. Hazard elimination program.
- Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 1406. Safety incentive grants for use of seat belts.

#### Subtitle E—Environment

- Sec. 1501. National scenic byways program.
- Sec. 1502. Public-private partnerships.
- Sec. 1503. Wetland restoration pilot program.

#### Subtitle F—Planning

- Sec. 1601. Metropolitan planning.
- Sec. 1602. Statewide planning.
- Sec. 1603. Advanced travel forecasting procedures program.
- Sec. 1604. Transportation and community and system preservation pilot program.

#### Subtitle G—Technical Corrections

- Sec. 1701. Federal-aid systems.
- Sec. 1702. Miscellaneous technical corrections.
- Sec. 1703. Nondiscrimination.
- Sec. 1704. State transportation department.

## TITLE II—RESEARCH AND TECHNOLOGY

## Subtitle A—Research and Training

- Sec. 2001. Strategic research plan.
- Sec. 2002. Multimodal transportation research and development program.
- Sec. 2003. National university transportation centers.
- Sec. 2004. Bureau of Transportation Statistics.
- Sec. 2005. Research and technology program.
- Sec. 2006. Advanced research program.
- Sec. 2007. Long-term pavement performance program.
- Sec. 2008. State planning and research program.
- Sec. 2009. Education and training.
- Sec. 2010. International highway transportation outreach program.
- Sec. 2011. National technology deployment initiatives and partnerships program.
- Sec. 2012. Infrastructure investment needs report.
- Sec. 2013. Innovative bridge research and construction program.
- Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
- Sec. 2015. Study of future strategic highway research program.
- Sec. 2016. Joint partnerships for advanced vehicles, components, and infrastructure program.
- Sec. 2017. Conforming amendments.

## Subtitle B—Intelligent Transportation Systems

- Sec. 2101. Short title.
- Sec. 2102. Findings.
- Sec. 2103. Intelligent transportation systems.
- Sec. 2104. Conforming amendment.

## Subtitle C—Funding

- Sec. 2201. Funding.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “Secretary” means the Sec-  
 3 retary of Transportation.

4 **TITLE I—SURFACE**  
 5 **TRANSPORTATION**

6 **SEC. 1001. SHORT TITLE.**

7 This title may be cited as the “Surface Transpor-  
 8 tation Act of 1997”.

# 1      **Subtitle A—General Provisions**

## 2      **SEC. 1101. AUTHORIZATIONS.**

3            For the purpose of carrying out title 23, United  
 4 States Code, the following sums shall be available from  
 5 the Highway Trust Fund (other than the Mass Transit  
 6 Account):

7            (1) INTERSTATE AND NATIONAL HIGHWAY SYS-  
 8 TEM PROGRAM.—For the Interstate and National  
 9 Highway System program under section 103 of that  
 10 title \$11,979,000,000 for fiscal year 1998,  
 11 \$11,808,000,000 for fiscal year 1999,  
 12 \$11,819,000,000 for fiscal year 2000,  
 13 \$11,916,000,000 for fiscal year 2001,  
 14 \$12,242,000,000 for fiscal year 2002, and  
 15 \$12,776,000,000 for fiscal year 2003, of which—

16            (A) \$4,600,000,000 for fiscal year 1998,  
 17 \$4,609,000,000 for fiscal year 1999,  
 18 \$4,637,000,000 for fiscal year 2000,  
 19 \$4,674,000,000 for fiscal year 2001,  
 20 \$4,773,000,000 for fiscal year 2002, and  
 21 \$4,918,000,000 for fiscal year 2003 shall be  
 22 used for the Interstate maintenance component;  
 23 and

24            (B) \$1,400,000,000 for fiscal year 1998,  
 25 \$1,403,000,000 for fiscal year 1999,

1           \$1,411,000,000   for   fiscal   year   2000,  
 2           \$1,423,000,000   for   fiscal   year   2001,  
 3           \$1,453,000,000   for   fiscal   year   2002,   and  
 4           \$1,497,000,000   for   fiscal   year   2003   shall   be  
 5           used   for   the   Interstate   bridge   component.

6           (2) SURFACE TRANSPORTATION PROGRAM.—  
 7           For the surface transportation program under sec-  
 8           tion 133 of that title \$7,000,000,000 for fiscal year  
 9           1998,   \$7,014,000,000   for   fiscal   year   1999,  
 10          \$7,056,000,000   for   fiscal   year   2000,  
 11          \$7,113,000,000   for   fiscal   year   2001,  
 12          \$7,263,000,000   for   fiscal   year   2002,   and  
 13          \$7,484,000,000   for   fiscal   year   2003.

14          (3) CONGESTION MITIGATION AND AIR QUALITY  
 15          IMPROVEMENT PROGRAM.—For the congestion miti-  
 16          gation and air quality improvement program under  
 17          section 149 of that title \$1,150,000,000 for fiscal  
 18          year 1998, \$1,152,000,000 for fiscal year 1999,  
 19          \$1,159,000,000   for   fiscal   year   2000,  
 20          \$1,169,000,000   for   fiscal   year   2001,  
 21          \$1,193,000,000   for   fiscal   year   2002,   and  
 22          \$1,230,000,000   for   fiscal   year   2003.

23          (4) FEDERAL LANDS HIGHWAYS PROGRAM.—

24                 (A) INDIAN RESERVATION ROADS.—For  
 25                 Indian reservation roads under section 204 of

1           that title \$200,000,000 for each of fiscal years  
2           1998 through 2003.

3           (B) PARKWAYS AND PARK ROADS.—For  
4           parkways and park roads under section 204 of  
5           that title \$90,000,000 for each of fiscal years  
6           1998 through 2003.

7           (C) PUBLIC LANDS HIGHWAYS.—For pub-  
8           lic lands highways under section 204 of that  
9           title \$172,000,000 for each of fiscal years 1998  
10          through 2003.

11          (D) COOPERATIVE FEDERAL LANDS  
12          TRANSPORTATION PROGRAM.—For the Coopera-  
13          tive Federal Lands Transportation Program  
14          under section 207 of that title \$74,000,000 for  
15          each of fiscal years 1998 through 2003.

16 **SEC. 1102. APPORTIONMENTS.**

17          (a) IN GENERAL.—Section 104 of title 23, United  
18          States Code, is amended by striking subsection (b) and  
19          inserting the following:

20          “(b) APPORTIONMENTS.—On October 1 of each fiscal  
21          year, the Secretary, after making the deduction authorized  
22          by subsection (a) and the set-asides authorized by sub-  
23          section (f), shall apportion the remainder of the sums au-  
24          thorized to be appropriated for expenditure on the Na-  
25          tional Highway System, the congestion mitigation and air

1 quality improvement program, and the surface transpor-  
 2 tation program, for that fiscal year, among the States in  
 3 the following manner:

4 “(1) INTERSTATE AND NATIONAL HIGHWAY  
 5 SYSTEM PROGRAM.—

6 “(A) INTERSTATE MAINTENANCE COMPO-  
 7 NENT.—For resurfacing, restoring, rehabilitat-  
 8 ing, and reconstructing the Interstate System—

9 “(i) 50 percent in the ratio that—

10 “(I) the total lane miles on Inter-  
 11 state System routes designated  
 12 under—

13 “(aa) section 103;

14 “(bb) section 139(a) before  
 15 March 9, 1984 (other than  
 16 routes on toll roads not subject  
 17 to a Secretarial agreement under  
 18 section 105 of the Federal-Aid  
 19 Highway Act of 1978 (92 Stat.  
 20 2692)); and

21 “(cc) section 139(c) (as in  
 22 effect on the day before the date  
 23 of enactment of the Intermodal  
 24 Transportation Act of 1997);

25 in each State; bears to



1 “(II) the total of all such lane  
2 miles in all States; and

3 “(ii) 50 percent in the ratio that—

4 “(I) the total vehicle miles trav-  
5 eled on lanes on Interstate System  
6 routes designated under—

7 “(aa) section 103;

8 “(bb) section 139(a) before  
9 March 9, 1984 (other than  
10 routes on toll roads not subject  
11 to a Secretarial agreement under  
12 section 105 of the Federal-Aid  
13 Highway Act of 1978 (92 Stat.  
14 2692)); and

15 “(cc) section 139(c) (as in  
16 effect on the day before the date  
17 of enactment of the Intermodal  
18 Transportation Act of 1997);

19 in each State; bears to

20 “(II) the total of all such vehicle  
21 miles traveled in all States.

22 “(B) INTERSTATE BRIDGE COMPONENT.—  
23 For resurfacing, restoring, rehabilitating, and  
24 reconstructing bridges on the Interstate Sys-  
25 tem, in the ratio that—

1 “(i) the total square footage of struc-  
 2 turally deficient and functionally obsolete  
 3 bridges on the Interstate System (other  
 4 than bridges on toll roads not subject to a  
 5 Secretarial agreement under section 105 of  
 6 the Federal-Aid Highway Act of 1978 (92  
 7 Stat. 2692)) in each State; bears to

8 “(ii) the total square footage of struc-  
 9 turally deficient and functionally obsolete  
 10 bridges on the Interstate System (other  
 11 than bridges on toll roads not subject to a  
 12 Secretarial agreement under section 105 of  
 13 the Federal-Aid Highway Act of 1978 (92  
 14 Stat. 2692)) in all States.

15 “(C) OTHER NATIONAL HIGHWAY SYSTEM  
 16 COMPONENT.—

17 “(i) IN GENERAL.—For the National  
 18 Highway System (excluding activities for  
 19 which funds are apportioned under sub-  
 20 paragraph (A) or (B)), \$36,400,000 for  
 21 each fiscal year to the Virgin Islands,  
 22 Guam, American Samoa, and the Com-  
 23 monwealth of Northern Mariana Islands  
 24 and the remainder apportioned as follows:

1 “(I) 20 percent of the apporportion-  
2 ments in the ratio that—

3 “(aa) the total lane miles of  
4 principal arterial routes (exclud-  
5 ing Interstate System routes) in  
6 each State; bears to

7 “(bb) the total lane miles of  
8 principal arterial routes (exclud-  
9 ing Interstate System routes) in  
10 all States.

11 “(II) 29 percent of the appor-  
12 tionments in the ratio that—

13 “(aa) the total vehicle miles  
14 traveled on lanes on principal ar-  
15 terial routes (excluding Interstate  
16 System routes) in each State;  
17 bears to

18 “(bb) the total vehicle miles  
19 traveled on lanes on principal ar-  
20 terial routes (excluding Interstate  
21 System routes) in all States.

22 “(III) 18 percent of the appor-  
23 tionments in the ratio that—

24 “(aa) the total square foot-  
25 age of structurally deficient and

1 functionally obsolete bridges on  
2 principal arterial routes (exclud-  
3 ing bridges on Interstate System  
4 routes (other than bridges on toll  
5 roads not subject to a Secretarial  
6 agreement under section 105 of  
7 the Federal-Aid Highway Act of  
8 1978 (92 Stat. 2692))) in each  
9 State; bears to

10 “(bb) the total square foot-  
11 age of structurally deficient and  
12 functionally obsolete bridges on  
13 principal arterial routes (exclud-  
14 ing bridges on Interstate System  
15 routes (other than bridges on toll  
16 roads not subject to a Secretarial  
17 agreement under section 105 of  
18 the Federal-Aid Highway Act of  
19 1978 (92 Stat. 2692))) in all  
20 States.

21 “(IV) 24 percent of the appor-  
22 tionments in the ratio that—

23 “(aa) the total diesel fuel  
24 used on highways in each State;  
25 bears to

1                   “(bb) the total diesel fuel  
2                   used on highways in all States.

3                   “(V) 9 percent of the apporportion-  
4                   ments in the ratio that—

5                   “(aa) the quotient obtained  
6                   by dividing the total lane miles  
7                   on principal arterial highways in  
8                   each State by the total popu-  
9                   lation of the State; bears to

10                  “(bb) the quotient obtained  
11                  by dividing the total lane miles  
12                  on principal arterial highways in  
13                  all States by the total population  
14                  of all States.

15                  “(ii) DATA.—Each calculation under  
16                  clause (i) shall be based on the latest avail-  
17                  able data.

18                  “(D) MINIMUM APPORTIONMENT.—Not-  
19                  withstanding subparagraphs (A) through (C),  
20                  each State shall receive a minimum of  $\frac{1}{2}$  of 1  
21                  percent of the funds apportioned under this  
22                  paragraph.

23                  “(2) CONGESTION MITIGATION AND AIR QUAL-  
24                  ITY IMPROVEMENT PROGRAM.—

1           “(A) IN GENERAL.—For the congestion  
2 mitigation and air quality improvement pro-  
3 gram, in the ratio that—

4           “(i) the total of all weighted non-  
5 attainment and maintenance area popu-  
6 lations in each State; bears to

7           “(ii) the total of all weighted non-  
8 attainment and maintenance area popu-  
9 lations in all States.

10          “(B) CALCULATION OF WEIGHTED NON-  
11 ATTAINMENT AND MAINTENANCE AREA POPU-  
12 LATION.—Subject to subparagraph (C), for the  
13 purpose of subparagraph (A), the weighted non-  
14 attainment and maintenance area population  
15 shall be calculated by multiplying the popu-  
16 lation of each area in a State that was a non-  
17 attainment area or maintenance area as de-  
18 scribed in section 149(b) for ozone or carbon  
19 monoxide by a factor of—

20          “(i) 0.8 if—

21           “(I) at the time of the apporportion-  
22 ment, the area is a maintenance area;

23           “(II) at the time of the appor-  
24 tionment, the area is classified as a

1                   submarginal    ozone    nonattainment  
2                   area under that Act; or

3                   “(III) as of the date of enact-  
4                   ment of the Intermodal Transpor-  
5                   tation Act of 1997, the area is consid-  
6                   ered by the Administrator of the En-  
7                   vironmental Protection Agency to be a  
8                   flexible attainment region;

9                   “(ii) 1.0 if, at the time of the appor-  
10                  tionment, the area is classified as a mar-  
11                  ginal ozone nonattainment area under sub-  
12                  part 2 of part D of title I of the Clean Air  
13                  Act (42 U.S.C. 7511 et seq.);

14                  “(iii) 1.1 if, at the time of the appor-  
15                  tionment, the area is classified as a mod-  
16                  erate ozone nonattainment area under that  
17                  subpart;

18                  “(iv) 1.2 if, at the time of the appor-  
19                  tionment, the area is classified as a serious  
20                  ozone nonattainment area under that sub-  
21                  part;

22                  “(v) 1.3 if, at the time of the appor-  
23                  tionment, the area is classified as a severe  
24                  ozone nonattainment area under that sub-  
25                  part;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, 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 described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subpara-



graph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time 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 described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of  $\frac{1}{2}$  of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use

1 the latest available annual estimates prepared  
 2 by the Secretary of Commerce.

3 “(3) SURFACE TRANSPORTATION PROGRAM.—

4 “(A) IN GENERAL.—For the surface trans-  
 5 portation program, in accordance with the fol-  
 6 lowing formula:

7 “(i) 20 percent of the apportionments  
 8 in the ratio that—

9 “(I) the total lane miles of Fed-  
 10 eral-aid highways in each State; bears  
 11 to

12 “(II) the total lane miles of Fed-  
 13 eral-aid highways in all States.

14 “(ii) 30 percent of the apportionments  
 15 in the ratio that—

16 “(I) the total vehicle miles trav-  
 17 eled on lanes on Federal-aid highways  
 18 in each State; bears to

19 “(II) the total vehicle miles trav-  
 20 eled on lanes on Federal-aid highways  
 21 in all States.

22 “(iii) 25 percent of the apporportion-  
 23 ments in the ratio that—

24 “(I) the total square footage of  
 25 structurally deficient and functionally

1           obsolete bridges on Federal-aid high-  
 2           ways (excluding bridges described in  
 3           subparagraphs (B) and (C)(i)(III) of  
 4           paragraph (1)) in each State; bears to  
 5           “(II) the total square footage  
 6           structurally deficient and functionally  
 7           obsolete bridges on Federal-aid high-  
 8           ways (excluding bridges described in  
 9           subparagraphs (B) and (C)(i)(III) of  
 10          paragraph (1)) in all States.

11          “(iv) 25 percent of the apportion-  
 12          ments in the ratio that—

13               “(I) the estimated tax payments  
 14               attributable to highway users in each  
 15               State paid into the Highway Trust  
 16               Fund (other than the Mass Transit  
 17               Account) in the latest fiscal year for  
 18               which data are available; bears to

19               “(II) the estimated tax payments  
 20               attributable to highway users in all  
 21               States paid into the Highway Trust  
 22               Fund (other than the Mass Transit  
 23               Account) in the latest fiscal year for  
 24               which data are available.

1           “(B) DATA.—Each calculation under sub-  
 2           paragraph (A) shall be based on the latest  
 3           available data.

4           “(C) MINIMUM APPORTIONMENT.—Not-  
 5           withstanding subparagraph (A), each State  
 6           shall receive a minimum of  $\frac{1}{2}$  of 1 percent of  
 7           the funds apportioned under this paragraph.”.

8           (b) EFFECT OF CERTAIN AMENDMENTS.—Section  
 9   104 of title 23, United States Code, is amended by strik-  
 10   ing subsection (h) and inserting the following:

11       “(h) EFFECT OF CERTAIN AMENDMENTS.—Notwith-  
 12   standing any other provision of law, deposits into the  
 13   Highway Trust Fund resulting from the amendments  
 14   made by section 901 of the Taxpayer Relief Act of 1997  
 15   shall not be taken into account in determining the appor-  
 16   tionments and allocations that any State shall be entitled  
 17   to receive under the Intermodal Transportation Act of  
 18   1997 and title 23, United States Code.”.

19       (c) ISTEA TRANSITION.—

20       (1) IN GENERAL.—For each of fiscal years  
 21   1998 through 2003, the Secretary shall determine,  
 22   with respect to each State—

23           (A) the total apportionments for the fiscal  
 24           year under section 104 of title 23, United  
 25           States Code, for the Interstate and National

1 Highway System program, the surface trans-  
2 portation program, metropolitan planning, and  
3 the congestion mitigation and air quality im-  
4 provement program;

5 (B) the annual average of the total appor-  
6 tionments during the period of fiscal years  
7 1992 through 1997 for all Federal-aid highway  
8 programs (as defined in section 101 of title 23,  
9 United States Code), excluding apportionments  
10 for the Federal lands highways program under  
11 section 204 of that title;

12 (C) the annual average of the total appor-  
13 tionments during the period of fiscal years  
14 1992 through 1997 for all Federal-aid highway  
15 programs (as defined in section 101 of title 23,  
16 United States Code), excluding—

17 (i) apportionments authorized under  
18 section 104 of that title for construction of  
19 the Interstate System;

20 (ii) apportionments for the Interstate  
21 substitute program under section 103(e)(4)  
22 of that title (as in effect on the day before  
23 the date of enactment of this Act);

1 (iii) apportionments for the Federal  
 2 lands highways program under section 204  
 3 of that title; and

4 (iv) adjustments to sums apportioned  
 5 under section 104 of that title due to the  
 6 hold harmless adjustment under section  
 7 1015(a) of the Intermodal Surface Trans-  
 8 portation Efficiency Act of 1991 (23  
 9 U.S.C. 104 note; 105 Stat. 1943);

10 (D) the product obtained by multiplying—

11 (i) the annual average of the total ap-  
 12 portionments determined under subpara-  
 13 graph (B); by

14 (ii) the applicable percentage deter-  
 15 mined under paragraph (2); and

16 (E) the product obtained by multiplying—

17 (i) the annual average of the total ap-  
 18 portionments determined under subpara-  
 19 graph (C); by

20 (ii) the applicable percentage deter-  
 21 mined under paragraph (2).

22 (2) APPLICABLE PERCENTAGES.—

23 (A) FISCAL YEAR 1998.—For fiscal year  
 24 1998—

1 (i) the applicable percentage referred  
 2 to in paragraph (1)(D)(ii) shall be 145  
 3 percent; and

4 (ii) the applicable percentage referred  
 5 to in paragraph (1)(E)(ii) shall be 107  
 6 percent.

7 (B) FISCAL YEARS THEREAFTER.—For  
 8 each of fiscal years 1999 through 2003, the ap-  
 9 plicable percentage referred to in paragraph  
 10 (1)(D)(ii) or (1)(E)(ii), respectively, shall be a  
 11 percentage equal to the product obtained by  
 12 multiplying—

13 (i) the percentage specified in clause  
 14 (i) or (ii), respectively, of subparagraph  
 15 (A); by

16 (ii) the percentage that—

17 (I) the total contract authority  
 18 made available under this Act and  
 19 title 23, United States Code, for Fed-  
 20 eral-aid highway programs for the fis-  
 21 cal year; bears to

22 (II) the total contract authority  
 23 made available under this Act and  
 24 title 23, United States Code, for Fed-

1                   eral-aid highway programs for fiscal  
2                   year 1998.

3           (3) MAXIMUM TRANSITION.—

4                   (A) IN GENERAL.—For each of fiscal years  
5                   1998 through 2003, in the case of each State  
6                   with respect to which the total apportionments  
7                   determined under paragraph (1)(A) is greater  
8                   than the product determined under paragraph  
9                   (1)(D), the Secretary shall reduce proportion-  
10                  ately the apportionments to the State under  
11                  section 104 of title 23, United States Code, for  
12                  the National Highway System component of the  
13                  Interstate and National Highway System pro-  
14                  gram, the surface transportation program, and  
15                  the congestion mitigation and air quality im-  
16                  provement program so that the total of the ap-  
17                  portionments is equal to the product determined  
18                  under paragraph (1)(D).

19                  (B) REDISTRIBUTION OF FUNDS.—

20                       (i) IN GENERAL.—Subject to clause  
21                       (ii), funds made available under subpara-  
22                       graph (A) shall be redistributed propor-  
23                       tionately under section 104 of title 23,  
24                       United States Code, for the Interstate and  
25                       National Highway System program, the



1 surface transportation program, and the  
2 congestion mitigation and air quality im-  
3 provement program, to States not subject  
4 to a reduction under subparagraph (A).

5 (ii) LIMITATION.—The ratio that—

6 (I) the total apportionments to a  
7 State under section 104 of title 23,  
8 United States Code, for the Interstate  
9 and National Highway System pro-  
10 gram, the surface transportation pro-  
11 gram, and the congestion mitigation  
12 and air quality improvement program,  
13 after the application of clause (i);  
14 bears to

15 (II) the annual average of the  
16 total apportionments determined  
17 under paragraph (1)(B) with respect  
18 to the State;

19 may not exceed, in the case of fiscal year  
20 1998, 145 percent, and, in the case of each  
21 of fiscal years 1999 through 2003, 145  
22 percent as adjusted in the manner de-  
23 scribed in paragraph (2)(B).

24 (4) MINIMUM TRANSITION.—

1 (A) IN GENERAL.—For each of fiscal years  
2 1998 through 2003, the Secretary shall appor-  
3 tion to each State such additional amounts as  
4 are necessary to ensure that—

5 (i) the total apportionments to the  
6 State under section 104 of title 23, United  
7 States Code, for the Interstate and Na-  
8 tional Highway System program, the sur-  
9 face transportation program, metropolitan  
10 planning, and the congestion mitigation  
11 and air quality improvement program,  
12 after the application of paragraph (3); is  
13 equal to

14 (ii) the greater of—

15 (I) the product determined with  
16 respect to the State under paragraph  
17 (1)(E); or

18 (II) the total apportionments to  
19 the State for fiscal year 1997 for all  
20 Federal-aid highway programs, ex-  
21 cluding—

22 (aa) apportionments for the  
23 Federal lands highways program  
24 under section 204 of title 23,  
25 United States Code;

1 (bb) adjustments to sums  
 2 apportioned under section 104 of  
 3 that title due to the hold harm-  
 4 less adjustment under section  
 5 1015(a) of the Intermodal Sur-  
 6 face Transportation Efficiency  
 7 Act of 1991 (23 U.S.C. 104 note;  
 8 105 Stat. 1943); and

9 (cc) demonstration projects  
 10 under the Intermodal Surface  
 11 Transportation Efficiency Act of  
 12 1991 (Public Law 102–240).

13 (B) OBLIGATION.—Amounts apportioned  
 14 under subparagraph (A)—

15 (i) shall be considered to be sums  
 16 made available for expenditure on the sur-  
 17 face transportation program, except that—

18 (I) the amounts shall not be sub-  
 19 ject to paragraphs (1) and (2) of sec-  
 20 tion 133(d) of title 23, United States  
 21 Code; and

22 (II) 50 percent of the amounts  
 23 shall be subject to section 133(d)(3)  
 24 of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph 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) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

**“§ 105. Minimum guarantee**

“(a) ADJUSTMENT.—

1           “(1) IN GENERAL.—In fiscal year 1998 and  
 2           each fiscal year thereafter on October 1, or as soon  
 3           as practicable thereafter, the Secretary shall allocate  
 4           among the States amounts sufficient to ensure  
 5           that—

6                   “(A) the ratio that—

7                           “(i) each State’s percentage of the  
 8                           total apportionments for the fiscal year—

9                                   “(I) under section 104 for the  
 10                                   Interstate and National Highway Sys-  
 11                                   tem program, the surface transpor-  
 12                                   tation program, metropolitan plan-  
 13                                   ning, and the congestion mitigation  
 14                                   and air quality improvement program;  
 15                                   and

16                                   “(II) under section 1102(c) of  
 17                                   the Intermodal Transportation Act of  
 18                                   1997 for ISTEA transition; bears to

19                                   “(ii) each State’s percentage of esti-  
 20                                   mated tax payments attributable to high-  
 21                                   way users in the State paid into the High-  
 22                                   way Trust Fund (other than the Mass  
 23                                   Transit Account) in the latest fiscal year  
 24                                   for which data are available;

25                                   is not less than 0.90; and

1           “(B) in the case of a State specified in  
 2           paragraph (2), the State’s percentage of the  
 3           total apportionments for the fiscal year de-  
 4           scribed in subclauses (I) and (II) of subpara-  
 5           graph (A)(i) is—

6                   “(i) not less than the percentage spec-  
 7                   ified for the State in paragraph (2); but

8                   “(ii) not greater than the product de-  
 9                   termined for the State under section  
 10                  1102(c)(1)(D) of the Intermodal Transpor-  
 11                  tation Act of 1997 for the fiscal year.

12           “(2) STATE PERCENTAGES.—The percentage  
 13           referred to in paragraph (1)(B) for a specified State  
 14           shall be determined in accordance with the following  
 15           table:

<b>“State</b>	<b>Percentage</b>
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

16           “(b) TREATMENT OF ALLOCATIONS.—

17           “(1) OBLIGATION.—Amounts allocated under  
 18           subsection (a)—

1           “(A) shall be available for obligation when  
 2           allocated and shall remain available for obliga-  
 3           tion for a period of 3 years after the last day  
 4           of the fiscal year for which the amounts are al-  
 5           located; and

6           “(B) shall be available for any purpose eli-  
 7           gible for funding under this title.

8           “(2) SET-ASIDE.—Fifty percent of the amounts  
 9           allocated under subsection (a) shall be subject to  
 10          section 133(d)(3).

11          “(c) TREATMENT OF WITHHELD APPORTION-  
 12          MENTS.—For the purpose of subsection (a), any funds  
 13          that, but for section 158(b) or any other provision of law  
 14          under which Federal-aid highway funds are withheld from  
 15          apportionment, would be apportioned to a State for a fis-  
 16          cal year under a section referred to in subsection (a) shall  
 17          be treated as being apportioned in that fiscal year.

18          “(d) AUTHORIZATION OF CONTRACT AUTHORITY.—  
 19          There shall be available from the Highway Trust Fund  
 20          (other than the Mass Transit Account) such sums as are  
 21          necessary to carry out this section.”.

22          “(2) CONFORMING AMENDMENT.—The analysis  
 23          for chapter 1 of title 23, United States Code, is  
 24          amended by striking the item relating to section 105  
 25          and inserting the following:

“105. Minimum guarantee.”.

1       (e) AUDITS OF HIGHWAY TRUST FUND.—Section  
 2 104 of title 23, United States Code, is amended by strik-  
 3 ing subsection (i) and inserting the following:

4       “(i) AUDITS OF HIGHWAY TRUST FUND.—From  
 5 available administrative funds deducted under subsection  
 6 (a), the Secretary may reimburse the Office of Inspector  
 7 General of the Department of Transportation for the con-  
 8 duct of annual audits of financial statements in accord-  
 9 ance with section 3521 of title 31.”.

10       (f) TECHNICAL AMENDMENTS.—Section 104 of title  
 11 23, United States Code, is amended—

12               (1) in subsection (e)—

13                       (A) by inserting “NOTIFICATION TO  
 14 STATES.—” after “(e)”;

15                       (B) in the first sentence—

16                               (i) by striking “(other than under  
 17 subsection (b)(5) of this section)”;

18                               (ii) by striking “and research”;

19                       (C) by striking the second sentence; and

20                       (D) in the last sentence, by striking “, ex-  
 21 cept that” and all that follows through “such  
 22 funds”; and

23               (2) in subsection (f)—

24                       (A) by striking “(f)(1) On” and inserting  
 25 the following:



1 “(f) METROPOLITAN PLANNING.—

2 “(1) SET-ASIDE.—On”;

3 (B) by striking “(2) These” and inserting  
4 the following:

5 “(2) APPORTIONMENT TO STATES OF SET-  
6 ASIDE FUNDS.—These”;

7 (C) by striking “(3) The” and inserting  
8 the following:

9 “(3) USE OF FUNDS.—The”; and

10 (D) by striking “(4) The” and inserting  
11 the following:

12 “(4) DISTRIBUTION OF FUNDS WITHIN  
13 STATES.—The”.

14 (g) CONFORMING AMENDMENTS.—

15 (1) Section 146(a) of title 23, United States  
16 Code, is amended in the first sentence by striking  
17 “104(b)(2), and 104(b)(6)” and inserting “and  
18 104(b)(2)”.

19 (2)(A) Section 150 of title 23, United States  
20 Code, is repealed.

21 (B) The analysis for chapter 1 of title 23, Unit-  
22 ed States Code, is amended by striking the item re-  
23 lating to section 150.

24 (3) Section 158 of title 23, United States Code,  
25 is amended—

1 (A) in subsection (a)—

2 (i) by striking paragraph (1);

3 (ii) by redesignating paragraphs (2)

4 and (3) as paragraphs (1) and (2), respec-  
5 tively;

6 (iii) in paragraph (1) (as so redesign-  
7 nated)—

8 (I) by striking “AFTER THE  
9 FIRST YEAR” and inserting “IN GEN-  
10 ERAL”; and

11 (II) by striking “, 104(b)(2),  
12 104(b)(5), and 104(b)(6)” and insert-  
13 ing “and 104(b)(2)”; and

14 (iv) in paragraph (2) (as redesignated  
15 by clause (ii)), by striking “paragraphs (1)  
16 and (2) of this subsection” and inserting  
17 “paragraph (1)”; and

18 (B) by striking subsection (b) and insert-  
19 ing the following:

20 “(b) EFFECT OF WITHHOLDING OF FUNDS.—No  
21 funds withheld under this section from apportionment to  
22 any State after September 30, 1988, shall be available for  
23 apportionment to that State.”.

24 (4)(A) Section 157 of title 23, United States  
25 Code, is repealed.

1 (B) The analysis for chapter 1 of title 23, United  
 2 States Code, is amended by striking the item re-  
 3 lating to section 157.

4 (5)(A) Section 115(b)(1) of title 23, United  
 5 States Code, is amended by striking “or 104(b)(5),  
 6 as the case may be,”.

7 (B) Section 137(f)(1) of title 23, United States  
 8 Code, is amended by striking “section 104(b)(5)(B)  
 9 of this title” and inserting “section 104(b)(1)(A)”.

10 (C) Section 141(c) of title 23, United States  
 11 Code, is amended by striking “section 104(b)(5) of  
 12 this title” each place it appears and inserting “sec-  
 13 tion 104(b)(1)(A)”.

14 (D) Section 142(c) of title 23, United States  
 15 Code, is amended by striking “(other than section  
 16 104(b)(5)(A))”.

17 (E) Section 159 of title 23, United States Code,  
 18 is amended—

19 (i) by striking “(5) of” each place it ap-  
 20 pears and inserting “(5) (as in effect on the  
 21 day before the date of enactment of the Inter-  
 22 modal Transportation Act of 1997) of”; and

23 (ii) in subsection (b)—

24 (I) in paragraphs (1)(A)(i) and  
 25 (3)(A), by striking “section 104(b)(5)(A)”

each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)”;

and

(IV) in paragraphs (3)(B) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)”.

(F) Section 161(a) of title 23, United States Code, is amended by striking “paragraphs (1), (3), and (5)(B) of section 104(b)” each place it appears and inserting “paragraphs (1) and (3) of section 104(b)”.

1           (6)(A) Section 104(g) of title 23, United States  
2 Code, is amended—

3           (i) in the first sentence, by striking “sec-  
4 tions 130, 144, and 152 of this title” and in-  
5 serting “subsection (b)(1)(B) and sections 130  
6 and 152”;

7           (ii) in the first and second sentences—

8               (I) by striking “section” and inserting  
9 “provision”; and

10               (II) by striking “such sections” and  
11 inserting “those provisions”; and

12           (iii) in the third sentence—

13               (I) by striking “section 144” and in-  
14 serting “subsection (b)(1)(B)”; and

15               (II) by striking “subsection (b)(1)”  
16 and inserting “subsection (b)(1)(C)”.

17           (B) Section 115 of title 23, United States Code,  
18 is amended—

19           (i) in subsection (a)(1)(A)(i), by striking  
20 “104(b)(2), 104(b)(3), 104(f), 144,” and in-  
21 serting “104(b)(1)(B), 104(b)(2), 104(b)(3),  
22 104(f),”; and

23           (ii) in subsection (c), by striking “144,,”.

1 (C) Section 120(e) of title 23, United States  
 2 Code, is amended in the last sentence by striking  
 3 “and in section 144 of this title”.

4 (D) Section 151(d) of title 23, United States  
 5 Code, is amended by striking “section 104(a), sec-  
 6 tion 307(a), and section 144 of this title” and in-  
 7 serting “subsections (a) and (b)(1)(B) of section  
 8 104 and section 307(a)”.

9 (E) Section 204(c) of title 23, United States  
 10 Code, is amended in the first sentence by striking  
 11 “or section 144 of this title”.

12 (F) Section 303(g) of title 23, United States  
 13 Code, is amended by striking “section 144 of this  
 14 title” and inserting “section 104(b)(1)(B)”.

15 **SEC. 1103. OBLIGATION CEILING.**

16 (a) GENERAL LIMITATION.—Subject to the other  
 17 provisions of this section and notwithstanding any other  
 18 provision of law, the total amount of all obligations for  
 19 Federal-aid highways and highway safety construction  
 20 programs shall not exceed—

- 21 (1) \$21,800,000,000 for fiscal year 1998;
- 22 (2) \$22,768,000,000 for fiscal year 1999;
- 23 (3) \$22,901,000,000 for fiscal year 2000;
- 24 (4) \$23,070,000,000 for fiscal year 2001;
- 25 (5) \$23,511,000,000 for fiscal year 2002; and

1           (6) \$24,259,000,000 for fiscal year 2003.

2           (b) EXCEPTIONS.—

3           (1) IN GENERAL.—The limitations under sub-  
4           section (a) shall not apply to obligations of funds  
5           under—

6                   (A) section 125 of title 23, United States  
7           Code;

8                   (B) section 105(a) of that title, excluding  
9           amounts allocated under section 105(a)(1)(B)  
10          of that title;

11                  (C) section 157 of that title (as in effect  
12          on the day before the date of enactment of this  
13          Act);

14                  (D) section 147 of the Surface Transpor-  
15          tation Assistance Act of 1978 (23 U.S.C. 144  
16          note; 92 Stat. 2714);

17                  (E) section 9 of the Federal-Aid Highway  
18          Act of 1981 (95 Stat. 1701);

19                  (F) subsections (b) and (j) of section 131  
20          of the Surface Transportation Assistance Act of  
21          1982 (96 Stat. 2119);

22                  (G) subsections (b) and (c) of section 149  
23          of the Surface Transportation and Uniform Re-  
24          location Assistance Act of 1987 (101 Stat.  
25          198); and

1 (H) sections 1103 through 1108 of the  
2 Intermodal Surface Transportation Efficiency  
3 Act of 1991 (105 Stat. 2027).

4 (2) EFFECT OF OTHER LAW.—A provision of  
5 law establishing a limitation on obligations for Fed-  
6 eral-aid highway and highway safety construction  
7 programs may not amend or limit the applicability  
8 of this subsection, unless the provision specifically  
9 amends or limits that applicability.

10 (c) APPLICABILITY TO TRANSPORTATION RESEARCH  
11 PROGRAMS.—Obligation limitations for Federal-aid high-  
12 way and highway safety construction programs established  
13 by subsection (a) shall apply to transportation research  
14 programs carried out under chapter 5 of title 23, United  
15 States Code.

16 (d) OBLIGATION AUTHORITY.—Section 118 of title  
17 23, United States Code, is amended by adding at the end  
18 the following:

19 “(g) OBLIGATION AUTHORITY.—

20 “(1) DISTRIBUTION.—For each fiscal year, the  
21 Secretary shall—

22 “(A) distribute the total amount of obliga-  
23 tion authority for Federal-aid highways and  
24 highway safety construction programs made



1           available for the fiscal year by allocation in the  
2           ratio that—

3                   “(i) the total of the sums made avail-  
4                   able for Federal-aid highways and highway  
5                   safety construction programs that are ap-  
6                   portioned or allocated to each State for the  
7                   fiscal year; bears to

8                   “(ii) the total of the sums made avail-  
9                   able for Federal-aid highways and highway  
10                  safety construction programs that are ap-  
11                  portioned or allocated to all States for the  
12                  fiscal year;

13                  “(B) provide all States with authority suf-  
14                  ficient to prevent lapses of sums authorized to  
15                  be appropriated for Federal-aid highways that  
16                  have been apportioned to a State; and

17                  “(C) not distribute—

18                   “(i) amounts deducted under section  
19                   104(a) for administrative expenses;

20                   “(ii) amounts made available for the  
21                   Federal lands highways program under  
22                   section 204;

23                   “(iii) amounts made available under  
24                   section 149(d) of the Surface Transpor-

1                   tation and Uniform Relocation Assistance  
2                   Act of 1987 (101 Stat. 201); and

3                   “(iv) amounts made available for im-  
4                   plementation of programs under chapter 5  
5                   of this title and sections 5222, 5232, and  
6                   5241 of title 49.

7                   “(2) REDISTRIBUTION.—Notwithstanding para-  
8                   graph (1), the Secretary shall, after August 1 of  
9                   each of fiscal years 1998 through 2003—

10                  “(A) revise a distribution of the funds  
11                  made available under paragraph (1) for the fis-  
12                  cal year if a State will not obligate the amount  
13                  distributed during the fiscal year; and

14                  “(B) redistribute sufficient amounts to  
15                  those States able to obligate amounts in addi-  
16                  tion to the amounts previously distributed dur-  
17                  ing the fiscal year, giving priority to those  
18                  States that have large unobligated balances of  
19                  funds apportioned under section 104 and under  
20                  section 144 (as in effect on the day before the  
21                  date of enactment of this subsection).”.

22                  (e) APPLICABILITY OF OBLIGATION LIMITATIONS.—  
23                  An obligation limitation established by a provision of any  
24                  other Act shall not apply to obligations under a program

1 funded under this Act or title 23, United States Code, un-  
 2 less—

3 (1) the provision specifically amends or limits  
 4 the applicability of this subsection; or

5 (2) an obligation limitation is specified in this  
 6 Act with respect to the program.

7 **SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE**  
 8 **TRANSPORTATION PROGRAM.**

9 Section 133 of title 23, United States Code, is  
 10 amended by striking subsection (f) and inserting the fol-  
 11 lowing:

12 “(f) OBLIGATION AUTHORITY.—

13 “(1) IN GENERAL.—A State that is required to  
 14 obligate in an urbanized area with an urbanized area  
 15 population of over 200,000 individuals under sub-  
 16 section (d) funds apportioned to the State under sec-  
 17 tion 104(b)(3) shall make available during the 3-fis-  
 18 cal year period of 1998 through 2000, and the 3-fis-  
 19 cal year period of 2001 through 2003, an amount of  
 20 obligation authority distributed to the State for Fed-  
 21 eral-aid highways and highway safety construction  
 22 programs for use in the area that is equal to the  
 23 amount obtained by multiplying—

24 “(A) the aggregate amount of funds that  
 25 the State is required to obligate in the area

1 under subsection (d) during each such period;  
 2 by

3 “(B) the ratio that—

4 “(i) the aggregate amount of obliga-  
 5 tion authority distributed to the State for  
 6 Federal-aid highways and highway safety  
 7 construction programs during the period;  
 8 bears to

9 “(ii) the total of the sums apportioned  
 10 to the State for Federal-aid highways and  
 11 highway safety construction programs (ex-  
 12 cluding sums not subject to an obligation  
 13 limitation) during the period.

14 “(2) JOINT RESPONSIBILITY.—Each State,  
 15 each affected metropolitan planning organization,  
 16 and the Secretary shall jointly ensure compliance  
 17 with paragraph (1).”.

18 **SEC. 1105. EMERGENCY RELIEF.**

19 (a) FEDERAL SHARE.—Section 120(e) of title 23,  
 20 United States Code, is amended in the first sentence by  
 21 striking “highway system” and inserting “highway”.

22 (b) ELIGIBILITY AND FUNDING.—Section 125 of title  
 23 23, United States Code, is amended—

24 (1) by striking subsection (a);

1           (2) by redesignating subsections (b), (c), and  
2           (d) as subsections (d), (e), and (f), respectively;

3           (3) by inserting after the section heading the  
4           following:

5           “(a) GENERAL ELIGIBILITY.—Subject to this section  
6           and section 120, an emergency fund is authorized for ex-  
7           penditure by the Secretary for the repair or reconstruction  
8           of highways, roads, and trails, in any part of the United  
9           States, including Indian reservations, that the Secretary  
10          finds have suffered serious damage as a result of—

11           “(1) natural disaster over a wide area, such as  
12          by a flood, hurricane, tidal wave, earthquake, severe  
13          storm, or landslide; or

14           “(2) catastrophic failure from any external  
15          cause.

16          “(b) RESTRICTION ON ELIGIBILITY.—In no event  
17          shall funds be used pursuant to this section for the repair  
18          or reconstruction of bridges that have been permanently  
19          closed to all vehicular traffic by the State or responsible  
20          local official because of imminent danger of collapse due  
21          to a structural deficiency or physical deterioration.

22          “(c) FUNDING.—Subject to the following limitations,  
23          there are hereby authorized to be appropriated from the  
24          Highway Trust Fund (other than the Mass Transit Ac-  
25          count) such sums as may be necessary to establish the

1 fund authorized by this section and to replenish it on an  
2 annual basis:

3           “(1) Not more than \$100,000,000 is authorized  
4       to be obligated in any 1 fiscal year commencing  
5       after September 30, 1980, to carry out the provi-  
6       sions of this section, except that, if in any fiscal year  
7       the total of all obligations under this section is less  
8       than the amount authorized to be obligated in such  
9       fiscal year, the unobligated balance of such amount  
10      shall remain available until expended and shall be in  
11      addition to amounts otherwise available to carry out  
12      this section each year.

13           “(2) Pending such appropriation or replenish-  
14      ment, the Secretary may obligate from any funds  
15      heretofore or hereafter appropriated for obligation in  
16      accordance with this title, including existing Federal-  
17      aid appropriations, such sums as may be necessary  
18      for the immediate prosecution of the work herein au-  
19      thorized, provided that such funds are reimbursed  
20      from the appropriations authorized in paragraph (1)  
21      of this subsection when such appropriations are  
22      made.”;

23           (4) in subsection (d) (as so redesignated), by  
24      striking “subsection (c)” both places it appears and  
25      inserting “subsection (e)”; and

1           (5) in subsection (e) (as so redesignated), by  
 2       striking “on any of the Federal-aid highway sys-  
 3       tems” and inserting “Federal-aid highways”.

4       (c) SAN MATEO COUNTY, CALIFORNIA.—Notwith-  
 5       standing any other provision of law, a project to repair  
 6       or reconstruct any portion of a Federal-aid primary route  
 7       in San Mateo County, California, that—

8           (1) was destroyed as a result of a combination  
 9       of storms in the winter of 1982–1983 and a moun-  
 10      tain slide;

11          (2) until its destruction, served as the only rea-  
 12      sonable access route between 2 cities and as the des-  
 13      ignated emergency evacuation route of 1 of the  
 14      cities; and

15          (3) complies with the local coastal plan;  
 16      shall be eligible for assistance under section 125(a) of title  
 17      23, United States Code.

18   **SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

19       (a) FEDERAL SHARE PAYABLE.—Section 120 of title  
 20      23, United States Code, is amended by adding at the end  
 21      the following:

22       “(j) USE OF FEDERAL LAND MANAGEMENT AGENCY  
 23      FUNDS.—Notwithstanding any other provision of law, the  
 24      funds appropriated to any Federal land management  
 25      agency may be used to pay the non-Federal share of the

1 cost of any Federal-aid highway project the Federal share  
 2 of which is funded under section 104.

3 “(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM  
 4 FUNDS.—Notwithstanding any other provision of law, the  
 5 funds made available to carry out the Federal lands high-  
 6 ways program under section 204 may be used to pay the  
 7 non-Federal share of the cost of any project that is funded  
 8 under section 104 and that provides access to or within  
 9 Federal or Indian lands.”.

10 (b) AVAILABILITY OF FUNDS.—Section 203 of title  
 11 23, United States Code, is amended by adding at the end  
 12 the following: “Notwithstanding any other provision of  
 13 law, the authorization by the Secretary of engineering and  
 14 related work for a Federal lands highways program  
 15 project, or the approval by the Secretary of plans, speci-  
 16 fications, and estimates for construction of a Federal  
 17 lands highways program project, shall be deemed to con-  
 18 stitute a contractual obligation of the Federal Government  
 19 to the pay the Federal share of the cost of the project.”.

20 (c) PLANNING AND AGENCY COORDINATION.—Sec-  
 21 tion 204 of title 23, United States Code, is amended—

22 (1) by striking subsection (a) and inserting the  
 23 following:

24 “(a) ESTABLISHMENT.—



1           “(1) IN GENERAL.—Recognizing the need for  
2           all Federal roads that are public roads to be treated  
3           under uniform policies similar to the policies that  
4           apply to Federal-aid highways, there is established a  
5           coordinated Federal lands highways program that  
6           shall apply to public lands highways, park roads and  
7           parkways, and Indian reservation roads and bridges.

8           “(2) TRANSPORTATION PLANNING PROCE-  
9           DURES.—In consultation with the Secretary of each  
10          appropriate Federal land management agency, the  
11          Secretary shall develop transportation planning pro-  
12          cedures that are consistent with the metropolitan  
13          and statewide planning processes required under sec-  
14          tions 134 and 135.

15          “(3) APPROVAL OF TRANSPORTATION IMPROVE-  
16          MENT PROGRAM.—The transportation improvement  
17          program developed as a part of the transportation  
18          planning process under this section shall be ap-  
19          proved by the Secretary.

20          “(4) INCLUSION IN OTHER PLANS.—All region-  
21          ally significant Federal lands highways program  
22          projects—

23                  “(A) shall be developed in cooperation with  
24                  States and metropolitan planning organizations;  
25                  and

1           “(B) shall be included in appropriate Fed-  
 2           eral lands highways program, State, and metro-  
 3           politan plans and transportation improvement  
 4           programs.

5           “(5) INCLUSION IN STATE PROGRAMS.—The ap-  
 6           proved Federal lands highways program transpor-  
 7           tation improvement program shall be included in ap-  
 8           propriate State and metropolitan planning organiza-  
 9           tion plans and programs without further action on  
 10          the transportation improvement program.

11          “(6) DEVELOPMENT OF SYSTEMS.—The Sec-  
 12          retary and the Secretary of each appropriate Federal  
 13          land management agency shall, to the extent appro-  
 14          priate, develop safety, bridge, pavement, and conges-  
 15          tion management systems for roads funded under  
 16          the Federal lands highways program.”;

17          (2) in subsection (b), by striking the first 3 sen-  
 18          tences and inserting the following: “Funds available  
 19          for public lands highways, park roads and parkways,  
 20          and Indian reservation roads shall be used by the  
 21          Secretary and the Secretary of the appropriate Fed-  
 22          eral land management agency to pay for the cost of  
 23          transportation planning, research, engineering, and  
 24          construction of the highways, roads, and parkways,  
 25          or of transit facilities within public lands, national

1 parks, and Indian reservations. In connection with  
 2 activities under the preceding sentence, the Sec-  
 3 retary and the Secretary of the appropriate Federal  
 4 land management agency may enter into construc-  
 5 tion contracts and other appropriate contracts with  
 6 a State or civil subdivision of a State or Indian  
 7 tribe.”;

8 (3) in the first sentence of subsection (e), by  
 9 striking “Secretary of the Interior” and inserting  
 10 “Secretary of the appropriate Federal land manage-  
 11 ment agency”;

12 (4) in subsection (h), by adding at the end the  
 13 following:

14 “(8) A project to build a replacement of the  
 15 federally owned bridge over the Hoover Dam in the  
 16 Lake Mead National Recreation Area between Ne-  
 17 vada and Arizona.”;

18 (5) by striking subsection (i) and inserting the  
 19 following:

20 “(i) TRANSFERS OF COSTS TO SECRETARIES OF  
 21 FEDERAL LAND MANAGEMENT AGENCIES.—

22 “(1) ADMINISTRATIVE COSTS.—The Secretary  
 23 shall transfer to the appropriate Federal land man-  
 24 agement agency from amounts made available for  
 25 public lands highways such amounts as are nec-

1        essary to pay necessary administrative costs of the  
 2        agency in connection with public lands highways.

3            “(2) TRANSPORTATION PLANNING COSTS.—The  
 4        Secretary shall transfer to the appropriate Federal  
 5        land management agency from amounts made avail-  
 6        able for public lands highways such amounts as are  
 7        necessary to pay the cost to the agency to conduct  
 8        necessary transportation planning for Federal lands,  
 9        if funding for the planning is not otherwise provided  
 10       under this section.”; and

11           (6) in subsection (j), by striking the second sen-  
 12        tence and inserting the following: “The Indian tribal  
 13        government, in cooperation with the Secretary of the  
 14        Interior, and as appropriate, with a State, local gov-  
 15        ernment, or metropolitan planning organization,  
 16        shall carry out a transportation planning process in  
 17        accordance with subsection (a).”.

18    **SEC. 1107. RECREATIONAL TRAILS PROGRAM.**

19        (a) IN GENERAL.—Chapter 2 of title 23, United  
 20        States Code, is amended by inserting after section 205 the  
 21        following:

22    **“§ 206. Recreational trails program**

23        “(a) DEFINITIONS.—

24            “(1) MOTORIZED RECREATION.—The term ‘mo-  
 25        torized recreation’ means off-road recreation using

1 any motor-powered vehicle, except for a motorized  
2 wheelchair.

3 “(2) RECREATIONAL TRAIL; TRAIL.—The term  
4 ‘recreational trail’ or ‘trail’ means a thoroughfare or  
5 track across land or snow, used for recreational pur-  
6 poses such as—

7 “(A) pedestrian activities, including wheel-  
8 chair use;

9 “(B) skating or skateboarding;

10 “(C) equestrian activities, including car-  
11 riage driving;

12 “(D) nonmotorized snow trail activities, in-  
13 cluding skiing;

14 “(E) bicycling or use of other human-pow-  
15 ered vehicles;

16 “(F) aquatic or water activities; and

17 “(G) motorized vehicular activities, includ-  
18 ing all-terrain vehicle riding, motorcycling,  
19 snowmobiling, use of off-road light trucks, or  
20 use of other off-road motorized vehicles.

21 “(b) PROGRAM.—In accordance with this section, the  
22 Secretary, in consultation with the Secretary of the Inte-  
23 rior and the Secretary of Agriculture, shall carry out a  
24 program to provide and maintain recreational trails (re-  
25 ferred to in this section as the ‘program’).

1       “(c) STATE RESPONSIBILITIES.—To be eligible for  
2 apportionments under this section—

3               “(1) a State may use apportionments received  
4 under this section for construction of new trails  
5 crossing Federal lands only if the construction is—

6                       “(A) permissible under other law;

7                       “(B) necessary and required by a statewide  
8 comprehensive outdoor recreation plan required  
9 by the Land and Water Conservation Fund Act  
10 of 1965 (16 U.S.C. 460~~l~~–4 et seq.);

11                      “(C) approved by the administering agency  
12 of the State designated under paragraph (2);  
13 and

14                      “(D) approved by each Federal agency  
15 charged with management of the affected lands,  
16 which approval shall be contingent on compli-  
17 ance by the Federal agency with all applicable  
18 laws, including the National Environmental  
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
20 the Forest and Rangeland Renewable Resources  
21 Planning Act of 1974 (16 U.S.C. 1600 et seq.),  
22 and the Federal Land Policy and Management  
23 Act of 1976 (43 U.S.C. 1701 et seq.);

24               “(2) the Governor of a State shall designate the  
25 State agency or agencies that will be responsible for

1 administering apportionments received under this  
 2 section; and

3 “(3) the State shall establish within the State  
 4 a State trail advisory committee that represents both  
 5 motorized and nonmotorized trail users.

6 “(d) USE OF APPORTIONED FUNDS.—

7 “(1) IN GENERAL.—Funds made available  
 8 under this section shall be obligated for trails and  
 9 trail-related projects that—

10 “(A) have been planned and developed  
 11 under the laws, policies, and administrative pro-  
 12 cedures of each State; and

13 “(B) are identified in, or further a specific  
 14 goal of, a trail plan or trail plan element in-  
 15 cluded or referenced in a metropolitan transpor-  
 16 tation plan required under section 134 or a  
 17 statewide transportation plan required under  
 18 section 135, consistent with the statewide com-  
 19 prehensive outdoor recreation plan required by  
 20 the Land and Water Conservation Fund Act of  
 21 1965 (16 U.S.C. 460l–4 et seq.).

22 “(2) PERMISSIBLE USES.—Permissible uses of  
 23 funds made available under this section include—

24 “(A) maintenance and restoration of exist-  
 25 ing trails;

1           “(B) development and rehabilitation of  
2           trailside and trailhead facilities and trail link-  
3           ages;

4           “(C) purchase and lease of trail construc-  
5           tion and maintenance equipment;

6           “(D) construction of new trails;

7           “(E) acquisition of easements and fee sim-  
8           ple title to property for trails or trail corridors;

9           “(F) costs to the State incurred in admin-  
10          istering the program, but in an amount not to  
11          exceed 7 percent of the apportionment received  
12          by the State for a fiscal year; and

13          “(G) operation of educational programs to  
14          promote safety and environmental protection as  
15          these objectives relate to the use of trails.

16          “(3) USE OF APPORTIONMENTS.—

17               “(A) IN GENERAL.—Except as provided in  
18               subparagraphs (B), (C), and (D), of the appor-  
19               tionments received for a fiscal year by a State  
20               under this section—

21                   “(i) 40 percent shall be used for trail  
22                   or trail-related projects that facilitate di-  
23                   verse recreational trail use within a trail  
24                   corridor, trailside, or trailhead, regardless  
25                   of whether the project is for diverse motor-



1            ized use, for diverse nonmotorized use, or  
2            to accommodate both motorized and non-  
3            motorized recreational trail use;

4            “(ii) 30 percent shall be used for uses  
5            relating to motorized recreation; and

6            “(iii) 30 percent shall be used for uses  
7            relating to nonmotorized recreation.

8            “(B) SMALL STATE EXCLUSION.—Any  
9            State with a total land area of less than  
10           3,500,000 acres, and in which nonhighway rec-  
11           reational fuel use accounts for less than 1 per-  
12           cent of all such fuel use in the United States,  
13           shall be exempted from the requirements of  
14           subparagraph (A) upon application to the Sec-  
15           retary by the State demonstrating that the  
16           State meets the conditions of this subpara-  
17           graph.

18           “(C) WAIVER AUTHORITY.—Upon the re-  
19           quest of a State trail advisory committee estab-  
20           lished under subsection (c)(3), the Secretary  
21           may waive, in whole or in part, the require-  
22           ments of subparagraph (A) with respect to the  
23           State if the State certifies to the Secretary that  
24           the State does not have sufficient projects to  
25           meet the requirements of subparagraph (A).

1                   “(D) STATE ADMINISTRATIVE COSTS.—

2                   State administrative costs eligible for funding  
3                   under paragraph (2)(F) shall be exempt from  
4                   the requirements of subparagraph (A).

5                   “(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—

6                   To the extent practicable and consistent with the other  
7                   requirements of this section, a State should give consider-  
8                   ation to project proposals that provide for the redesign,  
9                   reconstruction, nonroutine maintenance, or relocation of  
10                  trails to benefit the natural environment or to mitigate  
11                  and minimize the impact to the natural environment.

12                  “(f) FEDERAL SHARE.—

13                  “(1) IN GENERAL.—Subject to the other provi-  
14                  sions of this subsection, the Federal share of the  
15                  cost of a project under this section shall not exceed  
16                  80 percent.

17                  “(2) FEDERAL AGENCY PROJECT SPONSOR.—

18                  Notwithstanding any other provision of law, a Fed-  
19                  eral agency that sponsors a project under this sec-  
20                  tion may contribute additional Federal funds toward  
21                  the cost of a project, except that—

22                  “(A) the share attributable to the Sec-  
23                  retary of Transportation may not exceed 80  
24                  percent; and

1           “(B) the share attributable to the Sec-  
2           retary and the Federal agency jointly may not  
3           exceed 95 percent.

4           “(3) USE OF FUNDS FROM FEDERAL PROGRAMS  
5           TO PROVIDE NON-FEDERAL SHARE.—Notwithstand-  
6           ing any other provision of law, amounts made avail-  
7           able by the Federal Government under any Federal  
8           program that are—

9           “(A) expended in accordance with the re-  
10          quirements of the Federal program relating to  
11          activities funded and populations served; and

12          “(B) expended on a project that is eligible  
13          for assistance under this section;  
14          may be credited toward the non-Federal share of the  
15          cost of the project.

16          “(4) PROGRAMMATIC NON-FEDERAL SHARE.—A  
17          State may allow adjustments to the non-Federal  
18          share of an individual project under this section if  
19          the Federal share of the cost of all projects carried  
20          out by the State under the program (excluding  
21          projects funded under paragraph (2) or (3)) using  
22          funds apportioned to the State for a fiscal year does  
23          not exceed 80 percent.

24          “(5) STATE ADMINISTRATIVE COSTS.—The  
25          Federal share of the administrative costs of a State

1       under this subsection shall be determined in accord-  
2       ance with section 120(b).

3       “(g) USES NOT PERMITTED.—A State may not obli-  
4       gate funds apportioned under this section for—

5               “(1) condemnation of any kind of interest in  
6       property;

7               “(2) construction of any recreational trail on  
8       National Forest System land for any motorized use  
9       unless—

10               “(A) the land has been apportioned for  
11       uses other than wilderness by an approved for-  
12       est land and resource management plan or has  
13       been released to uses other than wilderness by  
14       an Act of Congress; and

15               “(B) the construction is otherwise consist-  
16       ent with the management direction in the ap-  
17       proved forest land and resource management  
18       plan;

19               “(3) construction of any recreational trail on  
20       Bureau of Land Management land for any motor-  
21       ized use unless the land—

22               “(A) has been apportioned for uses other  
23       than wilderness by an approved Bureau of  
24       Land Management resource management plan

1 or has been released to other uses by an Act of  
 2 Congress; and

3 “(B) the construction is otherwise consist-  
 4 ent with the management direction in the ap-  
 5 proved management plan; or

6 “(4) upgrading, expanding, or otherwise facili-  
 7 tating motorized use or access to trails predomi-  
 8 nantly used by nonmotorized trail users and on  
 9 which, as of May 1, 1991, motorized use is prohib-  
 10 ited or has not occurred.

11 “(h) PROJECT ADMINISTRATION.—

12 “(1) CREDIT FOR DONATIONS OF FUNDS, MA-  
 13 TERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

14 “(A) IN GENERAL.—Nothing in this title  
 15 or other law shall prevent a project sponsor  
 16 from offering to donate funds, materials, serv-  
 17 ices, or a new right-of-way for the purposes of  
 18 a project eligible for assistance under this sec-  
 19 tion. Any funds, or the fair market value of any  
 20 materials, services, or new right-of-way, may be  
 21 donated by any project sponsor and shall be  
 22 credited to the non-Federal share in accordance  
 23 with subsection (f).

24 “(B) FEDERAL PROJECT SPONSORS.—Any  
 25 funds or the fair market value of any materials

1 or services may be provided by a Federal  
 2 project sponsor and shall be credited to the  
 3 Federal agency's share in accordance with sub-  
 4 section (f).

5 “(2) RECREATIONAL PURPOSE.—A project  
 6 funded under this section is intended to enhance rec-  
 7 reational opportunity and is not subject to section  
 8 138 of this title or section 303 of title 49.

9 “(3) CONTINUING RECREATIONAL USE.—At the  
 10 option of each State, funds made available under  
 11 this section may be treated as Land and Water Con-  
 12 servation Fund apportionments for the purposes of  
 13 section 6(f)(3) of the Land and Water Conservation  
 14 Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

15 “(4) COOPERATION BY PRIVATE PERSONS.—

16 “(A) WRITTEN ASSURANCES.—As a condi-  
 17 tion of making available apportionments for  
 18 work on recreational trails that would affect  
 19 privately owned land, a State shall obtain writ-  
 20 ten assurances that the owner of the property  
 21 will cooperate with the State and participate as  
 22 necessary in the activities to be conducted.

23 “(B) PUBLIC ACCESS.—Any use of the ap-  
 24 portionments to a State under this section on  
 25 private land must be accompanied by an ease-

1           ment or other legally binding agreement that  
 2           ensures public access to the recreational trail  
 3           improvements funded by the apportionments.

4           “(i) APPORTIONMENT.—

5           “(1) DEFINITION OF ELIGIBLE STATE.—In this  
 6           subsection, the term ‘eligible State’ means a State  
 7           that meets the requirements of subsection (c).

8           “(2) APPORTIONMENT.—Subject to subsection  
 9           (j), for each fiscal year, the Secretary shall appor-  
 10          tion—

11           “(A) 50 percent of the amounts made  
 12           available to carry out this section equally  
 13           among eligible States; and

14           “(B) 50 percent of the amounts made  
 15           available to carry out this section among eligi-  
 16           ble States in proportion to the quantity of non-  
 17           highway recreational fuel used in each eligible  
 18           State during the preceding year.

19          “(j) ADMINISTRATIVE COSTS.—

20          “(1) IN GENERAL.—Whenever an appor-  
 21          tionment is made under subsection (i) of the amounts  
 22          made available to carry out this section, the Sec-  
 23          retary shall first deduct an amount, not to exceed 1  
 24          percent of the authorized amounts, to pay the costs

1 to the Secretary for administration of, and research  
2 authorized under, the program.

3 “(2) USE OF CONTRACTS.—To carry out re-  
4 search funded under paragraph (1), the Secretary  
5 may—

6 “(A) enter into contracts with for-profit  
7 organizations; and

8 “(B) enter into contracts, partnerships, or  
9 cooperative agreements with other government  
10 agencies, institutions of higher learning, or non-  
11 profit organizations.

12 “(k) AUTHORIZATION OF CONTRACT AUTHORITY.—

13 “(1) IN GENERAL.—There shall be available  
14 from the Highway Trust Fund (other than the Mass  
15 Transit Account) to carry out this section  
16 \$17,000,000 for fiscal year 1998, \$20,000,000 for  
17 fiscal year 1999, \$22,000,000 for fiscal year 2000,  
18 \$23,000,000 for fiscal year 2001, \$24,000,000 for  
19 fiscal year 2002, and \$25,000,000 for fiscal year  
20 2003.

21 “(2) CONTRACT AUTHORITY.—Funds author-  
22 ized under this subsection shall be available for obli-  
23 gation in the same manner as if the funds were ap-  
24 portioned under chapter 1, except that the Federal



1 share of the cost of a project under this section shall  
 2 be determined in accordance with this section.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) The Intermodal Surface Transportation Ef-  
 5 ficiency Act of 1991 is amended by striking part B  
 6 of title I (16 U.S.C. 1261 et seq.).

7 (2) The analysis for chapter 2 of title 23, Unit-  
 8 ed States Code, is amended by striking the item re-  
 9 lating to section 206 and inserting the following:

“206. Recreational trails program.”.

10 **SEC. 1108. VALUE PRICING PILOT PROGRAM.**

11 (a) IN GENERAL.—Section 1012(b) of the Intermodal  
 12 Surface Transportation Efficiency Act of 1991 (23 U.S.C.  
 13 149 note; 105 Stat. 1938) is amended—

14 (1) in the subsection heading, by striking  
 15 “CONGESTION” and inserting “VALUE”; and

16 (2) in paragraph (1), by striking “congestion”  
 17 each place it appears and inserting “value”.

18 (b) INCREASED NUMBER OF PROJECTS.—Section  
 19 1012(b)(1) of the Intermodal Surface Transportation Ef-  
 20 ficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)  
 21 is amended in the second sentence by striking “5” and  
 22 inserting “15”.

23 (c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—  
 24 Section 1012(b)(2) of the Intermodal Surface Transpor-

1 tation Efficiency Act of 1991 (23 U.S.C. 149 note; 105  
2 Stat. 1938) is amended in the second sentence—

3 (1) by inserting after “Secretary shall fund”  
4 the following: “all preimplementation costs and  
5 project design, and”; and

6 (2) by inserting after “Secretary may not fund”  
7 the following: “the implementation costs of”.

8 (d) TOLLING.—Section 1012(b)(4) of the Intermodal  
9 Surface Transportation Efficiency Act of 1991 (23 U.S.C.  
10 149 note; 105 Stat. 1938) is amended by striking “a pilot  
11 program under this section, but not on more than 3 of  
12 such programs” and inserting “any value pricing pilot pro-  
13 gram under this subsection”.

14 (e) HOV PASSENGER REQUIREMENTS.—Section  
15 1012(b) of the Intermodal Surface Transportation Effi-  
16 ciency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)  
17 is amended by striking paragraph (6) and inserting the  
18 following:

19 “(6) HOV PASSENGER REQUIREMENTS.—Not-  
20 withstanding section 102 of title 23, United States  
21 Code, a State may permit vehicles with fewer than  
22 2 occupants to operate in high occupancy vehicle  
23 lanes if the vehicles are part of a value pricing pilot  
24 program under this subsection.”.

1       (f) FUNDING.—Section 1012(b) of the Intermodal  
 2 Surface Transportation Efficiency Act of 1991 (23 U.S.C.  
 3 149 note; 105 Stat. 1938) is amended by adding at the  
 4 end the following:

5               “(7) AUTHORIZATION OF CONTRACT AUTHOR-  
 6 ITY.—

7               “(A) IN GENERAL.—There shall be avail-  
 8 able from the Highway Trust Fund (other than  
 9 the Mass Transit Account) to carry out this  
 10 subsection \$8,000,000 for each of fiscal years  
 11 1998 through 2003.

12              “(B) AVAILABILITY.—

13              “(i) IN GENERAL.—Funds allocated  
 14 by the Secretary to a State under this sub-  
 15 section shall remain available for obligation  
 16 by the State for a period of 3 years after  
 17 the last day of the fiscal year for which the  
 18 funds are authorized.

19              “(ii) USE OF UNALLOCATED  
 20 FUNDS.—If the total amount of funds  
 21 made available from the Highway Trust  
 22 Fund under this subsection but not allo-  
 23 cated exceeds \$8,000,000 as of September  
 24 30 of any year, the excess amount—

1                   “(I) shall be apportioned in the  
2                   following fiscal year by the Secretary  
3                   to all States in accordance with sec-  
4                   tion 104(b)(3) of title 23, United  
5                   States Code;

6                   “(II) shall be considered to be a  
7                   sum made available for expenditure on  
8                   the surface transportation program,  
9                   except that the amount shall not be  
10                  subject to section 133(d) of that title;  
11                  and

12                  “(III) shall be available for any  
13                  purpose eligible for funding under sec-  
14                  tion 133 of that title.

15                  “(C) CONTRACT AUTHORITY.—Funds au-  
16                  thorized under this paragraph shall be available  
17                  for obligation in the same manner as if the  
18                  funds were apportioned under chapter 1 of title  
19                  23, United States Code, except that the Federal  
20                  share of the cost of any project under this sub-  
21                  section and the availability of funds authorized  
22                  by this paragraph shall be determined in ac-  
23                  cordance with this subsection.”.

24                  (g) CONFORMING AMENDMENTS.—Section 1012(b)  
25                  of the Intermodal Surface Transportation Efficiency Act

1 of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amend-  
 2 ed—

3 (1) in paragraph (1), by striking “projects”  
 4 each place it appears and inserting “programs”; and  
 5 (2) in paragraph (5)—

6 (A) by striking “projects” and inserting  
 7 “programs”; and

8 (B) by striking “traffic, volume” and in-  
 9 serting “traffic volume”.

10 **SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.**

11 (a) IN GENERAL.—Section 143 of title 23, United  
 12 States Code, is amended to read as follows:

13 **“§ 143. Highway use tax evasion projects**

14 “(a) DEFINITION OF STATE.—In this section, the  
 15 term ‘State’ means the 50 States and the District of Co-  
 16 lumbia.

17 “(b) PROJECTS.—

18 “(1) IN GENERAL.—The Secretary shall use  
 19 funds made available under paragraph (7) to carry  
 20 out highway use tax evasion projects in accordance  
 21 with this subsection.

22 “(2) ALLOCATION OF FUNDS.—The funds may  
 23 be allocated to the Internal Revenue Service and the  
 24 States at the discretion of the Secretary.

1           “(3) CONDITIONS ON FUNDS ALLOCATED TO IN-  
2       TERNAL REVENUE SERVICE.—The Secretary shall  
3       not impose any condition on the use of funds allo-  
4       cated to the Internal Revenue Service under this  
5       subsection.

6           “(4) LIMITATION ON USE OF FUNDS.—Funds  
7       made available under paragraph (7) shall be used  
8       only—

9           “(A) to expand efforts to enhance motor  
10       fuel tax enforcement;

11          “(B) to fund additional Internal Revenue  
12       Service staff, but only to carry out functions  
13       described in this paragraph;

14          “(C) to supplement motor fuel tax exami-  
15       nations and criminal investigations;

16          “(D) to develop automated data processing  
17       tools to monitor motor fuel production and  
18       sales;

19          “(E) to evaluate and implement registra-  
20       tion and reporting requirements for motor fuel  
21       taxpayers;

22          “(F) to reimburse State expenses that sup-  
23       plement existing fuel tax compliance efforts;  
24       and

1           “(G) to analyze and implement programs  
2           to reduce tax evasion associated with other  
3           highway use taxes.

4           “(5) MAINTENANCE OF EFFORT.—The Sec-  
5           retary may not make an allocation to a State under  
6           this subsection for a fiscal year unless the State cer-  
7           tifies that the aggregate expenditure of funds of the  
8           State, exclusive of Federal funds, for motor fuel tax  
9           enforcement activities will be maintained at a level  
10          that does not fall below the average level of such ex-  
11          penditure for the preceding 2 fiscal years of the  
12          State.

13          “(6) FEDERAL SHARE.—The Federal share of  
14          the cost of a project carried out under this sub-  
15          section shall be 100 percent.

16          “(7) AUTHORIZATION OF CONTRACT AUTHOR-  
17          ITY.—

18                 “(A) IN GENERAL.—There shall be avail-  
19                 able to the Secretary from the Highway Trust  
20                 Fund (other than the Mass Transit Account) to  
21                 carry out this subsection \$5,000,000 for each of  
22                 fiscal years 1998 through 2003.

23                 “(B) AVAILABILITY OF FUNDS.—Funds  
24                 authorized under this paragraph shall remain  
25                 available for obligation for a period of 1 year

1 after the last day of the fiscal year for which  
2 the funds are authorized.

3 “(c) EXCISE FUEL REPORTING SYSTEM.—

4 “(1) IN GENERAL.—Not later than April 1,  
5 1998, the Secretary shall enter into a memorandum  
6 of understanding with the Commissioner of the In-  
7 ternal Revenue Service for the purposes of the devel-  
8 opment and maintenance by the Internal Revenue  
9 Service of an excise fuel reporting system (referred  
10 to in this subsection as the ‘system’).

11 “(2) ELEMENTS OF MEMORANDUM OF UNDER-  
12 STANDING.—The memorandum of understanding  
13 shall provide that—

14 “(A) the Internal Revenue Service shall de-  
15 velop and maintain the system through con-  
16 tracts;

17 “(B) the system shall be under the control  
18 of the Internal Revenue Service; and

19 “(C) the system shall be made available for  
20 use by appropriate State and Federal revenue,  
21 tax, or law enforcement authorities, subject to  
22 section 6103 of the Internal Revenue Code of  
23 1986.

24 “(3) AUTHORIZATION OF APPROPRIATIONS  
25 FROM HIGHWAY TRUST FUND.—There are author-



1        ized to be appropriated to the Secretary from the  
 2        Highway Trust Fund (other than the Mass Transit  
 3        Account) to carry out this subsection—

4                “(A) \$8,000,000 for development of the  
 5                system; and

6                “(B) \$2,000,000 for each of fiscal years  
 7                1998 through 2003 for operation and mainte-  
 8                nance of the system.”.

9        (b) CONFORMING AMENDMENTS.—

10                (1) The analysis for chapter 1 of title 23, Unit-  
 11                ed States Code, is amended by striking the item re-  
 12                lating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”.

13                (2) Section 1040 of the Intermodal Surface  
 14                Transportation Efficiency Act of 1991 (23 U.S.C.  
 15                101 note; 105 Stat. 1992) is repealed.

16                (3) Section 8002 of the Intermodal Surface  
 17                Transportation Efficiency Act of 1991 (23 U.S.C.  
 18                101 note; 105 Stat. 2204) is amended—

19                        (A) in the first sentence of subsection (g),  
 20                        by striking “section 1040 of this Act” and in-  
 21                        serting “section 143 of title 23, United States  
 22                        Code,”; and

23                        (B) by striking subsection (h).

1 **SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN**  
2 **WALKWAYS.**

3 Section 217 of title 23, United States Code, is  
4 amended—

5 (1) in subsection (b)—

6 (A) by inserting “pedestrian walkways  
7 and” after “construction of”; and

8 (B) by striking “(other than the Interstate  
9 System)”;

10 (2) in subsection (e), by striking “, other than  
11 a highway access to which is fully controlled,”;

12 (3) by striking subsection (g) and inserting the  
13 following:

14 “(g) **PLANNING AND DESIGN.**—

15 “(1) **IN GENERAL.**—Bicyclists and pedestrians  
16 shall be given consideration in the comprehensive  
17 transportation plans developed by each metropolitan  
18 planning organization and State in accordance with  
19 sections 134 and 135, respectively.

20 “(2) **CONSTRUCTION.**—Bicycle transportation  
21 facilities and pedestrian walkways shall be consid-  
22 ered, where appropriate, in conjunction with all new  
23 construction and reconstruction of transportation fa-  
24 cilities, except where bicycle and pedestrian use are  
25 not permitted.

1 “(3) SAFETY AND CONTIGUOUS ROUTES.—

2 Transportation plans and projects shall provide con-  
3 sideration for safety and contiguous routes for  
4 bicyclists and pedestrians.”;

5 (4) in subsection (h)—

6 (A) by striking “No motorized vehicles  
7 shall” and inserting “Motorized vehicles may  
8 not”; and

9 (B) by striking paragraph (3) and insert-  
10 ing the following:

11 “(3) wheelchairs that are powered; and”; and

12 (5) by striking subsection (j) and inserting the  
13 following:

14 “(j) DEFINITIONS.—In this section:

15 “(1) BICYCLE TRANSPORTATION FACILITY.—

16 The term ‘bicycle transportation facility’ means a  
17 new or improved lane, path, or shoulder for use by  
18 bicyclists or a traffic control device, shelter, or park-  
19 ing facility for bicycles.

20 “(2) PEDESTRIAN.—The term ‘pedestrian’  
21 means any person traveling by foot or any mobility  
22 impaired person using a wheelchair.

23 “(3) WHEELCHAIR.—The term ‘wheelchair’  
24 means a mobility aid, usable indoors, and designed

1       for and used by individuals with mobility impair-  
 2       ments, whether operated manually or powered.”.

3   **SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

4       (a) GENERAL RULE.—Except to the extent that the  
 5   Secretary determines otherwise, not less than 10 percent  
 6   of the amounts made available for any program under ti-  
 7   tles I and II of this Act shall be expended with small busi-  
 8   ness concerns owned and controlled by socially and eco-  
 9   nomically disadvantaged individuals.

10       (b) DEFINITIONS.—For purposes of this section, the  
 11   following definitions apply:

12           (1) SMALL BUSINESS CONCERN.—The term  
 13       “small business concern” has the meaning such term  
 14       has under section 3 of the Small Business Act (15  
 15       U.S.C. 632); except that such term shall not include  
 16       any concern or group of concerns controlled by the  
 17       same socially and economically disadvantaged indi-  
 18       vidual or individuals which has average annual gross  
 19       receipts over the preceding 3 fiscal years in excess  
 20       of \$16,600,000, as adjusted by the Secretary for in-  
 21       flation.

22           (2) SOCIALLY AND ECONOMICALLY DISADVAN-  
 23       TAGED INDIVIDUALS.—The term “socially and eco-  
 24       nomically disadvantaged individuals” has the mean-  
 25       ing such term has under section 8(d) of the Small

1 Business Act (15 U.S.C. 637(d)) and relevant sub-  
2 contracting regulations promulgated pursuant there-  
3 to; except that women shall be presumed to be so-  
4 cially and economically disadvantaged individuals for  
5 purposes of this section.

6 (c) ANNUAL LISTING OF DISADVANTAGED BUSINESS  
7 ENTERPRISES.—Each State shall annually survey and  
8 compile a list of the small business concerns referred to  
9 in paragraph (1) and the location of such concerns in the  
10 State and notify the Secretary, in writing, of the percent-  
11 age of such concerns which are controlled by women, by  
12 socially and economically disadvantaged individuals (other  
13 than women), and by individuals who are women and are  
14 otherwise socially and economically disadvantaged individ-  
15 uals.

16 (d) UNIFORM CERTIFICATION.—The Secretary shall  
17 establish minimum uniform criteria for State governments  
18 to use in certifying whether a concern qualifies for pur-  
19 poses of this section. Such minimum uniform criteria shall  
20 include but not be limited to on-site visits, personal inter-  
21 views, licenses, analysis of stock ownership, listing of  
22 equipment, analysis of bonding capacity, listing of work  
23 completed, resume of principal owners, financial capacity,  
24 and type of work preferred.

1 **SEC. 1112. FEDERAL SHARE PAYABLE.**

2 Section 120 of title 23, United States Code (as  
3 amended by section 1106(a)), is amended—

4 (1) in each of subsections (a) and (b), by add-  
5 ing at the end the following: “In the case of any  
6 project subject to this subsection, a State may deter-  
7 mine a lower Federal share than the Federal share  
8 determined under the preceding sentences of this  
9 subsection.”; and

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

11 “(1) CREDIT FOR NON-FEDERAL SHARE.—

12 “(1) ELIGIBILITY.—A State may use as a cred-  
13 it toward the non-Federal share requirement for any  
14 program under the Intermodal Surface Transpor-  
15 tation Efficiency Act of 1991 (Public Law 102–240)  
16 or this title, other than the emergency relief pro-  
17 gram authorized by section 125, toll revenues that  
18 are generated and used by public, quasi-public, and  
19 private agencies to build, improve, or maintain, with-  
20 out the use of Federal funds, highways, bridges, or  
21 tunnels that serve the public purpose of interstate  
22 commerce.

23 “(2) MAINTENANCE OF EFFORT.—

24 “(A) IN GENERAL.—The credit toward any  
25 non-Federal share under paragraph (1) shall  
26 not reduce nor replace State funds required to

1 match Federal funds for any program under  
2 this title.

3 “(B) CONDITIONS ON RECEIPT OF CRED-  
4 IT.—

5 “(i) AGREEMENT WITH THE SEC-  
6 RETARY.—To receive a credit under para-  
7 graph (1) for a fiscal year, a State shall  
8 enter into such agreements as the Sec-  
9 retary may require to ensure that the  
10 State will maintain its non-Federal trans-  
11 portation capital expenditures at or above  
12 the average level of such expenditures for  
13 the preceding 3 fiscal years.

14 “(ii) EXCEPTION.—Notwithstanding  
15 clause (i), a State may receive a credit  
16 under paragraph (1) for a fiscal year if,  
17 for any 1 of the preceding 3 fiscal years,  
18 the non-Federal transportation capital ex-  
19 penditures of the State were at a level that  
20 was greater than 25 percent of the average  
21 level of such expenditures for the other 2  
22 of the preceding 3 fiscal years.

23 “(3) TREATMENT.—

24 “(A) IN GENERAL.—Use of the credit to-  
25 ward a non-Federal share under paragraph (1)

1 shall not expose the agencies from which the  
 2 credit is received to additional liability, addi-  
 3 tional regulation, or additional administrative  
 4 oversight.

5 “(B) CHARTERED MULTISTATE AGEN-  
 6 CIES.—When credit is applied from a chartered  
 7 multistate agency under paragraph (1), the  
 8 credit shall be applied equally to all charter  
 9 States.

10 “(C) NO ADDITIONAL STANDARDS.—The  
 11 public, quasi-public, and private agencies from  
 12 which the credit for which the non-Federal  
 13 share is calculated under paragraph (1) shall  
 14 not be subject to any additional Federal design  
 15 standards or laws (including regulations) as a  
 16 result of providing the credit beyond the stand-  
 17 ards and laws to which the agency is already  
 18 subject.”.

19 **SEC. 1113. STUDIES AND REPORTS.**

20 (a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

21 (1) METHODOLOGY.—

22 (A) EVALUATION.—The Comptroller Gen-  
 23 eral of the United States shall conduct an eval-  
 24 uation of the methodology used by the Depart-  
 25 ment of Transportation to determine highway



1 needs using the highway economic requirement  
2 system (referred to in this subsection as the  
3 “model”).

4 (B) REQUIRED ELEMENT.—The evaluation  
5 shall include an assessment of the extent to  
6 which the model estimates an optimal level of  
7 highway infrastructure investment, including an  
8 assessment as to when the model may be over-  
9 estimating or underestimating investment re-  
10 quirements.

11 (C) REPORT TO CONGRESS.—Not later  
12 than 2 years after the date of enactment of this  
13 Act, the Comptroller General shall submit a re-  
14 port to Congress on the results of the evalua-  
15 tion.

16 (2) STATE INVESTMENT PLANS.—

17 (A) STUDY.—In consultation with State  
18 transportation departments and other appro-  
19 priate State and local officials, the Comptroller  
20 General of the United States shall conduct a  
21 study on the extent to which the highway eco-  
22 nomic requirement system of the Federal High-  
23 way Administration can be used to provide  
24 States with useful information for developing

1 State transportation investment plans and  
2 State infrastructure investment projections.

3 (B) REQUIRED ELEMENTS.—The study  
4 shall—

5 (i) identify any additional data that  
6 may need to be collected beyond the data  
7 submitted, prior to the date of enactment  
8 of this Act, to the Federal Highway Ad-  
9 ministration through the highway perform-  
10 ance monitoring system; and

11 (ii) identify what additional work, if  
12 any, would be required of the Federal  
13 Highway Administration and the States to  
14 make the model useful at the State level.

15 (C) REPORT TO CONGRESS.—Not later  
16 than 3 years after the date of enactment of this  
17 Act, the Comptroller General shall submit a re-  
18 port to Congress on the results of the study.

19 (b) INTERNATIONAL ROUGHNESS INDEX.—

20 (1) STUDY.—The Comptroller General of the  
21 United States shall submit a report to Congress on  
22 the international roughness index that is used as an  
23 indicator of pavement quality on the Federal-aid  
24 highway system.

1           (2) REQUIRED ELEMENTS.—The study shall  
 2       specify the extent of usage of the index and the ex-  
 3       tent to which the international roughness index  
 4       measurement is reliable across different manufactur-  
 5       ers and types of pavement.

6           (3) REPORT TO CONGRESS.—Not later than 2  
 7       years after the date of enactment of this Act, the  
 8       Comptroller General shall submit a report to Con-  
 9       gress on the results of the study.

10       (c) REPORTING OF RATES OF OBLIGATION.—Section  
 11   104 of title 23, United States Code, is amended—

12           (1) by redesignating subsection (j) as sub-  
 13       section (m); and

14           (2) by inserting after subsection (i) the follow-  
 15       ing:

16       “(j) REPORTING OF RATES OF OBLIGATION.—On an  
 17   annual basis, the Secretary shall publish or otherwise re-  
 18   port rates of obligation of funds apportioned or set aside  
 19   under this section and sections 103 and 133 according  
 20   to—

21           “(1) program;

22           “(2) funding category or subcategory;

23           “(3) type of improvement;

24           “(4) State; and

1 “(5) sub-State geographic area, including ur-  
 2 banized and rural areas, on the basis of the popu-  
 3 lation of each such area.”.

4 **SEC. 1114. DEFINITIONS.**

5 (a) FEDERAL-AID HIGHWAY FUNDS AND PRO-  
 6 GRAM.—

7 (1) IN GENERAL.—Section 101(a) of title 23,  
 8 United States Code, is amended by inserting before  
 9 the undesignated paragraph defining “Federal-aid  
 10 highways” the following:

11 “The term ‘Federal-aid highway funds’ means funds  
 12 made available to carry out the Federal-aid highway pro-  
 13 gram.

14 “The term ‘Federal-aid highway program’ means all  
 15 programs authorized under chapters 1, 3, and 5.”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 101(d) of title 23, United  
 18 States Code, is amended by striking “the con-  
 19 struction of Federal-aid highways or highway  
 20 planning, research, or development” and insert-  
 21 ing “the Federal-aid highway program”.

22 (B) Section 104(m)(1) of title 23, United  
 23 States Code (as redesignated by section  
 24 1113(c)(1)), is amended by striking “Federal-  
 25 aid highways and the highway safety construc-

1           tion programs” and inserting “the Federal-aid  
2           highway program”.

3           (C) Section 107(b) of title 23, United  
4           States Code, is amended in the second sentence  
5           by striking “Federal-aid highways” and insert-  
6           ing “the Federal-aid highway program”.

7           (b) ALPHABETIZATION OF DEFINITIONS.—Section  
8   101(a) of title 23, United States Code, is amended by re-  
9   ordering the undesignated paragraphs so that they are in  
10  alphabetical order.

11   **SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPOR-**  
12                           **TATION PROGRAM.**

13           (a) IN GENERAL.—Chapter 2 of title 23, United  
14   States Code (as amended by section 1107(a)), is amended  
15   by inserting after section 206 the following:

16   **“§ 207. Cooperative Federal Lands Transportation**  
17                           **Program**

18           “(a) IN GENERAL.—There is established the Cooper-  
19   ative Federal Lands Transportation Program (referred to  
20   in this section as the ‘program’). Funds available for the  
21   program may be used for projects, or portions of projects,  
22   on highways that are owned or maintained by States or  
23   political subdivisions of States and that cross, are adjacent  
24   to, or lead to federally owned land or Indian reservations,  
25   as determined by the State. Such projects shall be pro-

1 posed by a State and selected by the Secretary. A project  
 2 proposed by a State under this section shall be on a high-  
 3 way or bridge owned or maintained by the State, or 1 or  
 4 more political subdivisions of the State, and may be a  
 5 highway or bridge construction or maintenance project eli-  
 6 gible under this title or any project of a type described  
 7 in section 204(h).

8 “(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

9 “(1) IN GENERAL.—

10 “(A) IN GENERAL.—The Secretary—

11 “(i) after consultation with the Ad-  
 12 ministrator of General Services, the Sec-  
 13 retary of the Interior, and other agencies  
 14 as appropriate, shall determine the per-  
 15 centage of the total land in each State that  
 16 is owned by the Federal Government or  
 17 that is held by the Federal Government in  
 18 trust;

19 “(ii) shall determine the sum of the  
 20 percentages determined under clause (i)  
 21 for States with respect to which the per-  
 22 centage is 4.5 or greater; and

23 “(iii) shall determine for each State  
 24 included in the determination under clause  
 25 (ii) the percentage obtained by dividing—

1 “(I) the percentage for the State  
2 determined under clause (i); by

3 “(II) the sum determined under  
4 clause (ii).

5 “(B) ADJUSTMENT.—The Secretary  
6 shall—

7 “(i) reduce any percentage determined  
8 under subparagraph (A)(iii) that is greater  
9 than 7.5 percent to 7.5 percent; and

10 “(ii) redistribute the percentage  
11 points equal to any reduction under clause  
12 (i) among other States included in the de-  
13 termination under subparagraph (A)(ii) in  
14 proportion to the percentages for those  
15 States determined under subparagraph  
16 (A)(iii).

17 “(2) AVAILABILITY TO STATES.—Except as  
18 provided in paragraph (3), for each fiscal year, the  
19 Secretary shall make funds available to carry out eli-  
20 gible projects in a State in an amount equal to the  
21 amount obtained by multiplying—

22 “(A) the percentage for the State, if any,  
23 determined under paragraph (1); by

24 “(B) the funds made available for the pro-  
25 gram for the fiscal year.

1           “(3) SELECTION OF PROJECTS.—The Secretary  
 2           may establish deadlines for States to submit pro-  
 3           posed projects for funding under this section, except  
 4           that in the case of fiscal year 1998 the deadline may  
 5           not be earlier than January 1, 1998. For each fiscal  
 6           year, if a State does not have pending, by that dead-  
 7           line, applications for projects with an estimated cost  
 8           equal to at least 3 times the amount for the State  
 9           determined under paragraph (2), the Secretary may  
 10          distribute, to 1 or more other States, at the Sec-  
 11          retary’s discretion,  $\frac{1}{3}$  of the amount by which the  
 12          estimated cost of the State’s applications is less than  
 13          3 times the amount for the State determined under  
 14          paragraph (2).

15          “(c) TRANSFERS.—

16               “(1) IN GENERAL.—Notwithstanding any other  
 17               provision of law, a State and the Secretary may  
 18               agree to transfer amounts made available to a State  
 19               under this section to the allocations of the State  
 20               under section 202 for use in carrying out projects on  
 21               any Federal lands highway that is located in the  
 22               State.

23               “(2) SPECIAL RULE.—This paragraph applies  
 24               to a State that contains a national park that was  
 25               visited by more than 2,500,000 people in 1996 and



1 comprises more than 3,000 square miles of land  
2 area, including surface water, that is located in the  
3 State. For such a State, 50 percent of the amount  
4 that would otherwise be made available to the State  
5 for each fiscal year under the program shall be made  
6 available only for eligible highway uses in the na-  
7 tional park and within the borders of the State. For  
8 the purpose of making allocations under section  
9 202(c), the Secretary may not take into account the  
10 past or future availability, for use on park roads and  
11 parkways in a national park, of funds made avail-  
12 able for use in a national park by this paragraph.

13 “(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—  
14 Nothing in this section affects any claim for a right-of-  
15 way across Federal land.

16 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

17 “(1) IN GENERAL.—There shall be available  
18 from the Highway Trust Fund (other than the Mass  
19 Transit Account) to carry out this section  
20 \$74,000,000 for each of fiscal years 1998 through  
21 2003.

22 “(2) CONTRACT AUTHORITY.—Funds author-  
23 ized under this subsection shall be made available  
24 for obligation in the same manner as if the funds  
25 were apportioned under chapter 1.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 2 of title 23, United States Code, is amended by  
 3 striking the item relating to section 207 and inserting the  
 4 following:

“207. Cooperative Federal Lands Transportation Program.”.

5 **SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING**  
 6 **PLANNING.**

7 (a) DEFINITIONS.—In this section:

8 (1) BORDER REGION.—The term “border re-  
 9 gion” means—

10 (A) the region located within 60 miles of  
 11 the United States border with Mexico; and

12 (B) the region located within 60 miles of  
 13 the United States border with Canada.

14 (2) BORDER STATE.—The term “border State”  
 15 means a State of the United States that—

16 (A) is located along the border with Mex-  
 17 ico; or

18 (B) is located along the border with Can-  
 19 ada.

20 (3) BORDER STATION.—The term “border sta-  
 21 tion” means a controlled port of entry into the Unit-  
 22 ed States located in the United States at the border  
 23 with Mexico or Canada, consisting of land occupied  
 24 by the station and the buildings, roadways, and  
 25 parking lots on the land.

1           (4) FEDERAL INSPECTION AGENCY.—The term  
 2           “Federal inspection agency” means a Federal agen-  
 3           cy responsible for the enforcement of immigration  
 4           laws (including regulations), customs laws (including  
 5           regulations), and agriculture import restrictions, in-  
 6           cluding the United States Customs Service, the Im-  
 7           migration and Naturalization Service, the Animal  
 8           and Plant Health Inspection Service, the Food and  
 9           Drug Administration, the United States Fish and  
 10          Wildlife Service, and the Department of State.

11          (5) GATEWAY.—The term “gateway” means a  
 12          grouping of border stations defined by proximity and  
 13          similarity of trade.

14          (6) NON-FEDERAL GOVERNMENTAL JURISDIC-  
 15          TION.—The term “non-Federal governmental juris-  
 16          diction” means a regional, State, or local authority  
 17          involved in the planning, development, provision, or  
 18          funding of transportation infrastructure needs.

19          (b) BORDER CROSSING PLANNING INCENTIVE  
 20          GRANTS.—

21               (1) IN GENERAL.—The Secretary shall make in-  
 22               centive grants to States and to metropolitan plan-  
 23               ning organizations designated under section 134 of  
 24               title 23, United States Code.

1           (2) USE OF GRANTS.—The grants shall be used  
2           to encourage joint transportation planning activities  
3           and to improve people and vehicle movement into  
4           and through international gateways as a supplement  
5           to statewide and metropolitan transportation plan-  
6           ning funding made available under other provisions  
7           of this Act and under title 23, United States Code.

8           (3) CONDITION OF GRANTS.—As a condition of  
9           receiving a grant under paragraph (1), a State  
10          transportation department or a metropolitan plan-  
11          ning organization shall certify to the Secretary that  
12          it commits to be engaged in joint planning with its  
13          counterpart agency in Mexico or Canada.

14          (4) LIMITATION ON AMOUNT.—Each State  
15          transportation department or metropolitan planning  
16          organization may receive not more than \$100,000  
17          under this subsection for any fiscal year.

18          (5) AUTHORIZATION OF CONTRACT AUTHOR-  
19          ITY.—

20                (A) IN GENERAL.—There shall be available  
21                from the Highway Trust Fund (other than the  
22                Mass Transit Account) to carry out this sub-  
23                section \$1,400,000 for each of fiscal years 1998  
24                through 2003.

1 (B) CONTRACT AUTHORITY.—Funds au-  
 2 thorized under this subsection shall be available  
 3 for obligation in the same manner as if the  
 4 funds were apportioned under chapter 1 of title  
 5 23, United States Code, except that the Federal  
 6 share of the cost of a project under this sub-  
 7 section shall be determined in accordance with  
 8 subsection (f).

9 (c) TRADE CORRIDOR PLANNING INCENTIVE  
 10 GRANTS.—

11 (1) GRANTS.—

12 (A) IN GENERAL.—The Secretary shall  
 13 make grants to States to encourage, within the  
 14 framework of the statewide transportation plan-  
 15 ning process of the State under section 135 of  
 16 title 23, United States Code, cooperative  
 17 multistate corridor analysis of, and planning  
 18 for, the safe and efficient movement of goods  
 19 along and within international or interstate  
 20 trade corridors of national importance.

21 (B) IDENTIFICATION OF CORRIDORS.—  
 22 Each corridor referred to in subparagraph (A)  
 23 shall be cooperatively identified by the States  
 24 along the corridor.

25 (2) CORRIDOR PLANS.—

1           (A) IN GENERAL.—As a condition of re-  
2           ceiving a grant under paragraph (1), a State  
3           shall enter into an agreement with the Sec-  
4           retary that specifies that, in cooperation with  
5           the other States along the corridor, the State  
6           will submit a plan for corridor improvements to  
7           the Secretary not later than 2 years after re-  
8           ceipt of the grant.

9           (B) COORDINATION OF PLANNING.—Plan-  
10          ning with respect to a corridor under this sub-  
11          section shall be coordinated with transportation  
12          planning being carried out by the States and  
13          metropolitan planning organizations along the  
14          corridor and, to the extent appropriate, with  
15          transportation planning being carried out by  
16          Federal land management agencies, by tribal  
17          governments, or by government agencies in  
18          Mexico or Canada.

19          (3) MULTISTATE AGREEMENTS FOR TRADE  
20          CORRIDOR PLANNING.—The consent of Congress is  
21          granted to any 2 or more States—

22                (A) to enter into multistate agreements,  
23                not in conflict with any law of the United  
24                States, for cooperative efforts and mutual as-

1           sistance in support of interstate trade corridor  
2           planning activities; and

3                   (B) to establish such agencies, joint or oth-  
4           erwise, as the States may determine desirable  
5           to make the agreements effective.

6           (4) AUTHORIZATION OF CONTRACT AUTHOR-  
7           ITY.—

8                   (A) IN GENERAL.—There shall be available  
9           from the Highway Trust Fund (other than the  
10          Mass Transit Account) to carry out this sub-  
11          section \$3,000,000 for each of fiscal years 1998  
12          through 2003.

13                   (B) CONTRACT AUTHORITY.—Funds au-  
14          thorized under this subsection shall be available  
15          for obligation in the same manner as if the  
16          funds were apportioned under chapter 1 of title  
17          23, United States Code, except that the Federal  
18          share of the cost of a project under this sub-  
19          section shall be determined in accordance with  
20          subsection (f).

21          (d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS  
22          AND BORDER INFRASTRUCTURE SAFETY AND CONGES-  
23          TION RELIEF.—

24                   (1) APPLICATIONS FOR GRANTS.—The Sec-  
25          retary shall make grants to States or metropolitan

1 planning organizations that submit an application  
2 that—

3 (A) demonstrates need for assistance in  
4 carrying out transportation projects that are  
5 necessary to relieve traffic congestion or im-  
6 prove enforcement of motor carrier safety laws;  
7 and

8 (B) includes strategies to involve both the  
9 public and private sectors in the proposed  
10 project.

11 (2) SELECTION OF STATES, METROPOLITAN  
12 PLANNING ORGANIZATIONS, AND PROJECTS TO RE-  
13 CEIVE GRANTS.—In selecting States, metropolitan  
14 planning organizations, and projects to receive  
15 grants under this subsection, the Secretary shall  
16 consider—

17 (A) the annual volume of commercial vehi-  
18 cle traffic at the border stations or ports of  
19 entry of each State as compared to the annual  
20 volume of commercial vehicle traffic at the bor-  
21 der stations or ports of entry of all States;

22 (B) the extent to which commercial vehicle  
23 traffic in each State has grown since the date  
24 of enactment of the North American Free  
25 Trade Agreement Implementation Act (Public



1 Law 103–182) as compared to the extent to  
2 which that traffic has grown in each other  
3 State;

4 (C) the extent of border transportation im-  
5 provements carried out by each State since the  
6 date of enactment of that Act;

7 (D) the reduction in commercial and other  
8 travel time through a major international gate-  
9 way expected as a result of the project;

10 (E) the extent of leveraging of Federal  
11 funds provided under this subsection, includ-  
12 ing—

13 (i) use of innovative financing;

14 (ii) combination with funding provided  
15 under other sections of this Act and title  
16 23, United States Code; and

17 (iii) combination with other sources of  
18 Federal, State, local, or private funding;

19 (F) improvements in vehicle and highway  
20 safety and cargo security in and through the  
21 gateway concerned;

22 (G) the degree of demonstrated coordina-  
23 tion with Federal inspection agencies; and

24 (H) the extent to which the innovative and  
25 problem solving techniques of the proposed

project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—  
The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

1 (iv) new infrastructure construction;  
 2 (v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or  
 3 Canada if real time data from the devices  
 4 is provided to the nearest border station  
 5 and to State commercial vehicle enforcement facilities that serve the border station;  
 6 and

7 (vi) other institutional improvements,  
 8 such as coordination of binational planning, programming, and border operation,  
 9 with special emphasis on coordination  
 10 with—

11 (I) Federal inspection agencies;  
 12 and  
 13 (II) their counterpart agencies in  
 14 Mexico and Canada.

15 (4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period  
 16 of fiscal years 1998 through 2001, not more than  
 17 \$10,000,000 of the amounts made available under  
 18

1 paragraph (5) to the Administrator of General Serv-  
2 ices for the construction of transportation infra-  
3 structure necessary for law enforcement in border  
4 States.

5 (5) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out  
7 this subsection \$125,000,000 for each of fiscal years  
8 1998 through 2003.

9 (e) COORDINATION OF PLANNING.—

10 (1) PLANNING AND DEVELOPMENT OF BORDER

11 STATIONS.—The General Services Administration  
12 shall be the coordinating Federal agency in the plan-  
13 ning and development of new or expanded border  
14 stations.

15 (2) COOPERATIVE ACTIVITIES.—In carrying out

16 paragraph (1), the Administrator of General Serv-  
17 ices shall cooperate with Federal inspection agencies  
18 and non-Federal governmental jurisdictions to en-  
19 sure that—

20 (A) improvements to border station facili-

21 ties take into account regional and local condi-  
22 tions, including the alignment of highway sys-  
23 tems and connecting roadways; and

24 (B) all facility requirements, associated

25 costs, and economic impacts are identified.

1 (f) COST SHARING.—A grant under this section shall  
 2 be used to pay the Federal share of the cost of a project.  
 3 The Federal share shall not exceed 80 percent.

4 (g) USE OF UNALLOCATED FUNDS.—If the total  
 5 amount of funds made available from the Highway Trust  
 6 Fund under this section but not allocated exceeds  
 7 \$4,000,000 as of September 30 of any year, the excess  
 8 amount—

9 (1) shall be apportioned in the following fiscal  
 10 year by the Secretary to all States in accordance  
 11 with section 104(b)(3) of title 23, United States  
 12 Code;

13 (2) shall be considered to be a sum made avail-  
 14 able for expenditure on the surface transportation  
 15 program, except that the amount shall not be sub-  
 16 ject to section 133(d) of that title; and

17 (3) shall be available for any purpose eligible  
 18 for funding under section 133 of that title.

19 **SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**  
 20 **TEM.**

21 (a) AVAILABILITY, RELEASE, AND REALLOCATION OF  
 22 FUNDS.—Section 201(a) of the Appalachian Regional De-  
 23 velopment Act of 1965 (40 U.S.C. App.) is amended—

24 (1) in the second sentence, by inserting before  
 25 the period at the end the following: “, except that

1 each allocation to a State shall remain available for  
 2 expenditure in the State for the fiscal year in which  
 3 the allocation is allocated and for the 3 following fis-  
 4 cal years”; and

5 (2) by inserting after the second sentence the  
 6 following: “Funds authorized under this section for  
 7 fiscal year 1998 or a fiscal year thereafter, and not  
 8 expended by a State during the 4 fiscal years re-  
 9 ferred to in the preceding sentence, shall be released  
 10 to the Commission for reallocation.”.

11 (b) SUBSTITUTE CORRIDOR.—Section 201(b) of the  
 12 Appalachian Regional Development Act of 1965 (40  
 13 U.S.C. App.) is amended—

14 (1) by redesignating paragraphs (1) through  
 15 (4) as subparagraphs (A) through (D), respectively;

16 (2) by striking “(b) The Commission” and in-  
 17 serting the following:

18 “(b) DESIGNATIONS.—

19 “(1) IN GENERAL.—The Commission”; and

20 (3) by adding at the end the following:

21 “(2) SUBSTITUTE CORRIDOR.—In lieu of Cor-  
 22 ridor H in Virginia, the Appalachian development  
 23 highway system shall include the Virginia portion of  
 24 the segment identified in section 332(a)(29) of the

1 National Highway System Designation Act of 1995  
 2 (Public Law 104–59; 109 Stat. 597).

3 (c) FEDERAL SHARE FOR PREFINANCED  
 4 PROJECTS.—Section 201(h)(1) of the Appalachian Re-  
 5 gional Development Act of 1965 (40 U.S.C. App.) is  
 6 amended by striking “70 per centum” and inserting “80  
 7 percent”.

8 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—  
 9 Section 201(g) of the Appalachian Regional Development  
 10 Act of 1965 (40 U.S.C. App.) is amended by striking sub-  
 11 section (g) and inserting the following:

12 “(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

13 “(1) IN GENERAL.—

14 “(A) FISCAL YEARS 1998 THROUGH 2003.—

15 For the continued construction of the Appalach-  
 16 ian development highway system approved as of  
 17 September 30, 1996, in accordance with this  
 18 section, there shall be available from the High-  
 19 way Trust Fund (other than the Mass Transit  
 20 Account) \$40,000,000 for each of fiscal years  
 21 1998 through 2000, \$50,000,000 for fiscal year  
 22 2001, \$60,000,000 for fiscal year 2002, and  
 23 \$70,000,000 for fiscal year 2003.

24 “(B) OBLIGATION AUTHORITY.—The Sec-  
 25 retary shall provide equivalent amounts of obli-

1           gation authority for the funds authorized under  
2           subparagraph (A).

3           “(2) CONTRACT AUTHORITY.—Funds author-  
4           ized under this subsection shall be available for obli-  
5           gation in the same manner as if the funds were ap-  
6           portioned under chapter 1 of title 23, United States  
7           Code, except that the Federal share shall be deter-  
8           mined in accordance with this section and the funds  
9           shall remain available in accordance with subsection  
10          (a).”.

11 **SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY**  
12 **PROGRAM.**

13          (a) IN GENERAL.—Section 104 of title 23, United  
14 States Code (as amended by section 1113(c)(1)), is  
15 amended by inserting after subsection (j) the following:

16          “(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE  
17 PROJECTS.—

18               “(1) IN GENERAL.—For each of fiscal years  
19           1998 through 2003, before any apportionment is  
20           made under subsection (b)(1), the Secretary shall  
21           set aside \$70,000,000 from amounts to be appor-  
22           tioned under subsection (b)(1)(A), and \$70,000,000  
23           from amounts to be apportioned under subsection  
24           (b)(1)(B), for allocation by the Secretary—



1           “(A) for projects for resurfacing, restoring,  
 2           rehabilitating, or reconstructing any route or  
 3           portion of a route on the Interstate System  
 4           (other than any highway designated as a part  
 5           of the Interstate System under section  
 6           103(c)(4) and any toll road on the Interstate  
 7           System that is not subject to an agreement  
 8           under section 119(e) (as in effect on December  
 9           17, 1991) or an agreement under section  
 10          129(a));

11          “(B) for projects for a highway bridge the  
 12          replacement or rehabilitation cost of which is  
 13          more than \$10,000,000; and

14          “(C) for projects for a highway bridge the  
 15          replacement or rehabilitation cost of which is  
 16          less than \$10,000,000 if the cost is at least  
 17          twice the amount reserved under section 144(c)  
 18          by the State in which the bridge is located for  
 19          the fiscal year in which application is made for  
 20          a grant for the bridge.

21          “(2) AVAILABILITY TO STATES OF INTERSTATE  
 22          4R FUNDS.—The Secretary may grant the applica-  
 23          tion of a State for funds made available for a fiscal  
 24          year for a project described in paragraph (1)(A) if  
 25          the Secretary determines that—

“(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

“(B) the State is willing and able to—

“(i) obligate the funds within 1 year after the date on which the funds are made available;

“(ii) apply the funds to a project that is ready to be commenced; and

“(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

“(3) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

1 **SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION**  
2 **TECHNOLOGY DEPLOYMENT PROGRAM.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United  
4 States Code, is amended by inserting after section 321 the  
5 following:

6 **“§ 322. Magnetic levitation transportation technology**  
7 **deployment program**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE PROJECT COSTS.—The term ‘eli-  
10 gible project costs’ means the capital cost of the  
11 fixed guideway infrastructure of a MAGLEV project,  
12 including land, piers, guideways, propulsion equip-  
13 ment and other components attached to guideways,  
14 power distribution facilities (including substations),  
15 control and communications facilities, access roads,  
16 and storage, repair, and maintenance facilities, but  
17 not including costs incurred for a new station.

18 “(2) FULL PROJECT COSTS.—The term ‘full  
19 project costs’ means the total capital costs of a  
20 MAGLEV project, including eligible project costs  
21 and the costs of stations, vehicles, and equipment.

22 “(3) MAGLEV.—The term ‘MAGLEV’ means  
23 transportation systems employing magnetic levita-  
24 tion that would be capable of safe use by the public  
25 at a speed in excess of 240 miles per hour.

1           “(4) PARTNERSHIP POTENTIAL.—The term  
2           ‘partnership potential’ has the meaning given the  
3           term in the commercial feasibility study of high-  
4           speed ground transportation conducted under section  
5           1036 of the Intermodal Surface Transportation Effi-  
6           ciency Act of 1991 (Public Law 102–240; 105 Stat.  
7           1978).

8           “(b) ASSISTANCE.—

9           “(1) IN GENERAL.—The Secretary shall make  
10          available financial assistance to provide the Federal  
11          share of full project costs of eligible projects selected  
12          under this section.

13          “(2) FEDERAL SHARE.—The Federal share of  
14          full project costs under paragraph (1) shall be not  
15          more than  $\frac{2}{3}$ .

16          “(3) USE OF ASSISTANCE.—Financial assist-  
17          ance provided under paragraph (1) shall be used  
18          only to pay eligible project costs of projects selected  
19          under this section.

20          “(c) SOLICITATION OF APPLICATIONS FOR ASSIST-  
21          ANCE.—Not later than 180 days after the date of enact-  
22          ment of the Intermodal Transportation Act of 1997, the  
23          Secretary shall solicit applications from States, or authori-  
24          ties designated by 1 or more States, for financial assist-

1 ance authorized by subsection (b) for planning, design,  
 2 and construction of eligible MAGLEV projects.

3 “(d) PROJECT ELIGIBILITY.—To be eligible to re-  
 4 ceive financial assistance under subsection (b), a project  
 5 shall—

6 “(1) involve a segment or segments of a high-  
 7 speed ground transportation corridor that exhibit  
 8 partnership potential;

9 “(2) require an amount of Federal funds for  
 10 project financing that will not exceed—

11 “(A) the amounts made available under  
 12 subsection (h)(1)(A); and

13 “(B) the amounts made available by States  
 14 under subsection (h)(4);

15 “(3) result in an operating transportation facil-  
 16 ity that provides a revenue producing service;

17 “(4) be undertaken through a public and pri-  
 18 vate partnership, with at least  $\frac{1}{3}$  of full project  
 19 costs paid using non-Federal funds;

20 “(5) satisfy applicable statewide and metropoli-  
 21 tan planning requirements;

22 “(6) be approved by the Secretary based on an  
 23 application submitted to the Secretary by a State or  
 24 authority designated by 1 or more States;

1           “(7) to the extent non-United States MAGLEV  
2       technology is used within the United States, be car-  
3       ried out as a technology transfer project; and

4           “(8) be carried out using materials at least 70  
5       percent of which are manufactured in the United  
6       States.

7       “(e) PROJECT SELECTION CRITERIA.—Prior to solie-  
8       iting applications, the Secretary shall establish criteria for  
9       selecting which eligible projects under subsection (d) will  
10      receive financial assistance under subsection (b). The cri-  
11      teria shall include the extent to which—

12           “(1) a project is nationally significant, includ-  
13      ing the extent to which the project will demonstrate  
14      the feasibility of deployment of MAGLEV technology  
15      throughout the United States;

16           “(2) timely implementation of the project will  
17      reduce congestion in other modes of transportation  
18      and reduce the need for additional highway or air-  
19      port construction;

20           “(3) States, regions, and localities financially  
21      contribute to the project;

22           “(4) implementation of the project will create  
23      new jobs in traditional and emerging industries;

24           “(5) the project will augment MAGLEV net-  
25      works identified as having partnership potential;

1           “(6) financial assistance would foster public  
2           and private partnerships for infrastructure develop-  
3           ment and attract private debt or equity investment;

4           “(7) financial assistance would foster the timely  
5           implementation of a project; and

6           “(8) life-cycle costs in design and engineering  
7           are considered and enhanced.

8           “(f) PROJECT SELECTION.—Not later than 90 days  
9           after a deadline established by the Secretary for the re-  
10          ceipt of applications, the Secretary shall evaluate the eligi-  
11          ble projects in accordance with the selection criteria and  
12          select 1 eligible project for financial assistance.

13          “(g) JOINT VENTURES.—A project undertaken by a  
14          joint venture of United States and non-United States per-  
15          sons (including a project involving the deployment of non-  
16          United States MAGLEV technology in the United States)  
17          shall be eligible for financial assistance under this section  
18          if the project is eligible under subsection (d) and selected  
19          under subsection (f).

20          “(h) FUNDING.—

21                  “(1) IN GENERAL.—

22                          “(A) AUTHORIZATION OF CONTRACT AU-  
23                          THORITY.—

24                                  “(i) IN GENERAL.—There shall be  
25                                  available from the Highway Trust Fund

1 (other than the Mass Transit Account) to  
2 carry out this section \$10,000,000 for fis-  
3 cal year 1999 and \$20,000,000 for fiscal  
4 year 2000.

5 “(ii) CONTRACT AUTHORITY.—Funds  
6 authorized under this subparagraph shall  
7 be available for obligation in the same  
8 manner as if the funds were apportioned  
9 under chapter 1, except that—

10 “(I) the Federal share of the cost  
11 of a project carried out under this  
12 section shall be determined in accord-  
13 ance with subsection (b); and

14 “(II) the availability of the funds  
15 shall be determined in accordance  
16 with paragraph (2).

17 “(B) AUTHORIZATION OF APPROPRIA-  
18 TIONS.—There are authorized to be appro-  
19 priated from the Highway Trust Fund (other  
20 than the Mass Transit Account) to carry out  
21 this section \$200,000,000 for each of fiscal  
22 years 2000 and 2001, \$250,000,000 for fiscal  
23 year 2002, and \$300,000,000 for fiscal year  
24 2003.



1           “(2) AVAILABILITY OF FUNDS.—Funds made  
2           available under paragraph (1) shall remain available  
3           until expended.

4           “(3) OTHER FEDERAL FUNDS.—Notwithstand-  
5           ing any other provision of law, funds made available  
6           to a State to carry out the surface transportation  
7           program under section 133 and the congestion miti-  
8           gation and air quality improvement program under  
9           section 149 may be used by the State to pay a por-  
10          tion of the full project costs of an eligible project se-  
11          lected under this section, without requirement for  
12          non-Federal funds.

13          “(4) OTHER ASSISTANCE.—Notwithstanding  
14          any other provision of law, an eligible project se-  
15          lected under this section shall be eligible for other  
16          forms of financial assistance provided under this  
17          title, including loans, loan guarantees, and lines of  
18          credit.”.

19          (b) CONFORMING AMENDMENT.—The analysis for  
20          chapter 3 of title 23, United States Code, is amended by  
21          inserting after the item relating to section 321 the follow-  
22          ing:

“322. Magnetic levitation transportation technology deployment program.”.

1 **SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.**

2 (a) DEFINITIONS.—Section 404 of the Woodrow Wil-  
3 son Memorial Bridge Authority Act of 1995 (109 Stat.  
4 628) is amended—

5 (1) in paragraph (3), by striking “, including  
6 approaches thereto”; and

7 (2) in paragraph (5), by striking “to be deter-  
8 mined under section 407. Such” and all that follows  
9 and inserting the following: “as described in the  
10 record of decision executed by the Secretary in com-  
11 pliance with the National Environmental Policy Act  
12 of 1969 (42 U.S.C. 4321 et seq.). The term includes  
13 ongoing short-term rehabilitation and repairs to the  
14 Bridge.”.

15 (b) OWNERSHIP OF BRIDGE.—

16 (1) CONVEYANCE BY THE SECRETARY.—Section  
17 407(a)(1) of the Woodrow Wilson Memorial Bridge  
18 Authority Act of 1995 (109 Stat. 630) is amended  
19 by inserting “or any Capital Region jurisdiction”  
20 after “Authority” each place it appears.

21 (2) AGREEMENT.—Section 407 of the Woodrow  
22 Wilson Memorial Bridge Authority Act of 1995 (109  
23 Stat. 630) is amended by striking subsection (c) and  
24 inserting the following:

25 “(c) AGREEMENT.—

1           “(1) IN GENERAL.—The agreement referred to  
2           in subsection (a) is an agreement concerning the  
3           Project that is executed by the Secretary and the  
4           Authority or any Capital Region jurisdiction that ac-  
5           cepts ownership of the Bridge.

6           “(2) TERMS OF THE AGREEMENT.—The agree-  
7           ment shall—

8                   “(A) identify whether the Authority or a  
9                   Capital Region jurisdiction will accept owner-  
10                  ship of the Bridge;

11                  “(B) contain a financial plan satisfactory  
12                  to the Secretary, which shall be prepared before  
13                  the execution of the agreement, that specifies—

14                          “(i) the total cost of the Project, in-  
15                          cluding any cost-saving measures;

16                          “(ii) a schedule for implementation of  
17                          the Project, including whether any expe-  
18                          dited design and construction techniques  
19                          will be used; and

20                          “(iii) the sources of funding that will  
21                          be used to cover any costs of the Project  
22                          not funded from funds made available  
23                          under section 412; and

1           “(C) contain such other terms and condi-  
 2           tions as the Secretary determines to be appro-  
 3           prium.”.

4           (c) FEDERAL CONTRIBUTION.—The Woodrow Wilson  
 5 Memorial Bridge Authority Act of 1995 (109 Stat. 627)  
 6 is amended by adding at the end the following:

7   **“SEC. 412. FEDERAL CONTRIBUTION.**

8           “(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

9           “(1) IN GENERAL.—There shall be available  
 10 from the Highway Trust Fund (other than the Mass  
 11 Transit Account) \$100,000,000 for fiscal year 1998,  
 12 \$100,000,000 for fiscal year 1999, \$125,000,000 for  
 13 fiscal year 2000, \$175,000,000 for fiscal year 2001,  
 14 \$200,000,000 for fiscal year 2002, and  
 15 \$200,000,000 for fiscal year 2003, to pay the costs  
 16 of planning, preliminary engineering and design,  
 17 final engineering, acquisition of rights-of-way, and  
 18 construction of the Project, except that the costs as-  
 19 sociated with the Bridge shall be given priority over  
 20 other eligible costs, other than design costs, of the  
 21 Project.

22           “(2) CONTRACT AUTHORITY.—Funds author-  
 23 ized under this section shall be available for obliga-  
 24 tion in the same manner as if the funds were appor-

1       tioned under chapter 1 of title 23, United States  
2       Code, except that—

3               “(A) the funds shall remain available until  
4               expended and shall not be subject to any obliga-  
5               tion limitation;

6               “(B) the Federal share of the cost of the  
7               Bridge component of the Project shall not ex-  
8               ceed 100 percent; and

9               “(C) the Federal share of the cost of any  
10              other component of the Project shall not exceed  
11              80 percent.

12       “(b) USE OF APPORTIONED FUNDS.—Nothing in  
13 this Act limits the authority of any Capital Region juris-  
14 diction to use funds apportioned to the jurisdiction under  
15 paragraph (1) or (3) of section 104(b) of title 23, United  
16 States Code, in accordance with the requirements for such  
17 funds, to pay any costs of the Project.

18       “(c) AVAILABILITY OF APPORTIONED FUNDS.—None  
19 of the funds made available under this section shall be  
20 available before the execution of the agreement described  
21 in section 407(c), except that the Secretary may fund the  
22 maintenance and rehabilitation of the Bridge and the de-  
23 sign of the Project.”.

24       “(d) CONFORMING AMENDMENT.—Section 405(b)(1)  
25 of the Woodrow Wilson Memorial Bridge Authority Act

1 of 1995 (109 Stat. 629) is amended by striking “the Sig-  
 2 natories as to the Federal share of the cost of the Project  
 3 and the terms and conditions related to the timing of the  
 4 transfer of the Bridge to”.

5 **SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.**

6 The National Highway System consists of the routes  
 7 and transportation facilities depicted on the map submit-  
 8 ted by the Secretary to Congress with the report entitled  
 9 “Pulling Together: The National Highway System and its  
 10 Connections to Major Intermodal Terminals” and dated  
 11 May 24, 1996.

12 **SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHA-**  
 13 **BILITATION.**

14 (a) IN GENERAL.—Section 144 of title 23, United  
 15 States Code, is amended—

16 (1) in the section heading, by striking “**pro-**  
 17 **gram**”;

18 (2) by striking subsections (a) through (n), (p),  
 19 and (q);

20 (3) by inserting after the section heading the  
 21 following:

22 “(a) DEFINITION OF REHABILITATE.—In this sec-  
 23 tion, the term ‘rehabilitate’ (in any of its forms), with re-  
 24 spect to a bridge, means to carry out major work nec-  
 25 essary—

1           “(1) to address the structural deficiencies, func-  
 2           tional obsolescence, or physical deterioration of the  
 3           bridge; or

4           “(2) to correct a major safety defect of the  
 5           bridge.

6           “(b) BRIDGE INVENTORY.—

7           “(1) IN GENERAL.—In consultation with the  
 8           States, the Secretary shall—

9                   “(A) annually inventory all highway  
 10                  bridges on public roads that cross waterways,  
 11                  other topographical barriers, other highways,  
 12                  and railroads;

13                   “(B) classify each such bridge according to  
 14                  serviceability, safety, and essentiality for public  
 15                  use; and

16                   “(C) assign each such bridge a priority for  
 17                  replacement or rehabilitation based on the clas-  
 18                  sification under subparagraph (B).

19           “(2) CONSULTATION.—In preparing an inven-  
 20           tory of highway bridges on Indian reservation roads  
 21           and park roads under paragraph (1), the Secretary  
 22           shall consult with the Secretary of the Interior and  
 23           the States.

24           “(3) INVENTORY OF HISTORICAL BRIDGES.—At  
 25           the request of a State, the Secretary may inventory

1 highway bridges on public roads for historical sig-  
2 nificance.

3 “(c) CERTIFICATION BY THE STATE.—Not later than  
4 180 days after the end of each fiscal year beginning with  
5 fiscal year 1998, each State shall certify to the Secretary,  
6 either that—

7 “(1) the State has reserved, from funds appor-  
8 tioned to the State for the preceding fiscal year, to  
9 carry out bridge projects eligible under sections  
10 103(b)(5), 119, and 133(b), an amount that is not  
11 less than the amount apportioned to the State under  
12 this section for fiscal year 1997; or

13 “(2) the amount that the State will reserve,  
14 from funds apportioned to the State for the period  
15 consisting of fiscal years 1998 through 2001, to  
16 carry out bridge projects eligible under sections  
17 103(b)(5), 119, and 133(b), will be not less than 4  
18 times the amount apportioned to the State under  
19 this section for fiscal year 1997.

20 “(d) USE OF RESERVED FUNDS.—A State may use  
21 funds reserved under subsection (c) to replace, rehabili-  
22 tate, reconstruct, seismically retrofit, paint, apply calcium  
23 magnesium acetate to, or install scour countermeasures on  
24 a highway bridge on a public road that crosses a water-



1 way, other topographical barrier, other highway, or rail-  
2 road.

3 “(e) OFF-SYSTEM BRIDGES.—

4 “(1) REQUIRED EXPENDITURE.—For each fis-  
5 cal year, an amount equal to not less than 15 per-  
6 cent of the amount apportioned to a State under  
7 this section for fiscal year 1997 shall be expended by  
8 the State for projects to replace, rehabilitate, recon-  
9 struct, seismically retrofit, paint, apply calcium mag-  
10 nesium acetate to, or install scour countermeasures  
11 on highway bridges located on public roads that are  
12 functionally classified as local roads or rural minor  
13 collectors.

14 “(2) USE OF FUNDS TO MEET REQUIRED EX-  
15 PENDITURE.—Funds reserved under subsection (c)  
16 and funds made available under section 104(b)(1)  
17 for the National Highway System or under section  
18 104(b)(3) for the surface transportation program  
19 may be used to meet the requirement for expendi-  
20 ture under paragraph (1).

21 “(3) REDUCTION OF REQUIRED EXPENDI-  
22 TURE.—After consultation with local and State offi-  
23 cials in a State, the Secretary may, with respect to  
24 the State, reduce the requirement for expenditure  
25 under paragraph (1) if the Secretary determines

1       that the State has inadequate needs to justify the  
2       expenditure.

3       “(f) FEDERAL SHARE.—The Federal share of the  
4       cost of a project under this section shall be 80 percent.

5       “(g) BRIDGE PERMIT EXEMPTION.—

6               “(1) IN GENERAL.—Subject to paragraph (2),  
7       notwithstanding any other provision of law, the Gen-  
8       eral Bridge Act of 1946 (33 U.S.C. 525 et seq.)  
9       shall apply to each bridge authorized to be replaced,  
10      in whole or in part, under this section.

11             “(2) EXCEPTION.—Section 502(b) of the Gen-  
12      eral Bridge Act of 1946 (33 U.S.C. 525(b)) and sec-  
13      tion 9 of the Act of March 3, 1899 (30 Stat. 1151,  
14      chapter 425; 33 U.S.C. 401), shall not apply to any  
15      bridge constructed, reconstructed, rehabilitated, or  
16      replaced with assistance under this title if the bridge  
17      is over waters that are—

18             “(A) not used and not susceptible to use in  
19      their natural condition or by reasonable im-  
20      provement as a means to transport interstate or  
21      foreign commerce; and

22             “(B)(i) not tidal; or

23             “(ii) tidal but used only by recreational  
24      boating, fishing, and other small vessels that  
25      are less than 21 feet in length.

1 “(h) INDIAN RESERVATION ROAD BRIDGES.—

2 “(1) NATIONWIDE PRIORITY PROGRAM.—The  
3 Secretary shall establish a nationwide priority pro-  
4 gram for improving deficient Indian reservation road  
5 bridges.

6 “(2) RESERVATION OF FUNDS.—

7 “(A) IN GENERAL.—Of the amounts au-  
8 thorized for Indian reservation roads for each  
9 fiscal year, the Secretary, in cooperation with  
10 the Secretary of the Interior, shall reserve not  
11 less than \$9,000,000 for projects to replace, re-  
12 habilitate, seismically retrofit, paint, apply cal-  
13 cium magnesium acetate to, or install scour  
14 countermeasures for deficient Indian reserva-  
15 tion road bridges, including multiple-pipe cul-  
16 verts.

17 “(B) ELIGIBLE BRIDGES.—To be eligible  
18 to receive funding under this subsection, a  
19 bridge described in subparagraph (A) must—

20 “(i) have an opening of 20 feet or  
21 more;

22 “(ii) be on an Indian reservation road;

23 “(iii) be unsafe because of structural  
24 deficiencies, physical deterioration, or func-  
25 tional obsolescence; and

1 “(iv) be recorded in the national  
 2 bridge inventory administered by the Sec-  
 3 retary under subsection (b).

4 “(3) APPROVAL REQUIREMENT.—Funds to  
 5 carry out Indian reservation road bridge projects  
 6 under this subsection shall be made available only on  
 7 approval of plans, specifications, and estimates by  
 8 the Secretary.”;

9 (4) by redesignating subsection (o) as sub-  
 10 section (i); and

11 (5) in subsection (i) (as so redesignated)—

12 (A) in paragraph (1), by inserting “for al-  
 13 ternative transportation purposes (including  
 14 bikeway and walkway projects eligible for fund-  
 15 ing under this title)” after “adaptive reuse”;

16 (B) in paragraph (3)—

17 (i) by inserting “(regardless of wheth-  
 18 er the intended use is for motorized vehicu-  
 19 lar traffic or for alternative public trans-  
 20 portation purposes)” after “intended use”;  
 21 and

22 (ii) by inserting “or for alternative  
 23 public transportation purposes” after “no  
 24 longer used for motorized vehicular traf-  
 25 fic”; and

1 (C) in the second sentence of paragraph

2 (4)—

3 (i) by inserting “for motorized vehi-  
4 cles, alternative vehicular traffic, or alter-  
5 native public transportation” after “his-  
6 toric bridge”; and

7 (ii) by striking “up to an amount not  
8 to exceed the cost of demolition”.

9 (b) CONFORMING AMENDMENT.—The analysis for  
10 chapter 1 of title 23, United States Code, is amended by  
11 striking the item relating to section 144 and inserting the  
12 following:

“144. Highway bridge replacement and rehabilitation.”.

13 **SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IM-**  
14 **PROVEMENT PROGRAM.**

15 (a) ESTABLISHED PROGRAM.—Section 149(a) of title  
16 23, United States Code, is amended by striking “ESTAB-  
17 LISHMENT.—The Secretary shall establish” and inserting  
18 “IN GENERAL.—The Secretary shall carry out”.

19 (b) ELIGIBLE PROJECTS.—Section 149(b) of title 23,  
20 United States Code, is amended in the first sentence—

21 (1) by striking “that was designated as a non-  
22 attainment area under section 107(d) of the Clean  
23 Air Act (42 U.S.C. 7407(d)) during any part of fis-  
24 cal year 1994” and inserting “that is designated as  
25 a nonattainment area under section 107(d) of the

1 Clean Air Act (42 U.S.C. 7407(d)) or classified as  
 2 a submarginal ozone nonattainment area under that  
 3 Act, or if the project or program is for a mainte-  
 4 nance area or an area that, as of the date of enact-  
 5 ment of the Intermodal Transportation Act of 1997,  
 6 is considered by the Administrator of the Environ-  
 7 mental Protection Agency to be a flexible attainment  
 8 region”;

9 (2) in paragraph (1)—

10 (A) in subparagraph (A), by striking  
 11 “clauses (xii) and” and inserting “clause”; and

12 (B) in subparagraph (B), by striking  
 13 “such section” and inserting “section  
 14 108(f)(1)(A) (other than clause (xvi)) of the  
 15 Clean Air Act (42 U.S.C. 7408(f)(1)(A))”;

16 (3) in paragraph (2), by inserting “or mainte-  
 17 nance” after “State implementation”;

18 (4) in paragraph (3), by inserting “or mainte-  
 19 nance of the standard” after “standard”; and

20 (5) in paragraph (4), by inserting “or mainte-  
 21 nance” after “attainment”.

22 (c) STATES RECEIVING MINIMUM APPORTION-  
 23 MENT.—Section 149 of title 23, United States Code, is  
 24 amended by striking subsection (c) and inserting the fol-  
 25 lowing:

1       “(c) STATES RECEIVING MINIMUM APPORTION-  
2 MENT.—

3               “(1) STATES WITHOUT A NONATTAINMENT  
4 AREA.—If a State does not have, and never has had,  
5 a nonattainment area designated under the Clean  
6 Air Act (42 U.S.C. 7401 et seq.), the State may use  
7 funds apportioned to the State under section  
8 104(b)(2) for any project eligible under the surface  
9 transportation program under section 133.

10              “(2) STATES WITH A NONATTAINMENT AREA.—  
11 If a State has a nonattainment area or maintenance  
12 area and receives funds under section 104(b)(2)(D)  
13 above the amount of funds that the State would  
14 have received based on its nonattainment and main-  
15 tenance area population under subparagraphs (B)  
16 and (C) of section 104(b)(2), the State may use that  
17 portion of the funds not attributed to the nonattain-  
18 ment or maintenance area for any project eligible  
19 under section 133.”.

20       (d) FEDERAL SHARE.—Section 120(c) of title 23,  
21 United States Code, is amended in the first sentence by  
22 striking “The” and inserting “Except in the case of a  
23 project funded from sums apportioned under section  
24 104(b)(2), the”.

25       (e) CONFORMING AMENDMENTS.—

1           (1) Section 101(a) of title 23, United States  
 2           Code, is amended by inserting after the undesig-  
 3           nated paragraph defining “maintenance” the follow-  
 4           ing:

5           “The term ‘maintenance area’ means an area that  
 6           was designated as a nonattainment area, but was later re-  
 7           designated by the Administrator of the Environmental  
 8           Protection Agency as an attainment area, under section  
 9           107(d) of the Clean Air Act (42 U.S.C. 7407(d)).”.

10           (2) Section 149(b)(1)(A)(ii) of title 23, United  
 11           States Code, is amended by striking “an area” and  
 12           all that follows and inserting “a maintenance area;  
 13           or”.

14   **SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.**

15           Section 355 of the National Highway System Des-  
 16           ignation Act of 1995 (109 Stat. 624) is amended—

17           (1) in the section heading, by striking “**AND**  
 18           **MAINE**”;

19           (2) in subsection (a)—

20                   (A) by striking “States of New Hampshire  
 21                   and Maine shall each” and inserting “State of  
 22                   New Hampshire shall”;

23                   (B) in paragraph (1), by striking “and  
 24                   1996” and inserting “through 2000”; and



1           (3) by striking “or Maine” each place it ap-  
 2           pears.

## 3       **Subtitle B—Program Streamlining** 4               **and Flexibility**

### 5       **CHAPTER 1—GENERAL PROVISIONS**

#### 6       **SEC. 1201. ADMINISTRATIVE EXPENSES.**

7           Section 104 of title 23, United States Code, is  
 8       amended by striking subsection (a) and inserting the fol-  
 9       lowing:

10       “(a) ADMINISTRATIVE EXPENSES.—

11           “(1) IN GENERAL.—Whenever an apportion-  
 12       ment is made of the sums made available for ex-  
 13       penditure on the surface transportation program  
 14       under section 133, the congestion mitigation and air  
 15       quality improvement program under section 149, or  
 16       the National Highway System under section 103,  
 17       the Secretary shall deduct a sum, in an amount not  
 18       to exceed 1½ percent of all sums so made available,  
 19       as the Secretary determines necessary to administer  
 20       the provisions of law to be financed from appropria-  
 21       tions for the Federal-aid highway program and pro-  
 22       grams authorized under chapter 2.

23           “(2) CONSIDERATION OF UNOBLIGATED BAL-  
 24       ANCES.—In making the determination described in  
 25       paragraph (1), the Secretary shall take into account

1 the unobligated balance of any sums deducted under  
 2 that paragraph in prior fiscal years.

3 “(3) AVAILABILITY.—The sum deducted under  
 4 paragraph (1) shall remain available until ex-  
 5 pended.”.

6 **SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR**  
 7 **PRESERVATION.**

8 (a) ADVANCE ACQUISITION OF REAL PROPERTY.—  
 9 Section 108 of title 23, United States Code, is amended—  
 10 (1) by striking the section heading and insert-  
 11 ing the following:

12 **“§ 108. Advance acquisition of real property”;**

13 and

14 (2) by striking subsection (a) and inserting the  
 15 following:

16 “(a) IN GENERAL.—

17 “(1) AVAILABILITY OF FUNDS.—For the pur-  
 18 pose of facilitating the timely and economical acqui-  
 19 sition of real property for a transportation improve-  
 20 ment eligible for funding under this title, the Sec-  
 21 retary, upon the request of a State, may make avail-  
 22 able, for the acquisition of real property, such funds  
 23 apportioned to the State as may be expended on the  
 24 transportation improvement, under such rules and  
 25 regulations as the Secretary may issue.

1           “(2) CONSTRUCTION.—The agreement between  
 2           the Secretary and the State for the reimbursement  
 3           of the cost of the real property shall provide for the  
 4           actual construction of the transportation improve-  
 5           ment within a period not to exceed 20 years follow-  
 6           ing the fiscal year for which the request is made, un-  
 7           less the Secretary determines that a longer period is  
 8           reasonable.”.

9           (b) CREDIT FOR ACQUIRED LANDS.—Section 323(b)  
 10 of title 23, United States Code, is amended—

11           (1) in the subsection heading, by striking “Do-  
 12           NATED” and inserting “ACQUIRED”;

13           (2) by striking paragraphs (1) and (2) and in-  
 14           serting the following:

15           “(1) IN GENERAL.—Notwithstanding any other  
 16           provision of this title, the State share of the cost of  
 17           a project with respect to which Federal assistance is  
 18           provided from the Highway Trust Fund (other than  
 19           the Mass Transit Account) may be credited in an  
 20           amount equal to the fair market value of any land  
 21           that—

22                   “(A) is obtained by the State, without vio-  
 23                   lation of Federal law; and

24                   “(B) is incorporated into the project.

1           “(2) ESTABLISHMENT OF FAIR MARKET  
2       VALUE.—The fair market value of land incorporated  
3       into a project and credited under paragraph (1)  
4       shall be established in the manner determined by the  
5       Secretary, except that—

6           “(A) the fair market value shall not in-  
7       clude any increase or decrease in the value of  
8       donated property caused by the project; and

9           “(B) the fair market value of donated land  
10      shall be established as of the earlier of—

11          “(i) the date on which the donation  
12       becomes effective; or

13          “(ii) the date on which equitable title  
14       to the land vests in the State.”;

15       (3) by striking paragraph (3);

16       (4) in paragraph (4), by striking “to which the  
17      donation is applied”; and

18       (5) by redesignating paragraph (4) as para-  
19      graph (3).

20       (c) CONFORMING AMENDMENT.—The analysis for  
21      chapter 1 of title 23, United States Code, is amended by  
22      striking the item relating to section 108 and inserting the  
23      following:

“108. Advance acquisition of real property.”.

1 **SEC. 1203. AVAILABILITY OF FUNDS.**

2 Section 118 of title 23, United States Code, is  
3 amended by striking subsection (e) and inserting the fol-  
4 lowing:

5 “(e) AVAILABILITY OF FUNDS.—

6 “(1) IN GENERAL.—Any Federal-aid highway  
7 funds released by the final payment on a project, or  
8 by the modification of a project agreement, shall be  
9 credited to the same program funding category for  
10 which the funds were previously apportioned and  
11 shall be immediately available for obligation.

12 “(2) TRANSFER OF INTERSTATE CONSTRU-  
13 CTION FUNDS.—Any Federal-aid highway funds ap-  
14 portioned to a State under section 104(b)(5)(A) (as  
15 in effect on the day before the date of enactment of  
16 this paragraph) and credited under paragraph (1)  
17 may be transferred by the Secretary in accordance  
18 with section 103(d).”.

19 **SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.**

20 Section 121 of title 23, United States Code, is  
21 amended—

22 (1) in subsection (a), by striking the second and  
23 third sentences and inserting the following: “The  
24 payments may also be made for the value of such  
25 materials as—

1           “(1) have been stockpiled in the vicinity of the  
2           construction in conformity to plans and specifica-  
3           tions for the projects; and

4           “(2) are not in the vicinity of the construction  
5           if the Secretary determines that because of required  
6           fabrication at an off-site location the materials can-  
7           not be stockpiled in the vicinity.”;

8           (2) by striking subsection (b) and inserting the  
9           following:

10          “(b) PROJECT AGREEMENTS.—

11           “(1) PAYMENTS.—A payment under this chap-  
12           ter may be made only for a project covered by a  
13           project agreement.

14           “(2) SOURCE OF PAYMENTS.—After completion  
15           of a project in accordance with the project agree-  
16           ment, a State shall be entitled to payment, out of  
17           the appropriate sums apportioned or allocated to the  
18           State, of the unpaid balance of the Federal share of  
19           the cost of the project.”;

20           (3) by striking subsections (c) and (d); and

21           (4) by redesignating subsection (e) as sub-  
22           section (c).

1 **SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL**  
 2 **PROPERTY.**

3 (a) IN GENERAL.—Section 156 of title 23, United  
 4 States Code, is amended to read as follows:

5 **“§ 156. Proceeds from the sale or lease of real prop-**  
 6 **erty**

7 “(a) MINIMUM CHARGE.—Subject to section 142(f),  
 8 a State shall charge, at a minimum, fair market value for  
 9 the sale, use, lease, or lease renewal (other than for utility  
 10 use and occupancy or for a transportation project eligible  
 11 for assistance under this title) of real property acquired  
 12 with Federal assistance made available from the Highway  
 13 Trust Fund (other than the Mass Transit Account).

14 “(b) EXCEPTIONS.—The Secretary may grant an ex-  
 15 ception to the requirement of subsection (a) for a social,  
 16 environmental, or economic purpose.

17 “(c) USE OF FEDERAL SHARE OF INCOME.—The  
 18 Federal share of net income from the revenues obtained  
 19 by a State under subsection (a) shall be used by the State  
 20 for projects eligible under this title.”.

21 (b) CONFORMING AMENDMENT.—The analysis for  
 22 chapter 1 of title 23, United States Code, is amended by  
 23 striking the item relating to section 156 and inserting the  
 24 following:

“156. Proceeds from the sale or lease of real property.”.

1 **SEC. 1206. METRIC CONVERSION AT STATE OPTION.**

2 Section 205(c)(2) of the National Highway System  
3 Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat.  
4 577) is amended by striking “Before September 30, 2000,  
5 the” and inserting “The”.

6 **SEC. 1207. REPORT ON OBLIGATIONS.**

7 Section 104(m) of title 23, United States Code (as  
8 redesignated by section 1113(c)(1)), is amended—

9 (1) by inserting “REPORT TO CONGRESS.—”  
10 before “The Secretary”;

11 (2) by striking “not later than” and all that fol-  
12 lows through “a report” and inserting “a report for  
13 each fiscal year”;

14 (3) in paragraph (1), by striking “preceding  
15 calendar month” and inserting “preceding fiscal  
16 year”;

17 (4) by striking paragraph (2);

18 (5) in paragraph (3), by striking “such preced-  
19 ing month” and inserting “that preceding fiscal  
20 year”; and

21 (6) by redesignating paragraphs (3) and (4) as  
22 paragraphs (2) and (3), respectively.

23 **SEC. 1208. TERMINATIONS.**

24 (a) RIGHT-OF-WAY REVOLVING FUND.—Section 108  
25 of title 23, United States Code, is amended by striking  
26 subsection (c) and inserting the following:



1       “(c) TERMINATION OF RIGHT-OF-WAY REVOLVING  
2 FUND.—

3               “(1) IN GENERAL.—Funds apportioned and ad-  
4 vanced to a State by the Secretary from the right-  
5 of-way revolving fund established by this section  
6 prior to the date of enactment of the Intermodal  
7 Transportation Act of 1997 shall remain available to  
8 the State for use on the projects for which the funds  
9 were advanced for a period of 20 years from the  
10 date on which the funds were advanced.

11              “(2) CREDIT TO HIGHWAY TRUST FUND.—With  
12 respect to a project for which funds have been ad-  
13 vanced from the right-of-way revolving fund, upon  
14 the termination of the 20-year period referred to in  
15 paragraph (1), when actual construction is com-  
16 menced, or upon approval by the Secretary of the  
17 plans, specifications, and estimates for the actual  
18 construction of the project on the right-of-way,  
19 whichever occurs first—

20              “(A) the Highway Trust Fund shall be  
21 credited with an amount equal to the Federal  
22 share of the funds advanced, as provided in sec-  
23 tion 120, out of any Federal-aid highway funds  
24 apportioned to the State in which the project is

1 located and available for obligation for projects  
 2 of the type funded; and

3 “(B) the State shall reimburse the Sec-  
 4 retary in an amount equal to the non-Federal  
 5 share of the funds advanced for deposit in, and  
 6 credit to, the Highway Trust Fund.”.

7 (b) PILOT TOLL COLLECTION PROGRAM.—Section  
 8 129 of title 23, United States Code, is amended by strik-  
 9 ing subsection (d).

10 (c) NATIONAL RECREATIONAL TRAILS ADVISORY  
 11 COMMITTEE.—As soon as practicable after the date of en-  
 12 actment of this Act, the Secretary shall take such action  
 13 as is necessary for the termination of the National Rec-  
 14 reational Trails Advisory Committee established by section  
 15 1303 of the Intermodal Surface Transportation Efficiency  
 16 Act of 1991 (16 U.S.C. 1262) (as in effect on the day  
 17 before the date of enactment of this Act).

18 (d) CONGRESSIONAL BRIDGE COMMISSIONS.—Public  
 19 Law 87–441 (76 Stat. 59) is repealed.

20 **SEC. 1209. INTERSTATE MAINTENANCE.**

21 (a) INTERSTATE FUNDS.—Section 119 of title 23,  
 22 United States Code, is amended—

23 (1) in subsection (a), by striking the second  
 24 sentence;

25 (2) by striking subsection (d); and

1           (3) by striking subsection (f) and inserting the  
2 following:

3           “(f) TRANSFERABILITY OF FUNDS.—

4           “(1) UNCONDITIONAL.—A State may transfer  
5 an amount not to exceed 30 percent of the sums ap-  
6 portioned to the State under subparagraphs (A) and  
7 (B) of section 104(b)(1) to the apportionment of the  
8 State under paragraphs (1)(C) and (3) of section  
9 104(b).

10           “(2) UPON ACCEPTANCE OF CERTIFICATION.—

11 If a State certifies to the Secretary that any part of  
12 the sums apportioned to the State under subpara-  
13 graphs (A) and (B) of section 104(b)(1) is in excess  
14 of the needs of the State for resurfacing, restoring,  
15 rehabilitating, or reconstructing routes and bridges  
16 on the Interstate System in the State and that the  
17 State is adequately maintaining the routes and  
18 bridges, and the Secretary accepts the certification,  
19 the State may transfer, in addition to the amount  
20 authorized to be transferred under paragraph (1),  
21 an amount not to exceed 20 percent of the sums ap-  
22 portioned to the State under subparagraphs (A) and  
23 (B) of section 104(b)(1) to the apportionment of the  
24 State under paragraphs (1)(C) and (3) of section  
25 104(b).”.

1 (b) ELIGIBILITY.—Section 119 of title 23, United  
2 States Code, is amended—

3 (1) in the first sentence of subsection (a), by  
4 striking “and rehabilitating” and inserting “, reha-  
5 bilitating, and reconstructing”;

6 (2) by striking subsections (b), (c), (e), and (g);

7 (3) by inserting after subsection (a) the follow-  
8 ing:

9 “(b) ELIGIBLE ACTIVITIES.—

10 “(1) IN GENERAL.—A State—

11 “(A) may use funds apportioned under  
12 subparagraph (A) or (B) of section 104(b)(1)  
13 for resurfacing, restoring, rehabilitating, and  
14 reconstructing routes on the Interstate System,  
15 including—

16 “(i) resurfacing, restoring, rehabilitat-  
17 ing, and reconstructing bridges, inter-  
18 changes, and overcrossings;

19 “(ii) acquiring rights-of-way; and

20 “(iii) intelligent transportation system  
21 capital improvements that are infrastruc-  
22 ture-based to the extent that they improve  
23 the performance of the Interstate System;  
24 but

1           “(B) may not use the funds for construc-  
 2           tion of new travel lanes other than high-occu-  
 3           pancy vehicle lanes or auxiliary lanes.

4           “(2) EXPANSION OF CAPACITY.—

5           “(A) USING TRANSFERRED FUNDS.—Not-  
 6           withstanding paragraph (1), funds transferred  
 7           under subsection (c)(1) may be used for con-  
 8           struction to provide for expansion of the capac-  
 9           ity of an Interstate System highway (including  
 10          a bridge).

11          “(B) USING FUNDS NOT TRANSFERRED.—

12           “(i) IN GENERAL.—In lieu of transfer-  
 13           ring funds under subsection (c)(1) and  
 14           using the transferred funds for the purpose  
 15           described in subparagraph (A), a State  
 16           may use an amount of the sums appor-  
 17           tioned to the State under subparagraph  
 18           (A) or (B) of section 104(b)(1) for the  
 19           purpose described in subparagraph (A).

20           “(ii) LIMITATION.—The sum of the  
 21           amount used under clause (i) and any  
 22           amount transferred under subsection (c)(1)  
 23           by a State may not exceed 30 percent of  
 24           the sums apportioned to the State under

1 subparagraphs (A) and (B) of section  
2 104(b)(1).”; and

3 (4) by redesignating subsection (f) as sub-  
4 section (c).

5 (c) CONFORMING AMENDMENTS.—

6 (1) Section 119(a) of title 23, United States  
7 Code, is amended in the first sentence by striking “;  
8 except that the Secretary may only approve a project  
9 pursuant to this subsection on a toll road if such  
10 road is subject to a Secretarial agreement provided  
11 for in subsection (e)”.

12 (2) Section 1009(c)(2) of the Intermodal Sur-  
13 face Transportation Efficiency Act of 1991 (23  
14 U.S.C. 119 note; 105 Stat. 1933) is amended by  
15 striking “section 119(f)(1)” and inserting “section  
16 119(c)(1)”.

## 17 **CHAPTER 2—PROJECT APPROVAL**

### 18 **SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.**

19 Section 104 of title 23, United States Code (as  
20 amended by section 1118), is amended by inserting after  
21 subsection (k) the following:

22 “(l) TRANSFER OF HIGHWAY AND TRANSIT  
23 FUNDS.—

24 “(1) TRANSFER OF HIGHWAY FUNDS.—Funds  
25 made available under this title and transferred for

1 transit projects shall be administered by the Sec-  
2 retary in accordance with chapter 53 of title 49, ex-  
3 cept that the provisions of this title relating to the  
4 non-Federal share shall apply to the transferred  
5 funds.

6 “(2) TRANSFER OF TRANSIT FUNDS.—Funds  
7 made available under chapter 53 of title 49 and  
8 transferred for highway projects shall be adminis-  
9 tered by the Secretary in accordance with this title,  
10 except that the provisions of that chapter relating to  
11 the non-Federal share shall apply to the transferred  
12 funds.

13 “(3) TRANSFER TO AMTRAK AND PUBLICLY-  
14 OWNED PASSENGER RAIL LINES.—Funds made  
15 available under this title or chapter 53 of title 49  
16 and transferred to the National Railroad Passenger  
17 Corporation or to any publicly-owned intercity or in-  
18 tracity passenger rail line shall be administered by  
19 the Secretary in accordance with subtitle V of title  
20 49, except that the provisions of this title or chapter  
21 53 of title 49, as applicable, relating to the non-Fed-  
22 eral share shall apply to the transferred funds.

23 “(4) TRANSFER OF OBLIGATION AUTHORITY.—  
24 Obligation authority provided for projects described  
25 in paragraphs (1) through (3) shall be transferred in

1 the same manner and amount as the funds for the  
2 projects are transferred.”.

3 **SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.**

4 (a) IN GENERAL.—Section 106 of title 23, United  
5 States Code, is amended—

6 (1) by striking the section heading and insert-  
7 ing the following:

8 **“§ 106. Project approval and oversight”;**

9 (2) by redesignating subsections (e) and (f) as  
10 subsections (g) and (h), respectively;

11 (3) by striking subsections (a) through (d) and  
12 inserting the following:

13 “(a) IN GENERAL.—Except as otherwise provided in  
14 this section, the State transportation department shall  
15 submit to the Secretary for approval such plans, specifica-  
16 tions, and estimates for each proposed project as the Sec-  
17 retary may require. The Secretary shall act upon such  
18 plans, specifications, and estimates as soon as practicable  
19 after they have been submitted, and shall enter into a for-  
20 mal project agreement with the State transportation de-  
21 partment formalizing the conditions of the project ap-  
22 proval. The execution of such project agreement shall be  
23 deemed a contractual obligation of the Federal Govern-  
24 ment for the payment of its proportional contribution



1 thereto. In taking such action, the Secretary shall be guid-  
 2 ed by the provisions of section 109 of this title.

3 “(b) PROJECT AGREEMENT.—The project agreement  
 4 shall make provision for State funds required for the  
 5 State’s pro rata share of the cost of construction of the  
 6 project and for the maintenance of the project after com-  
 7 pletion of construction. The Secretary may rely upon rep-  
 8 resentations made by the State transportation department  
 9 with respect to the arrangements or agreements made by  
 10 the State transportation department and appropriate local  
 11 officials where a part of the project is to be constructed  
 12 at the expense of, or in cooperation with, local subdivisions  
 13 of the State.

14 “(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

15 “(1) NHS PROJECTS.—Except as otherwise  
 16 provided in subsection (d) of this section, the Sec-  
 17 retary may discharge to the State any of the Sec-  
 18 retary’s responsibilities for the design, plans, speci-  
 19 fications, estimates, contract awards, and inspection  
 20 of projects under this title on the National Highway  
 21 System. Before discharging responsibilities to the  
 22 State, the Secretary shall reach agreement with the  
 23 State as to the extent to which the State may as-  
 24 sume the responsibilities of the Secretary under this  
 25 subsection. The Secretary may not assume any

1 greater responsibility than the Secretary is per-  
2 mitted under this title as of September 30, 1997, ex-  
3 cept upon agreement by the Secretary and the State.

4 “(2) NON-NHS PROJECTS.—For all projects  
5 under this title that are off the National Highway  
6 System, the State may request that the Secretary no  
7 longer review and approve the design, plans, speci-  
8 fications, estimates, contract awards, and inspection  
9 of projects under this title. After receiving any such  
10 request, the Secretary shall undertake project review  
11 only as requested by the State.

12 “(d) RESPONSIBILITIES OF THE SECRETARY.—

13 “(1) IN GENERAL.—Subject to paragraph (2),  
14 nothing in this section, section 133, or section 149  
15 shall affect or discharge any responsibility or obliga-  
16 tion of the Secretary under any Federal law other  
17 than this title.

18 “(2) LIMITATION.—Any responsibility or obliga-  
19 tion of the Secretary under sections 113 and 114 of  
20 this title shall not be affected and may not be dis-  
21 charged under this section, section 133, or section  
22 149.

23 “(e) VALUE ENGINEERING ANALYSIS.—In such cases  
24 as the Secretary determines advisable, plans, specifica-  
25 tions, and estimates for proposed projects on any Federal-

1 aid highway shall be accompanied by a value engineering  
2 or other cost reduction analysis.

3 “(f) FINANCIAL PLAN.—The Secretary shall require  
4 a financial plan to be prepared for any project with an  
5 estimated total cost of \$1,000,000,000 or more.”.

6 (b) STANDARDS.—

7 (1) ELIMINATION OF GUIDELINES AND ANNUAL  
8 CERTIFICATION REQUIREMENTS.—Section 109 of  
9 title 23, United States Code, is amended—

10 (A) by striking subsection (m); and

11 (B) by redesignating subsections (n)  
12 through (q) as subsections (m) through (p), re-  
13 spectively.

14 (2) SAFETY STANDARDS.—Section 109 of title  
15 23, United States Code (as amended by paragraph  
16 (1)), is amended by adding at the end the following:

17 “(q) PHASE CONSTRUCTION.—Safety considerations  
18 for a project under this title may be met by phase con-  
19 struction.”.

20 (c) PROGRAMS; PROJECT AGREEMENTS; CERTIFI-  
21 CATION ACCEPTANCE.—Sections 110 and 117 of title 23,  
22 United States Code, are repealed.

23 (d) CONFORMING AMENDMENTS.—

24 (1) The analysis for chapter 1 of title 23 is  
25 amended—

1 (A) by striking the item relating to section  
 2 106 and inserting the following:

“106. Project approval and oversight.”;

3 and

4 (B) by striking the items relating to sec-  
 5 tions 110 and 117.

6 (2) Section 101(a) of title 23, United States  
 7 Code, is amended in the undesignated paragraph de-  
 8 fining “project agreement” by striking “the provi-  
 9 sions of subsection (a) of section 110 of this title”  
 10 and inserting “section 106”.

11 (3) Section 114(a) of title 23, United States  
 12 Code, is amended in the second sentence by striking  
 13 “section 117 of this title” and inserting “section  
 14 106”.

15 **SEC. 1223. SURFACE TRANSPORTATION PROGRAM.**

16 (a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—  
 17 Section 133 of title 23, United States Code, is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (2), by striking “10” and  
 20 inserting “8”; and

21 (B) in the first sentence of paragraph (3),  
 22 by striking “80” and inserting “82”; and

23 (2) in subsection (e)—

1 (A) in paragraph (3)(B)(i), by striking “if  
 2 the Secretary” and all that follows through “ac-  
 3 tivities”; and

4 (B) in paragraph (5), by adding at the end  
 5 the following:

6 “(C) INNOVATIVE FINANCING.—

7 “(i) IN GENERAL.—For each fiscal  
 8 year, the average annual non-Federal  
 9 share of the total cost of all projects to  
 10 carry out transportation enhancement ac-  
 11 tivities in a State shall be not less than the  
 12 non-Federal share authorized for the State  
 13 under section 120(b).

14 “(ii) EXCEPTION.—Subject to clause  
 15 (i), notwithstanding section 120, in the  
 16 case of projects to carry out transportation  
 17 enhancement activities—

18 “(I) funds from other Federal  
 19 agencies, and other contributions that  
 20 the Secretary determines are of value,  
 21 may be credited toward the non-Fed-  
 22 eral share of project costs;

23 “(II) the non-Federal share may  
 24 be calculated on a project, multiple-  
 25 project, or program basis; and

1 “(III) the Federal share of the  
2 cost of an individual project subject to  
3 subclause (I) or (II) may be equal to  
4 100 percent.”.

5 (b) PROGRAM APPROVAL.—Section 133(e) of title 23,  
6 United States Code, is amended by striking paragraph (2)  
7 and inserting the following:

8 “(2) PROGRAM APPROVAL.—

9 “(A) SUBMISSION OF PROJECT AGREE-  
10 MENT.—For each fiscal year, each State shall  
11 submit a project agreement that—

12 “(i) certifies that the State will meet  
13 all the requirements of this section; and

14 “(ii) notifies the Secretary of the  
15 amount of obligations needed to carry out  
16 the program under this section.

17 “(B) REQUEST FOR ADJUSTMENTS OF  
18 AMOUNTS.—As necessary, each State shall re-  
19 quest from the Secretary adjustments to the  
20 amount of obligations referred to in subpara-  
21 graph (A)(ii).

22 “(C) EFFECT OF APPROVAL BY THE SEC-  
23 RETARY.—Approval by the Secretary of a  
24 project agreement under subparagraph (A)  
25 shall be deemed a contractual obligation of the

1 United States to pay surface transportation  
 2 program funds made available under this  
 3 title.”.

4 (c) PAYMENTS.—Section 133(e)(3)(A) of title 23,  
 5 United States Code, is amended by striking the second  
 6 sentence.

7 **SEC. 1224. DESIGN-BUILD CONTRACTING.**

8 (a) AUTHORITY.—Section 112(b) of title 23, United  
 9 States Code, is amended—

10 (1) in the first sentence of paragraph (1), by  
 11 striking “paragraph (2)” and inserting “paragraphs  
 12 (2) and (3)”;

13 (2) in paragraph (2)(A), by striking “Each”  
 14 and inserting “Subject to paragraph (3), each”; and  
 15 (3) by adding at the end the following:

16 “(3) DESIGN-BUILD CONTRACTING.—

17 “(A) IN GENERAL.—A State transpor-  
 18 tation department may award a contract for the  
 19 design and construction of a qualified project  
 20 described in subparagraph (B) using competi-  
 21 tive selection procedures approved by the Sec-  
 22 retary.

23 “(B) QUALIFIED PROJECTS.—A qualified  
 24 project referred to in subparagraph (A) is a  
 25 project under this chapter that involves installa-

tion of an intelligent transportation system or  
that consists of a usable project segment and  
for which—

“(i) the Secretary has approved the  
use of design-build contracting described in  
subparagraph (A) under criteria specified  
in regulations promulgated by the Sec-  
retary; and

“(ii) the total costs are estimated to  
exceed—

“(I) in the case of a project that  
involves installation of an intelligent  
transportation system, \$10,000,000;  
and

“(II) in the case of a usable  
project segment, \$50,000,000.”.

(b) COMPETITIVE BIDDING DEFINED.—Section 112  
of title 23, United States Code, is amended by striking  
subsection (f) and inserting the following:

“(f) COMPETITIVE BIDDING DEFINED.—In this sec-  
tion, the term ‘competitive bidding’ means the procedures  
used to award contracts for engineering and design serv-  
ices under subsection (b)(2) and design-build contracts  
under subsection (b)(3).”.

(c) REGULATIONS.—



1           (1) IN GENERAL.—Not later than the effective  
2       date specified in subsection (e), the Secretary shall  
3       promulgate regulations to carry out the amendments  
4       made by this section.

5           (2) CONTENTS.—The regulations shall—

6                (A) identify the criteria to be used by the  
7       Secretary in approving the use by a State  
8       transportation department of design-build con-  
9       tracting; and

10              (B) establish the procedures to be followed  
11       by a State transportation department for ob-  
12       taining the Secretary’s approval of the use of  
13       design-build contracting by the department and  
14       the selection procedures used by the depart-  
15       ment.

16       (d) EFFECT ON EXPERIMENTAL PROGRAM.—Noth-  
17   ing in this section or the amendments made by this section  
18   affects the authority to carry out, or any project carried  
19   out under, any experimental program concerning design-  
20   build contracting that is being carried out by the Secretary  
21   as of the date of enactment of this Act.

22       (e) EFFECTIVE DATE FOR AMENDMENTS.—The  
23   amendments made by this section take effect 2 years after  
24   the date of enactment of this Act.

**CHAPTER 3—ELIGIBILITY AND  
FLEXIBILITY**

**SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.**

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining “operational improvement” and inserting the following:

“The term ‘operational improvement’ means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.”.

**SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**

(a) IN GENERAL.—Section 129(c) of title 23, United States Code, is amended by inserting “in accordance with sections 103, 133, and 149,” after “toll or free,”.

(b) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

1                   “(R) Construction of ferry boats and ferry  
2                   terminal facilities, if the conditions described in  
3                   section 129(c) are met.”.

4           (c) SURFACE TRANSPORTATION PROGRAM.—Section  
5   133(b) of title 23, United States Code, is amended by add-  
6   ing at the end the following:

7                   “(12) Construction of ferry boats and ferry ter-  
8                   minal facilities, if the conditions described in section  
9                   129(c) are met.”.

10          (d) CONGESTION MITIGATION AND AIR QUALITY IM-  
11   PROVEMENT PROGRAM.—Section 149(b) of title 23, Unit-  
12   ed States Code, is amended—

13                   (1) in paragraph (3), by striking “or” at the  
14   end;

15                   (2) in paragraph (4), by striking the period at  
16   the end and inserting “; or”; and

17                   (3) by adding at the end the following:

18                   “(5) if the project or program is to construct a  
19   ferry boat or ferry terminal facility and if the condi-  
20   tions described in section 129(c) are met.”.

21   **SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.**

22          Section 133(d) of title 23, United States Code, is  
23   amended by striking paragraph (1) and inserting the fol-  
24   lowing:

25                   “(1) SAFETY PROGRAMS.—

1           “(A) IN GENERAL.—With respect to funds  
2           apportioned for each of fiscal years 1998  
3           through 2003—

4                   “(i) an amount equal to 2 percent of  
5           the amount apportioned to a State under  
6           section 104(b)(3) shall be available only to  
7           carry out activities eligible under section  
8           130;

9                   “(ii) an amount equal to 2 percent of  
10          the amount apportioned to a State under  
11          section 104(b)(3) shall be available only to  
12          carry out activities eligible under section  
13          152; and

14                  “(iii) an amount equal to 6 percent of  
15          the amount apportioned to a State under  
16          section 104(b)(3) shall be available only to  
17          carry out activities eligible under section  
18          130 or 152.

19           “(B) TRANSFER OF FUNDS.—If a State  
20          certifies to the Secretary that any part of the  
21          amount set aside by the State under subpara-  
22          graph (A)(i) is in excess of the needs of the  
23          State for activities under section 130 and the  
24          Secretary accepts the certification, the State

1           may transfer that excess part to the set-aside of  
2           the State under subparagraph (A)(ii).

3           “(C) TRANSFERS TO OTHER SAFETY PRO-  
4           GRAMS.—A State may transfer funds set aside  
5           under subparagraph (A)(iii) to the apportion-  
6           ment of the State under section 402 or the allo-  
7           cation of the State under section 31104 of title  
8           49.”.

9   **SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL**  
10           **HIGHWAY SYSTEM.**

11          Section 103(b) of title 23, United States Code (as  
12          amended by section 1701(a)), is amended by adding at  
13          the end the following:

14               “(5) ELIGIBLE PROJECTS FOR NHS.—Subject  
15          to approval by the Secretary, funds apportioned to  
16          a State under section 104(b)(1)(C) for the National  
17          Highway System may be obligated for any of the fol-  
18          lowing:

19               “(A) Construction, reconstruction, resur-  
20          facing, restoration, and rehabilitation of seg-  
21          ments of the National Highway System.

22               “(B) Operational improvements for seg-  
23          ments of the National Highway System.

24               “(C) Construction of, and operational im-  
25          provements for, a Federal-aid highway not on

1 the National Highway System, construction of a  
2 transit project eligible for assistance under  
3 chapter 53 of title 49, and capital improve-  
4 ments to any National Railroad Passenger Cor-  
5 poration passenger rail line or any publicly-  
6 owned intercity passenger rail line, if—

7 “(i) the highway, transit, or rail  
8 project is in the same corridor as, and in  
9 proximity to, a fully access-controlled high-  
10 way designated as a part of the National  
11 Highway System;

12 “(ii) the construction or improvements  
13 will improve the level of service on the fully  
14 access-controlled highway described in  
15 clause (i) and improve regional traffic flow;  
16 and

17 “(iii) the construction or improve-  
18 ments are more cost-effective than an im-  
19 provement to the fully access-controlled  
20 highway described in clause (i).

21 “(D) Highway safety improvements for  
22 segments of the National Highway System.

23 “(E) Transportation planning in accord-  
24 ance with sections 134 and 135.

1           “(F) Highway research and planning in  
2 accordance with chapter 5.

3           “(G) Highway-related technology transfer  
4 activities.

5           “(H) Capital and operating costs for traf-  
6 fic monitoring, management, and control facili-  
7 ties and programs.

8           “(I) Fringe and corridor parking facilities.

9           “(J) Carpool and vanpool projects.

10          “(K) Bicycle transportation and pedestrian  
11 walkways in accordance with section 217.

12          “(L) Development, establishment, and im-  
13 plementation of management systems under  
14 section 303.

15          “(M) In accordance with all applicable  
16 Federal law (including regulations), participa-  
17 tion in natural habitat and wetland mitigation  
18 efforts related to projects funded under this  
19 title, which may include participation in natural  
20 habitat and wetland mitigation banks, contribu-  
21 tions to statewide and regional efforts to con-  
22 serve, restore, enhance, and create natural habi-  
23 tats and wetland, and development of statewide  
24 and regional natural habitat and wetland con-  
25 servation and mitigation plans, including any

1 such banks, efforts, and plans authorized under  
2 the Water Resources Development Act of 1990  
3 (Public Law 101–640) (including crediting pro-  
4 visions). Contributions to the mitigation efforts  
5 described in the preceding sentence may take  
6 place concurrent with or in advance of project  
7 construction, except that contributions in ad-  
8 vance of project construction may occur only if  
9 the efforts are consistent with all applicable re-  
10 quirements of Federal law (including regula-  
11 tions) and State transportation planning proc-  
12 esses.

13 “(N) Publicly-owned intracity or intercity  
14 passenger rail or bus terminals, including ter-  
15 minals of the National Railroad Passenger Cor-  
16 poration and publicly-owned intermodal surface  
17 freight transfer facilities, other than seaports  
18 and airports, if the terminals and facilities are  
19 located on or adjacent to National Highway  
20 System routes or connections to the National  
21 Highway System selected in accordance with  
22 subsection (b).

23 “(O) Infrastructure-based intelligent trans-  
24 portation systems capital improvements.



“(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

“(Q) Publicly owned components of magnetic levitation transportation systems.”.

**SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.**

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking “and publicly owned intracity or intercity bus terminals and facilities” and inserting “, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail”;

(2) in paragraph (3)—

(A) by striking “and bicycle” and inserting “bicycle”; and

(B) by inserting before the period at the end the following: “, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)”;

1 (3) in paragraph (4)—

2 (A) by inserting “, publicly owned pas-  
3 senger rail,” after “Highway”;

4 (B) by inserting “infrastructure” after  
5 “safety”; and

6 (C) by inserting before the period at the  
7 end the following: “, and any other noninfra-  
8 structure highway safety improvements”;

9 (4) in the first sentence of paragraph (11)—

10 (A) by inserting “natural habitat and”  
11 after “participation in” each place it appears;

12 (B) by striking “enhance and create” and  
13 inserting “enhance, and create natural habitats  
14 and”; and

15 (C) by inserting “natural habitat and” be-  
16 fore “wetlands conservation”; and

17 (5) by adding at the end the following:

18 “(13) Publicly owned intercity passenger rail  
19 infrastructure, including infrastructure owned by the  
20 National Railroad Passenger Corporation.

21 “(14) Publicly owned passenger rail vehicles, in-  
22 cluding vehicles owned by the National Railroad  
23 Passenger Corporation.

24 “(15) Infrastructure-based intelligent transpor-  
25 tation systems capital improvements.

1           “(16) Publicly owned components of magnetic  
2           levitation transportation systems.”.

3 **SEC. 1236. DESIGN FLEXIBILITY.**

4           Section 109 of title 23, United States Code, is  
5           amended by striking subsection (a) and inserting the fol-  
6           lowing:

7           “(a) IN GENERAL.—

8           “(1) REQUIREMENTS FOR FACILITIES.—The  
9           Secretary shall ensure that the plans and specifica-  
10          tions for each proposed highway project under this  
11          chapter provide for a facility that will—

12                 “(A) adequately serve the existing traffic  
13                 of the highway in a manner that is conducive  
14                 to safety, durability, and economy of mainte-  
15                 nance; and

16                 “(B) be designed and constructed in ac-  
17                 cordance with criteria best suited to accomplish  
18                 the objectives described in subparagraph (A)  
19                 and to conform to the particular needs of each  
20                 locality.

21           “(2) CONSIDERATION OF PLANNED FUTURE  
22          TRAFFIC DEMANDS.—In carrying out paragraph (1),  
23          the Secretary shall ensure the consideration of the  
24          planned future traffic demands of the facility.”.

## **Subtitle C—Finance**

### **CHAPTER 1—GENERAL PROVISIONS**

#### **SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.**

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

#### **“§ 162. State infrastructure bank program**

“(a) DEFINITIONS.—In this section:

“(1) OTHER ASSISTANCE.—The term ‘other 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 ensure the issuance of letters of credit and credit instruments;

“(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

1 the project with respect to which the assistance  
2 is being provided.

3 “(2) STATE.—The term ‘State’ has the mean-  
4 ing given the term under section 401.

5 “(b) COOPERATIVE AGREEMENTS.—

6 “(1) IN GENERAL.—

7 “(A) PURPOSE OF AGREEMENTS.—Subject  
8 to this section, the Secretary may enter into co-  
9 operative agreements with States for the estab-  
10 lishment of State infrastructure banks and  
11 multistate infrastructure banks for making  
12 loans and providing other assistance to public  
13 and private entities carrying out or proposing to  
14 carry out projects eligible for assistance under  
15 this section.

16 “(B) CONTENTS OF AGREEMENTS.—Each  
17 cooperative agreement shall specify procedures  
18 and guidelines for establishing, operating, and  
19 providing assistance from the infrastructure  
20 bank.

21 “(2) INTERSTATE COMPACTS.—If 2 or more  
22 States enter into a cooperative agreement under  
23 paragraph (1) with the Secretary for the establish-  
24 ment of a multistate infrastructure bank, Congress  
25 grants consent to those States to enter into an inter-

1 state compact establishing the bank in accordance  
 2 with this section.

3 “(c) FUNDING.—

4 “(1) CONTRIBUTION.—Notwithstanding any  
 5 other provision of law, the Secretary may allow, sub-  
 6 ject to subsection (h)(1), a State that enters into a  
 7 cooperative agreement under this section to contrib-  
 8 ute to the infrastructure bank established by the  
 9 State not to exceed—

10 “(A)(i) the total amount of funds appor-  
 11 tioned to the State under each of paragraphs  
 12 (1) and (3) of section 104(b), excluding funds  
 13 set aside under paragraphs (1) and (2) of sec-  
 14 tion 133(d); and

15 “(ii) the total amount of funds allocated to  
 16 the State under section 105 and under section  
 17 1102 of the Intermodal Transportation Act of  
 18 1997;

19 “(B) the total amount of funds made avail-  
 20 able to the State or other Federal transit grant  
 21 recipient for capital projects (as defined in sec-  
 22 tion 5302 of title 49) under sections 5307,  
 23 5309, and 5311 of title 49; and

24 “(C) the total amount of funds made avail-  
 25 able to the State under subtitle V of title 49.

1           “(2) CAPITALIZATION GRANT.—For the pur-  
2       poses of this section, Federal funds contributed to  
3       the infrastructure bank under this subsection shall  
4       constitute a capitalization grant for the infrastruc-  
5       ture bank.

6           “(3) SPECIAL RULE FOR URBANIZED AREAS OF  
7       OVER 200,000.—Funds that are apportioned or allo-  
8       cated to a State under section 104(b)(3) and attrib-  
9       uted to urbanized areas of a State with a population  
10      of over 200,000 individuals under section 133(d)(2)  
11      may be used to provide assistance from an infra-  
12      structure bank under this section with respect to a  
13      project only if the metropolitan planning organiza-  
14      tion designated for the area concurs, in writing, with  
15      the provision of the assistance.

16      “(d) FORMS OF ASSISTANCE FROM INFRASTRUC-  
17      TURE BANKS.—

18           “(1) IN GENERAL.—An infrastructure bank es-  
19      tablished under this section may make loans or pro-  
20      vide other assistance to a public or private entity in  
21      an amount equal to all or part of the cost of carry-  
22      ing out a project eligible for assistance under this  
23      section.

24           “(2) SUBORDINATION OF LOANS.—The amount  
25      of any loan or other assistance provided for the

1 project may be subordinated to any other debt fi-  
2 nancing for the project.

3 “(3) INITIAL ASSISTANCE.—Initial assistance  
4 provided with respect to a project from Federal  
5 funds contributed to an infrastructure bank under  
6 this section shall not be made in the form of a  
7 grant.

8 “(e) QUALIFYING PROJECTS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),  
10 Federal funds in an infrastructure bank established  
11 under this section may be used only to provide as-  
12 sistance with respect to projects eligible for assist-  
13 ance under this title or for capital projects (as de-  
14 fined in section 5302 of title 49).

15 “(2) INTERSTATE FUNDS.—Funds contributed  
16 to an infrastructure bank from funds apportioned to  
17 a State under subparagraph (A) or (B) of section  
18 104(b)(1) may be used only to provide assistance  
19 with respect to projects eligible for assistance under  
20 those subparagraphs.

21 “(3) RAIL PROGRAM FUNDS.—Funds contrib-  
22 uted to an infrastructure bank from funds made  
23 available to a State under subtitle V of title 49 shall  
24 be used in a manner consistent with any project de-



1       scription specified under the law making the funds  
2       available to the State.

3       “(f) INFRASTRUCTURE BANK REQUIREMENTS.—

4               “(1) IN GENERAL.—Subject to paragraph (2),  
5       in order to establish an infrastructure bank under  
6       this section, each State establishing such a bank  
7       shall—

8               “(A) contribute, at a minimum, to the  
9       bank from non-Federal sources an amount  
10       equal to 25 percent of the amount of each cap-  
11       italization grant made to the State and contrib-  
12       uted to the bank under subsection (c);

13              “(B) ensure that the bank maintains on a  
14       continuing basis an investment grade rating on  
15       its debt issuances and its ability to pay claims  
16       under credit enhancement programs of the  
17       bank;

18              “(C) ensure that investment income gen-  
19       erated by funds contributed to the bank will  
20       be—

21                   “(i) credited to the bank;

22                   “(ii) available for use in providing  
23       loans and other assistance to projects eligi-  
24       ble for assistance from the bank; and

1           “(iii) invested in United States Treas-  
2           ury securities, bank deposits, or such other  
3           financing instruments as the Secretary  
4           may approve to earn interest to enhance  
5           the leveraging of projects assisted by the  
6           bank;

7           “(D) ensure that any loan from the bank  
8           will bear interest at or below market rates, as  
9           determined by the State, to make the project  
10          that is the subject of the loan feasible;

11          “(E) ensure that repayment of the loan  
12          from the bank will commence not later than 5  
13          years after the project has been completed or,  
14          in the case of a highway project, the facility has  
15          opened to traffic, whichever is later;

16          “(F) ensure that the term for repaying any  
17          loan will not exceed the lesser of—

18                 “(i) 35 years after the date of the  
19                 first payment on the loan under subpara-  
20                 graph (E); or

21                 “(ii) the useful life of the investment;  
22                 and

23          “(G) require the bank to make a biennial  
24          report to the Secretary and to make such other

1 reports as the Secretary may require in guide-  
2 lines.

3 “(2) WAIVERS BY THE SECRETARY.—The Sec-  
4 retary may waive a requirement of any of subpara-  
5 graphs (C) through (G) of paragraph (1) with re-  
6 spect to an infrastructure bank if the Secretary de-  
7 termines that the waiver is consistent with the objec-  
8 tives of this section.

9 “(g) LIMITATION ON REPAYMENTS.—Notwithstand-  
10 ing any other provision of law, the repayment of a loan  
11 or other assistance provided from an infrastructure bank  
12 under this section may not be credited toward the non-  
13 Federal share of the cost of any project.

14 “(h) SECRETARIAL REQUIREMENTS.—In administer-  
15 ing this section, the Secretary shall—

16 “(1) ensure that Federal disbursements shall be  
17 at an annual rate of not more than 20 percent of  
18 the amount designated by the State for State infra-  
19 structure bank capitalization under subsection  
20 (c)(1), except that the Secretary may disburse funds  
21 to a State in an amount needed to finance a specific  
22 project; and

23 “(2) revise cooperative agreements entered into  
24 with States under section 350 of the National High-

1 way System Designation Act of 1995 (Public Law  
2 104–59) to comply with this section.

3 “(i) APPLICABILITY OF FEDERAL LAW.—

4 “(1) IN GENERAL.—The requirements of this  
5 title or title 49 that would otherwise apply to funds  
6 made available under that title and projects assisted  
7 with those funds shall apply to—

8 “(A) funds made available under that title  
9 and contributed to an infrastructure bank es-  
10 tablished under this section, including the non-  
11 Federal contribution required under section (f);  
12 and

13 “(B) projects assisted by the bank through  
14 the use of the funds;  
15 except to the extent that the Secretary determines  
16 that any requirement of that title is not consistent  
17 with the objectives of this section.

18 “(2) REPAYMENTS.—The requirements of this  
19 title or title 49 shall not apply to repayments from  
20 non-Federal sources to an infrastructure bank from  
21 projects assisted by the bank. Such a repayment  
22 shall not be considered to be Federal funds.

23 “(j) UNITED STATES NOT OBLIGATED.—

24 “(1) IN GENERAL.—The contribution of Fed-  
25 eral funds to an infrastructure bank established

1 under this section shall not be construed as a com-  
 2 mitment, guarantee, or obligation on the part of the  
 3 United States to any third party. No third party  
 4 shall have any right against the United States for  
 5 payment solely by virtue of the contribution.

6 “(2) STATEMENT.—Any security or debt fi-  
 7 nancing instrument issued by the infrastructure  
 8 bank shall expressly state that the security or in-  
 9 strument does not constitute a commitment, guaran-  
 10 tee, or obligation of the United States.

11 “(k) MANAGEMENT OF FEDERAL FUNDS.—Sections  
 12 3335 and 6503 of title 31, United States Code, shall not  
 13 apply to funds contributed under this section.

14 “(l) PROGRAM ADMINISTRATION.—

15 “(1) IN GENERAL.—A State may expend not to  
 16 exceed 2 percent of the Federal funds contributed to  
 17 an infrastructure bank established by the State  
 18 under this section to pay the reasonable costs of ad-  
 19 ministering the bank.

20 “(2) NON-FEDERAL FUNDS.—The limitation de-  
 21 scribed in paragraph (1) shall not apply to non-Fed-  
 22 eral funds.”.

23 (b) CONFORMING AMENDMENT.—The analysis for  
 24 chapter 1 of title 23, United States Code, is amended by  
 25 adding at the end the following:

“162. State infrastructure bank program.”.

1 **CHAPTER 2—TRANSPORTATION INFRA-**  
2 **STRUCTURE FINANCE AND INNOVA-**  
3 **TION**

4 **SEC. 1311. SHORT TITLE.**

5 This chapter may be cited as the “Transportation In-  
6 frastructure Finance and Innovation Act of 1997”.

7 **SEC. 1312. FINDINGS.**

8 Congress finds that—

9 (1) a well-developed system of transportation  
10 infrastructure is critical to the economic well-being,  
11 health, and welfare of the people of the United  
12 States;

13 (2) traditional public funding techniques such  
14 as grant programs are unable to keep pace with the  
15 infrastructure investment needs of the United States  
16 because of budgetary constraints at the Federal,  
17 State, and local levels of government;

18 (3) major transportation infrastructure facilities  
19 that address critical national needs, such as inter-  
20 modal facilities, border crossings, and multistate  
21 trade corridors, are of a scale that exceeds the ca-  
22 pacity of Federal and State assistance programs in  
23 effect on the date of enactment of this Act;

24 (4) new investment capital can be attracted to  
25 infrastructure projects that are capable of generat-

1       ing their own revenue streams through user charges  
2       or other dedicated funding sources; and

3               (5) a Federal credit program for projects of na-  
4       tional significance can complement existing funding  
5       resources by filling market gaps, thereby leveraging  
6       substantial private co-investment.

7   **SEC. 1313. DEFINITIONS.**

8       In this chapter:

9               (1) ELIGIBLE PROJECT COSTS.—The term “eli-  
10      gible project costs” means amounts substantially all  
11      of which are paid by, or for the account of, an obli-  
12      gor in connection with a project, including the cost  
13      of—

14               (A) development phase activities, including  
15      planning, feasibility analysis, revenue forecast-  
16      ing, environmental review, permitting, prelimi-  
17      nary engineering and design work, and other  
18      preconstruction activities;

19               (B) construction, reconstruction, rehabili-  
20      tation, replacement, and acquisition of real  
21      property (including land related to the project  
22      and improvements to land), environmental miti-  
23      gation, construction contingencies, and acquisi-  
24      tion of equipment; and

1 (C) interest during construction, reason-  
2 ably required reserve funds, capital issuance ex-  
3 penses, and other carrying costs during con-  
4 struction.

5 (2) FEDERAL CREDIT INSTRUMENT.—The term  
6 “Federal credit instrument” means a secured loan,  
7 loan guarantee, or line of credit authorized to be  
8 made available under this chapter with respect to a  
9 project.

10 (3) LENDER.—The term “lender” means any  
11 non-Federal qualified institutional buyer (as defined  
12 in section 230.144A(a) of title 17, Code of Federal  
13 Regulations (or any successor regulation), known as  
14 Rule 144A(a) of the Securities and Exchange Com-  
15 mission and issued under the Securities Act of 1933  
16 (15 U.S.C. 77a et seq.)), including—

17 (A) a qualified retirement plan (as defined  
18 in section 4974(c) of the Internal Revenue Code  
19 of 1986) that is a qualified institutional buyer;  
20 and

21 (B) a governmental plan (as defined in  
22 section 414(d) of the Internal Revenue Code of  
23 1986) that is a qualified institutional buyer.

24 (4) LINE OF CREDIT.—The term “line of cred-  
25 it” means an agreement entered into by the Sec-



1       retary with an obligor under section 1316 to provide  
2       a direct loan at a future date upon the occurrence  
3       of certain events.

4               (5) LOAN GUARANTEE.—The term “loan guar-  
5       antee” means any guarantee or other pledge by the  
6       Secretary to pay all or part of the principal of and  
7       interest on a loan or other debt obligation issued by  
8       an obligor and funded by a lender.

9               (6) LOCAL SERVICER.—The term “local  
10      servicer” means—

11               (A) a State infrastructure bank established  
12      under title 23, United States Code; or

13               (B) a State or local government or any  
14      agency of a State or local government that is  
15      responsible for servicing a Federal credit instru-  
16      ment on behalf of the Secretary.

17               (7) OBLIGOR.—The term “obligor” means a  
18      party primarily liable for payment of the principal of  
19      or interest on a Federal credit instrument, which  
20      party may be a corporation, partnership, joint ven-  
21      ture, trust, or governmental entity, agency, or in-  
22      strumentality.

23               (8) PROJECT.—The term “project” means any  
24      surface transportation project eligible for Federal

1 assistance under title 23 or chapter 53 of title 49,  
2 United States Code.

3 (9) PROJECT OBLIGATION.—The term “project  
4 obligation” means any note, bond, debenture, or  
5 other debt obligation issued by an obligor in connec-  
6 tion with the financing of a project, other than a  
7 Federal credit instrument.

8 (10) SECURED LOAN.—The term “secured  
9 loan” means a direct loan or other debt obligation  
10 issued by an obligor and funded by the Secretary in  
11 connection with the financing of a project under sec-  
12 tion 1315.

13 (11) STATE.—The term “State” has the mean-  
14 ing given the term in section 101 of title 23, United  
15 States Code.

16 (12) SUBSTANTIAL COMPLETION.—The term  
17 “substantial completion” means the opening of a  
18 project to vehicular or passenger traffic.

19 **SEC. 1314. DETERMINATION OF ELIGIBILITY AND PROJECT**  
20 **SELECTION.**

21 (a) ELIGIBILITY.—To be eligible to receive financial  
22 assistance under this chapter, a project shall meet the fol-  
23 lowing criteria:

24 (1) INCLUSION IN TRANSPORTATION PLANS  
25 AND PROGRAMS.—The project—

(A) shall be included in the State transportation plan required under section 135 of title 23, United States Code; and

(B) at such time as an agreement to make available a Federal credit instrument is entered into under this chapter, shall be included in the approved State transportation improvement program required under section 134 of that title.

(2) APPLICATION.—A State, a local servicer identified under section 1317(a), or the entity undertaking the project 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 chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) \$100,000,000; or

(ii) 50 percent of the amount of Federal-aid highway funds apportioned for the most recently-completed fiscal year under title 23, United States Code, to the State in which the project is located.

1 (B) INTELLIGENT TRANSPORTATION SYS-  
 2 TEM PROJECTS.—In the case of a project in-  
 3 volving the installation of an intelligent trans-  
 4 portation system, eligible project costs shall be  
 5 reasonably anticipated to equal or exceed  
 6 \$30,000,000.

7 (4) DEDICATED REVENUE SOURCES.—Project  
 8 financing shall be repayable in whole or in part by  
 9 user charges or other dedicated revenue sources.

10 (5) PUBLIC SPONSORSHIP OF PRIVATE ENTI-  
 11 TIES.—In the case of a project that is undertaken  
 12 by an entity that is not a State or local government  
 13 or an agency or instrumentality of a State or local  
 14 government, the project that the entity is undertak-  
 15 ing shall be publicly sponsored as provided in para-  
 16 graphs (1) and (2).

17 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

18 (1) ESTABLISHMENT.—The Secretary shall es-  
 19 tablish criteria for selecting among projects that  
 20 meet the eligibility criteria specified in subsection  
 21 (a).

22 (2) SELECTION CRITERIA.—The selection cri-  
 23 teria shall include the following:

24 (A) The extent to which the project is na-  
 25 tionally or regionally significant, in terms of

1 generating economic benefits, supporting inter-  
2 national commerce, or otherwise enhancing the  
3 national transportation system.

4 (B) The creditworthiness of the project, in-  
5 cluding a determination by the Secretary that  
6 any financing for the project has appropriate  
7 security features, such as a rate covenant, to  
8 ensure repayment. The Secretary shall require  
9 each project applicant to provide a preliminary  
10 rating opinion letter from a nationally recog-  
11 nized bond rating agency.

12 (C) The extent to which assistance under  
13 this chapter would foster innovative public-pri-  
14 vate partnerships and attract private debt or  
15 equity investment.

16 (D) The likelihood that assistance under  
17 this chapter would enable the project to proceed  
18 at an earlier date than the project would other-  
19 wise be able to proceed.

20 (E) The extent to which the project uses  
21 new technologies, including intelligent transpor-  
22 tation systems, that enhance the efficiency of  
23 the project.

1                   (F) The amount of budget authority re-  
 2                   quired to fund the Federal credit instrument  
 3                   made available under this chapter.

4           (c) FEDERAL REQUIREMENTS.—The following provi-  
 5           sions of law shall apply to funds made available under this  
 6           chapter and projects assisted with the funds:

7                   (1) Section 113 of title 23, United States Code.

8                   (2) Title VI of the Civil Rights Act of 1964 (42  
 9           U.S.C. 2000d et seq.).

10                  (3) The National Environmental Policy Act of  
 11           1969 (42 U.S.C. 4321 et seq.).

12                  (4) The Uniform Relocation Assistance and  
 13           Real Property Acquisition Policies Act of 1970 (42  
 14           U.S.C. 4601 et seq.).

15                  (5) Section 5333 of title 49, United States  
 16           Code.

17 **SEC. 1315. SECURED LOANS.**

18           (a) IN GENERAL.—

19                   (1) AGREEMENTS.—Subject to paragraphs (2)  
 20           and (3), the Secretary may enter into agreements  
 21           with 1 or more obligors to make secured loans, the  
 22           proceeds of which shall be used—

23                           (A) to finance eligible project costs; or

24                           (B) to refinance interim construction fi-  
 25           nancing of eligible project costs;

1 of any project selected under section 1314.

2 (2) LIMITATION ON REFINANCING OF INTERIM  
3 CONSTRUCTION FINANCING.—A loan under para-  
4 graph (1) shall not refinance interim construction fi-  
5 nancing under paragraph (1)(B) later than 1 year  
6 after the date of substantial completion of the  
7 project.

8 (3) AUTHORIZATION PERIOD.—The Secretary  
9 may enter into a loan agreement during any of fiscal  
10 years 1998 through 2003.

11 (b) TERMS AND LIMITATIONS.—

12 (1) IN GENERAL.—A secured loan under this  
13 section with respect to a project shall be on such  
14 terms and conditions and contain such covenants,  
15 representations, warranties, and requirements (in-  
16 cluding requirements for audits) as the Secretary de-  
17 termines appropriate.

18 (2) MAXIMUM AMOUNT.—The amount of the se-  
19 cured loan shall not exceed 33 percent of the reason-  
20 ably anticipated eligible project costs.

21 (3) PAYMENT.—The secured loan—

22 (A) shall be payable, in whole or in part,  
23 from revenues generated by any rate covenant,  
24 coverage requirement, or similar security fea-

1           ture supporting the project obligations or from  
2           a dedicated revenue stream; and

3                   (B) may have a lien on revenues described  
4           in subparagraph (A) subject to any lien secur-  
5           ing project obligations.

6           (4) INTEREST RATE.—The interest rate on the  
7           secured loan shall be equal to the yield on market-  
8           able United States Treasury securities of a similar  
9           maturity to the maturity of the secured loan on the  
10          date of execution of the loan agreement.

11          (5) MATURITY DATE.—The final maturity date  
12          of the secured loan shall be not later than 35 years  
13          after the date of substantial completion of the  
14          project.

15          (6) NONSUBORDINATION.—The secured loan  
16          shall not be subordinated to the claims of any holder  
17          of project obligations in the event of bankruptcy, in-  
18          solvency, or liquidation of the obligor.

19          (7) FEES.—The Secretary may establish fees at  
20          a level sufficient to cover the costs to the Federal  
21          Government of making a secured loan under this  
22          section.

23          (c) REPAYMENT.—

24                  (1) SCHEDULE.—The Secretary shall establish  
25          a repayment schedule for each secured loan under



1       this section based on the projected cash flow from  
2       project revenues and other repayment sources.

3           (2) COMMENCEMENT.—Scheduled loan repay-  
4       ments of principal or interest on a secured loan  
5       under this section shall commence not later than 5  
6       years after the date of substantial completion of the  
7       project.

8           (3) SOURCES OF REPAYMENT FUNDS.—The  
9       sources of funds for scheduled loan repayments  
10      under this section shall include tolls, user fees, or  
11      other dedicated revenue sources.

12          (4) DEFERRED PAYMENTS.—

13           (A) AUTHORIZATION.—If, at any time dur-  
14      ing the 10 years after the date of substantial  
15      completion of the project, the project is unable  
16      to generate sufficient revenues to pay scheduled  
17      principal and interest on the secured loan, the  
18      Secretary may, pursuant to established criteria  
19      for the project agreed to by the entity under-  
20      taking the project and the Secretary, allow the  
21      obligor to add unpaid principal and interest to  
22      the outstanding balance of the secured loan.

23           (B) INTEREST.—Any payment deferred  
24      under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

(5) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—As soon as practicable after substantial completion of a project, the Secretary shall sell to another entity or reoffer into the capital

1 markets a secured loan for the project if the Secretary  
2 determines that the sale or reoffering can be made on fa-  
3 vorable terms.

4 (e) LOAN GUARANTEES.—

5 (1) IN GENERAL.—The Secretary may provide a  
6 loan guarantee to a lender in lieu of making a se-  
7 cured loan if the Secretary determines that the  
8 budgetary cost of the loan guarantee is substantially  
9 the same as that of a secured loan.

10 (2) TERMS.—The terms of a guaranteed loan  
11 shall be consistent with the terms set forth in this  
12 section for a secured loan, except that the rate on  
13 the guaranteed loan and any prepayment features  
14 shall be negotiated between the obligor and the lend-  
15 er, with the consent of the Secretary.

16 **SEC. 1316. LINES OF CREDIT.**

17 (a) IN GENERAL.—

18 (1) AGREEMENTS.—The Secretary may enter  
19 into agreements to make available lines of credit to  
20 1 or more obligors in the form of direct loans to be  
21 made by the Secretary at future dates on the occur-  
22 rence of certain events for any project selected under  
23 section 1314.

24 (2) USE OF PROCEEDS.—The proceeds of a line  
25 of credit made available under this section shall be

1 available to pay debt service on project obligations  
2 issued to finance eligible project costs, extraordinary  
3 repair and replacement costs, operation and mainte-  
4 nance expenses, and costs associated with unex-  
5 pected Federal or State environmental restrictions.

6 (b) TERMS AND LIMITATIONS.—

7 (1) IN GENERAL.—A line of credit under this  
8 section with respect to a project shall be on such  
9 terms and conditions and contain such covenants,  
10 representations, warranties, and requirements (in-  
11 cluding requirements for audits) as the Secretary de-  
12 termines appropriate.

13 (2) MAXIMUM AMOUNTS.—

14 (A) TOTAL AMOUNT.—The total amount of  
15 the line of credit shall not exceed 33 percent of  
16 the reasonably anticipated eligible project costs.

17 (B) ONE-YEAR DRAWS.—The amount  
18 drawn in any 1 year shall not exceed 20 percent  
19 of the total amount of the line of credit.

20 (3) DRAWS.—Any draw on the line of credit  
21 shall represent a direct loan and shall be made only  
22 if net revenues from the project (including capital-  
23 ized interest, any debt service reserve fund, and any  
24 other available reserve) are insufficient to pay debt  
25 service on project obligations.

1           (4) INTEREST RATE.—The interest rate on a  
2       direct loan resulting from a draw on the line of cred-  
3       it shall be equal to the yield on 30-year marketable  
4       United States Treasury securities as of the date on  
5       which the line of credit is obligated.

6           (5) SECURITY.—The line of credit—

7                (A) shall be made available only in connec-  
8       tion with a project obligation secured, in whole  
9       or in part, by a rate covenant, coverage require-  
10      ment, or similar security feature or from a  
11      dedicated revenue stream; and

12              (B) may have a lien on revenues described  
13      in subparagraph (A) subject to any lien secur-  
14      ing project obligations.

15          (6) PERIOD OF AVAILABILITY.—The line of  
16      credit shall be available during the period beginning  
17      on the date of substantial completion of the project  
18      and ending not later than 10 years after that date.

19          (7) RIGHTS OF THIRD PARTY CREDITORS.—

20              (A) AGAINST FEDERAL GOVERNMENT.—A  
21      third party creditor of the obligor shall not have  
22      any right against the Federal Government with  
23      respect to any draw on the line of credit.

1 (B) ASSIGNMENT.—An obligor may assign  
2 the line of credit to 1 or more lenders or to a  
3 trustee on the lenders' behalf.

4 (8) NONSUBORDINATION.—A direct loan under  
5 this section shall not be subordinated to the claims  
6 of any holder of project obligations in the event of  
7 bankruptcy, insolvency, or liquidation of the obligor.

8 (9) FEES.—The Secretary may establish fees at  
9 a level sufficient to cover the costs to the Federal  
10 Government of providing a line of credit under this  
11 section.

12 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-  
13 MENTS.—A line of credit under this section shall not  
14 be issued for a project with respect to which another  
15 Federal credit instrument under this chapter is  
16 made available.

17 (c) REPAYMENT.—

18 (1) SCHEDULE.—The Secretary shall establish  
19 a repayment schedule for each direct loan under this  
20 section based on the projected cash flow from project  
21 revenues and other repayment sources.

22 (2) TIMING.—All scheduled repayments of prin-  
23 cipal or interest on a direct loan under this section  
24 shall commence not later than 5 years after substan-  
25 tial completion of the project and be fully repaid,

1 with interest, by the date that is 20 years after the  
2 end of the period of availability specified in sub-  
3 section (b)(6).

4 (3) SOURCES OF REPAYMENT FUNDS.—The  
5 sources of funds for scheduled loan repayments  
6 under this section shall include tolls, user fees, or  
7 other dedicated revenue sources.

8 **SEC. 1317. PROJECT SERVICING.**

9 (a) REQUIREMENT.—The State in which a project  
10 that receives financial assistance under this chapter is lo-  
11 cated may identify a local servicer to assist the Secretary  
12 in servicing the Federal credit instrument made available  
13 under this chapter.

14 (b) AGENCY; FEES.—If a State identifies a local  
15 servicer under subsection (a), the local servicer—

16 (1) shall act as the agent for the Secretary; and

17 (2) may receive a servicing fee, subject to ap-  
18 proval by the Secretary.

19 (c) LIABILITY.—A local servicer identified under sub-  
20 section (a) shall not be liable for the obligations of the  
21 obligor to the Secretary or any lender.

22 (d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-  
23 retary may retain the services of expert firms in the field  
24 of municipal and project finance to assist in the underwrit-  
25 ing and servicing of Federal credit instruments.

1 **SEC. 1318. OFFICE OF INFRASTRUCTURE FINANCE.**

2 (a) DUTIES OF THE SECRETARY.—Section 301 of  
3 title 49, United States Code, is amended—

4 (1) in paragraph (7), by striking “and” at the  
5 end;

6 (2) in paragraph (8), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(9) develop and coordinate Federal policy on  
10 financing transportation infrastructure, including  
11 the provision of direct Federal credit assistance and  
12 other techniques used to leverage Federal transpor-  
13 tation funds.”.

14 (b) OFFICE OF INFRASTRUCTURE FINANCE.—

15 (1) IN GENERAL.—Chapter 1 of title 49, United  
16 States Code, is amended by adding at the end the  
17 following:

18 **“§ 113. Office of Infrastructure Finance**

19 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
20 tation shall establish within the Office of the Secretary  
21 an Office of Infrastructure Finance.

22 “(b) DIRECTOR.—The Office shall be headed by a Di-  
23 rector who shall be appointed by the Secretary not later  
24 than 180 days after the date of enactment of this section.

25 “(c) FUNCTIONS.—The Director shall be responsible  
26 for—



1 “(1) carrying out the responsibilities of the Sec-  
2 retary described in section 301(9);

3 “(2) carrying out research on financing trans-  
4 portation infrastructure, including educational pro-  
5 grams and other initiatives to support Federal,  
6 State, and local government efforts; and

7 “(3) providing technical assistance to Federal,  
8 State, and local government agencies and officials to  
9 facilitate the development and use of alternative  
10 techniques for financing transportation infrastruc-  
11 ture.”.

12 (2) CONFORMING AMENDMENT.—The analysis  
13 for chapter 1 of title 49, United States Code, is  
14 amended by adding at the end the following:

“113. Office of Infrastructure Finance.”.

15 **SEC. 1319. STATE AND LOCAL PERMITS.**

16 The provision of financial assistance under this chap-  
17 ter with respect to a project shall not—

18 (1) relieve any recipient of the assistance of any  
19 obligation to obtain any required State or local per-  
20 mit or approval with respect to the project;

21 (2) limit the right of any unit of State or local  
22 government to approve or regulate any rate of re-  
23 turn on private equity invested in the project; or

1           (3) otherwise supersede any State or local law  
 2           (including any regulation) applicable to the construc-  
 3           tion or operation of the project.

4 **SEC. 1320. REGULATIONS.**

5           The Secretary may issue such regulations as the Sec-  
 6           retary determines appropriate to carry out this chapter  
 7           and the amendments made by this chapter.

8 **SEC. 1321. FUNDING.**

9           (a) AUTHORIZATION OF CONTRACT AUTHORITY.—

10           (1) IN GENERAL.—There shall be available  
 11           from the Highway Trust Fund (other than the Mass  
 12           Transit Account) to carry out this chapter—

- 13                   (A) \$60,000,000 for fiscal year 1998;
- 14                   (B) \$60,000,000 for fiscal year 1999;
- 15                   (C) \$90,000,000 for fiscal year 2000;
- 16                   (D) \$90,000,000 for fiscal year 2001;
- 17                   (E) \$100,000,000 for fiscal year 2002; and
- 18                   (F) \$100,000,000 for fiscal year 2003.

19           (2) ADMINISTRATIVE COSTS.—From funds  
 20           made available under paragraph (1), the Secretary  
 21           may use, for the administration of this chapter, not  
 22           more than \$2,000,000 for each of fiscal years 1998  
 23           through 2003.

1           (3) AVAILABILITY.—Amounts made available  
2       under paragraph (1) shall remain available until ex-  
3       pended.

4       (b) CONTRACT AUTHORITY.—

5           (1) IN GENERAL.—Notwithstanding any other  
6       provision of law, approval by the Secretary of a Fed-  
7       eral credit instrument that uses funds made avail-  
8       able under this chapter shall be deemed to be ac-  
9       ceptance by the United States of a contractual obli-  
10      gation to fund the Federal credit instrument.

11          (2) AVAILABILITY.—Amounts authorized under  
12      this section for a fiscal year shall be available for ob-  
13      ligation on October 1 of the fiscal year.

14          (c) LIMITATIONS ON CREDIT AMOUNTS.—For each  
15      of fiscal years 1998 through 2003, principal amounts of  
16      Federal credit instruments made available under this  
17      chapter shall be limited to the amounts specified in the  
18      following table:

<b>Fiscal year:</b>	<b>Maximum amount of credit:</b>
1998 .....	\$1,200,000,000
1999 .....	\$1,200,000,000
2000 .....	\$1,800,000,000
2001 .....	\$1,800,000,000
2002 .....	\$2,000,000,000
2003 .....	\$2,000,000,000.

19   **SEC. 1322. REPORT TO CONGRESS.**

20       Not later than 4 years after the date of enactment  
21      of this Act, the Secretary shall submit to Congress a re-

1 port summarizing the financial performance of the  
 2 projects that are receiving, or have received, assistance  
 3 under this chapter, including a recommendation as to  
 4 whether the objectives of this chapter are best served—

5           (1) by continuing the program under the au-  
 6           thority of the Secretary;

7           (2) by establishing a Government corporation or  
 8           Government-sponsored enterprise to administer the  
 9           program; or

10           (3) by phasing out the program and relying on  
 11           the capital markets to fund the types of infrastruc-  
 12           ture investments assisted by this chapter without  
 13           Federal participation.

## 14                                   **Subtitle D—Safety**

### 15   **SEC. 1401. OPERATION LIFESAVER.**

16           Section 104 of title 23, United States Code (as  
 17           amended by section 1102(a)), is amended—

18           (1) in the matter preceding paragraph (1) of  
 19           subsection (b), by striking “subsection (f)” and in-  
 20           serting “subsections (d) and (f)”; and

21           (2) in subsection (d), by striking paragraph (1)  
 22           and inserting the following:

23           “(1) OPERATION LIFESAVER.—Before making  
 24           an apportionment of funds under subsection (b)(3)  
 25           for a fiscal year, the Secretary shall set aside

1       \$500,000 of the funds authorized to be appropriated  
 2       for the surface transportation program for the fiscal  
 3       year to carry out a public information and education  
 4       program to help prevent and reduce motor vehicle  
 5       accidents, injuries, and fatalities and to improve  
 6       driver performance at railway-highway crossings.”.

7   **SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-**  
 8                   **NATION IN HIGH SPEED RAIL CORRIDORS.**

9       Section 104(d) of title 23, United States Code, is  
 10   amended by striking paragraphs (2) and (3) and inserting  
 11   the following:

12               “(2) RAILWAY-HIGHWAY CROSSING HAZARD  
 13       ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

14               “(A) IN GENERAL.—Before making an ap-  
 15       portionment of funds under subsection (b)(3)  
 16       for a fiscal year, the Secretary shall set aside  
 17       \$5,000,000 of the funds authorized to be appro-  
 18       priated for the surface transportation program  
 19       for the fiscal year for elimination of hazards of  
 20       railway-highway crossings.

21               “(B) ELIGIBLE CORRIDORS.—Funds made  
 22       available under subparagraph (A) shall be ex-  
 23       pended for projects in—

24               “(i) 5 railway corridors selected by  
 25       the Secretary in accordance with this sub-

1 section (as in effect on the day before the  
2 date of enactment of this clause); and

3 “(ii) 3 railway corridors selected by  
4 the Secretary in accordance with subpara-  
5 graphs (C) and (D).

6 “(C) REQUIRED INCLUSION OF HIGH  
7 SPEED RAIL LINES.—A corridor selected by the  
8 Secretary under subparagraph (A) shall include  
9 rail lines where railroad speeds of 90 miles or  
10 more per hour are occurring or can reasonably  
11 be expected to occur in the future.

12 “(D) CONSIDERATIONS IN CORRIDOR SE-  
13 LECTION.—In selecting corridors under sub-  
14 paragraph (A), the Secretary shall consider—

15 “(i) projected rail ridership volume in  
16 each corridor;

17 “(ii) the percentage of each corridor  
18 over which a train will be capable of oper-  
19 ating at its maximum cruise speed taking  
20 into account such factors as topography  
21 and other traffic on the line;

22 “(iii) projected benefits to nonriders  
23 such as congestion relief on other modes of  
24 transportation serving each corridor (in-

1 cluding congestion in heavily traveled air  
 2 passenger corridors);

3 “(iv) the amount of State and local fi-  
 4 nancial support that can reasonably be an-  
 5 ticipated for the improvement of the line  
 6 and related facilities; and

7 “(v) the cooperation of the owner of  
 8 the right-of-way that can reasonably be ex-  
 9 pected in the operation of high speed rail  
 10 passenger service in each corridor.”.

11 **SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.**

12 Section 130 of title 23, United States Code, is  
 13 amended—

14 (1) in the first sentence of subsection (a)—

15 (A) by striking “structures, and” and in-  
 16 serting “structures,”; and

17 (B) by inserting after “grade crossings,”  
 18 the following: “trespassing countermeasures,  
 19 railway-highway crossing safety education, en-  
 20 forcement of traffic laws relating to railway-  
 21 highway crossing safety, and projects at pri-  
 22 vately owned railway-highway crossings if each  
 23 such project is publicly sponsored and the Sec-  
 24 retary determines that the project would serve  
 25 a public benefit”;

1           (2) in subsection (d), by adding at the end the  
2           following: “In a manner established by the Sec-  
3           retary, each State shall submit a report that de-  
4           scribes completed railway-highway crossing projects  
5           funded under this section to the Department of  
6           Transportation for inclusion in the National Grade  
7           Crossing Inventory prepared by the Department of  
8           Transportation and the Association of American  
9           Railroads.”; and

10           (3) by striking subsection (e).

11 **SEC. 1404. HAZARD ELIMINATION PROGRAM.**

12           (a) IN GENERAL.—Section 152 of title 23, United  
13 States Code, is amended—

14           (1) in subsection (a), by inserting “, bicyclists,”  
15           after “motorists”;

16           (2) in subsection (b), by striking “highway safe-  
17           ty improvement project” and inserting “safety im-  
18           provement project, including a project described in  
19           subsection (a)”;

20           (3) in subsection (c), by striking “(other than  
21           a highway on the Interstate System)”.

22           (b) CONFORMING AMENDMENTS.—

23           (1) Section 101(a) of title 23, United States  
24           Code, is amended—



1 (A) in the undesignated paragraph defin-  
 2 ing “highway safety improvement project”, by  
 3 striking “highway safety” and inserting “safe-  
 4 ty”; and

5 (B) by moving that undesignated para-  
 6 graph to appear before the undesignated para-  
 7 graph defining “Secretary”.

8 (2) Section 152 of title 23, United States Code,  
 9 is amended in subsections (f) and (g) by striking  
 10 “highway safety improvement projects” each place it  
 11 appears and inserting “safety improvement  
 12 projects”.

13 **SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS**  
 14 **FOR DRIVING WHILE INTOXICATED OR DRIV-**  
 15 **ING UNDER THE INFLUENCE.**

16 (a) IN GENERAL.—Chapter 1 of title 23, United  
 17 States Code (as amended by section 1301(a)), is amended  
 18 by adding at the end the following:

19 **“§ 163. Minimum penalties for repeat offenders for**  
 20 **driving while intoxicated or driving**  
 21 **under the influence**

22 “(a) DEFINITIONS.—In this section:

23 “(1) ALCOHOL CONCENTRATION.—The term  
 24 ‘alcohol concentration’ means grams of alcohol per

1       100 milliliters of blood or grams of alcohol per 210  
2       liters of breath.

3           “(2) DRIVING WHILE INTOXICATED; DRIVING  
4       UNDER THE INFLUENCE.—The terms ‘driving while  
5       intoxicated’ and ‘driving under the influence’ mean  
6       driving or being in actual physical control of a motor  
7       vehicle while having an alcohol concentration above  
8       the permitted limit as established by each State.

9           “(3) LICENSE SUSPENSION.—The term ‘license  
10      suspension’ means the suspension of all driving  
11      privileges.

12          “(4) MOTOR VEHICLE.—The term ‘motor vehi-  
13      cle’ means a vehicle driven or drawn by mechanical  
14      power and manufactured primarily for use on public  
15      highways, but does not include a vehicle operated  
16      solely on a rail line or a commercial vehicle.

17          “(5) REPEAT INTOXICATED DRIVER LAW.—The  
18      term ‘repeat intoxicated driver law’ means a State  
19      law that provides, as a minimum penalty, that an in-  
20      dividual convicted of a second or subsequent offense  
21      for driving while intoxicated or driving under the in-  
22      fluence within 5 years after a conviction for that of-  
23      fense whose alcohol concentration with respect to the  
24      second or subsequent offense was determined on the

1 basis of a chemical test to be equal to or greater  
2 than 0.15 shall receive—

3 “(A) a license suspension for not less than  
4 1 year;

5 “(B) an assessment of the individual’s de-  
6 gree of abuse of alcohol and treatment as ap-  
7 propriate; and

8 “(C) either—

9 “(i) an assignment of 30 days of com-  
10 munity service; or

11 “(ii) 5 days of imprisonment.

12 “(b) TRANSFER OF FUNDS.—

13 “(1) FISCAL YEARS 2001 AND 2002.—

14 “(A) IN GENERAL.—On October 1, 2000,  
15 and October 1, 2001, if a State has not enacted  
16 or is not enforcing a repeat intoxicated driver  
17 law, the Secretary shall transfer an amount  
18 equal to 1½ percent of the funds apportioned  
19 to the State on that date under paragraphs (1)  
20 and (3) of section 104(b) to the apportionment  
21 of the State under section 402 to be used for  
22 alcohol-impaired driving programs.

23 “(B) DERIVATION OF AMOUNT TO BE  
24 TRANSFERRED.—An amount transferred under  
25 subparagraph (A) may be derived—

1 “(i) from the apportionment of the  
2 State under section 104(b)(1);

3 “(ii) from the apportionment of the  
4 State under section 104(b)(3); or

5 “(iii) partially from the apportionment  
6 of the State under section 104(b)(1) and  
7 partially from the apportionment of the  
8 State under section 104(b)(3).

9 “(2) FISCAL YEAR 2003 AND FISCAL YEARS  
10 THEREAFTER.—On October 1, 2002, and each Octo-  
11 ber 1 thereafter, if a State has not enacted or is not  
12 enforcing a repeat intoxicated driver law, the Sec-  
13 retary shall transfer 3 percent of the funds appor-  
14 tioned to the State on that date under each of para-  
15 graphs (1) and (3) of section 104(b) to the appor-  
16 tionment of the State under section 402 to be used  
17 for alcohol-impaired driving programs.

18 “(3) FEDERAL SHARE.—The Federal share of  
19 the cost of a project carried out under section 402  
20 with funds transferred under paragraph (1) or (2)  
21 shall be 100 percent.

22 “(4) TRANSFER OF OBLIGATION AUTHORITY.—

23 “(A) IN GENERAL.—If the Secretary trans-  
24 fers under this subsection any funds to the ap-  
25 portionment of a State under section 402 for a

1           fiscal year, the Secretary shall transfer an  
2           amount, determined under subparagraph (B),  
3           of obligation authority distributed for the fiscal  
4           year to the State for Federal-aid highways and  
5           highway safety construction programs for carry-  
6           ing out projects under section 402.

7           “(B) AMOUNT.—The amount of obligation  
8           authority referred to in subparagraph (A) shall  
9           be determined by multiplying—

10           “(i) the amount of funds transferred  
11           under subparagraph (A) to the apportion-  
12           ment of the State under section 402 for  
13           the fiscal year; by

14           “(ii) the ratio that—

15           “(I) the amount of obligation au-  
16           thority distributed for the fiscal year  
17           to the State for Federal-aid highways  
18           and highway safety construction pro-  
19           grams; bears to

20           “(II) the total of the sums appor-  
21           tioned to the State for Federal-aid  
22           highways and highway safety con-  
23           struction programs (excluding sums  
24           not subject to any obligation limita-  
25           tion) for the fiscal year.

1           “(5) LIMITATION ON APPLICABILITY OF HIGH-  
 2       WAY SAFETY OBLIGATIONS.—Notwithstanding any  
 3       other provision of law, no limitation on the total of  
 4       obligations for highway safety programs under sec-  
 5       tion 402 shall apply to funds transferred under this  
 6       subsection to the apportionment of a State under  
 7       that section.”.

8       (b) CONFORMING AMENDMENT.—The analysis for  
 9       chapter 1 of title 23, United States Code (as amended by  
 10      section 1301(b)), is amended by adding at the end the  
 11      following:

“163. Minimum penalties for repeat offenders for driving while intoxicated or  
 driving under the influence.”.

12   **SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT**  
 13                           **BELTS.**

14       (a) IN GENERAL.—Chapter 1 of title 23, United  
 15       States Code (as amended by section 1405(a)), is amended  
 16       by adding at the end the following:

17   **“§ 164. Safety incentive grants for use of seat belts**

18       “(a) DEFINITIONS.—In this section:

19           “(1) MOTOR VEHICLE.—The term ‘motor vehi-  
 20       cle’ means a vehicle driven or drawn by mechanical  
 21       power and manufactured primarily for use on public  
 22       highways, but does not include a vehicle operated  
 23       solely on a rail line.

1           “(2) MULTIPURPOSE PASSENGER MOTOR VEHI-  
2           CLE.—The term ‘multipurpose passenger motor ve-  
3           hicle’ means a motor vehicle with motive power (ex-  
4           cept a trailer), designed to carry not more than 10  
5           individuals, that is constructed on a truck chassis or  
6           is constructed with special features for occasional  
7           off-road operation.

8           “(3) NATIONAL AVERAGE SEAT BELT USE  
9           RATE.—The term ‘national average seat belt use  
10          rate’ means, in the case of each of calendar years  
11          1995 through 2001, the national average seat belt  
12          use rate for that year, as determined by the Sec-  
13          retary.

14          “(4) PASSENGER CAR.—The term ‘passenger  
15          car’ means a motor vehicle with motive power (ex-  
16          cept a multipurpose passenger motor vehicle, motor-  
17          cycle, or trailer) designed to carry not more than 10  
18          individuals.

19          “(5) PASSENGER MOTOR VEHICLE.—The term  
20          ‘passenger motor vehicle’ means a passenger car or  
21          a multipurpose passenger motor vehicle.

22          “(6) SAVINGS TO THE FEDERAL GOVERN-  
23          MENT.—The term ‘savings to the Federal Govern-  
24          ment’ means the amount of Federal budget savings  
25          as determined by the Secretary.

1           “(7) SEAT BELT.—The term ‘seat belt’  
2 means—

3           “(A) with respect to an open-body pas-  
4 senger motor vehicle, including a convertible, an  
5 occupant restraint system consisting of a lap  
6 belt or a lap belt and a detachable shoulder  
7 belt; and

8           “(B) with respect to any other passenger  
9 motor vehicle, an occupant restraint system  
10 consisting of integrated lap and shoulder belts.

11          “(8) STATE SEAT BELT USE RATE.—The term  
12 ‘State seat belt use rate’ means the rate of use of  
13 seat belts in passenger motor vehicles in a State, as  
14 measured and submitted to the Secretary—

15          “(A) for each of calendar years 1995  
16 through 1997, by the State, as adjusted by the  
17 Secretary to ensure national consistency in  
18 methods of measurement (as determined by the  
19 Secretary); and

20          “(B) for each of calendar years 1998  
21 through 2001, by the State in a manner con-  
22 sistent with the criteria established by the Sec-  
23 retary under subsection (e).

24          “(b) DETERMINATIONS BY THE SECRETARY.—Not  
25 later than 30 days after the date of enactment of this sec-



1 tion, and not later than September 1 of each calendar year  
2 thereafter through September 1, 2002, the Secretary shall  
3 determine—

4 “(1)(A) which States had, for each of the pre-  
5 vious calendar year (referred to in this subsection as  
6 the ‘previous calendar year’) and the year preceding  
7 the previous calendar year, a State seat belt use rate  
8 greater than the national average seat belt use rate  
9 for that year; and

10 “(B) in the case of each State described in sub-  
11 paragraph (A), the amount that is equal to the sav-  
12 ings to the Federal Government due to the amount  
13 by which the State seat belt use rate for the pre-  
14 vious calendar year exceeds the national average seat  
15 belt use rate for that year; and

16 “(2) in the case of each State that is not a  
17 State described in paragraph (1)(A)—

18 “(A) the base seat belt use rate of the  
19 State, which shall be equal to the highest State  
20 seat belt use rate for the State for any calendar  
21 year during the period of 1995 through the cal-  
22 endar year preceding the previous calendar  
23 year; and

24 “(B) the amount that is equal to the sav-  
25 ings to the Federal Government due to any in-

1           crease in the State seat belt use rate for the  
2           previous calendar year over the base seat belt  
3           use rate determined under subparagraph (A).

4           “(c) ALLOCATIONS.—

5           “(1) STATES WITH GREATER THAN THE NA-  
6           TIONAL AVERAGE SEAT BELT USE RATE.—Not later  
7           than 30 days after the date of enactment of this sec-  
8           tion, and not later than each October 1 thereafter  
9           through October 1, 2002, the Secretary shall allo-  
10          cate to each State described in subsection (b)(1)(A)  
11          an amount equal to the amount determined for the  
12          State under subsection (b)(1)(B).

13          “(2) OTHER STATES.—Not later than 30 days  
14          after the date of enactment of this section, and not  
15          later than each October 1 thereafter through Octo-  
16          ber 1, 2002, the Secretary shall allocate to each  
17          State described in subsection (b)(2) an amount  
18          equal to the amount determined for the State under  
19          subsection (b)(2)(B).

20          “(d) USE OF FUNDS.—For each fiscal year, each  
21          State that is allocated an amount under this section shall  
22          use the amount for projects eligible for assistance under  
23          this title.

24          “(e) CRITERIA.—Not later than 180 days after the  
25          date of enactment of the Intermodal Transportation Act

1 of 1997, the Secretary shall establish criteria for the  
 2 measurement of State seat belt use rates by States to en-  
 3 sure that the measurements are accurate and representa-  
 4 tive.

5 “(f) FUNDING.—

6 “(1) AUTHORIZATION OF CONTRACT AUTHOR-  
 7 ITY.—There shall be available from the Highway  
 8 Trust Fund (other than the Mass Transit Account)  
 9 to carry out this section \$60,000,000 for fiscal year  
 10 1998, \$70,000,000 for fiscal year 1999,  
 11 \$80,000,000 for fiscal year 2000, \$90,000,000 for  
 12 fiscal year 2001, and \$100,000,000 for each of fiscal  
 13 years 2002 and 2003.

14 “(2) USE OF UNALLOCATED FUNDS.—To the  
 15 extent that the amounts made available for any fis-  
 16 cal year under paragraph (1) exceed the total  
 17 amounts to be allocated under subsection (c) for the  
 18 fiscal year, the excess amounts—

19 “(A) shall be apportioned in accordance  
 20 with section 104(b)(3);

21 “(B) shall be considered to be sums made  
 22 available for expenditure on the surface trans-  
 23 portation program, except that the amounts  
 24 shall not be subject to section 133(d); and

1           “(C) shall be available for any purpose eli-  
2           gible for funding under section 133.

3           “(3) ADMINISTRATIVE EXPENSES.—Not more  
4           than 2 percent of the funds made available to carry  
5           out this section may be used to pay the necessary  
6           administrative expenses incurred in carrying out this  
7           section.”.

8           (b) CONFORMING AMENDMENT.—The analysis for  
9           chapter 1 of title 23, United States Code (as amended by  
10          section 1405(b)), is amended by adding at the end the  
11          following:

“164. Safety incentive grants for use of seat belts.”.

## 12           **Subtitle E—Environment**

### 13          **SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.**

14          (a) IN GENERAL.—Chapter 1 of title 23, United  
15          States Code (as amended by section 1406(a)) is amended  
16          by adding at the end the following:

#### 17          **“§ 165. National scenic byways program**

18          “(a) DESIGNATION OF ROADS.—

19                 “(1) IN GENERAL.—The Secretary shall carry  
20                 out a national scenic byways program that recog-  
21                 nizes roads having outstanding scenic, historic, cul-  
22                 tural, natural, recreational, and archaeological quali-  
23                 ties by designating the roads as National Scenic By-  
24                 ways or All-American Roads.

1           “(2) CRITERIA.—The Secretary shall designate  
2       roads to be recognized under the national scenic by-  
3       ways program in accordance with criteria developed  
4       by the Secretary.

5           “(3) NOMINATION.—To be considered for the  
6       designation, a road must be nominated by a State  
7       or a Federal land management agency and must  
8       first be designated as a State scenic byway or, in the  
9       case of a road on Federal land, as a Federal land  
10      management agency byway.

11      “(b) GRANTS AND TECHNICAL ASSISTANCE.—

12           “(1) IN GENERAL.—The Secretary shall make  
13      grants and provide technical assistance to States  
14      to—

15           “(A) implement projects on highways des-  
16      ignated as National Scenic Byways or All-  
17      American Roads, or as State scenic byways;  
18      and

19           “(B) plan, design, and develop a State sce-  
20      nic byway program.

21           “(2) PRIORITIES.—In making grants, the Sec-  
22      retary shall give priority to—

23           “(A) each eligible project that is associated  
24      with a highway that has been designated as a  
25      National Scenic Byway or All-American Road

1           and that is consistent with the corridor man-  
2           agement plan for the byway;

3           “(B) each eligible project along a State-  
4           designated scenic byway that is consistent with  
5           the corridor management plan for the byway, or  
6           is intended to foster the development of such a  
7           plan, and is carried out to make the byway eli-  
8           gible for designation as a National Scenic  
9           Byway or All-American Road; and

10           “(C) each eligible project that is associated  
11           with the development of a State scenic byway  
12           program.

13           “(c) ELIGIBLE PROJECTS.—The following are  
14           projects that are eligible for Federal assistance under this  
15           section:

16           “(1) An activity related to the planning, design,  
17           or development of a State scenic byway program.

18           “(2) Development and implementation of a cor-  
19           ridor management plan to maintain the scenic, his-  
20           torical, recreational, cultural, natural, and archae-  
21           ological characteristics of a byway corridor while  
22           providing for accommodation of increased tourism  
23           and development of related amenities.

24           “(3) Safety improvements to a State scenic  
25           byway, National Scenic Byway, or All-American

1 Road to the extent that the improvements are nec-  
2 essary to accommodate increased traffic and changes  
3 in the types of vehicles using the highway as a result  
4 of the designation as a State scenic byway, National  
5 Scenic Byway, or All-American Road.

6 “(4) Construction along a scenic byway of a fa-  
7 cility for pedestrians and bicyclists, rest area, turn-  
8 out, highway shoulder improvement, passing lane,  
9 overlook, or interpretive facility.

10 “(5) An improvement to a scenic byway that  
11 will enhance access to an area for the purpose of  
12 recreation, including water-related recreation.

13 “(6) Protection of scenic, historical, rec-  
14 reational, cultural, natural, and archaeological re-  
15 sources in an area adjacent to a scenic byway.

16 “(7) Development and provision of tourist in-  
17 formation to the public, including interpretive infor-  
18 mation about a scenic byway.

19 “(8) Development and implementation of a sce-  
20 nic byways marketing program.

21 “(d) LIMITATION.—The Secretary shall not make a  
22 grant under this section for any project that would not  
23 protect the scenic, historical, recreational, cultural, natu-  
24 ral, and archaeological integrity of a highway and adjacent  
25 areas.

1       “(e) FEDERAL SHARE.—The Federal share of the  
 2 cost of carrying out a project under this section shall be  
 3 80 percent, except that, in the case of any scenic byways  
 4 project along a public road that provides access to or with-  
 5 in Federal or Indian land, a Federal land management  
 6 agency may use funds authorized for use by the agency  
 7 as the non-Federal share.

8       “(f) AUTHORIZATION OF CONTRACT AUTHORITY.—  
 9 There shall be available from the Highway Trust Fund  
 10 (other than the Mass Transit Account) to carry out this  
 11 section \$17,000,000 for fiscal year 1998, \$17,000,000 for  
 12 fiscal year 1999, \$19,000,000 for fiscal year 2000,  
 13 \$19,000,000 for fiscal year 2001, \$21,000,000 for fiscal  
 14 year 2002, and \$23,000,000 for fiscal year 2003.”.

15       (b) CONFORMING AMENDMENT.—The analysis for  
 16 chapter 1 of title 23, United States Code (as amended by  
 17 section 1406(b)), is amended by adding at the end the  
 18 following:

“165. National scenic byways program.”.

19 **SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.**

20       Section 149 of title 23, United States Code, is  
 21 amended by adding at the end the following:

22       “(e) PARTNERSHIPS WITH NONGOVERNMENTAL EN-  
 23 TITIES.—

24               “(1) IN GENERAL.—Notwithstanding any other  
 25 provision of this title and in accordance with this



1 subsection, a metropolitan planning organization,  
2 State transportation department, or other project  
3 sponsor may enter into an agreement with any pub-  
4 lic, private, or nonprofit entity to cooperatively im-  
5 plement any project carried out under this section.

6 “(2) FORMS OF PARTICIPATION BY ENTITIES.—  
7 Participation by an entity under paragraph (1) may  
8 consist of—

9 “(A) ownership or operation of any land,  
10 facility, vehicle, or other physical asset associ-  
11 ated with the project;

12 “(B) cost sharing of any project expense;

13 “(C) carrying out of administrative, con-  
14 struction management, project management,  
15 project operation, or any other management or  
16 operational duty associated with the project;  
17 and

18 “(D) any other form of participation ap-  
19 proved by the Secretary.

20 “(3) ALLOCATION TO ENTITIES.—A State may  
21 allocate funds apportioned under section 104(b)(2)  
22 to an entity described in paragraph (1).

23 “(4) ALTERNATIVE FUEL PROJECTS.—In the  
24 case of a project that will provide for the use of al-  
25 ternative fuels by privately owned vehicles or vehicle

1       fleets, activities eligible for funding under this sub-  
2       section—

3               “(A) shall include the incremental costs of  
4       vehicle refueling infrastructure and other cap-  
5       ital investments associated with the project; but

6               “(B) shall not include the base cost of any  
7       vehicle that would otherwise be borne by a pri-  
8       vate party or the cost of any project element  
9       that would otherwise be offset by any other  
10       Federal, State, or local program.

11              “(5) PROHIBITION ON FEDERAL PARTICIPATION  
12       WITH RESPECT TO REQUIRED ACTIVITIES.—A Fed-  
13       eral participation payment under this subsection  
14       may not be made with respect to any activity that  
15       is required under the Clean Air Act (42 U.S.C. 7401  
16       et seq.) or any other Federal law.”.

17   **SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.**

18       (a) FINDINGS.—Congress finds that—

19              (1) surface transportation has unintended but  
20       negative consequences for wetlands and other water  
21       resources;

22              (2) in almost every State, construction and  
23       other highway activities have reduced or eliminated  
24       wetland functions and values, such as wildlife habi-

1       tat, ground water recharge, flood control, and water  
2       quality benefits;

3           (3) the United States has lost more than  $\frac{1}{2}$  of  
4       the estimated 220,000,000 acres of wetlands that  
5       existed during colonial times; and

6           (4) while the rate of human-induced destruction  
7       and conversion of wetlands has slowed in recent  
8       years, the United States has suffered unacceptable  
9       wetland losses as a result of highway projects.

10       (b) ESTABLISHMENT.—The Secretary shall establish  
11   a national wetland restoration pilot program (referred to  
12   in this section as the “program”) to fund mitigation  
13   projects to offset the degradation of wetlands, or the loss  
14   of functions and values of the aquatic resource, resulting  
15   from projects carried out before December 27, 1977,  
16   under title 23, United States Code (or similar projects as  
17   determined by the Secretary), for which mitigation has not  
18   been performed.

19       (c) APPLICATIONS.—To be eligible for funding under  
20   the program, a State shall submit an application to the  
21   Secretary that includes—

22           (1) a description of the wetland proposed to be  
23       restored by a mitigation project described in sub-  
24       section (b) (referred to in this section as a “wetland

1 restoration project”) under the program (including  
2 the size and quality of the wetland);

3 (2) such information as is necessary to establish  
4 a nexus between—

5 (A) a project carried out under title 23,  
6 United States Code (or a similar project as de-  
7 termined by the Secretary); and

8 (B) the wetland values and functions pro-  
9 posed to be restored by the wetland restoration  
10 project;

11 (3) a description of the benefits expected from  
12 the proposed wetland restoration project (including  
13 improvement of water quality, improvement of wild-  
14 life habitat, ground water recharge, and flood con-  
15 trol);

16 (4) a description of the State’s level of commit-  
17 ment to the proposed wetland restoration project  
18 (including the monetary commitment of the State  
19 and any development of a State or regional con-  
20 servation plan that includes the proposed wetland  
21 restoration); and

22 (5) the estimated total cost of the wetland res-  
23 toration project.

24 (d) SELECTION OF WETLAND RESTORATION  
25 PROJECTS.—

1           (1) INTERAGENCY COUNCIL.—In consultation  
2       with the Secretary of the Army, the Secretary of the  
3       Interior, the Secretary of Agriculture, and the Ad-  
4       ministrator of the Environmental Protection Agency,  
5       the Secretary shall establish an interagency advisory  
6       council to—

7           (A) review the submitted applications that  
8       meet the requirements of subsection (c); and

9           (B) not later than 60 days after the appli-  
10      cation deadline, select wetland restoration  
11      projects for funding under the program.

12       (2) SELECTION CRITERIA FOR PRIORITY WET-  
13      LAND RESTORATION PROJECTS.—In consultation  
14      with the Secretary of the Army, the Secretary of the  
15      Interior, the Secretary of Agriculture, and the Ad-  
16      ministrator of the Environmental Protection Agency,  
17      the Secretary shall give priority in funding under  
18      this section to wetland restoration projects that—

19           (A) provide for long-term monitoring and  
20      maintenance of wetland resources;

21           (B) are managed by an entity, such as a  
22      nature conservancy, with expertise in the long-  
23      term monitoring and protection of wetland re-  
24      sources; and

25           (C) have a high likelihood of success.

1 (e) REPORTS.—Not later than April 1, 2000, and  
 2 April 1, 2003, the Secretary shall submit a report to Con-  
 3 gress on the results of the program.

4 (f) AUTHORIZATION OF CONTRACT AUTHORITY.—

5 (1) IN GENERAL.—There shall be available  
 6 from the Highway Trust Fund (other than the Mass  
 7 Transit Account) to carry out this section  
 8 \$12,000,000 for fiscal year 1998, \$13,000,000 for  
 9 fiscal year 1999, \$14,000,000 for fiscal year 2000,  
 10 \$17,000,000 for fiscal year 2001, \$20,000,000 for  
 11 fiscal year 2002, and \$24,000,000 for fiscal year  
 12 2003.

13 (2) CONTRACT AUTHORITY.—Funds authorized  
 14 under this subsection shall be available for obligation  
 15 in the same manner as if the funds were apportioned  
 16 under chapter 1 of title 23, United States Code.

## 17 **Subtitle F—Planning**

### 18 **SEC. 1601. METROPOLITAN PLANNING.**

19 (a) IN GENERAL.—Section 134 of title 23, United  
 20 States Code, is amended to read as follows:

#### 21 **“§ 134. Metropolitan planning**

22 **“(a) GENERAL REQUIREMENTS.—**

23 **“(1) FINDINGS.—**Congress finds that it is in  
 24 the national interest to encourage and promote the  
 25 safe and efficient management, operation, and devel-

1        opment of surface transportation systems that will  
2        serve the mobility needs of people and freight within  
3        and through urbanized areas, while minimizing  
4        transportation-related fuel consumption and air pol-  
5        lution.

6            “(2) DEVELOPMENT OF PLANS AND PRO-  
7        GRAMS.—To accomplish the objective stated in para-  
8        graph (1), metropolitan planning organizations des-  
9        ignated under subsection (b), in cooperation with the  
10       State and public transit operators, shall develop  
11       transportation plans and programs for urbanized  
12       areas of the State.

13           “(3) CONTENTS.—The plans and programs for  
14        each metropolitan area shall provide for the develop-  
15        ment and integrated management and operation of  
16        transportation systems and facilities (including pe-  
17        destrian walkways and bicycle transportation facili-  
18        ties) that will function as an intermodal transpor-  
19        tation system for the metropolitan area and as an  
20        integral part of an intermodal transportation system  
21        for the State and the United States.

22           “(4) PROCESS.—The process for developing the  
23        plans and programs shall provide for consideration  
24        of all modes of transportation and shall be continu-  
25        ing, cooperative, and comprehensive to the degree

1 appropriate, based on the complexity of the trans-  
 2 portation problems to be addressed.

3 “(b) DESIGNATION OF METROPOLITAN PLANNING  
 4 ORGANIZATIONS.—

5 “(1) IN GENERAL.—To carry out the transpor-  
 6 tation planning process required by this section, a  
 7 metropolitan planning organization shall be des-  
 8 ignated for each urbanized area with a population of  
 9 more than 50,000 individuals—

10 “(A) by agreement between the Governor  
 11 and units of general purpose local government  
 12 that together represent at least 75 percent of  
 13 the affected population (including the central  
 14 city or cities as defined by the Bureau of the  
 15 Census); or

16 “(B) in accordance with procedures estab-  
 17 lished by applicable State or local law.

18 “(2) REDESIGNATION.—A metropolitan plan-  
 19 ning organization may be redesignated by agreement  
 20 between the Governor and units of general purpose  
 21 local government that together represent at least 75  
 22 percent of the affected population (including the  
 23 central city or cities as defined by the Bureau of the  
 24 Census) as appropriate to carry out this section.



1           “(3) DESIGNATION OF MORE THAN 1 METRO-  
 2           POLITAN PLANNING ORGANIZATION.—More than 1  
 3           metropolitan planning organization may be des-  
 4           ignated within an existing metropolitan planning  
 5           area only if the Governor and the existing metropoli-  
 6           tan planning organization determine that the size  
 7           and complexity of the existing metropolitan planning  
 8           area make designation of more than 1 metropolitan  
 9           planning organization for the area appropriate.

10           “(4) STRUCTURE.—Each policy board of a met-  
 11           ropolitan planning organization that serves an area  
 12           designated as a transportation management area,  
 13           when designated or redesignated under this sub-  
 14           section, shall consist of—

15                   “(A) local elected officials;

16                   “(B) officials of public agencies that ad-  
 17                   minister or operate major modes of transpor-  
 18                   tation in the metropolitan area (including all  
 19                   transportation agencies included in the metro-  
 20                   politan planning organization as of June 1,  
 21                   1991); and

22                   “(C) appropriate State officials.

23           “(5) OTHER AUTHORITY.—Nothing in this sub-  
 24           section interferes with the authority, under any  
 25           State law in effect on December 18, 1991, of a pub-

1       lic agency with multimodal transportation respon-  
2       sibilities to—

3               “(A) develop plans and programs for adop-  
4               tion by a metropolitan planning organization; or

5               “(B) develop long-range capital plans, co-  
6               ordinate transit services and projects, and carry  
7               out other activities under State law.

8       “(c) METROPOLITAN PLANNING AREA BOUND-  
9       ARIES.—

10              “(1) IN GENERAL.—For the purposes of this  
11       section, the boundaries of a metropolitan planning  
12       area shall be determined by agreement between the  
13       metropolitan planning organization and the Gov-  
14       ernor.

15              “(2) INCLUDED AREA.—Each metropolitan  
16       planning area—

17               “(A) shall encompass at least the existing  
18               urbanized area and the contiguous area ex-  
19               pected to become urbanized within a 20-year  
20               forecast period; and

21               “(B) may encompass the entire metropoli-  
22               tan statistical area or consolidated metropolitan  
23               statistical area, as defined by the Bureau of the  
24               Census.

1           “(3) EXISTING METROPOLITAN PLANNING  
2 AREAS IN NONATTAINMENT.—Notwithstanding para-  
3 graph (2), in the case of an area designated as a  
4 nonattainment area for ozone or carbon monoxide  
5 under the Clean Air Act (42 U.S.C. 7401 et seq.),  
6 the boundaries of the metropolitan planning area in  
7 existence as of the date of enactment of the Inter-  
8 modal Transportation Act of 1997, shall be retained,  
9 except that the boundaries may be adjusted by  
10 agreement of the affected metropolitan planning or-  
11 ganizations and Governors in the manner described  
12 in subsection (b)(2).

13           “(4) NEW METROPOLITAN PLANNING AREAS IN  
14 NONATTAINMENT.—In the case of an urbanized area  
15 designated after the date of enactment of the Inter-  
16 modal Transportation Act of 1997 as a nonattain-  
17 ment area for ozone or carbon monoxide, the bound-  
18 aries of the metropolitan planning area—

19                   “(A) shall be established by agreement be-  
20 tween the appropriate units of general purpose  
21 local government (including the central city)  
22 and the Governor;

23                   “(B) shall encompass at least the urban-  
24 ized area and the contiguous area expected to

1           become urbanized within a 20-year forecast pe-  
2           riod;

3           “(C) may encompass the entire metropoli-  
4           tan statistical area or consolidated metropolitan  
5           statistical area, as defined by the Bureau of the  
6           Census; and

7           “(D) may address any nonattainment area  
8           identified under the Clean Air Act (42 U.S.C.  
9           7401 et seq.) for ozone or carbon monoxide.

10          “(d) COORDINATION IN MULTISTATE AREAS.—

11           “(1) IN GENERAL.—The Secretary shall encour-  
12           age each Governor with responsibility for a portion  
13           of a multistate metropolitan area and the appro-  
14           priate metropolitan planning organizations to pro-  
15           vide coordinated transportation planning for the en-  
16           tire metropolitan area.

17           “(2) INTERSTATE COMPACTS.—The consent of  
18           Congress is granted to any 2 or more States—

19           “(A) to enter into agreements or compacts,  
20           not in conflict with any law of the United  
21           States, for cooperative efforts and mutual as-  
22           sistance in support of activities authorized  
23           under this section as the activities pertain to  
24           interstate areas and localities within the States;  
25           and

1           “(B) to establish such agencies, joint or  
2           otherwise, as the States may determine desir-  
3           able for making the agreements and compacts  
4           effective.

5           “(e) COORDINATION OF METROPOLITAN PLANNING  
6 ORGANIZATIONS.—If more than 1 metropolitan planning  
7 organization has authority within a metropolitan planning  
8 area or an area that is designated as a nonattainment area  
9 for ozone or carbon monoxide under the Clean Air Act  
10 (42 U.S.C. 7401 et seq.), each such metropolitan planning  
11 organization shall consult with the other metropolitan  
12 planning organizations designated for the area and the  
13 State in the development of plans and programs required  
14 by this section.

15          “(f) SCOPE OF PLANNING PROCESS.—The metropoli-  
16 tan transportation planning process for a metropolitan  
17 area under this section shall consider, as appropriate, the  
18 following:

19           “(1) Supporting the economic vitality of the  
20           metropolitan area, especially by enabling global com-  
21           petitiveness, productivity, and efficiency.

22           “(2) Increasing the safety and security of the  
23           transportation system for motorized and non-  
24           motorized users.

1           “(3) Increasing the accessibility and mobility  
2 options available to people and for freight.

3           “(4) Protecting and enhancing the environment  
4 and promoting energy conservation and improved  
5 quality of life.

6           “(5) Enhancing the integration and connectivity  
7 of the transportation system, across and between  
8 modes, for people and freight.

9           “(6) Promoting efficient system management  
10 and operation.

11           “(7) Emphasizing the preservation of the exist-  
12 ing transportation system.

13           “(g) DEVELOPMENT OF LONG-RANGE TRANSPOR-  
14 TATION PLAN.—

15           “(1) IN GENERAL.—

16           “(A) DEVELOPMENT.—In accordance with  
17 this subsection, each metropolitan planning or-  
18 ganization shall develop, and update periodi-  
19 cally, according to a schedule that the Secretary  
20 determines to be appropriate, a long-range  
21 transportation plan for its metropolitan area.

22           “(B) FORECAST PERIOD.—In developing  
23 long-range transportation plans, the metropoli-  
24 tan planning process shall address—

1                   “(i) the considerations under sub-  
2                   section (f); and

3                   “(ii) any State or local goals devel-  
4                   oped within the cooperative metropolitan  
5                   planning process;

6                   as they relate to a 20-year forecast period and  
7                   to other forecast periods as determined by the  
8                   participants in the planning process.

9                   “(C) FUNDING ESTIMATES.—For the pur-  
10                  pose of developing the long-range transportation  
11                  plan, the State shall consult with the metropoli-  
12                  tan planning organization and each public tran-  
13                  sit agency in developing estimates of funds that  
14                  are reasonably expected to be available to sup-  
15                  port plan implementation.

16                  “(2) LONG-RANGE TRANSPORTATION PLAN.—A  
17                  long-range transportation plan under this subsection  
18                  shall, at a minimum, contain—

19                  “(A) an identification of transportation fa-  
20                  cilities (including major roadways and transit,  
21                  multimodal, and intermodal facilities) that  
22                  should function as a future integrated transpor-  
23                  tation system, giving emphasis to those facilities  
24                  that serve important national, regional, and  
25                  metropolitan transportation functions;

1           “(B) an identification of transportation  
2 strategies necessary to—

3           “(i) ensure preservation, including re-  
4 quirements for management, operation,  
5 modernization, and rehabilitation, of the  
6 existing and future transportation system;  
7 and

8           “(ii) make the most efficient use of  
9 existing transportation facilities to relieve  
10 congestion, to efficiently serve the mobility  
11 needs of people and goods, and to enhance  
12 access within the metropolitan planning  
13 area; and

14          “(C) a financial plan that demonstrates  
15 how the long-range transportation plan can be  
16 implemented, indicates total resources from  
17 public and private sources that are reasonably  
18 expected to be available to carry out the plan  
19 (without any requirement for indicating project-  
20 specific funding sources), and recommends any  
21 additional financing strategies for needed  
22 projects and programs.

23          “(3) COORDINATION WITH CLEAN AIR ACT  
24 AGENCIES.—In metropolitan areas that are in non-  
25 attainment for ozone or carbon monoxide under the



1       Clean Air Act (42 U.S.C. 7401 et seq.), the metro-  
2       politan planning organization shall coordinate the  
3       development of a long-range transportation plan  
4       with the process for development of the transpor-  
5       tation control measures of the State implementation  
6       plan required by that Act.

7               “(4) PARTICIPATION BY INTERESTED PAR-  
8       TIES.—Before adopting a long-range transportation  
9       plan, each metropolitan planning organization shall  
10      provide citizens, affected public agencies, representa-  
11      tives of transportation agency employees, freight  
12      shippers, private providers of transportation, and  
13      other interested parties with a reasonable oppor-  
14      tunity to comment on the long-range transportation  
15      plan.

16              “(5) PUBLICATION OF LONG-RANGE TRANSPOR-  
17      TATION PLAN.—Each long-range transportation plan  
18      prepared by a metropolitan planning organization  
19      shall be—

20                      “(A) published or otherwise made readily  
21                      available for public review; and

22                      “(B) submitted for information purposes  
23                      to the Governor at such times and in such man-  
24                      ner as the Secretary shall establish.

1       “(h) METROPOLITAN TRANSPORTATION IMPROVE-  
2   MENT PROGRAM.—

3               “(1) DEVELOPMENT.—

4                       “(A) IN GENERAL.—In cooperation with  
5       the State and any affected public transit opera-  
6       tor, the metropolitan planning organization des-  
7       ignated for a metropolitan area shall develop a  
8       transportation improvement program for the  
9       area for which the organization is designated.

10                      “(B) OPPORTUNITY FOR COMMENT.—In  
11       developing the program, the metropolitan plan-  
12       ning organization, in cooperation with the State  
13       and any affected public transit operator, shall  
14       provide citizens, affected public agencies, rep-  
15       resentatives of transportation agency employees,  
16       other affected employee representatives, freight  
17       shippers, private providers of transportation,  
18       and other interested parties with a reasonable  
19       opportunity to comment on the proposed pro-  
20       gram.

21                      “(C) FUNDING ESTIMATES.—For the pur-  
22       pose of developing the transportation improve-  
23       ment program, the metropolitan planning orga-  
24       nization, public transit agency, and State shall  
25       cooperatively develop estimates of funds that

1 are reasonably expected to be available to sup-  
2 port program implementation.

3 “(D) UPDATING AND APPROVAL.—The  
4 program shall be updated at least once every 2  
5 years and shall be approved by the metropolitan  
6 planning organization and the Governor.

7 “(2) CONTENTS.—The transportation improve-  
8 ment program shall include—

9 “(A) a list, in order of priority, of pro-  
10 posed federally supported surface transpor-  
11 tation projects and strategies to be carried out  
12 within each 3-year-period after the initial adop-  
13 tion of the transportation improvement pro-  
14 gram; and

15 “(B) a financial plan that—

16 “(i) demonstrates how the transpor-  
17 tation improvement program can be imple-  
18 mented;

19 “(ii) indicates resources from public  
20 and private sources that are reasonably ex-  
21 pected to be available to carry out the pro-  
22 gram (without any requirement for indicat-  
23 ing project-specific funding sources); and

24 “(iii) identifies innovative financing  
25 techniques to finance projects, programs,

1           and strategies (without any requirement  
2           for indicating project-specific funding  
3           sources).

4           “(3) INCLUDED PROJECTS.—

5                 “(A) CHAPTER 1 AND CHAPTER 53  
6           PROJECTS.—A transportation improvement pro-  
7           gram developed under this subsection for a met-  
8           ropolitan area shall include the projects and  
9           strategies within the area that are proposed for  
10          funding under chapter 1 of this title and chap-  
11          ter 53 of title 49.

12          “(B) CHAPTER 2 PROJECTS.—

13                 “(i) REGIONALLY SIGNIFICANT  
14           PROJECTS.—Regionally significant projects  
15           proposed for funding under chapter 2 of  
16           this title shall be identified individually in  
17           the transportation improvement program.

18                 “(ii) OTHER PROJECTS.—Projects  
19           proposed for funding under chapter 2 of  
20           this title that are not determined to be re-  
21           gionally significant shall be grouped in 1  
22           line item or identified individually in the  
23           transportation improvement program.

24                 “(C) CONSISTENCY WITH LONG-RANGE  
25          TRANSPORTATION PLAN.—Each project shall be

1 consistent with the long-range transportation  
2 plan developed under subsection (g) for the  
3 area.

4 “(D) REQUIREMENT OF ANTICIPATED  
5 FULL FUNDING.—The program shall include a  
6 project, or an identified phase of a project, only  
7 if full funding can reasonably be anticipated to  
8 be available for the project within the time pe-  
9 riod contemplated for completion of the project.

10 “(4) NOTICE AND COMMENT.—Before approv-  
11 ing a transportation improvement program, a metro-  
12 politan planning organization shall, in cooperation  
13 with the State and any affected public transit opera-  
14 tor, provide citizens, affected public agencies, rep-  
15 resentatives of transportation agency employees, pri-  
16 vate providers of transportation, and other inter-  
17 ested parties with reasonable notice of and an oppor-  
18 tunity to comment on the proposed program.

19 “(5) SELECTION OF PROJECTS.—

20 “(A) IN GENERAL.—Except as otherwise  
21 provided in subsection (i)(4) and in addition to  
22 the transportation improvement program devel-  
23 opment required under paragraph (1), the se-  
24 lection of federally funded projects for imple-  
25 mentation in metropolitan areas shall be carried

1 out, from the approved transportation improve-  
 2 ment program—

3 “(i) by—

4 “(I) in the case of projects under  
 5 chapter 1, the State; and

6 “(II) in the case of projects  
 7 under chapter 53 of title 49, the des-  
 8 ignated transit funding recipients; and

9 “(ii) in cooperation with the metro-  
 10 politan planning organization.

11 “(B) MODIFICATIONS TO PROJECT PRIOR-  
 12 ITY.—Notwithstanding any other provision of  
 13 law, action by the Secretary shall not be re-  
 14 quired to advance a project included in the ap-  
 15 proved transportation improvement program in  
 16 place of another project of higher priority in the  
 17 program.

18 “(i) TRANSPORTATION MANAGEMENT AREAS.—

19 “(1) DESIGNATION.—

20 “(A) REQUIRED DESIGNATIONS.—The Sec-  
 21 retary shall designate as a transportation man-  
 22 agement area each urbanized area with a popu-  
 23 lation of over 200,000 individuals.

24 “(B) DESIGNATIONS ON REQUEST.—The  
 25 Secretary shall designate any additional area as

1           a transportation management area on the re-  
2           quest of the Governor and the metropolitan  
3           planning organization designated for the area.

4           “(2) TRANSPORTATION PLANS AND PRO-  
5           GRAMS.—Within a transportation management area,  
6           transportation plans and programs shall be based on  
7           a continuing and comprehensive transportation plan-  
8           ning process carried out by the metropolitan plan-  
9           ning organization in cooperation with the State and  
10          any affected public transit operator.

11          “(3) CONGESTION MANAGEMENT SYSTEM.—  
12          Within a transportation management area, the  
13          transportation planning process under this section  
14          shall include a congestion management system that  
15          provides for effective management of new and exist-  
16          ing transportation facilities eligible for funding  
17          under this title and chapter 53 of title 49 through  
18          the use of travel demand reduction and operational  
19          management strategies.

20          “(4) SELECTION OF PROJECTS.—

21                 “(A) IN GENERAL.—In addition to the  
22                 transportation improvement program develop-  
23                 ment required under subsection (h)(1), all fed-  
24                 erally funded projects carried out within the  
25                 boundaries of a transportation management

1 area under this title (excluding projects carried  
 2 out on the National Highway System) or under  
 3 chapter 53 of title 49 shall be selected for im-  
 4 plementation from the approved transportation  
 5 improvement program by the metropolitan plan-  
 6 ning organization designated for the area in  
 7 consultation with the State and any affected  
 8 public transit operator.

9 “(B) NATIONAL HIGHWAY SYSTEM  
 10 PROJECTS.—Projects carried out within the  
 11 boundaries of a transportation management  
 12 area on the National Highway System shall be  
 13 selected for implementation from the approved  
 14 transportation improvement program by the  
 15 State in cooperation with the metropolitan plan-  
 16 ning organization designated for the area.

17 “(5) CERTIFICATION.—

18 “(A) IN GENERAL.—The Secretary shall—

19 “(i) ensure that the metropolitan  
 20 planning process in each transportation  
 21 management area is being carried out in  
 22 accordance with applicable provisions of  
 23 Federal law; and

24 “(ii) subject to subparagraph (B), cer-  
 25 tify, not less often than once every 3 years,



1           that the requirements of this paragraph  
2           are met with respect to the transportation  
3           management area.

4           “(B) REQUIREMENTS FOR CERTIFI-  
5           CATION.—The Secretary may make the certifi-  
6           cation under subparagraph (A) if—

7                   “(i) the transportation planning proc-  
8                   ess complies with the requirements of this  
9                   section and other applicable requirements  
10                  of Federal law; and

11                  “(ii) there is a transportation im-  
12                  provement program for the area that has  
13                  been approved by the metropolitan plan-  
14                  ning organization and the Governor.

15          “(C) EFFECT OF FAILURE TO CERTIFY.—

16                  “(i) WITHHOLDING OF FUNDS.—If a  
17                  metropolitan planning process is not cer-  
18                  tified, the Secretary may withhold up to 20  
19                  percent of the apportioned funds attrib-  
20                  utable to the transportation management  
21                  area under this title and chapter 53 of title  
22                  49.

23                  “(ii) RESTORATION OF WITHHELD  
24                  FUNDS.—The withheld apportionments  
25                  shall be restored to the metropolitan area

1 at such time as the metropolitan planning  
2 organization is certified by the Secretary.

3 “(iii) FEASIBILITY OF PRIVATE EN-  
4 TERPRISE PARTICIPATION.—The Secretary  
5 shall not withhold certification under this  
6 paragraph based on the policies and cri-  
7 teria established by a metropolitan plan-  
8 ning organization or transit grant recipient  
9 for determining the feasibility of private  
10 enterprise participation in accordance with  
11 section 5306(a) of title 49.

12 “(j) ABBREVIATED PLANS AND PROGRAMS FOR CER-  
13 TAIN AREAS.—

14 “(1) IN GENERAL.—Subject to paragraph (2),  
15 in the case of a metropolitan area not designated as  
16 a transportation management area under this sec-  
17 tion, the Secretary may provide for the development  
18 of an abbreviated metropolitan transportation plan  
19 and program that the Secretary determines is appro-  
20 priate to achieve the purposes of this section, taking  
21 into account the complexity of transportation prob-  
22 lems in the area.

23 “(2) NONATTAINMENT AREAS.—The Secretary  
24 may not permit abbreviated plans or programs for a  
25 metropolitan area that is in nonattainment for ozone

1 or carbon monoxide under the Clean Air Act (42  
2 U.S.C. 7401 et seq.).

3 “(k) ADDITIONAL REQUIREMENTS FOR CERTAIN  
4 NONATTAINMENT AREAS.—

5 “(1) IN GENERAL.—Notwithstanding any other  
6 provision of this title or chapter 53 of title 49, in the  
7 case of a transportation management area classified  
8 as nonattainment for ozone or carbon monoxide  
9 under the Clean Air Act (42 U.S.C. 7401 et seq.),  
10 Federal funds may not be programmed in the area  
11 for any highway project that will result in a signifi-  
12 cant increase in carrying capacity for single occu-  
13 pant vehicles unless the project results from an ap-  
14 proved congestion management system.

15 “(2) APPLICABILITY.—This subsection applies  
16 to a nonattainment area within the metropolitan  
17 planning area boundaries determined under sub-  
18 section (c).

19 “(l) LIMITATION.—Nothing in this section confers on  
20 a metropolitan planning organization the authority to im-  
21 pose any legal requirement on any transportation facility,  
22 provider, or project not eligible for assistance under this  
23 title or chapter 53 of title 49.

24 “(m) FUNDING.—

1           “(1) IN GENERAL.—Funds set aside under sec-  
 2           tion 104(f) of this title and section 5303 of title 49  
 3           shall be available to carry out this section.

4           “(2) UNUSED FUNDS.—Any funds that are not  
 5           used to carry out this section may be made available  
 6           by the metropolitan planning organization to the  
 7           State to fund activities under section 135.”.

8           (b) TECHNICAL AMENDMENT.—The analysis for  
 9           chapter 1 of title 23, United States Code, is amended by  
 10          striking the item relating to section 134 and inserting the  
 11          following:

          “134. Metropolitan planning.”.

12   **SEC. 1602. STATEWIDE PLANNING.**

13          Section 135 of title 23, United States Code, is  
 14          amended to read as follows:

15   **“§ 135. Statewide planning**

16          “(a) GENERAL REQUIREMENTS.—

17               “(1) FINDINGS.—It is in the national interest  
 18               to encourage and promote the safe and efficient  
 19               management, operation, and development of surface  
 20               transportation systems that will serve the mobility  
 21               needs of people and freight throughout each State.

22               “(2) DEVELOPMENT OF PLANS AND PRO-  
 23               GRAMS.—Subject to section 134 of this title and sec-  
 24               tions 5303 through 5305 of title 49, each State shall

1       develop transportation plans and programs for all  
2       areas of the State.

3               “(3) CONTENTS.—The plans and programs for  
4       each State shall provide for the development and in-  
5       tegrated management and operation of transpor-  
6       tation systems (including pedestrian walkways and  
7       bicycle transportation facilities) that will function as  
8       an intermodal State transportation system and an  
9       integral part of the intermodal transportation sys-  
10      tem of the United States.

11              “(4) PROCESS OF DEVELOPMENT.—The process  
12      for developing the plans and programs shall provide  
13      for consideration of all modes of transportation and  
14      shall be continuing, cooperative, and comprehensive  
15      to the degree appropriate, based on the complexity  
16      of the transportation problems to be addressed.

17              “(b) SCOPE OF PLANNING PROCESS.—Each State  
18      shall carry out a transportation planning process that  
19      shall consider, as appropriate, the following:

20              “(1) Supporting the economic vitality of the  
21      United States, the States, and metropolitan areas,  
22      especially by enabling global competitiveness, pro-  
23      ductivity, and efficiency.

1           “(2) Increasing the safety and security of the  
2           transportation system for motorized and non-  
3           motorized users.

4           “(3) Increasing the accessibility and mobility  
5           options available to people and for freight.

6           “(4) Protecting and enhancing the environment  
7           and promoting energy conservation and improved  
8           quality of life.

9           “(5) Enhancing the integration and connectivity  
10          of the transportation system, across and between  
11          modes throughout the State, for people and freight.

12          “(6) Promoting efficient system management  
13          and operation.

14          “(7) Emphasizing the preservation of the exist-  
15          ing transportation system.

16          “(c) COORDINATION WITH METROPOLITAN PLAN-  
17          NING; STATE IMPLEMENTATION PLAN.—In carrying out  
18          planning under this section, a State shall—

19               “(1) coordinate the planning with the transpor-  
20               tation planning activities carried out under section  
21               134 for metropolitan areas of the State; and

22               “(2) carry out the responsibilities of the State  
23               for the development of the transportation portion of  
24               the State air quality implementation plan to the ex-

1 tent required by the Clean Air Act (42 U.S.C. 7401  
2 et seq.).

3 “(d) ADDITIONAL REQUIREMENTS.—In carrying out  
4 planning under this section, each State shall, at a mini-  
5 mum, consider—

6 “(1) with respect to nonmetropolitan areas, the  
7 concerns of local elected officials representing units  
8 of general purpose local government;

9 “(2) the concerns of Indian tribal governments  
10 and Federal land management agencies that have  
11 jurisdiction over land within the boundaries of the  
12 State; and

13 “(3) coordination of transportation plans, pro-  
14 grams, and planning activities with related planning  
15 activities being carried out outside of metropolitan  
16 planning areas.

17 “(e) LONG-RANGE TRANSPORTATION PLAN.—

18 “(1) DEVELOPMENT.—Each State shall develop  
19 a long-range transportation plan, with a minimum  
20 20-year forecast period, for all areas of the State,  
21 that provides for the development and implementa-  
22 tion of the intermodal transportation system of the  
23 State.

24 “(2) CONSULTATION WITH GOVERNMENTS.—

1           “(A) METROPOLITAN AREAS.—With re-  
 2           spect to each metropolitan area in the State,  
 3           the plan shall be developed in cooperation with  
 4           the metropolitan planning organization des-  
 5           ignated for the metropolitan area under section  
 6           134 of this title and section 5305 of title 49.

7           “(B) NONMETROPOLITAN AREAS.—With  
 8           respect to each nonmetropolitan area, the plan  
 9           shall be developed in consultation with local  
 10          elected officials representing units of general  
 11          purpose local government.

12          “(C) INDIAN TRIBAL AREAS.—With respect  
 13          to each area of the State under the jurisdiction  
 14          of an Indian tribal government, the plan shall  
 15          be developed in consultation with the tribal gov-  
 16          ernment and the Secretary of the Interior.

17          “(3) PARTICIPATION BY INTERESTED PAR-  
 18          TIES.—In developing the plan, the State shall—

19               “(A) provide citizens, affected public agen-  
 20               cies, representatives of transportation agency  
 21               employees, other affected employee representa-  
 22               tives, freight shippers, private providers of  
 23               transportation, and other interested parties  
 24               with a reasonable opportunity to comment on  
 25               the proposed plan; and



1           “(B) identify transportation strategies nec-  
 2           essary to efficiently serve the mobility needs of  
 3           people.

4           “(f) STATE TRANSPORTATION IMPROVEMENT PRO-  
 5           GRAM.—

6           “(1) DEVELOPMENT.—

7           “(A) IN GENERAL.—The State shall de-  
 8           velop a transportation improvement program  
 9           for all areas of the State.

10          “(B) CONSULTATION WITH GOVERN-  
 11          MENTS.—

12          “(i) METROPOLITAN AREAS.—With  
 13          respect to each metropolitan area in the  
 14          State, the program shall be developed in  
 15          cooperation with the metropolitan planning  
 16          organization designated for the metropoli-  
 17          tan area under section 134 of this title and  
 18          section 5305 of title 49.

19          “(ii) NONMETROPOLITAN AREAS.—  
 20          With respect to each nonmetropolitan area  
 21          in the State, the program shall be devel-  
 22          oped in consultation with units of general  
 23          purpose local government.

24          “(iii) INDIAN TRIBAL AREAS.—With  
 25          respect to each area of the State under the

1 jurisdiction of an Indian tribal government,  
2 the program shall be developed in consulta-  
3 tion with the tribal government and the  
4 Secretary of the Interior.

5 “(C) PARTICIPATION BY INTERESTED PAR-  
6 TIES.—In developing the program, the Gov-  
7 ernor shall provide citizens, affected public  
8 agencies, representatives of transportation  
9 agency employees, other affected employee rep-  
10 resentatives, freight shippers, private providers  
11 of transportation, and other interested parties  
12 with a reasonable opportunity to comment on  
13 the proposed program.

14 “(2) INCLUDED PROJECTS.—

15 “(A) IN GENERAL.—A transportation im-  
16 provement program developed under this sub-  
17 section for a State shall include federally sup-  
18 ported surface transportation expenditures  
19 within the boundaries of the State.

20 “(B) CHAPTER 2 PROJECTS.—

21 “(i) REGIONALLY SIGNIFICANT  
22 PROJECTS.—Regionally significant projects  
23 proposed for funding under chapter 2 shall  
24 be identified individually.

1                   “(ii) OTHER PROJECTS.—Projects  
2                   proposed for funding under chapter 2 that  
3                   are not determined to be regionally signifi-  
4                   cant shall be grouped in 1 line item or  
5                   identified individually.

6                   “(C) CONSISTENCY WITH LONG-RANGE  
7                   TRANSPORTATION PLAN.—Each project shall—

8                   “(i) be consistent with the long-range  
9                   transportation plan developed under this  
10                  section for the State;

11                  “(ii) be identical to the project as de-  
12                  scribed in an approved metropolitan trans-  
13                  portation improvement program; and

14                  “(iii) be in conformance with the ap-  
15                  plicable State air quality implementation  
16                  plan developed under the Clean Air Act  
17                  (42 U.S.C. 7401 et seq.), if the project is  
18                  carried out in an area designated as non-  
19                  attainment for ozone or carbon monoxide  
20                  under that Act.

21                  “(D) REQUIREMENT OF ANTICIPATED  
22                  FULL FUNDING.—

23                  “(i) IN GENERAL.—The program shall  
24                  include a project, or an identified phase of  
25                  a project, only if full funding can reason-

1           ably be anticipated to be available for the  
2           project within the time period con-  
3           templated for completion of the project.

4           “(ii) LIMITATION.—Clause (i) does  
5           not require the indication of project-spe-  
6           cific funding sources.

7           “(E) PRIORITIES.—The program shall re-  
8           flect the priorities for programming and ex-  
9           penditures of funds, including transportation  
10          enhancements, required by this title.

11          “(3) PROJECT SELECTION FOR AREAS OF LESS  
12          THAN 50,000 POPULATION.—

13           “(A) IN GENERAL.—Projects carried out in  
14           areas with populations of less than 50,000 indi-  
15           viduals (excluding projects carried out on the  
16           National Highway System) shall be selected,  
17           from the approved statewide transportation im-  
18           provement program, by the State in cooperation  
19           with the affected local officials.

20           “(B) NATIONAL HIGHWAY SYSTEM  
21           PROJECTS.—Projects carried out in areas de-  
22           scribed in subparagraph (A) on the National  
23           Highway System shall be selected, from the ap-  
24           proved statewide transportation improvement

1           program, by the State in consultation with the  
2           affected local officials.

3           “(4) BIENNIAL REVIEW AND APPROVAL.—A  
4           transportation improvement program developed  
5           under this subsection shall be reviewed and, on a  
6           finding that the planning process through which the  
7           program was developed is consistent with this sec-  
8           tion and section 134, approved not less frequently  
9           than biennially by the Secretary.

10          “(5) MODIFICATIONS TO PROJECT PRIORITY.—  
11          Notwithstanding any other provision of law, action  
12          by the Secretary shall not be required to advance a  
13          project included in the approved statewide transpor-  
14          tation improvement program in place of another  
15          project of higher priority in the program.

16          “(g) FUNDING.—Funds set aside under section 505  
17          of this title and section 5313(b) of title 49 shall be avail-  
18          able to carry out this section.

19          “(h) CONTINUATION OF CURRENT REVIEW PRAC-  
20          TICE.—Since plans and programs described in this section  
21          or section 134 are subject to a reasonable opportunity for  
22          public comment, since individual projects included in the  
23          plans and programs are subject to review under the Na-  
24          tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
25          et seq.), and since decisions by the Secretary concerning

1 plans and programs described in this section have not been  
2 reviewed under that Act as of January 1, 1997, any deci-  
3 sion by the Secretary concerning a plan or program de-  
4 scribed in this section or section 134 shall not be consid-  
5 ered to be a Federal action subject to review under the  
6 National Environmental Policy Act of 1969 (42 U.S.C.  
7 4321 et seq.).”.

8 **SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES**  
9 **PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary shall establish  
11 an advanced travel forecasting procedures program—

12 (1) to provide for completion of the advanced  
13 transportation model developed under the Transpor-  
14 tation Analysis Simulation System (referred to in  
15 this section as “TRANSIMS”); and

16 (2) to provide support for early deployment of  
17 the advanced transportation modeling computer soft-  
18 ware and graphics package developed under  
19 TRANSIMS and the program established under this  
20 section to States, local governments, and metropoli-  
21 tan planning organizations with responsibility for  
22 travel modeling.

23 (b) ELIGIBLE ACTIVITIES.—The Secretary shall use  
24 funds made available under this section to—

1           (1) provide funding for completion of core de-  
2     velopment of the advanced transportation model;

3           (2) develop user-friendly advanced transpor-  
4     tation modeling computer software and graphics  
5     packages;

6           (3) provide training and technical assistance  
7     with respect to the implementation and application  
8     of the advanced transportation model to States, local  
9     governments, and metropolitan planning organiza-  
10    tions with responsibility for travel modeling; and

11          (4) allocate funds to not more than 12 entities  
12     described in paragraph (3) for a pilot program to  
13     enable transportation management areas designated  
14     under section 134(i) of title 23, United States Code,  
15     to convert from the use of travel forecasting proce-  
16     dures in use by the areas as of the date of enact-  
17     ment of this section to the use of the advanced  
18     transportation model.

19     (c) AUTHORIZATION OF CONTRACT AUTHORITY.—

20          (1) IN GENERAL.—There shall be available  
21     from the Highway Trust Fund (other than the Mass  
22     Transit Account) to carry out this section  
23     \$4,000,000 for fiscal year 1998, \$3,000,000 for fis-  
24     cal year 1999, \$6,500,000 for fiscal year 2000,

1       \$5,000,000 for fiscal year 2001, \$4,000,000 for fis-  
2       cal year 2002, and \$2,500,000 for fiscal year 2003.

3           (2) ALLOCATION OF FUNDS.—

4               (A) FISCAL YEARS 1998 AND 1999.—For  
5       each of fiscal years 1998 and 1999, 100 per-  
6       cent of the funds made available under para-  
7       graph (1) shall be allocated to activities in de-  
8       scribed in paragraphs (1), (2), and (3) of sub-  
9       section (b).

10            (B) FISCAL YEARS 2000 THROUGH 2003.—  
11       For each of fiscal years 2000 through 2003,  
12       not more than 50 percent of the funds made  
13       available under paragraph (1) may be allocated  
14       to activities described in subsection (b)(4).

15           (3) CONTRACT AUTHORITY.—Funds authorized  
16       under this subsection shall be available for obligation  
17       in the same manner as if the funds were apportioned  
18       under chapter 1 of title 23, United States Code, ex-  
19       cept that the Federal share of the cost of—

20               (A) any activity described in paragraph  
21       (1), (2), or (3) of subsection (b) shall not ex-  
22       ceed 100 percent; and

23               (B) any activity described in subsection  
24       (b)(4) shall not exceed 80 percent.



1 **SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYS-**  
2 **TEM PRESERVATION PILOT PROGRAM.**

3 (a) ESTABLISHMENT.—In cooperation with appro-  
4 priate State, regional, and local governments, the Sec-  
5 retary shall establish a comprehensive initiative to inves-  
6 tigate and address the relationships between transpor-  
7 tation and community and system preservation.

8 (b) RESEARCH.—

9 (1) IN GENERAL.—In cooperation with appro-  
10 priate Federal agencies, State, regional, and local  
11 governments, and other entities eligible for assist-  
12 ance under subsection (d), the Secretary shall carry  
13 out a comprehensive research program to investigate  
14 the relationships between transportation, community  
15 preservation, and the environment.

16 (2) REQUIRED ELEMENTS.—The program shall  
17 provide for monitoring and analysis of projects car-  
18 ried out with funds made available to carry out sub-  
19 sections (c) and (d).

20 (c) PLANNING.—

21 (1) IN GENERAL.—The Secretary may allocate  
22 funds made available to carry out this subsection to  
23 States, metropolitan planning organizations, and  
24 local governments to plan, develop, and implement  
25 strategies to integrate transportation and commu-  
26 nity and system preservation plans and practices.

1           (2) PURPOSES.—The purposes of the alloca-  
2       tions shall be—

3                   (A) to improve the efficiency of the trans-  
4       portation system;

5                   (B) to reduce the impacts of transpor-  
6       tation on the environment;

7                   (C) to reduce the need for costly future in-  
8       vestments in public infrastructure; and

9                   (D) to provide efficient access to jobs,  
10      services, and centers of trade.

11          (3) CRITERIA.—In allocating funds made avail-  
12      able to carry out this subsection, the Secretary shall  
13      give priority to applicants that—

14                   (A) propose projects for funding that ad-  
15      dress the purposes described in paragraph (2);

16                   (B) demonstrate a commitment to public  
17      involvement, including involvement of nontradi-  
18      tional partners in the project team; and

19                   (C) demonstrate a commitment of non-  
20      Federal resources to the proposed projects.

21          (d) ALLOCATION OF FUNDS FOR IMPLEMENTA-  
22      TION.—

23                   (1) IN GENERAL.—The Secretary may allocate  
24      funds made available to carry out this subsection to  
25      States, metropolitan planning organizations, and

1 local governments to carry out projects to address  
2 transportation efficiency and community and system  
3 preservation.

4 (2) CRITERIA.—In allocating funds made avail-  
5 able to carry out this subsection, the Secretary shall  
6 give priority to applicants that—

7 (A) have instituted preservation or develop-  
8 ment plans and programs that—

9 (i) meet the requirements of title 23  
10 and chapter 53 of title 49, United States  
11 Code; and

12 (ii) are—

13 (I) coordinated with adopted  
14 preservation or development plans; or

15 (II) intended to promote strate-  
16 gic investments in transportation in-  
17 frastructure;

18 (B) have instituted other policies to inte-  
19 grate transportation and community and sys-  
20 tem preservation practices, such as—

21 (i) spending policies that direct funds  
22 to high-growth areas;

23 (ii) urban growth boundaries to guide  
24 metropolitan expansion;

1 (iii) “green corridors” programs that  
2 provide access to major highway corridors  
3 for areas targeted for efficient and com-  
4 pact development; or

5 (iv) other similar programs or policies  
6 as determined by the Secretary;

7 (C) have preservation or development poli-  
8 cies that include a mechanism for reducing po-  
9 tential impacts of transportation activities on  
10 the environment; and

11 (D) propose projects for funding that ad-  
12 dress the purposes described in subsection  
13 (c)(2).

14 (3) USE OF ALLOCATED FUNDS.—

15 (A) IN GENERAL.—An allocation of funds  
16 made available to carry out this subsection shall  
17 be used by the recipient to implement the  
18 projects proposed in the application to the Sec-  
19 retary.

20 (B) TYPES OF PROJECTS.—The allocation  
21 of funds shall be available for obligation for—

22 (i) any project eligible for funding  
23 under title 23 or chapter 53 of title 49,  
24 United States Code; or

1                   (ii) any other activity relating to  
2                   transportation and community and system  
3                   preservation that the Secretary determines  
4                   to be appropriate, including corridor pres-  
5                   ervation activities that are necessary to im-  
6                   plement—

7                   (I) transit-oriented development  
8                   plans;

9                   (II) traffic calming measures; or

10                  (III) other coordinated transpor-  
11                  tation and community and system  
12                  preservation practices.

13           (e) AUTHORIZATION OF CONTRACT AUTHORITY.—

14           (1) IN GENERAL.—There shall be available  
15           from the Highway Trust Fund (other than the Mass  
16           Transit Account) to carry out this section  
17           \$20,000,000 for each of fiscal years 1998 through  
18           2003.

19           (2) CONTRACT AUTHORITY.—Funds authorized  
20           under this subsection shall be available for obligation  
21           in the same manner as if the funds were apportioned  
22           under chapter 1 of title 23, United States Code.

## 1   **Subtitle G—Technical Corrections**

### 2   **SEC. 1701. FEDERAL-AID SYSTEMS.**

3       (a) IN GENERAL.—Section 103 of title 23, United  
4 States Code, is amended to read as follows:

#### 5   **“§ 103. Federal-aid systems**

6       “(a) IN GENERAL.—For the purposes of this title,  
7 the Federal-aid systems are the Interstate System and the  
8 National Highway System.

9       “(b) NATIONAL HIGHWAY SYSTEM.—

10       “(1) DESCRIPTION.—The National Highway  
11 System consists of an interconnected system of  
12 major routes and connectors that—

13               “(A) serve major population centers, inter-  
14 national border crossings, ports, airports, public  
15 transportation facilities, and other intermodal  
16 transportation facilities and other major travel  
17 destinations;

18               “(B) meet national defense requirements;  
19 and

20               “(C) serve interstate and interregional  
21 travel.

22       “(2) COMPONENTS.—The National Highway  
23 System consists of the following:

24               “(A) The Interstate System described in  
25 subsection (c).

1           “(B) Other urban and rural principal arte-  
2           rial routes.

3           “(C) Other connector highways (including  
4           toll facilities) that provide motor vehicle access  
5           between arterial routes on the National High-  
6           way System and a major intermodal transpor-  
7           tation facility.

8           “(D) A strategic highway network consist-  
9           ing of a network of highways that are impor-  
10          tant to the United States strategic defense pol-  
11          icy and that provide defense access, continuity,  
12          and emergency capabilities for the movement of  
13          personnel, materials, and equipment in both  
14          peacetime and wartime. The highways may be  
15          highways on or off the Interstate System and  
16          shall be designated by the Secretary in con-  
17          sultation with appropriate Federal agencies and  
18          the States.

19          “(E) Major strategic highway network con-  
20          nectors consisting of highways that provide  
21          motor vehicle access between major military in-  
22          stallations and highways that are part of the  
23          strategic highway network. The highways shall  
24          be designated by the Secretary in consultation

1 with appropriate Federal agencies and the  
2 States.

3 “(3) MAXIMUM MILEAGE.—The mileage of  
4 highways on the National Highway System shall not  
5 exceed 178,250 miles.

6 “(4) MODIFICATIONS TO NHS.—

7 “(A) IN GENERAL.—The Secretary may  
8 make any modification, including any modifica-  
9 tion consisting of a connector to a major inter-  
10 modal terminal, to the National Highway Sys-  
11 tem that is proposed by a State or that is pro-  
12 posed by a State and revised by the Secretary  
13 if the Secretary determines that the modifica-  
14 tion—

15 “(i) meets the criteria established for  
16 the National Highway System under this  
17 title; and

18 “(ii) enhances the national transpor-  
19 tation characteristics of the National High-  
20 way System.

21 “(B) COOPERATION.—

22 “(i) IN GENERAL.—In proposing a  
23 modification under this paragraph, a State  
24 shall cooperate with local and regional offi-  
25 cials.



1                   “(ii) URBANIZED AREAS.—In an ur-  
 2                   banized area, the local officials shall act  
 3                   through the metropolitan planning organi-  
 4                   zation designated for the area under sec-  
 5                   tion 134.

6           “(c) INTERSTATE SYSTEM.—

7                   “(1) DESCRIPTION.—

8                   “(A) IN GENERAL.—The Dwight D. Eisen-  
 9                   hower National System of Interstate and De-  
 10                  fense Highways within the United States (in-  
 11                  cluding the District of Columbia and Puerto  
 12                  Rico), consists of highways—

13                   “(i) designed—

14                   “(I) in accordance with the  
 15                   standards of section 109(b); or

16                   “(II) in the case of highways in  
 17                   Alaska and Puerto Rico, in accord-  
 18                   ance with such geometric and con-  
 19                   struction standards as are adequate  
 20                   for current and probable future traffic  
 21                   demands and the needs of the locality  
 22                   of the highway; and

23                   “(ii) located so as—

24                   “(I) to connect by routes, as di-  
 25                   rect as practicable, the principal met-

1                   ropolitan areas, cities, and industrial  
2                   centers;

3                   “(II) to serve the national de-  
4                   fense; and

5                   “(III) to the maximum extent  
6                   practicable, to connect at suitable bor-  
7                   der points with routes of continental  
8                   importance in Canada and Mexico.

9                   “(B) SELECTION OF ROUTES.—To the  
10                  maximum extent practicable, each route of the  
11                  Interstate System shall be selected by joint ac-  
12                  tion of the State transportation agencies of the  
13                  State in which the route is located and the ad-  
14                  joining States, in cooperation with local and re-  
15                  gional officials, and subject to the approval of  
16                  the Secretary.

17                  “(2) MAXIMUM MILEAGE.—The mileage of  
18                  highways on the Interstate System shall not exceed  
19                  43,000 miles, exclusive of designations under para-  
20                  graph (4).

21                  “(3) MODIFICATIONS.—The Secretary may ap-  
22                  prove or require modifications to the Interstate Sys-  
23                  tem in a manner consistent with the policies and  
24                  procedures established under this subsection.

25                  “(4) INTERSTATE SYSTEM DESIGNATIONS.—

1           “(A) ADDITIONS.—If the Secretary deter-  
2           mines that a highway on the National Highway  
3           System meets all standards of a highway on the  
4           Interstate System and that the highway is a  
5           logical addition or connection to the Interstate  
6           System, the Secretary may, upon the affirma-  
7           tive recommendation of the State or States in  
8           which the highway is located, designate the  
9           highway as a route on the Interstate System.

10           “(B) DESIGNATIONS AS FUTURE INTER-  
11           STATE SYSTEM ROUTES.—

12           “(i) IN GENERAL.—If the Secretary  
13           determines that a highway on the National  
14           Highway System would be a logical addi-  
15           tion or connection to the Interstate System  
16           and would qualify for designation as a  
17           route on the Interstate System under sub-  
18           paragraph (A), the Secretary may, upon  
19           the affirmative recommendation of the  
20           State or States in which the highway is lo-  
21           cated, designate the highway as a future  
22           Interstate System route.

23           “(ii) WRITTEN AGREEMENT OF  
24           STATES.—A designation under clause (i)  
25           shall be made only upon the written agree-

1           ment of the State or States described in  
2           that clause that the highway will be con-  
3           structed to meet all standards of a high-  
4           way on the Interstate System by the date  
5           that is 12 years after the date of the  
6           agreement.

7           “(iii) REMOVAL OF DESIGNATION.—

8                   “(I) IN GENERAL.—If the State  
9                   or States described in clause (i) have  
10                  not substantially completed the con-  
11                  struction of a highway designated  
12                  under this subparagraph within the  
13                  time provided for in the agreement be-  
14                  tween the Secretary and the State or  
15                  States under clause (ii), the Secretary  
16                  shall remove the designation of the  
17                  highway as a future Interstate System  
18                  route.

19                   “(II) EFFECT OF REMOVAL.—

20                  Removal of the designation of a high-  
21                  way under subclause (I) shall not pre-  
22                  clude the Secretary from designating  
23                  the highway as a route on the Inter-  
24                  state System under subparagraph (A)  
25                  or under any other provision of law

1 providing for addition to the Inter-  
2 state System.

3 “(iv) PROHIBITION ON REFERRAL AS  
4 INTERSTATE SYSTEM ROUTE.—No law,  
5 rule, regulation, map, document, or other  
6 record of the United States, or of any  
7 State or political subdivision of a State,  
8 shall refer to any highway designated as a  
9 future Interstate System route under this  
10 subparagraph, nor shall any such highway  
11 be signed or marked, as a highway on the  
12 Interstate System until such time as the  
13 highway is constructed to the geometric  
14 and construction standards for the Inter-  
15 state System and has been designated as a  
16 route on the Interstate System.

17 “(C) FINANCIAL RESPONSIBILITY.—

18 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), the designation of a  
20 highway under this paragraph shall create  
21 no additional Federal financial responsibil-  
22 ity with respect to the highway.

23 “(ii) CERTAIN HIGHWAYS.—Subject to  
24 section 119(b)(1)(B), a State may use  
25 funds available to the State under para-

graphs (1) and (3) of section 104(b) for  
the resurfacing, restoration, rehabilitation,  
and reconstruction of a highway—

“(I) designated before March 9,  
1984, as a route on the Interstate  
System under subparagraph (A) or as  
a future Interstate System route  
under subparagraph (B); or

“(II) in Alaska or Puerto Rico  
designated under subparagraph (A).

“(d) TRANSFER OF INTERSTATE CONSTRUCTION  
FUNDS.—

“(1) INTERSTATE CONSTRUCTION FUNDS NOT  
IN SURPLUS.—

“(A) IN GENERAL.—Upon application by a  
State and approval by the Secretary, the Sec-  
retary may transfer to the apportionment of the  
State under section 104(b)(1) any amount of  
funds apportioned to the State under section  
104(b)(5)(A) (as in effect on the day before the  
date of enactment of the Intermodal Transpor-  
tation Act of 1997), if the amount does not ex-  
ceed the Federal share of the costs of construc-  
tion of segments of the Interstate System in the

1 State included in the most recent Interstate  
2 System cost estimate.

3 “(B) EFFECT OF TRANSFER.—Upon trans-  
4 fer of an amount under subparagraph (A), the  
5 construction on which the amount is based, as  
6 included in the most recent Interstate System  
7 cost estimate, shall be ineligible for funding  
8 under section 104(b)(5)(A) (as in effect on the  
9 day before the date of enactment of the Inter-  
10 modal Transportation Act of 1997) or 104(k).

11 “(2) SURPLUS INTERSTATE CONSTRUCTION  
12 FUNDS.—Upon application by a State and approval  
13 by the Secretary, the Secretary may transfer to the  
14 apportionment of the State under section 104(b)(1)  
15 any amount of surplus funds apportioned to the  
16 State under section 104(b)(5)(A) (as in effect on the  
17 day before the date of enactment of the Intermodal  
18 Transportation Act of 1997), if the State has fully  
19 financed all work eligible under the most recent  
20 Interstate System cost estimate.

21 “(3) APPLICABILITY OF CERTAIN LAWS.—  
22 Funds transferred under this subsection shall be  
23 subject to the laws (including regulations, policies,  
24 and procedures) relating to the apportionment to  
25 which the funds are transferred.

1       “(e) UNOBLIGATED BALANCES OF INTERSTATE SUB-  
 2       STITUTE FUNDS.—Unobligated balances of funds appor-  
 3       tioned to a State under section 103(e)(4)(H) (as in effect  
 4       on the day before the date of enactment of the Intermodal  
 5       Transportation Act of 1997) shall be available for obliga-  
 6       tion by the State under the law (including regulations,  
 7       policies, and procedures) relating to the obligation and ex-  
 8       penditure of the funds in effect on that date.”.

9       (b) CONFORMING AMENDMENTS.—

10           (1)(A) Section 101(a) of title 23, United States  
 11       Code, is amended in the undesignated paragraph de-  
 12       fining “Interstate System” by striking “subsection  
 13       (e) of section 103 of this title” and inserting “sec-  
 14       tion 103(c)”.

15           (B) Section 104(f)(1) of title 23, United States  
 16       Code, is amended by striking “, except that” and all  
 17       that follows through “programs”.

18           (C) Section 115(a) of title 23, United States  
 19       Code, is amended—

20               (i) in the subsection heading, by striking  
 21       “SUBSTITUTE,”; and

22               (ii) in paragraph (1)(A)(i), by striking  
 23       “103(e)(4)(H),”;

24           (D) Section 118 of title 23, United States Code  
 25       (as amended by section 1118(b)), is amended—



1 (i) by striking subsection (d); and

2 (ii) by redesignating subsections (e), (f),  
3 and (g) (as added by section 1103(d)) as sub-  
4 sections (c), (d), and (e), respectively.

5 (E) Section 129(b) of title 23, United States  
6 Code, is amended in the first sentence by striking  
7 “which has been” and all that follows through “and  
8 has not” and inserting “which is a public road and  
9 has not”.

10 (2)(A) Section 139 of title 23, United States  
11 Code, is repealed.

12 (B) The analysis for chapter 1 of title 23, Unit-  
13 ed States Code, is amended by striking the item re-  
14 lating to section 139.

15 (C) Section 119(a) of title 23, United States  
16 Code, is amended in the first sentence—

17 (i) by striking “sections 103 and 139(c) of  
18 this title” and inserting “section 103(c)(1) and,  
19 in Alaska and Puerto Rico, under section  
20 103(c)(4)(A)”;

21 (ii) by striking “section 139 (a) and (b) of  
22 this title” and inserting “subparagraphs (A)  
23 and (B) of section 103(c)(4)”.

1 (D) Section 127(f) of title 23, United States  
 2 Code, is amended by striking “section 139(a)” and  
 3 inserting “section 103(c)(4)(A)”.

4 (E) Section 1105(e)(5) of the Intermodal Sur-  
 5 face Transportation Efficiency Act of 1991 (109  
 6 Stat. 597) is amended by striking subparagraph (B)  
 7 and inserting the following:

8 “(B) TREATMENT OF SEGMENTS.—Subject  
 9 to subparagraph (C), segments designated as  
 10 parts of the Interstate System under this para-  
 11 graph shall be treated in the same manner as  
 12 segments designated under section 103(c)(4)(A)  
 13 of title 23, United States Code.”.

14 **SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.**

15 (a) DEFINITIONS AND DECLARATION OF POLICY.—

16 (1) CREATION OF POLICY SECTION.—Section  
 17 102 of title 23, United States Code, is amended—

18 (A) by striking the section heading and in-  
 19 serting the following:

20 **“§ 102. Declaration of policy”;**

21 (B) by redesignating subsection (a) as sub-  
 22 section (c) and moving that subsection to the  
 23 end of section 146; and

24 (C) by redesignating subsection (b) as sub-  
 25 section (f) and moving that subsection to the

1 end of section 118 (as amended by section  
2 1701(b)(1)(D)(ii)).

3 (2) TRANSFER OF POLICY PROVISIONS.—Sec-  
4 tion 101 of title 23, United States Code, is amend-  
5 ed—

6 (A) by striking the section heading and in-  
7 serting the following:

8 **“§ 101. Definitions”;**

9 (B) in subsection (a), by striking “(a)”;

10 (C) by striking subsection (b); and

11 (D) by redesignating subsections (c)  
12 through (e) as subsections (a) through (c), re-  
13 spectively, and moving those subsections to sec-  
14 tion 102 (as amended by paragraph (1)).

15 (3) CONFORMING AMENDMENTS.—

16 (A) The analysis for chapter 1 of title 23,  
17 United States Code, is amended by striking the  
18 items relating to sections 101 and 102 and in-  
19 serting the following:

“101. Definitions.

“102. Declaration of policy.”.

20 (B) Section 47107(j)(1)(B) of title 49,  
21 United States Code, is amended by striking  
22 “section 101(a)” and inserting “section 101”.

23 (b) ADVANCE CONSTRUCTION.—Section 115 of title  
24 23, United States Code, is amended—

1 (1) in subsection (b)—

2 (A) by striking “PROJECTS” and all that  
3 follows through “When a State” and inserting  
4 “PROJECTS.—When a State”;

5 (B) by striking paragraphs (2) and (3);  
6 and

7 (C) by redesignating subparagraphs (A)  
8 and (B) as paragraphs (1) and (2), respectively,  
9 and indenting appropriately;  
10 (2) by striking subsection (c);

11 (3) in subsection (d), by striking “section  
12 135(f)” and inserting “section 135”; and

13 (4) by redesignating subsection (d) as sub-  
14 section (c).

15 (c) MAINTENANCE.—Section 116 of title 23, United  
16 States Code, is amended—

17 (1) in subsection (a), by striking the second  
18 sentence;

19 (2) by striking subsection (b);

20 (3) in subsection (c)—

21 (A) in the first sentence, by striking “he”  
22 and inserting “the Secretary”; and

23 (B) in the second sentence, by striking  
24 “further projects” and inserting “further ex-

1           penditure of Federal-aid highway program  
2           funds”; and

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

5           (d) INTERSTATE MAINTENANCE PROGRAM.—Section  
6 119(a) of title 23, United States Code, is amended in the  
7 first sentence by striking “the date of enactment of this  
8 sentence” and inserting “March 9, 1984”.

9           (e) ADVANCES TO STATES.—Section 124 of title 23,  
10 United States Code, is amended—

11           (1) by striking “(a)”; and

12           (2) by striking subsection (b).

13           (f) DIVERSION.—

14           (1) IN GENERAL.—Section 126 of title 23,  
15 United States Code, is repealed.

16           (2) CONFORMING AMENDMENT.—The analysis  
17 for chapter 1 of title 23, United States Code, is  
18 amended by striking the item relating to section  
19 126.

20           (g) RAILWAY-HIGHWAY CROSSINGS.—Section 130(f)  
21 of title 23, United States Code, is amended by striking  
22 “APPORTIONMENT” and all that follows through the first  
23 sentence and inserting “FEDERAL SHARE.—”.

24           (h) SURFACE TRANSPORTATION PROGRAM.—Section  
25 133(a) of title 23, United States Code, is amended by

1 striking “ESTABLISHMENT.—The Secretary shall estab-  
2 lish” and inserting “IN GENERAL.—The Secretary shall  
3 carry out”.

4 (i) CONTROL OF JUNKYARDS.—Section 136 of title  
5 23, United States Code, is amended by striking subsection  
6 (m) and inserting the following:

7 “(m) PRIMARY SYSTEM DEFINED.—For purposes of  
8 this section, the term ‘primary system’ means the Federal-  
9 aid primary system in existence on June 1, 1991, and any  
10 highway which is not on such system but which is on the  
11 National Highway System.”.

12 (j) FRINGE AND CORRIDOR PARKING FACILITIES.—  
13 Section 137(a) of title 23, United States Code, is amended  
14 in the first sentence by striking “on the Federal-aid urban  
15 system” and inserting “on a Federal-aid highway”.

16 (k) NONDISCRIMINATION.—Section 140 of title 23,  
17 United States Code, is amended—

18 (1) in subsection (a)—

19 (A) in the first sentence, by striking “sub-  
20 section (a) of section 105 of this title,” and in-  
21 serting “section 106(a),”;

22 (B) by striking “he” each place it appears  
23 and inserting “the Secretary”;

24 (C) in the second sentence, by striking  
25 “He” and inserting “The Secretary”;

1 (D) in the third sentence, by striking “In  
 2 approving programs for projects on any of the  
 3 Federal-aid systems,” and inserting “Before ap-  
 4 proving any project under section 106(a),”; and

5 (E) in the last sentence, by striking “him”  
 6 and inserting “the Secretary”;

7 (2) by striking subsection (b);

8 (3) in the subsection heading of subsection (d),  
 9 by striking “AND CONTRACTING”; and  
 10 (4) by redesignating subsections (c) and (d) as  
 11 subsections (b) and (c), respectively.

12 (l) PRIORITY PRIMARY ROUTES.—

13 (1) IN GENERAL.—Section 147 of title 23,  
 14 United States Code, is repealed.

15 (2) CONFORMING AMENDMENT.—The analysis  
 16 for chapter 1 of title 23, United States Code, is  
 17 amended by striking the item relating to section  
 18 147.

19 (m) DEVELOPMENT OF A NATIONAL SCENIC AND  
 20 RECREATIONAL HIGHWAY.—

21 (1) IN GENERAL.—Section 148 of title 23,  
 22 United States Code, is repealed.

23 (2) CONFORMING AMENDMENT.—The analysis  
 24 for chapter 1 of title 23, United States Code, is

1       amended by striking the item relating to section  
2       148.

3       (n) HAZARD ELIMINATION PROGRAM.—Section  
4       152(e) of title 23, United States Code, is amended by  
5       striking “apportioned to” in the first sentence and all that  
6       follows through “shall be” in the second sentence.

7       (o) ACCESS HIGHWAYS TO PUBLIC RECREATION  
8       AREAS ON CERTAIN LAKES.—

9               (1) IN GENERAL.—Section 155 of title 23,  
10       United States Code, is repealed.

11              (2) CONFORMING AMENDMENT.—The analysis  
12       for chapter 1 of title 23, United States Code, is  
13       amended by striking the item relating to section  
14       155.

15       **SEC. 1703. NONDISCRIMINATION.**

16       (a) IN GENERAL.—Section 324 of title 23, United  
17       States Code, is amended—

18              (1) by inserting “(d) PROHIBITION OF DIS-  
19       CRIMINATION ON THE BASIS OF SEX.—” before “No  
20       person”; and

21              (2) by moving subsection (d) (as designated by  
22       paragraph (1)) to the end of section 140 (as amend-  
23       ed by section 1702(k)).

24       (b) CONFORMING AMENDMENTS.—



1           (1) Section 324 of title 23, United States Code,  
2       is repealed.

3           (2) The analysis for chapter 3 of title 23, Unit-  
4       ed States Code, is amended by striking the item re-  
5       lating to section 324.

6 **SEC. 1704. STATE TRANSPORTATION DEPARTMENT.**

7       (a) IN GENERAL.—Section 302 of title 23, United  
8       States Code, is amended—

9           (1) in subsection (a)—

10               (A) by striking “(a)”;

11               (B) by striking the second sentence; and

12               (C) by adding at the end the following:

13               “Compliance with this section shall have no ef-  
14               fect on the eligibility of costs.”; and

15           (2) by striking subsection (b).

16       (b) CONFORMING AMENDMENTS.—

17           (1) Title 23, United States Code, is amended—

18               (A) by striking “State highway depart-  
19               ment” each place it appears and inserting  
20               “State transportation department”; and

21               (B) by striking “State highway depart-  
22               ments” each place it appears and inserting  
23               “State transportation departments”.

24           (2) The analysis for chapter 3 of title 23, Unit-  
25       ed States Code, is amended in the item relating to

1 section 302 by striking “highway” and inserting  
2 “transportation”.

3 (3) Section 302 of title 23, United States Code,  
4 is amended in the section heading by striking  
5 “**highway**” and inserting “**transportation**”.

6 (4) Section 410(h)(5) of title 23, United States  
7 Code, is amended in the paragraph heading by strik-  
8 ing “HIGHWAY” and inserting “TRANSPORTATION”.

9 (5) Section 201(b) of the Appalachian Regional  
10 Development Act of 1965 (40 U.S.C. App.) is  
11 amended in the second sentence by striking “State  
12 highway department” and inserting “State transpor-  
13 tation department”.

14 (6) Section 138(c) of the Surface Transpor-  
15 tation Assistance Act of 1978 (40 U.S.C. App. note  
16 to section 201 of the Appalachian Regional Develop-  
17 ment Act of 1965; Public Law 95–599) is amended  
18 in the first sentence by striking “State highway de-  
19 partment” and inserting “State transportation de-  
20 partment”.

1           **TITLE II—RESEARCH AND**  
 2                           **TECHNOLOGY**

3   **Subtitle A—Research and Training**

4   **SEC. 2001. STRATEGIC RESEARCH PLAN.**

5           Subtitle III of title 49, United States Code, is amend-  
 6   ed—

7                   (1) in the table of chapters, by inserting after  
 8           the item relating to chapter 51 the following:

          “52. RESEARCH AND DEVELOPMENT ..... 5201”;

9           and

10                   (2) by inserting after chapter 51 the following:

11                   **“CHAPTER 52—RESEARCH AND**  
 12                           **DEVELOPMENT**

          “Sec.

          “5201. Definitions.

          “SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

          “5211. Transactional authority.

          “SUBCHAPTER II—STRATEGIC PLANNING

          “5221. Strategic planning.

          “5222. Authorization of appropriations.

          “SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH  
           AND DEVELOPMENT PROGRAM

          “5231. Multimodal Transportation Research and Development Program.

          “5232. Authorization of appropriations.

          “SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION  
           CENTERS

          “5241. National university transportation centers.

13   **“§ 5201. Definitions**

14           “In this chapter:

1           “(1) DEPARTMENT.—The term ‘Department’  
2 means the Department of Transportation.

3           “(2) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of Transportation.

5           “SUBCHAPTER I—GENERAL AND  
6 ADMINISTRATIVE PROVISIONS

7   **“§ 5211. Transactional authority**

8           “To further the objectives of this chapter, the Sec-  
9 retary may make grants to, and enter into contracts, coop-  
10 erative agreements, and other transactions with—

11           “(1) any person or any agency or instrumental-  
12 ity of the United States;

13           “(2) any unit of State or local government;

14           “(3) any educational institution; and

15           “(4) any other entity.

16           “SUBCHAPTER II—STRATEGIC PLANNING

17   **“§ 5221. Strategic planning**

18           “(a) AUTHORITY.—The Secretary shall establish a  
19 strategic planning process to—

20           “(1) determine national transportation re-  
21 search, development, and technology deployment pri-  
22 orities, strategies, and milestones over the next 5  
23 years;

1           “(2) coordinate Federal transportation re-  
2           search, development, and technology deployment ac-  
3           tivities; and

4           “(3) measure the impact of the research, devel-  
5           opment, and technology investments described in  
6           paragraph (2) on the performance of the transpor-  
7           tation system of the United States.

8           “(b) CRITERIA.—In developing strategic plans for  
9           intermodal, multimodal, and mode-specific research, devel-  
10          opment, and technology deployment, the Secretary shall  
11          consider the need to—

12           “(1) coordinate and integrate Federal, regional,  
13           State, and metropolitan planning research, develop-  
14           ment, and technology activities in urban and rural  
15           areas;

16           “(2) promote standards that facilitate a seam-  
17           less and interoperable transportation system;

18           “(3) encourage innovation;

19           “(4) identify and facilitate initiatives and part-  
20           nerships to deploy technology with the potential for  
21           improving transportation systems during the next 5-  
22           year and 10-year periods;

23           “(5) identify core research to support the long-  
24           term transportation technology and system needs of

1 urban and rural areas of the United States, includ-  
2 ing safety;

3 “(6) ensure the ability of the United States to  
4 compete on a global basis; and

5 “(7) provide a means of assessing the impact of  
6 Federal research and technology investments on the  
7 performance of the transportation system of the  
8 United States.

9 “(c) IMPLEMENTATION.—

10 “(1) IN GENERAL.—In carrying out subsection  
11 (a), the Secretary shall adopt such policies and pro-  
12 cedures as are appropriate—

13 “(A) to provide for integrated planning, co-  
14 ordination, and consultation among the Admin-  
15 istrators of the operating administrations of the  
16 Department and other Federal officials with re-  
17 sponsibility for research, development, and tech-  
18 nology transfer important to national transpor-  
19 tation needs;

20 “(B) to promote the exchange of informa-  
21 tion on transportation-related research and de-  
22 velopment activities among the operating ele-  
23 ments of the Department, other Federal depart-  
24 ments and agencies, State and local govern-  
25 ments, colleges and universities, industry, and

1 other private and public sector organizations  
 2 engaged in the activities;

3 “(C) to ensure that the research and devel-  
 4 opment programs of the Department do not du-  
 5 plicate other Federal and, to the maximum ex-  
 6 tent practicable, private sector research and de-  
 7 velopment programs; and

8 “(D) to ensure that the research and de-  
 9 velopment activities of the Department—

10 “(i) make appropriate use of the tal-  
 11 ents, skills, and abilities at the Federal  
 12 laboratories; and

13 “(ii) leverage, to the maximum extent  
 14 practicable, the research, development, and  
 15 technology transfer capabilities of institu-  
 16 tions of higher education and private in-  
 17 dustry.

18 “(2) CONSULTATION.—The procedures and  
 19 policies adopted under paragraph (1) shall include  
 20 consultation with State officials and members of the  
 21 private sector.

22 “(d) REPORTS.—

23 “(1) IN GENERAL.—Concurrent with the sub-  
 24 mission to Congress of the budget of the President  
 25 for each fiscal year, the Secretary shall submit to

1 the Committee on Environment and Public Works of  
 2 the Senate and the Committee on Transportation  
 3 and Infrastructure of the House of Representatives  
 4 a report on the strategic plans, goals, and milestones  
 5 developed under subsections (a) and (b) to help  
 6 guide research, development, and technology transfer  
 7 activities during the 5-year period beginning on the  
 8 date of the report.

9 “(2) COMPARISON TO PREVIOUS REPORT.—The  
 10 report shall include a delineation of the progress  
 11 made with respect to each of the plans, goals, and  
 12 milestones specified in the previous report.

13 “(3) PROHIBITION ON OBLIGATION FOR FAIL-  
 14 URE TO SUBMIT REPORT.—Beginning on the date of  
 15 the submission to Congress of the budget of the  
 16 President for fiscal year 2000, and on the date of  
 17 the submission for each fiscal year thereafter, none  
 18 of the funds made available under this chapter or  
 19 chapter 5 of title 23 may be obligated until the re-  
 20 port required under paragraph (1) for that fiscal  
 21 year is submitted.

22 **“§ 5222. Authorization of contract authority**

23 “(a) IN GENERAL.—There shall be available from the  
 24 Highway Trust Fund (other than the Mass Transit Ac-



1 count) to carry out this subchapter \$1,500,000 for each  
2 of fiscal years 1998 through 2003.

3 “(b) CONTRACT AUTHORITY.—Funds authorized  
4 under this section shall be available for obligation in the  
5 same manner as if the funds were apportioned under chap-  
6 ter 1 of title 23, except that—

7 “(1) any Federal share of the cost of an activity  
8 under this subchapter shall be determined in accord-  
9 ance with this subchapter; and

10 “(2) the funds shall remain available for obliga-  
11 tion for a period of 2 years after the last day of the  
12 fiscal year for which the funds are authorized.

13 “(c) USE OF UNALLOCATED FUNDS.—To the extent  
14 that the amounts made available for any fiscal year under  
15 subsection (a) exceed the amounts used to carry out sec-  
16 tion 5221 for the fiscal year, the excess amounts—

17 “(1) shall be apportioned in accordance with  
18 section 104(b)(3) of title 23;

19 “(2) shall be considered to be sums made avail-  
20 able for expenditure on the surface transportation  
21 program, except that the amounts shall not be sub-  
22 ject to section 133(d) of that title; and

23 “(3) shall be available for any purpose eligible  
24 for funding under section 133 of that title.”.

1 **SEC. 2002. MULTIMODAL TRANSPORTATION RESEARCH**  
2 **AND DEVELOPMENT PROGRAM.**

3 Chapter 52 of title 49, United States Code (as added  
4 by section 2001), is amended by adding at the end the  
5 following:

6 “SUBCHAPTER III—MULTIMODAL TRANSPOR-  
7 TATION RESEARCH AND DEVELOPMENT  
8 PROGRAM

9 “§ 5231. **Multimodal Transportation Research and De-**  
10 **velopment Program**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-  
12 lish a program to be known as the ‘Multimodal Transpor-  
13 tation Research and Development Program’.

14 “(b) PURPOSES.—The purposes of the Multimodal  
15 Transportation Research and Development Program are  
16 to—

17 “(1) enhance the capabilities of Federal agen-  
18 cies to meet national transportation needs, as de-  
19 fined by the missions of the agencies, through sup-  
20 port for long-term and applied research and develop-  
21 ment that would benefit the various modes of trans-  
22 portation, including research and development in  
23 safety, security, mobility, energy and the environ-  
24 ment, information and physical infrastructure, and  
25 industrial design;

1           “(2) identify and apply innovative research per-  
2           formed by the Federal Government, academia, and  
3           the private sector to the intermodal and multimodal  
4           transportation research, development, and deploy-  
5           ment needs of the Department and the transpor-  
6           tation enterprise of the United States;

7           “(3) identify and leverage research, tech-  
8           nologies, and other information developed by the  
9           Federal Government for national defense and non-  
10          defense purposes for the benefit of the public, com-  
11          mercial, and defense transportation sectors; and

12          “(4) share information and analytical and re-  
13          search capabilities among the Federal Government,  
14          State and local governments, colleges and univer-  
15          sities, and private organizations to advance their  
16          ability to meet their transportation research, devel-  
17          opment, and deployment needs.

18          “(c) PROCESS FOR CONSULTATION.—To advise the  
19          Secretary in establishing priorities within the Program,  
20          the Secretary shall establish a process for consultation  
21          among the Administrators of the operating administra-  
22          tions of the Department and other Federal officials with  
23          responsibility for research.

1 **“§ 5232. Authorization of contract authority**

2 “(a) IN GENERAL.—There shall be available from the  
3 Highway Trust Fund (other than the Mass Transit Ac-  
4 count) to carry out this subchapter \$2,500,000 for each  
5 of fiscal years 1998 through 2003.

6 “(b) CONTRACT AUTHORITY.—Funds authorized  
7 under this section shall be available for obligation in the  
8 same manner as if the funds were apportioned under chap-  
9 ter 1 of title 23, except that—

10 “(1) any Federal share of the cost of an activity  
11 under this subchapter shall be determined in accord-  
12 ance with this subchapter; and

13 “(2) the funds shall remain available for obliga-  
14 tion for a period of 2 years after the last day of the  
15 fiscal year for which the funds are authorized.”.

16 **SEC. 2003. NATIONAL UNIVERSITY TRANSPORTATION CEN-**  
17 **TERS.**

18 (a) IN GENERAL.—Chapter 52 of title 49, United  
19 States Code (as amended by section 2002), is amended  
20 by adding at the end the following:

21 “SUBCHAPTER IV—NATIONAL UNIVERSITY  
22 TRANSPORTATION CENTERS

23 **“§ 5241. National university transportation centers**

24 “(a) REGIONALLY BASED CENTERS.—The Secretary  
25 shall make grants to, or enter into contracts with, the non-  
26 profit institutions of higher learning selected under section

1 5317 (as in effect on the day before the date of enactment  
 2 of this section) to operate 1 university transportation cen-  
 3 ter in each of the 10 Federal administrative regions that  
 4 comprise the Standard Federal Regional Boundary Sys-  
 5 tem.

6 “(b) ADDITIONAL CENTERS.—

7 “(1) IN GENERAL.—The Secretary may make  
 8 grants to nonprofit institutions of higher learning to  
 9 establish and operate not more than 10 additional  
 10 university transportation centers to address—

11 “(A) transportation management, research,  
 12 and development, with special attention to in-  
 13 creasing the number of highly skilled minority  
 14 individuals and women entering the transpor-  
 15 tation workforce;

16 “(B) transportation and industrial produc-  
 17 tivity;

18 “(C) rural transportation;

19 “(D) advanced transportation technology;

20 “(E) international transportation policy  
 21 studies;

22 “(F) transportation infrastructure tech-  
 23 nology;

24 “(G) urban transportation research;

25 “(H) transportation and the environment;

1 “(I) surface transportation safety; or

2 “(J) infrastructure finance studies.

3 “(2) SELECTION CRITERIA.—

4 “(A) APPLICATION.—A nonprofit institu-  
5 tion of higher learning that desires to receive a  
6 grant under paragraph (1) shall submit an ap-  
7 plication to the Secretary in such manner and  
8 containing such information as the Secretary  
9 may require.

10 “(B) SELECTION OF RECIPIENTS.—The  
11 Secretary shall select each grant recipient under  
12 paragraph (1) on the basis of—

13 “(i) the demonstrated research and  
14 extension resources available to the recipi-  
15 ent to carry out this section;

16 “(ii) the capability of the recipient to  
17 provide leadership in making national and  
18 regional contributions to the solution of  
19 immediate and long-term transportation  
20 problems;

21 “(iii) the establishment by the recipi-  
22 ent of a surface transportation program  
23 that encompasses several modes of trans-  
24 portation;

1                   “(iv) the demonstrated ability of the  
2                   recipient to disseminate results of trans-  
3                   portation research and education programs  
4                   through a statewide or regionwide continu-  
5                   ing education program; and

6                   “(v) the strategic plan that the recipi-  
7                   ent proposes to carry out using the grant  
8                   funds.

9           “(c) OBJECTIVES.—Each university transportation  
10 center shall use grant funds under subsection (a) or (b)  
11 to carry out—

12                   “(1) multimodal basic and applied research, the  
13                   products of which are judged by peers or other ex-  
14                   perts in the field to advance the body of knowledge  
15                   in transportation;

16                   “(2) an education program that includes multi-  
17                   disciplinary course work and participation in re-  
18                   search; and

19                   “(3) an ongoing program of technology transfer  
20                   that makes research results available to potential  
21                   users in a form that can be readily implemented,  
22                   used, or otherwise applied.

23           “(d) MAINTENANCE OF EFFORT.—Before making a  
24 grant under subsection (a) or (b), the Secretary shall re-  
25 quire the grant recipient to enter into an agreement with

1 the Secretary to ensure that the recipient will maintain,  
2 during the period of the grant, a level of total expenditures  
3 from all other sources for establishing and operating a  
4 university transportation center and carrying out related  
5 research activities that is at least equal to the average level  
6 of those expenditures in the 2 fiscal years of the recipient  
7 prior to the award of a grant under subsection (a) or (b).

8 “(e) ADDITIONAL GRANTS AND CONTRACTS.—

9 “(1) GRANTS OR CONTRACTS.—In addition to  
10 grants under subsection (a) or (b), the Secretary  
11 may make grants to, or enter into contracts with,  
12 university transportation centers without the need  
13 for a competitive process.

14 “(2) USE OF GRANTS OR CONTRACTS.—A non-  
15 competitive grant or contract under paragraph (1)  
16 shall be used for transportation research, develop-  
17 ment, education, or training consistent with the stra-  
18 tegic plan approved as part of the selection process  
19 for the center.

20 “(f) FEDERAL SHARE.—The Federal share of the  
21 cost of establishing and operating a university transpor-  
22 tation center and carrying out related research activities  
23 under this section shall be not more than 50 percent.

24 “(g) PROGRAM COORDINATION.—

25 “(1) IN GENERAL.—The Secretary shall—



1           “(A) coordinate research, education, train-  
2           ing, and technology transfer activities carried  
3           out by grant recipients under this section;

4           “(B) disseminate the results of the re-  
5           search; and

6           “(C) establish and operate a clearinghouse  
7           for disseminating the results of the research.

8           “(2) REVIEW AND EVALUATION.—

9           “(A) IN GENERAL.—Not less often than  
10          annually, the Secretary shall review and evalu-  
11          ate programs carried out by grant recipients  
12          under this section.

13          “(B) NOTIFICATION OF DEFICIENCIES.—  
14          In carrying out subparagraph (A), if the Sec-  
15          retary determines that a university transpor-  
16          tation center is deficient in meeting the objec-  
17          tives of this section, the Secretary shall notify  
18          the grant recipient operating the center of each  
19          deficiency and provide specific recommendations  
20          of measures that should be taken to address the  
21          deficiency.

22          “(C) DISQUALIFICATION.—If, after the  
23          end of the 180-day period that begins on the  
24          date of notification to a grant recipient under  
25          subparagraph (B) with respect to a center, the

Secretary determines that the recipient has not corrected each deficiency identified under subparagraph (B), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination—

“(i) disqualify the university transportation center from further participation under this section; and

“(ii) make a grant for the establishment of a new university transportation center, in lieu of the disqualified center, under subsection (a) or (b), as applicable.

“(3) FUNDING.—The Secretary may use not more than 1 percent of Federal funds made available under this section to carry out this subsection.

“(h) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$12,000,000 for each of fiscal years 1998 through 2003.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be made available

1 for obligation in the same manner as if the funds  
2 were apportioned under chapter 1 of title 23, except  
3 that the Federal share of the cost of a project under  
4 this section shall be determined in accordance with  
5 this section.

6 “(3) TECHNOLOGY TRANSFER ACTIVITIES.—  
7 For each fiscal year, not less than 5 percent of the  
8 amounts made available to carry out this section  
9 shall be available to carry out technology transfer  
10 activities.

11 “(i) LIMITATION ON AVAILABILITY OF FUNDS.—  
12 Funds authorized under this section shall remain available  
13 for obligation for a period of 2 years after the last day  
14 of the fiscal year for which the funds are authorized.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Sections 5316 and 5317 of title 49, United  
17 States Code, are repealed.

18 (2) The analysis for chapter 53 of title 49,  
19 United States Code, is amended by striking the  
20 items relating to sections 5316 and 5317.

21 **SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.**

22 (a) IN GENERAL.—Section 111 of title 49, United  
23 States Code, is amended—

24 (1) in subsection (b)(4), by striking the second  
25 sentence;

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (J), by striking  
4 “and” at the end;

5 (ii) in subparagraph (K), by striking  
6 the period at the end and inserting “;  
7 and”; and

8 (iii) by adding at the end the follow-  
9 ing:

10 “(L) transportation-related variables that  
11 influence global competitiveness.”;

12 (B) in paragraph (2)—

13 (i) in the first sentence, by striking  
14 “national transportation system” and in-  
15 serting “transportation systems of the  
16 United States”;

17 (ii) by striking subparagraph (A) and  
18 inserting the following:

19 “(A) be coordinated with efforts to meas-  
20 ure outputs and outcomes of the Department of  
21 Transportation and the transportation systems  
22 of the United States under the Government  
23 Performance and Results Act of 1993 (Public  
24 Law 103–62) and the amendments made by  
25 that Act;”; and

1 (iii) in subparagraph (C), by inserting  
 2 “, made relevant to the States and metro-  
 3 politan planning organizations,” after “ac-  
 4 curacy”;

5 (C) in paragraph (3), by adding at the end  
 6 the following: “The Bureau shall review and re-  
 7 port to the Secretary of Transportation on the  
 8 sources and reliability of the statistics proposed  
 9 by the heads of the operating administrations of  
 10 the Department to measure outputs and out-  
 11 comes as required by the Government Perform-  
 12 ance and Results Act of 1993 (Public Law  
 13 103–62) and the amendments made by that  
 14 Act, and shall carry out such other reviews of  
 15 the sources and reliability of other data col-  
 16 lected by the heads of the operating administra-  
 17 tions of the Department as shall be requested  
 18 by the Secretary.”; and

19 (D) by adding at the end the following:

20 “(7) SUPPORTING TRANSPORTATION DECISION-  
 21 MAKING.—Ensuring that the statistics compiled  
 22 under paragraph (1) are relevant for transportation  
 23 decisionmaking by the Federal Government, State  
 24 and local governments, transportation-related asso-  
 25 ciations, private businesses, and consumers.”;

1           (3) by redesignating subsections (d), (e) and (f)  
2           as subsections (h), (i) and (j), respectively;

3           (4) by striking subsection (g);

4           (5) by inserting after subsection (c) the follow-  
5           ing:

6           “(d) TRANSPORTATION DATA BASE.—

7           “(1) IN GENERAL.—In consultation with the  
8           Associate Deputy Secretary, the Assistant Secretar-  
9           ies, and the heads of operating administrations of  
10          the Department of Transportation, the Director  
11          shall establish and maintain a transportation data  
12          base for all modes of transportation.

13          “(2) USE.—The data base shall be suitable for  
14          analyses carried out by the Federal Government, the  
15          States, and metropolitan planning organizations.

16          “(3) CONTENTS.—The data base shall in-  
17          clude—

18               “(A) information on the volumes and pat-  
19               terns of movement of goods, including local,  
20               interregional, and international movement, by  
21               all modes of transportation and intermodal  
22               combinations, and by relevant classification;

23               “(B) information on the volumes and pat-  
24               terns of movement of people, including local,  
25               interregional, and international movements, by

1 all modes of transportation (including bicycle  
 2 and pedestrian modes) and intermodal combina-  
 3 tions, and by relevant classification;

4 “(C) information on the location and  
 5 connectivity of transportation facilities and  
 6 services; and

7 “(D) a national accounting of expenditures  
 8 and capital stocks on each mode of transpor-  
 9 tation and intermodal combination.

10 “(e) NATIONAL TRANSPORTATION LIBRARY.—

11 “(1) IN GENERAL.—The Director shall establish  
 12 and maintain a National Transportation Library,  
 13 which shall contain a collection of statistical and  
 14 other information needed for transportation decision-  
 15 making at the Federal, State, and local levels.

16 “(2) ACCESS.—The Bureau shall facilitate and  
 17 promote access to the Library, with the goal of im-  
 18 proving the ability of the transportation community  
 19 to share information and the ability of the Bureau  
 20 to make statistics readily accessible under subsection  
 21 (c)(5).

22 “(3) COORDINATION.—The Bureau shall work  
 23 with other transportation libraries and other trans-  
 24 portation information providers, both public and pri-  
 25 vate, to achieve the goal specified in paragraph (2).

1       “(f) NATIONAL TRANSPORTATION ATLAS DATA  
2 BASE.—

3               “(1) IN GENERAL.—The Director shall develop  
4 and maintain geospatial data bases that depict—

5                       “(A) transportation networks;

6                       “(B) flows of people, goods, vehicles, and  
7 craft over the networks; and

8                       “(C) social, economic, and environmental  
9 conditions that affect or are affected by the net-  
10 works.

11               “(2) INTERMODAL NETWORK ANALYSIS.—The  
12 data bases shall be able to support intermodal net-  
13 work analysis.

14       “(g) RESEARCH AND DEVELOPMENT GRANTS.—The  
15 Secretary may make grants to, or enter into cooperative  
16 agreements or contracts with, public and nonprofit private  
17 entities (including State departments of transportation,  
18 metropolitan planning organizations, and institutions of  
19 higher education) for—

20               “(1) investigation of the subjects specified in  
21 subsection (c)(1) and research and development of  
22 new methods of data collection, management, inte-  
23 gration, dissemination, interpretation, and analysis;

24               “(2) development of electronic clearinghouses of  
25 transportation data and related information, as part



1 of the National Transportation Library under sub-  
2 section (e); and

3 “(3) development and improvement of methods  
4 for sharing geographic data, in support of the na-  
5 tional transportation atlas data base under sub-  
6 section (f) and the National Spatial Data Infrastruc-  
7 ture developed under Executive Order No. 12906.”;

8 (6) by striking subsection (i) (as redesignated  
9 by paragraph (3)) and inserting the following:

10 “(i) PROHIBITION ON CERTAIN DISCLOSURES.—

11 “(1) IN GENERAL.—An officer or employee of  
12 the Bureau may not—

13 “(A) make any disclosure in which the  
14 data provided by an individual or organization  
15 under subsection (c)(2) can be identified;

16 “(B) use the information provided under  
17 subsection (c)(2) for a nonstatistical purpose;  
18 or

19 “(C) permit anyone other than an individ-  
20 ual authorized by the Director to examine any  
21 individual report provided under subsection  
22 (c)(2).

23 “(2) PROHIBITION ON REQUESTS FOR CERTAIN  
24 DATA.—

1           “(A) GOVERNMENT AGENCIES.—No de-  
2           partment, bureau, agency, officer, or employee  
3           of the United States (except the Director of the  
4           Bureau of Transportation Statistics in carrying  
5           out this section) may require, for any reason, a  
6           copy of any report that has been filed under  
7           subsection (c)(2) with the Bureau of Transpor-  
8           tation Statistics or retained by an individual re-  
9           spondent.

10           “(B) COURTS.—Any copy of a report de-  
11           scribed in subparagraph (A) that has been re-  
12           tained by an individual respondent or filed with  
13           the Bureau or any of its employees, contractors,  
14           or agents—

15                   “(i) shall be immune from legal proc-  
16                   ess; and

17                   “(ii) shall not, without the consent of  
18                   the individual concerned, be admitted as  
19                   evidence or used for any purpose in any  
20                   action, suit, or other judicial or adminis-  
21                   trative proceeding.

22           “(C) APPLICABILITY.—This paragraph  
23           shall apply only to information that permits in-  
24           formation concerning an individual or organiza-

1           tion to be reasonably inferred by direct or indi-  
2           rect means.

3           “(3) DATA COLLECTED FOR NONSTATISTICAL  
4           PURPOSES.—In a case in which the Bureau is au-  
5           thorized by statute to collect data or information for  
6           a nonstatistical purpose, the Director shall clearly  
7           distinguish the collection of the data or information,  
8           by rule and on the collection instrument, so as to in-  
9           form a respondent that is requested or required to  
10          supply the data or information of the nonstatistical  
11          purpose.”;

12          (7) in subsection (j) (as redesignated by para-  
13          graph (3)), by striking “On or before January 1,  
14          1994, and annually thereafter, the” and inserting  
15          “The”; and

16          (8) by adding at the end the following:

17          “(k) PROCEEDS OF DATA PRODUCT SALES.—Not-  
18          withstanding section 3302 of title 31, United States Code,  
19          funds received by the Bureau of Transportation Statistics  
20          from the sale of data products, for necessary expenses in-  
21          curred, may be credited to the Highway Trust Fund  
22          (other than the Mass Transit Account) for the purpose  
23          of reimbursing the Bureau for the expenses.

24          “(l) AUTHORIZATION OF CONTRACT AUTHORITY.—

1           “(1) IN GENERAL.—There shall be available  
 2           from the Highway Trust Fund (other than the Mass  
 3           Transit Account) to carry out this section  
 4           \$26,000,000 for fiscal year 1998, \$27,000,000 for  
 5           fiscal year 1999, \$28,000,000 for fiscal year 2000,  
 6           \$29,000,000 for fiscal year 2001, \$30,000,000 for  
 7           fiscal year 2002, and \$31,000,000 for fiscal year  
 8           2003, except that not more than \$500,000 for each  
 9           fiscal year may be made available to carry out sub-  
 10          section (g).

11          “(2) AVAILABILITY.—Funds authorized under  
 12          this subsection shall remain available for a period of  
 13          3 years after the last day of the fiscal year for which  
 14          the funds are authorized.

15          “(3) CONTRACT AUTHORITY.—Funds author-  
 16          ized under this subsection shall be available for obli-  
 17          gation in the same manner as if the funds were ap-  
 18          portioned under chapter 1 of title 23.”.

19          (b) CONFORMING AMENDMENTS.—Section 5503 of  
 20          title 49, United States Code, is amended—

21                 (1) by striking subsection (d); and

22                 (2) by redesignating subsections (e), (f), and  
 23                 (g) as subsections (d), (e), and (f), respectively.

24          **SEC. 2005. RESEARCH AND TECHNOLOGY PROGRAM.**

25          Title 23, United States Code, is amended—

(1) in the table of chapters, by adding at the end the following:

**“5. Research and Technology ..... 501”;**

and

(2) by adding at the end the following:

## **“CHAPTER 5—RESEARCH AND TECHNOLOGY**

### **“SUBCHAPTER I—RESEARCH AND TRAINING**

“Sec.

“501. Definition of safety.

“502. Research and technology program.

“503. Advanced research program.

“504. Long-term pavement performance program.

“505. State planning and research program.

“506. Education and training.

“507. International highway transportation outreach program.

“508. National technology deployment initiatives and partnerships program.

“509. Infrastructure investment needs report.

“510. Innovative bridge research and construction program.

“511. Study of future strategic highway research program.

### **“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS**

“521. Findings and purposes.

“522. Definitions.

“523. Cooperation, consultation, and analysis.

“524. Research, development, and training.

“525. Intelligent transportation system integration program.

“526. Integration program for rural areas.

“527. Commercial vehicle intelligent transportation system infrastructure.

“528. Standards.

“529. Funding limitations.

“530. Advisory committees.

### **“SUBCHAPTER III—FUNDING**

“541. Funding.

## **“SUBCHAPTER I—RESEARCH AND TRAINING**

### **“§ 501. Definition of safety**

“In this chapter, the term ‘safety’ includes highway and traffic safety systems, research and development re-

1 relating to vehicle, highway, driver, passenger, bicyclist, and  
 2 pedestrian characteristics, accident investigations, commu-  
 3 nications, emergency medical care, and transportation of  
 4 the injured.

5 **“§ 502. Research and technology program**

6 “(a) GENERAL AUTHORITY AND COLLABORATIVE  
 7 AGREEMENTS.—

8 “(1) AUTHORITY OF THE SECRETARY.—

9 “(A) IN GENERAL.—The Secretary—

10 “(i) shall carry out research, develop-  
 11 ment, and technology transfer activities  
 12 with respect to—

13 “(I) motor carrier transportation;

14 “(II) all phases of transportation  
 15 planning and development (including  
 16 construction, operation, moderniza-  
 17 tion, development, design, mainte-  
 18 nance, safety, financing, and traffic  
 19 conditions); and

20 “(III) the effect of State laws on  
 21 the activities described in subclauses  
 22 (I) and (II); and

23 “(ii) may test, develop, or assist in  
 24 testing and developing any material, inven-  
 25 tion, patented article, or process.

1           “(B) COOPERATION, GRANTS, AND CON-  
2           TRACTS.—The Secretary may carry out this  
3           section—

4                   “(i) independently;

5                   “(ii) in cooperation with other Federal  
6           departments, agencies, and instrumental-  
7           ities; or

8                   “(iii) by making grants to, or entering  
9           into contracts, cooperative agreements, and  
10          other transactions with, the National  
11          Academy of Sciences, the American Asso-  
12          ciation of State Highway and Transpor-  
13          tation Officials, or any State agency, au-  
14          thority, association, institution, for-profit  
15          or nonprofit corporation, organization, for-  
16          eign country, or person.

17          “(C) TECHNICAL INNOVATION.—The Sec-  
18          retary shall develop and carry out programs to  
19          facilitate the application of such products of re-  
20          search and technical innovations as will improve  
21          the safety, efficiency, and effectiveness of the  
22          transportation system.

23          “(D) FUNDS.—

1 “(i) IN GENERAL.—Except as other-  
2 wise specifically provided in other sections  
3 of this chapter—

4 “(I) to carry out this subsection,  
5 the Secretary shall use—

6 “(aa) funds made available  
7 under section 541 for research,  
8 technology, and training; and

9 “(bb) such funds as may be  
10 deposited by any cooperating or-  
11 ganization or person in a special  
12 account of the Treasury estab-  
13 lished for this purpose; and

14 “(II) the funds described in item  
15 (aa) shall remain available for obliga-  
16 tion for a period of 3 years after the  
17 last day of the fiscal year for which  
18 the funds are authorized.

19 “(ii) USE OF FUNDS.—The Secretary  
20 shall use funds described in clause (i) to  
21 develop, administer, communicate, and  
22 achieve the use of products of research, de-  
23 velopment, and technology transfer pro-  
24 grams under this section.



1           “(2) COLLABORATIVE RESEARCH AND DEVEL-  
2       OPMENT.—

3           “(A) IN GENERAL.—To encourage innova-  
4       tive solutions to surface transportation prob-  
5       lems and stimulate the deployment of new tech-  
6       nology, the Secretary may carry out, on a cost-  
7       shared basis, collaborative research and devel-  
8       opment with non-Federal entities, including  
9       State and local governments, foreign govern-  
10      ments, colleges and universities, corporations,  
11      institutions, partnerships, sole proprietorships,  
12      and trade associations that are incorporated or  
13      established under the laws of any State.

14          “(B) AGREEMENTS.—In carrying out this  
15      paragraph, the Secretary may enter into cooper-  
16      ative research and development agreements (as  
17      defined in section 12 of the Stevenson-Wydler  
18      Technology Innovation Act of 1980 (15 U.S.C.  
19      3710a)).

20          “(C) FEDERAL SHARE.—

21               “(i) IN GENERAL.—The Federal share  
22      of the cost of activities carried out under  
23      a cooperative research and development  
24      agreement entered into under this para-  
25      graph shall not exceed 50 percent, except

1           that if there is substantial public interest  
2           or benefit, the Secretary may approve a  
3           greater Federal share.

4           “(ii) NON-FEDERAL SHARE.—All costs  
5           directly incurred by the non-Federal part-  
6           ners, including personnel, travel, and hard-  
7           ware development costs, shall be credited  
8           toward the non-Federal share of the cost  
9           of the activities described in clause (i).

10          “(D) USE OF TECHNOLOGY.—The re-  
11          search, development, or use of a technology  
12          under a cooperative research and development  
13          agreement entered into under this paragraph,  
14          including the terms under which the technology  
15          may be licensed and the resulting royalties may  
16          be distributed, shall be subject to the Steven-  
17          son-Wydler Technology Innovation Act of 1980  
18          (15 U.S.C. 3701 et seq.).

19          “(3) WAIVER OF ADVERTISING REQUIRE-  
20          MENTS.—Section 3709 of the Revised Statutes (41  
21          U.S.C. 5) shall not apply to a contract or agreement  
22          entered into under this chapter.

23          “(b) MANDATORY ELEMENTS OF PROGRAM.—The  
24          Secretary shall include in the surface transportation re-  
25          search, development, and technology transfer programs

1 under this subsection and as specified elsewhere in this  
2 title—

3           “(1) a coordinated long-term program of re-  
4 search for the development, use, and dissemination  
5 of performance indicators to measure the perform-  
6 ance of the surface transportation systems of the  
7 United States, including indicators for productivity,  
8 efficiency, energy use, air quality, congestion, safety,  
9 maintenance, and other factors that reflect the over-  
10 all performance of the system; and

11           “(2) a program to strengthen and expand sur-  
12 face transportation infrastructure research, develop-  
13 ment, and technology transfer, which shall include,  
14 at a minimum—

15           “(A) methods and materials for improving  
16 the durability of surface transportation infra-  
17 structure facilities and extending the life of  
18 bridge structures, including new and innovative  
19 technologies to reduce corrosion;

20           “(B) a research and development program  
21 directed toward the reduction of costs, and the  
22 mitigation of impacts, associated with the con-  
23 struction of highways and mass transit systems;

24           “(C) a surface transportation research pro-  
25 gram to develop nondestructive evaluation

1 equipment for use with existing infrastructure  
2 facilities and with next-generation infrastruc-  
3 ture facilities that use advanced materials;

4 “(D)(i) information technology, including  
5 appropriate computer programs to collect and  
6 analyze data on the status of infrastructure fa-  
7 cilities described in subparagraph (C) with re-  
8 spect to enhancing management, growth, and  
9 capacity; and

10 “(ii) dynamic simulation models of surface  
11 transportation systems for—

12 “(I) predicting capacity, safety, and  
13 infrastructure durability problems;

14 “(II) evaluating planned research  
15 projects; and

16 “(III) testing the strengths and weak-  
17 nesses of proposed revisions to surface  
18 transportation operation programs;

19 “(E) new innovative technologies to en-  
20 hance and facilitate field construction and reha-  
21 bilitation techniques for minimizing disruption  
22 during repair and maintenance of structures;

23 “(F) initiatives to improve the ability of  
24 the United States to respond to emergencies

1 and natural disasters and to enhance national  
2 defense mobility; and

3 “(G) an evaluation of traffic calming meas-  
4 ures that promote community preservation,  
5 transportation mode choice, and safety.

6 “(c) REPORT ON GOALS, MILESTONES, AND ACCOM-  
7 PLISHMENTS.—The goals, milestones, and accomplish-  
8 ments relevant to each of the mandatory program ele-  
9 ments described in subsection (b) shall be specified in the  
10 report required under section 5221(d) of title 49.”.

11 **SEC. 2006. ADVANCED RESEARCH PROGRAM.**

12 Subchapter I of chapter 5 of title 23, United States  
13 Code (as added by section 2005), is amended by adding  
14 at the end the following:

15 **“§ 503. Advanced research program**

16 “(a) ESTABLISHMENT.—

17 “(1) IN GENERAL.—The Secretary shall estab-  
18 lish an advanced research program within the Fed-  
19 eral Highway Administration to address longer-term,  
20 higher-risk research that shows potential benefits for  
21 improving the durability, mobility, efficiency, envi-  
22 ronmental impact, productivity, and safety of trans-  
23 portation systems.

24 “(2) DEVELOPMENT OF PARTNERSHIPS.—In  
25 carrying out the program, the Secretary shall at-

1       tempt to develop partnerships with the public and  
2       private sectors.

3       “(b) GRANTS, COOPERATIVE AGREEMENTS, AND  
4 CONTRACTS.—Under the program, the Secretary may  
5 make grants and enter into cooperative agreements and  
6 contracts for advanced research.

7       “(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

8               “(1) IN GENERAL.—There shall be available  
9 from the Highway Trust Fund (other than the Mass  
10 Transit Account) to carry out this section  
11 \$5,000,000 for fiscal year 1998, \$7,000,000 for fis-  
12 cal year 1999, \$9,000,000 for fiscal year 2000, and  
13 \$10,000,000 for each of fiscal years 2001 through  
14 2003.

15              “(2) CONTRACT AUTHORITY.—Funds author-  
16 ized under this section shall be available for obliga-  
17 tion in the same manner as if the funds were appor-  
18 tioned under chapter 1, except that the Federal  
19 share of the cost of any activity funded under this  
20 subsection shall be determined by the Secretary.”.

21 **SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PRO-**  
22 **GRAM.**

23       Subchapter I of chapter 5 of title 23, United States  
24 Code (as amended by section 2006), is amended by adding  
25 at the end the following:

1 **“§ 504. Long-term pavement performance program**

2       “(a) **AUTHORITY.**—The Secretary shall complete the  
3 long-term pavement performance program tests initiated  
4 under the strategic highway research program established  
5 under section 307(d) (as in effect on the day before the  
6 date of enactment of this section) and continued by the  
7 Intermodal Surface Transportation Efficiency Act of 1991  
8 (Public Law 102–240) through the midpoint of a planned  
9 20-year life of the long-term pavement performance pro-  
10 gram (referred to in this section as the ‘program’).

11       “(b) **GRANTS, COOPERATIVE AGREEMENTS, AND**  
12 **CONTRACTS.**—Under the program, the Secretary shall  
13 make grants and enter into cooperative agreements and  
14 contracts to—

15               “(1) monitor, material-test, and evaluate high-  
16 way test sections in existence as of the date of the  
17 grant, agreement, or contract;

18               “(2) analyze the data obtained in carrying out  
19 paragraph (1); and

20               “(3) prepare products to fulfill program objec-  
21 tives and meet future pavement technology needs.

22       “(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—

23               “(1) **IN GENERAL.**—There shall be available  
24 from the Highway Trust Fund (other than the Mass  
25 Transit Account) to carry out this section

1       \$15,000,000 for each of fiscal years 1998 through  
2       2003.

3           “(2) CONTRACT AUTHORITY.—Funds author-  
4       ized under this subsection shall be available for obli-  
5       gation in the same manner as if the funds were ap-  
6       portioned under chapter 1, except that—

7           “(A) the Federal share of the cost of any  
8       activity funded under this section shall be de-  
9       termined by the Secretary; and

10          “(B) the funds shall remain available for  
11       obligation for a period of 3 years after the last  
12       day of the fiscal year for which the funds are  
13       authorized.”.

14   **SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.**

15       Subchapter I of chapter 5 of title 23, United States  
16   Code (as amended by section 2007), is amended by adding  
17   at the end the following:

18   **“§ 505. State planning and research program**

19       “(a) IN GENERAL.—

20           “(1) AVAILABILITY OF FUNDS.—Two percent of  
21       the sums apportioned for fiscal year 1998 and each  
22       fiscal year thereafter to any State under section 104  
23       (except section 104(f)) and any transfers or addi-  
24       tions to the surface transportation program under  
25       section 133 shall be available for expenditure by the



1 State transportation agency, in consultation with the  
2 Secretary, in accordance with this section.

3 “(2) USE OF FUNDS.—The sums referred to in  
4 paragraph (1) shall be available only for—

5 “(A) intermodal metropolitan, statewide,  
6 and nonmetropolitan planning under sections  
7 134 and 135;

8 “(B) development and implementation of  
9 management systems referred to in section 303;

10 “(C) studies, research, development, and  
11 technology transfer activities necessary for the  
12 planning, design, construction, management,  
13 operation, maintenance, regulation, and tax-  
14 ation of the use of surface transportation sys-  
15 tems, including training and accreditation of in-  
16 spection and testing on engineering standards  
17 and construction materials for the systems; and

18 “(D) studies of the economy, safety, and  
19 convenience of surface transportation usage and  
20 the desirable regulation and equitable taxation  
21 of surface transportation usage.

22 “(b) MINIMUM EXPENDITURES ON STUDIES, RE-  
23 SEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER  
24 ACTIVITIES.—

1           “(1) IN GENERAL.—Not less than 25 percent of  
2           the funds of a State that are subject to subsection  
3           (a) shall be expended by the State transportation  
4           agency for studies, research, development, and tech-  
5           nology transfer activities described in subparagraphs  
6           (C) and (D) of subsection (a)(2) unless the State  
7           certifies to the Secretary for the fiscal year that the  
8           total expenditures by the State transportation agen-  
9           cy for transportation planning under sections 134  
10          and 135 will exceed 75 percent of the amount of the  
11          funds and the Secretary accepts the certification.

12          “(2) EXEMPTION FROM SMALL BUSINESS AS-  
13          SESSMENT.—Funds expended under paragraph (1)  
14          shall not be considered to be part of the extramural  
15          budget of the agency for the purpose of section 9 of  
16          the Small Business Act (15 U.S.C. 638).

17          “(c) FEDERAL SHARE.—The Federal share of the  
18          cost of a project financed with funds referred to in sub-  
19          section (a) shall be 80 percent unless the Secretary deter-  
20          mines that the interests of the Federal-aid highway pro-  
21          gram would be best served by decreasing or eliminating  
22          the non-Federal share.

23          “(d) ADMINISTRATION OF FUNDS.—Funds referred  
24          to in subsection (a) shall be combined and administered  
25          by the Secretary as a single fund, which shall be available

1 for obligation for the same period as funds apportioned  
2 under section 104(b)(1).”.

3 **SEC. 2009. EDUCATION AND TRAINING.**

4 Subchapter I of chapter 5 of title 23, United States  
5 Code (as amended by section 2008), is amended by adding  
6 at the end the following:

7 **“§ 506. Education and training**

8 “(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

9 “(1) AUTHORITY.—The Secretary shall carry  
10 out a transportation assistance program that will  
11 provide access to modern highway technology to—

12 “(A) highway and transportation agencies  
13 in urbanized areas with populations of between  
14 50,000 and 1,000,000 individuals;

15 “(B) highway and transportation agencies  
16 in rural areas; and

17 “(C) contractors that do work for the  
18 agencies.

19 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND  
20 CONTRACTS.—The Secretary may make grants and  
21 enter into cooperative agreements and contracts to  
22 provide education and training, technical assistance,  
23 and related support services that will—

24 “(A) assist rural, local transportation  
25 agencies and tribal governments, and the con-

sultants and construction personnel working for the agencies and governments, to—

“(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, safety management systems, and traffic safety countermeasures);

“(ii) improve roads and bridges;

“(iii) enhance—

“(I) programs for the movement of passengers and freight; and

“(II) intergovernmental transportation planning and project selection; and

“(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

“(B) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

1           “(C) operate, in cooperation with State  
2 transportation agencies and universities—

3           “(i) local technical assistance program  
4 centers to provide transportation tech-  
5 nology transfer services to rural areas and  
6 to urbanized areas with populations of be-  
7 tween 50,000 and 1,000,000 individuals;  
8 and

9           “(ii) local technical assistance pro-  
10 gram centers designated to provide trans-  
11 portation technical assistance to Indian  
12 tribal governments; and

13          “(D) allow local transportation agencies  
14 and tribal governments, in cooperation with the  
15 private sector, to enhance new technology im-  
16 plementation.

17          “(3) AUTHORIZATION OF CONTRACT AUTHOR-  
18 ITY.—

19          “(A) IN GENERAL.—There shall be avail-  
20 able from the Highway Trust Fund (other than  
21 the Mass Transit Account) \$7,000,000 for fis-  
22 cal year 1998, \$7,000,000 for fiscal year 1999,  
23 \$7,000,000 for fiscal year 2000, \$8,000,000 for  
24 fiscal year 2001, \$8,000,000 for fiscal year  
25 2002, and \$8,000,000 for fiscal year 2003 to be

1           used to develop and administer the program es-  
 2           tablished under this section and to provide tech-  
 3           nical and financial support for the centers oper-  
 4           ated under paragraph (2)(C).

5           “(B) CONTRACT AUTHORITY.—Funds au-  
 6           thorized under this paragraph shall be available  
 7           for obligation in the same manner as if the  
 8           funds were apportioned under chapter 1, except  
 9           that—

10                   “(i) the Federal share of the cost of  
 11                   any activity under this subsection shall be  
 12                   determined by the Secretary; and

13                   “(ii) the funds shall remain available  
 14                   for obligation for a period of 3 years after  
 15                   the last day of the fiscal year for which the  
 16                   funds are authorized.

17           “(b) NATIONAL HIGHWAY INSTITUTE.—

18           “(1) ESTABLISHMENT; DUTIES; PROGRAMS.—

19                   “(A) ESTABLISHMENT.—The Secretary  
 20                   shall establish and operate in the Federal High-  
 21                   way Administration a National Highway Insti-  
 22                   tute (referred to in this subsection as the ‘Insti-  
 23                   tute’).

24                   “(B) DUTIES.—

1           “(i) INSTITUTE.—In cooperation with  
2           State transportation agencies, United  
3           States industry, and any national or inter-  
4           national entity, the Institute shall develop  
5           and administer education and training pro-  
6           grams of instruction for—

7                   “(I) Federal Highway Adminis-  
8                   tration, State, and local transpor-  
9                   tation agency employees;

10                   “(II) regional, State, and metro-  
11                   politan planning organizations;

12                   “(III) State and local police, pub-  
13                   lic safety, and motor vehicle employ-  
14                   ees; and

15                   “(IV) United States citizens and  
16                   foreign nationals engaged or to be en-  
17                   gaged in surface transportation work  
18                   of interest to the United States.

19           “(ii) SECRETARY.—The Secretary  
20           shall administer, through the Institute, the  
21           authority vested in the Secretary by this  
22           title or by any other law for the develop-  
23           ment and conduct of education and train-  
24           ing programs relating to highways.

1                   “(C) TYPES OF PROGRAMS.—Programs  
 2                   that the Institute may develop and administer  
 3                   may include courses in modern developments,  
 4                   techniques, methods, regulations, management,  
 5                   and procedures relating to—

6                   “(i) surface transportation;

7                   “(ii) environmental factors;

8                   “(iii) acquisition of rights-of-way;

9                   “(iv) relocation assistance;

10                  “(v) engineering;

11                  “(vi) safety;

12                  “(vii) construction;

13                  “(viii) maintenance;

14                  “(ix) operations;

15                  “(x) contract administration;

16                  “(xi) motor carrier activities;

17                  “(xii) inspection; and

18                  “(xiii) highway finance.

19                  “(2) SET ASIDE; FEDERAL SHARE.—Not to ex-  
 20                  ceed  $\frac{1}{4}$  of 1 percent of the funds apportioned to a  
 21                  State under section 104(b)(3) for the surface trans-  
 22                  portation program shall be available for expenditure  
 23                  by transportation agencies of the State for the pay-  
 24                  ment of not to exceed 80 percent of the cost of tui-  
 25                  tion and direct educational expenses (excluding trav-



1 el, subsistence, or salaries) in connection with the  
2 education and training of employees of State and  
3 local transportation agencies in accordance with this  
4 subsection.

5 “(3) FEDERAL RESPONSIBILITY.—

6 “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), education and training of  
8 employees of Federal, State, and local transpor-  
9 tation (including highway) agencies authorized  
10 under this subsection may be provided—

11 “(i) by the Secretary at no cost to the  
12 States and local governments if the Sec-  
13 retary determines that provision at no cost  
14 is in the public interest; or

15 “(ii) by the State through grants, co-  
16 operative agreements, and contracts with  
17 public and private agencies, institutions,  
18 individuals, and the Institute.

19 “(B) PAYMENT OF FULL COST BY PRIVATE  
20 PERSONS.—Private agencies, international or  
21 foreign entities, and individuals shall pay the  
22 full cost of any education and training received  
23 by them unless the Secretary determines that a  
24 lower cost is of critical importance to the public  
25 interest.

1 “(4) TRAINING FELLOWSHIPS; COOPERATION.—

2 The Institute may—

3 “(A) engage in training activities author-  
4 ized under this subsection, including the grant-  
5 ing of training fellowships; and

6 “(B) carry out its authority independently  
7 or in cooperation with any other branch of the  
8 Federal Government or any State agency, au-  
9 thority, association, institution, for-profit or  
10 nonprofit corporation, other national or inter-  
11 national entity, or other person.

12 “(5) COLLECTION OF FEES.—

13 “(A) GENERAL RULE.—In accordance with  
14 this subsection, the Institute may assess and  
15 collect fees solely to defray the costs of the In-  
16 stitute in developing or administering education  
17 and training programs under this subsection.

18 “(B) LIMITATION.—Fees may be assessed  
19 and collected under this subsection only in a  
20 manner that may reasonably be expected to re-  
21 sult in the collection of fees during any fiscal  
22 year in an aggregate amount that does not ex-  
23 ceed the aggregate amount of the costs referred  
24 to in subparagraph (A) for the fiscal year.

1           “(C) PERSONS SUBJECT TO FEES.—Fees  
2           may be assessed and collected under this sub-  
3           section only with respect to—

4                   “(i) persons and entities for whom  
5                   education or training programs are devel-  
6                   oped or administered under this sub-  
7                   section; and

8                   “(ii) persons and entities to whom  
9                   education or training is provided under  
10                  this subsection.

11           “(D) AMOUNT OF FEES.—The fees as-  
12           sessed and collected under this subsection shall  
13           be established in a manner that ensures that  
14           the liability of any person or entity for a fee is  
15           reasonably based on the proportion of the costs  
16           referred to in subparagraph (A) that relate to  
17           the person or entity.

18           “(E) USE.—All fees collected under this  
19           subsection shall be used to defray costs associ-  
20           ated with the development or administration of  
21           education and training programs authorized  
22           under this subsection.

23           “(6) FUNDING.—

24                   “(A) AUTHORIZATION OF CONTRACT AU-  
25                  THORITY.—There shall be available from the

1 Highway Trust Fund (other than the Mass  
2 Transit Account) to carry out this subsection  
3 \$5,000,000 for fiscal year 1998, \$5,000,000 for  
4 fiscal year 1999, \$5,000,000 for fiscal year  
5 2000, \$6,000,000 for fiscal year 2001,  
6 \$6,000,000 for fiscal year 2002, and  
7 \$6,000,000 for fiscal year 2003.

8 “(B) RELATION TO OTHER FEES.—The  
9 funds provided under this paragraph may be  
10 combined with or held separate from the fees  
11 collected under paragraph (5).

12 “(C) CONTRACT AUTHORITY.—Funds au-  
13 thorized under this paragraph shall be available  
14 for obligation in the same manner as if the  
15 funds were apportioned under chapter 1, except  
16 that—

17 “(i) the Federal share of the cost of  
18 any activity under this subsection shall be  
19 determined by the Secretary; and

20 “(ii) the funds shall remain available  
21 for obligation for a period of 1 year after  
22 the last day of the fiscal year for which the  
23 funds are authorized.

1           “(7) CONTRACTS.—Section 3709 of the Revised  
2           Statutes (41 U.S.C. 5) shall not apply to a contract  
3           or agreement entered into under this subsection.

4           “(c) DWIGHT DAVID EISENHOWER TRANSPOR-  
5 TATION FELLOWSHIP PROGRAM.—

6           “(1) GENERAL AUTHORITY.—The Secretary,  
7           acting independently or in cooperation with other  
8           Federal departments, agencies, and instrumental-  
9           ities, may make grants for fellowships for any pur-  
10          pose for which research, technology, or capacity  
11          building is authorized under this chapter.

12          “(2) DWIGHT DAVID EISENHOWER TRANSPOR-  
13 TATION FELLOWSHIP PROGRAM.—

14          “(A) IN GENERAL.—The Secretary shall  
15          carry out a transportation fellowship program,  
16          to be known as the ‘Dwight David Eisenhower  
17          Transportation Fellowship Program’, for the  
18          purpose of attracting qualified students to the  
19          field of transportation.

20          “(B) TYPES OF FELLOWSHIPS.—The pro-  
21          gram shall offer fellowships at the junior  
22          through postdoctoral levels of college education.

23          “(C) CITIZENSHIP.—Each recipient of a  
24          fellowship under the program shall be a United  
25          States citizen.

1           “(3) AUTHORIZATION OF CONTRACT AUTHOR-  
2       ITY.—

3           “(A) IN GENERAL.—There shall be avail-  
4       able from the Highway Trust Fund (other than  
5       the Mass Transit Account) to carry out this  
6       subsection \$2,000,000 for each of fiscal years  
7       1998 through 2003.

8           “(B) CONTRACT AUTHORITY.—Funds au-  
9       thorized under this paragraph shall be available  
10      for obligation in the same manner as if the  
11      funds were apportioned under chapter 1, except  
12      that—

13           “(i) the Federal share of the cost of  
14      any activity funded under this subsection  
15      shall be determined by the Secretary; and

16           “(ii) the funds shall remain available  
17      for obligation for a period of 1 year after  
18      the last day of the fiscal year for which the  
19      funds are authorized.

20       “(d) HIGHWAY CONSTRUCTION TRAINING PRO-  
21      GRAMS.—

22       “(1) USE OF FUNDS BY THE SECRETARY.—

23           “(A) IN GENERAL.—The Secretary, in co-  
24      operation with any other department or agency  
25      of the Federal Government, State agency, au-

thority, association, institution, Indian tribal government, for-profit or nonprofit corporation, or other organization or person, may—

“(i) develop, conduct, and administer highway construction and technology training, including skill improvement, programs; and

“(ii) develop and fund Summer Transportation Institutes.

“(B) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into by the Secretary under this subsection.

“(C) FUNDING.—

“(i) IN GENERAL.—Before making apportionments under section 104(b) for a fiscal year, the Secretary shall deduct such sums as the Secretary determines are necessary, but not to exceed \$10,000,000 for each fiscal year, to carry out this subsection.

“(ii) AVAILABILITY.—Sums deducted under clause (i) shall remain available until expended.

1           “(2) USE OF FUNDS APPORTIONED TO  
 2       STATES.—Notwithstanding any other provision of  
 3       law, upon request of a State transportation depart-  
 4       ment to the Secretary, not to exceed  $\frac{1}{2}$  of 1 percent  
 5       of the funds apportioned to the State for a fiscal  
 6       year under paragraphs (1) and (3) of section 104(b)  
 7       may be made available to carry out this subsection.

8           “(3) RESERVATION OF TRAINING POSITIONS  
 9       FOR INDIVIDUALS RECEIVING WELFARE ASSIST-  
 10      ANCE.—In carrying out this subsection, the Sec-  
 11      retary and States may reserve training positions for  
 12      individuals who receive welfare assistance from a  
 13      State.”.

14 **SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION**  
 15 **OUTREACH PROGRAM.**

16       (a) IN GENERAL.—Title 23, United States Code, is  
 17      amended—

18           (1) by redesignating section 325 as section 507;

19           (2) by moving that section to appear at the end  
 20      of subchapter I of chapter 5 (as amended by section  
 21      2009);

22           (3) in subsection (a) of that section, by insert-  
 23      ing “, goods, and services” after “expertise”; and

24           (4) by striking subsection (c) of that section  
 25      and inserting the following:



1 “(c) USE OF FUNDS.—

2 “(1) FUNDS DEPOSITED IN SPECIAL AC-  
3 COUNT.—Funds available to carry out this section  
4 shall include funds deposited by any cooperating or-  
5 ganization or person in a special account for the  
6 program established under this section with the Sec-  
7 retary of the Treasury.

8 “(2) USE OF FUNDS.—The funds deposited in  
9 the special account and other funds available to  
10 carry out this section shall be available to pay the  
11 cost of any activity eligible under this section, in-  
12 cluding the cost of promotional materials, travel, re-  
13 ception and representation expenses, and salaries  
14 and benefits of officers and employees of the Depart-  
15 ment of Transportation.

16 “(3) REIMBURSEMENTS.—Reimbursements for  
17 the salaries and benefits of Federal Highway Admin-  
18 istration employees who provide services under this  
19 section shall be credited to the special account.

20 “(d) ELIGIBLE USE OF STATE PLANNING AND RE-  
21 SEARCH FUNDS.—A State, in coordination with the Sec-  
22 retary, may obligate funds made available to carry out sec-  
23 tion 505 for any activity authorized under subsection  
24 (a).”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 chapter 3 of title 23, United States Code, is amended by  
3 striking the item relating to section 325.

4 **SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**  
5 **TIVES AND PARTNERSHIPS PROGRAM.**

6 Subchapter I of chapter 5 of title 23, United States  
7 Code (as amended by section 2010), is amended by adding  
8 at the end the following:

9 **“§ 508. National technology deployment initiatives**  
10 **and partnerships program**

11 “(a) ESTABLISHMENT.—The Secretary shall develop  
12 and administer a national technology deployment initia-  
13 tives program.

14 “(b) PURPOSE.—The purpose of the program is to  
15 significantly accelerate the adoption of innovative tech-  
16 nologies by the surface transportation community.

17 “(c) DEPLOYMENT GOALS.—

18 “(1) ESTABLISHMENT.—Not later than 180  
19 days after the date of enactment of this Act, the  
20 Secretary shall establish not more than 5 deploy-  
21 ment goals to carry out subsection (a).

22 “(2) DESIGN.—Each of the goals and the pro-  
23 gram developed to achieve the goals shall be de-  
24 signed to provide tangible benefits, with respect to  
25 transportation systems, in the areas of efficiency,

1 safety, reliability, service life, environmental protec-  
2 tion, or sustainability.

3 “(3) STRATEGIES FOR ACHIEVEMENT.—For  
4 each goal, the Secretary, in cooperation with rep-  
5 resentatives of the transportation community such  
6 as States, local governments, the private sector, and  
7 academia, shall use domestic and international tech-  
8 nology to develop strategies and initiatives to achieve  
9 the goal, including technical assistance in deploying  
10 technology and mechanisms for sharing information  
11 among program participants.

12 “(d) CONTINUATION OF SHRP PARTNERSHIPS.—  
13 Under the program, the Secretary shall continue the part-  
14 nerships established through the strategic highway re-  
15 search program established under section 307(d) (as in  
16 effect on the day before the date of enactment of this sec-  
17 tion).

18 “(e) GRANTS, COOPERATIVE AGREEMENTS, AND  
19 CONTRACTS.—Under the program, the Secretary may  
20 make grants and enter into cooperative agreements and  
21 contracts to foster alliances and support efforts to stimu-  
22 late advances in transportation technology, including—

23 “(1) the testing and evaluation of products of  
24 the strategic highway research program;

1           “(2) the further development and implementa-  
 2           tion of technology in areas such as the Superpave  
 3           system and the use of lithium salts to prevent and  
 4           mitigate alkali silica reactivity; and

5           “(3) the provision of support for long-term  
 6           pavement performance product implementation and  
 7           technology access.

8           “(f) REPORTS.—Not later than 18 months after the  
 9           date of enactment of this section, and biennially there-  
 10          after, the Secretary shall submit to the Committee on En-  
 11          vironment and Public Works of the Senate and the Com-  
 12          mittee on Transportation and Infrastructure of the House  
 13          of Representatives a report on the progress and results  
 14          of activities carried out under this section.

15          “(g) FUNDING.—

16               “(1) AUTHORIZATION OF CONTRACT AUTHOR-  
 17               ITY.—There shall be available from the Highway  
 18               Trust Fund (other than the Mass Transit Account)  
 19               to carry out this section \$50,000,000 for each of fis-  
 20               cal years 1998 through 2003.

21               “(2) CONTRACT AUTHORITY.—Funds author-  
 22               ized under this subsection shall be available for obli-  
 23               gation in the same manner as if the funds were ap-  
 24               portioned under chapter 1, except that—

1           “(A) the Federal share of the cost of any  
2           activity under this section shall be determined  
3           by the Secretary; and

4           “(B) the funds shall remain available for  
5           obligation for a period of 3 years after the last  
6           day of the fiscal year for which the funds are  
7           authorized.

8           “(3) ALLOCATION.—To the extent appropriate  
9           to achieve the goals established under subsection (c),  
10          the Secretary may further allocate funds made avail-  
11          able to carry out this subsection to States for their  
12          use.”.

13 **SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.**

14          Subchapter I of chapter 5 of title 23, United States  
15          Code (as amended by section 2011), is amended by adding  
16          at the end the following:

17 **“§ 509. Infrastructure investment needs report**

18          “Not later than January 31, 1999, and January 31  
19          of every second year thereafter, the Secretary shall report  
20          to the Committee on Environment and Public Works of  
21          the Senate and the Committee on Transportation and In-  
22          frastructure of the House of Representatives on estimates  
23          of the future highway and bridge needs of the United  
24          States.”.

1 **SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CON-**  
2 **STRUCTION PROGRAM.**

3 Subchapter I of chapter 5 of title 23, United States  
4 Code (as amended by section 2012), is amended by adding  
5 at the end the following:

6 **“§ 510. Innovative bridge research and construction**  
7 **program**

8 “(a) IN GENERAL.—The Secretary shall establish  
9 and carry out a program to demonstrate the application  
10 of innovative material technology in the construction of  
11 bridges and other structures.

12 “(b) GOALS.—The goals of the program shall in-  
13 clude—

14 “(1) the development of new, cost-effective in-  
15 novative material highway bridge applications;

16 “(2) the reduction of maintenance costs and  
17 life-cycle costs of bridges, including the costs of new  
18 construction, replacement, or rehabilitation of defi-  
19 cient bridges;

20 “(3) the development of construction techniques  
21 to increase safety and reduce construction time and  
22 traffic congestion;

23 “(4) the development of engineering design cri-  
24 teria for innovative products and materials for use  
25 in highway bridges and structures; and

1           “(5) the development of highway bridges and  
2           structures that will withstand natural disasters, in-  
3           cluding alternative processes for the seismic retrofit  
4           of bridges.

5           “(c) GRANTS, COOPERATIVE AGREEMENTS, AND  
6 CONTRACTS.—

7           “(1) IN GENERAL.—Under the program, the  
8           Secretary shall make grants to, and enter into coop-  
9           erative agreements and contracts with—

10           “(A) States, other Federal agencies, uni-  
11           versities and colleges, private sector entities,  
12           and nonprofit organizations to pay the Federal  
13           share of the cost of research, development, and  
14           technology transfer concerning innovative mate-  
15           rials; and

16           “(B) States to pay the Federal share of  
17           the cost of repair, rehabilitation, replacement,  
18           and new construction of bridges or structures  
19           that demonstrates the application of innovative  
20           materials.

21           “(2) GRANTS.—

22           “(A) APPLICATIONS.—

23           “(i) SUBMISSION.—To receive a grant  
24           under this section, an entity described in

1 paragraph (1) shall submit an application  
2 to the Secretary.

3 “(ii) CONTENTS.—The application  
4 shall be in such form and contain such in-  
5 formation as the Secretary may require.

6 “(B) APPROVAL CRITERIA.—The Secretary  
7 shall select and approve applications for grants  
8 under this section based on whether the project  
9 that is the subject of the grant meets the goals  
10 of the program described in subsection (b).

11 “(d) TECHNOLOGY AND INFORMATION TRANSFER.—  
12 The Secretary shall take such action as is necessary to  
13 ensure that the information and technology resulting from  
14 research conducted under subsection (c) is made available  
15 to State and local transportation departments and other  
16 interested parties as specified by the Secretary.

17 “(e) FEDERAL SHARE.—The Federal share of the  
18 cost of a project under this section shall be determined  
19 by the Secretary.

20 “(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

21 “(1) IN GENERAL.—There shall be available  
22 from the Highway Trust Fund (other than the Mass  
23 Transit Account)—



1 “(A) to carry out subsection (c)(1)(A)  
 2 \$1,000,000 for each of fiscal years 1998  
 3 through 2003; and

4 “(B) to carry out subsection (c)(1)(B)—  
 5 “(i) \$10,000,000 for fiscal year 1998;  
 6 “(ii) \$15,000,000 for fiscal year 1999;  
 7 “(iii) \$17,000,000 for fiscal year  
 8 2000; and  
 9 “(iv) \$20,000,000 for each of fiscal  
 10 years 2001 through 2003.

11 “(2) CONTRACT AUTHORITY.—Funds author-  
 12 ized under this subsection shall be made available  
 13 for obligation in the same manner as if the funds  
 14 were apportioned under chapter 1, except that the  
 15 Federal share of the cost of a project under this sec-  
 16 tion shall be determined in accordance with this sec-  
 17 tion.”.

18 **SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINIS-**  
 19 **TRATIVE FUNDS.**

20 Section 204(b) of title 23, United States Code, is  
 21 amended in the last sentence by striking “326” and insert-  
 22 ing “506”.

1 **SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RE-**  
2 **SEARCH PROGRAM.**

3 Subchapter I of chapter 5 of title 23, United States  
4 Code (as amended by section 2013), is amended by adding  
5 at the end the following:

6 **“§ 511. Study of future strategic highway research**  
7 **program**

8 “(a) STUDY.—

9 “(1) IN GENERAL.—Not later than 120 days  
10 after the date of enactment of this section, the Sec-  
11 retary shall make a grant to, or enter into a cooper-  
12 ative agreement or contract with, the Transportation  
13 Research Board of the National Academy of  
14 Sciences (referred to in this section as the ‘Board’)  
15 to conduct a study to determine the goals, purposes,  
16 research agenda and projects, administrative struc-  
17 ture, and fiscal needs for a new strategic highway  
18 research program to replace the program established  
19 under section 307(d) (as in effect on the day before  
20 the date of enactment of this section), or a similar  
21 effort.

22 “(2) CONSULTATION.—In conducting the study,  
23 the Board shall consult with the American Associa-  
24 tion of State Highway and Transportation Officials  
25 and such other entities as the Board determines to  
26 be necessary to the conduct of the study.

1       “(b) REPORT.—Not later than 2 years after making  
 2 a grant or entering into a cooperative agreement or con-  
 3 tract under subsection (a), the Board shall submit a final  
 4 report on the results of the study to the Secretary, the  
 5 Committee on Environment and Public Works of the Sen-  
 6 ate, and the Committee on Transportation and Infrastruc-  
 7 ture of the House of Representatives.”.

8       **SEC. 2016. JOINT PARTNERSHIPS FOR ADVANCED VEHI-**  
 9                               **CLES, COMPONENTS, AND INFRASTRUCTURE**  
 10                              **PROGRAM.**

11       (a) IN GENERAL.—Subchapter I of chapter 3 of sub-  
 12 title I of title 49, United States Code, is amended by add-  
 13 ing at the end the following:

14       **“§ 310. Joint partnerships for advanced vehicles,**  
 15                              **components, and infrastructure program**

16       “(a) PURPOSE.—The Secretary of Transportation, in  
 17 coordination with other government agencies and private  
 18 consortia, shall encourage and promote the research, de-  
 19 velopment, and deployment of transportation technologies  
 20 that will use technological advances in multimodal vehi-  
 21 cles, vehicle components, environmental technologies, and  
 22 related infrastructure to remove impediments to an effi-  
 23 cient and cost-effective national transportation system.

24       “(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In  
 25 this section, the term ‘eligible consortium’ means a consor-

1 tium that receives funding under the Department of De-  
2 fense Appropriations Act, 1993 (Public Law 102–396;  
3 106 Stat. 1876), and that comprises 2 or more of the fol-  
4 lowing entities:

5           “(1) Businesses incorporated in the United  
6 States.

7           “(2) Public or private educational or research  
8 organizations located in the United States.

9           “(3) Entities of State or local governments in  
10 the United States.

11           “(4) Federal laboratories.

12           “(c) PROGRAM.—The Secretary shall enter into con-  
13 tracts, cooperative agreements, and other transactions as  
14 authorized by section 2371 of title 10 with, and make  
15 grants to, eligible consortia to promote the development  
16 and deployment of innovation in transportation technology  
17 services, management, and operational practices.

18           “(d) ELIGIBILITY CRITERIA.—To be eligible to re-  
19 ceive assistance under this section, an eligible consortium  
20 shall—

21           “(1) for a period of not less than the 3 years  
22 preceding the date of a contract, cooperative agree-  
23 ment, or other transaction, be organized on a state-  
24 wide or multistate basis for the purpose of design-  
25 ing, developing, and deploying transportation tech-

1       nologies that address identified technological impedi-  
2       ments in the transportation field;

3           “(2) facilitate the participation in the consor-  
4       tium of small- and medium-sized businesses, utili-  
5       ties, public laboratories and universities, and other  
6       relevant entities;

7           “(3) be actively engaged in transportation tech-  
8       nology projects that address compliance in non-at-  
9       tainment areas under the Clean Air Act (42 U.S.C.  
10      7401 et seq.);

11          “(4) be designed to use Federal and State fund-  
12      ing to attract private capital in the form of grants  
13      or investments to carry out this section; and

14          “(5) ensure that at least 50 percent of the  
15      funding for the consortium project will be provided  
16      by non-Federal sources.

17      “(e) PROPOSALS.—The Secretary shall prescribe  
18      such terms and conditions as the Secretary determines to  
19      be appropriate for the content and structure of proposals  
20      submitted for assistance under this section.

21      “(f) REPORTING REQUIREMENTS.—At least once  
22      each year, the Secretary shall submit to the Committee  
23      on Transportation and Infrastructure of the House of  
24      Representatives and the Committee on Environment and  
25      Public Works of the Senate a report on the projects under-

1 taken by the eligible consortia and the progress made in  
2 advancing the purposes of this section.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section  
5 \$50,000,000 for each of fiscal years 1998 through 2003,  
6 to remain available until expended.”.

7 (b) CONFORMING AMENDMENT.—The analysis for  
8 subchapter I of chapter 3 of subtitle I of title 49, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

“310. Joint partnerships for advanced vehicles, components, and infrastructure  
program.”.

11 **SEC. 2017. CONFORMING AMENDMENTS.**

12 (a) Sections 307, 321, and 326 of title 23, United  
13 States Code, are repealed.

14 (b) The analysis for chapter 3 of title 23, United  
15 States Code, is amended by striking the items relating to  
16 sections 307, 321, and 326.

17 (c) Section 115(a)(1)(A)(i) of title 23, United States  
18 Code, is amended by striking “or 307” and inserting “or  
19 505”.

20 (d) Section 151(d) of title 23, United States Code,  
21 is amended by striking “section 307(a),” and inserting  
22 “section 506,”.

23 (e) Section 106 of Public Law 89–564 (23 U.S.C.  
24 403 note) is amended in the third sentence by striking

1 “sections 307 and 403 of title 23, United States Code,”  
2 and inserting “section 403 and chapter 5 of title 23, Unit-  
3 ed States Code,”.

## 4                   **Subtitle B—Intelligent** 5                   **Transportation Systems**

### 6 **SEC. 2101. SHORT TITLE.**

7           This subtitle may be cited as the “Intelligent Trans-  
8 portation Systems Act of 1997”.

### 9 **SEC. 2102. FINDINGS.**

10       Congress finds that—

11           (1) numerous studies conducted on behalf of  
12       the Department of Transportation document that in-  
13       vestment in intelligent transportation systems offers  
14       substantial benefits in relationship to costs;

15           (2) as a result of the investment authorized by  
16       the Intelligent Transportation Systems Act of 1991  
17       (23 U.S.C. 307 note; 105 Stat. 2189), progress has  
18       been made on each of the goals set forth for the na-  
19       tional intelligent transportation system program in  
20       section 6052(b) of that Act; and

21           (3) continued investment by the Department of  
22       Transportation is needed to complete implementa-  
23       tion of those goals.

1 **SEC. 2103. INTELLIGENT TRANSPORTATION SYSTEMS.**

2 Chapter 5 of title 23, United States Code (as added  
3 by section 2005), is amended by adding at the end the  
4 following:

5 “SUBCHAPTER II—INTELLIGENT  
6 TRANSPORTATION SYSTEMS

7 “§ 521. **Purposes**

8 “The purposes of this subchapter are—

9 “(1) to expedite deployment and integration of  
10 basic intelligent transportation system services for  
11 consumers of passenger and freight transportation  
12 across the United States;

13 “(2) to encourage the use of intelligent trans-  
14 portation systems to enhance international trade and  
15 domestic economic productivity;

16 “(3) to encourage the use of intelligent trans-  
17 portation systems to promote the achievement of na-  
18 tional environmental and safety goals;

19 “(4) to continue research, development, testing,  
20 and evaluation activities to continually expand the  
21 state-of-the-art in intelligent transportation systems;

22 “(5) to provide financial and technical assist-  
23 ance to State and local governments and metropoli-  
24 tan planning organizations to ensure the integration  
25 of interoperable, intermodal, and cost-effective intel-  
26 ligent transportation systems;



1           “(6) to foster regional cooperation, standards  
2           implementation, and operations planning to maxi-  
3           mize the benefits of integrated and coordinated intel-  
4           ligent transportation systems;

5           “(7) to promote the consideration of intelligent  
6           transportation systems in mainstream transportation  
7           planning and investment decisionmaking by ensuring  
8           that Federal and State transportation officials have  
9           adequate, working knowledge of intelligent transpor-  
10          tation system technologies and applications and by  
11          ensuring comprehensive funding eligibility for the  
12          technologies and applications;

13          “(8) to encourage intelligent transportation sys-  
14          tem training for, and technology transfer to, State  
15          and local agencies;

16          “(9) to promote the deployment of intelligent  
17          transportation system services in rural America so  
18          as to achieve safety benefits, promote tourism, and  
19          improve quality of life;

20          “(10) to promote the innovative use of private  
21          resources, such as through public-private partner-  
22          ships or other uses of private sector investment, to  
23          support the development and integration of intel-  
24          ligent transportation systems throughout the United  
25          States;

1           “(11) to complete the Federal investment in the  
2       Commercial Vehicle Information Systems and Net-  
3       works by September 30, 2003; and

4           “(12) to facilitate intermodalism through de-  
5       ployment of intelligent transportation systems, in-  
6       cluding intelligent transportation system tech-  
7       nologies for transit systems to improve safety, effi-  
8       ciency, capacity, and utility for the public.

9   **“§ 522. Definitions**

10       “In this subchapter:

11           “(1) COMMERCIAL VEHICLE INFORMATION SYS-  
12       TEMS AND NETWORKS.—The term ‘Commercial Ve-  
13       hicle Information Systems and Networks’ means the  
14       information systems and communications networks  
15       that support commercial vehicle operations.

16           “(2) COMMERCIAL VEHICLE OPERATIONS.—The  
17       term ‘commercial vehicle operations’—

18           “(A) means motor carrier operations and  
19       motor vehicle regulatory activities associated  
20       with the commercial movement of goods, includ-  
21       ing hazardous materials, and passengers; and

22           “(B) with respect to the public sector, in-  
23       cludes the issuance of operating credentials, the  
24       administration of motor vehicle and fuel taxes,

1           and roadside safety and border crossing inspec-  
2           tion and regulatory compliance operations.

3           “(3) COMPLETED STANDARD.—The term ‘com-  
4           pleted standard’ means a standard adopted and pub-  
5           lished by the appropriate standards-setting organiza-  
6           tion through a voluntary consensus standardmaking  
7           process.

8           “(4) CORRIDOR.—The term ‘corridor’ means  
9           any major transportation route that includes parallel  
10          limited access highways, major arterials, or transit  
11          lines.

12          “(5) INTELLIGENT TRANSPORTATION SYS-  
13          TEM.—The term ‘intelligent transportation system’  
14          means electronics, communications, or information  
15          processing used singly or in combination to improve  
16          the efficiency or safety of a surface transportation  
17          system.

18          “(6) NATIONAL ARCHITECTURE.—The term  
19          ‘national architecture’ means the common frame-  
20          work for interoperability adopted by the Secretary  
21          that defines—

22                 “(A) the functions associated with intel-  
23                 ligent transportation system user services;

24                 “(B) the physical entities or subsystems  
25                 within which the functions reside;

1           “(C) the data interfaces and information  
2           flows between physical subsystems; and

3           “(D) the communications requirements as-  
4           sociated with the information flows.

5           “(7) PROVISIONAL STANDARD.—The term ‘pro-  
6           visional standard’ means a provisional standard es-  
7           tablished by the Secretary under section 528(c).

8           “(8) STANDARD.—The term ‘standard’ means a  
9           document that—

10           “(A) contains technical specifications or  
11           other precise criteria for intelligent transpor-  
12           tation systems that are to be used consistently  
13           as rules, guidelines, or definitions of character-  
14           istics so as to ensure that materials, products,  
15           processes, and services are fit for their pur-  
16           poses; and

17           “(B) may support the national architecture  
18           and promote—

19           “(i) the widespread use and adoption  
20           of intelligent transportation system tech-  
21           nology as a component of the surface  
22           transportation systems of the United  
23           States; and

1 “(ii) interoperability among intelligent  
2 transportation system technologies imple-  
3 mented throughout the States.

4 **“§ 523. Cooperation, consultation, and analysis**

5 “(a) COOPERATION.—In carrying out this sub-  
6 chapter, the Secretary shall—

7 “(1) foster enhanced operation and manage-  
8 ment of the surface transportation systems of the  
9 United States;

10 “(2) promote the widespread deployment of in-  
11 telligent transportation systems; and

12 “(3) advance emerging technologies, in coopera-  
13 tion with State and local governments and the pri-  
14 vate sector.

15 “(b) CONSULTATION.—As appropriate, in carrying  
16 out this subchapter, the Secretary shall—

17 “(1) consult with the heads of other interested  
18 Federal departments and agencies; and

19 “(2) maximize the involvement of the United  
20 States private sector, colleges and universities, and  
21 State and local governments in all aspects of carry-  
22 ing out this subchapter.

23 “(c) PROCUREMENT METHODS.—To meet the need  
24 for effective implementation of intelligent transportation  
25 system projects, the Secretary shall develop appropriate

1 technical assistance and guidance to assist State and local  
 2 agencies in evaluating and selecting appropriate methods  
 3 of procurement for intelligent transportation system  
 4 projects, including innovative and nontraditional methods  
 5 of procurement.

6 **“§ 524. Research, development, and training**

7       “(a) IN GENERAL.—The Secretary shall carry out a  
 8 comprehensive program of intelligent transportation sys-  
 9 tem research, development, operational testing, technical  
 10 assistance and training, national architecture activities,  
 11 standards development and implementation, and other  
 12 similar activities that are necessary to carry out the pur-  
 13 poses of this subchapter.

14       “(b) INTELLIGENT VEHICLE AND INTELLIGENT IN-  
 15 FRASTRUCTURE PROGRAMS.—

16               “(1) IN GENERAL.—

17                       “(A) PROGRAM.—The Secretary shall  
 18 carry out a program to conduct research, devel-  
 19 opment, and engineering designed to stimulate  
 20 and advance deployment of an integrated intel-  
 21 ligent vehicle program and an integrated intel-  
 22 ligent infrastructure program, consisting of—

23                               “(i) projects such as crash avoidance,  
 24 automated highway systems, advanced ve-  
 25 hicle controls, and roadway safety and effi-

1           ciency systems linked to intelligent vehi-  
2           cles; and

3           “(ii) projects that improve mobility  
4           and the quality of the environment, includ-  
5           ing projects for traffic management, inci-  
6           dent management, transit management,  
7           toll collection, traveler information, and  
8           traffic control systems.

9           “(B) CONSIDERATION OF VEHICLE AND  
10          INFRASTRUCTURE ELEMENTS.—In carrying out  
11          subparagraph (A), the Secretary may consider  
12          systems that include both vehicle and infra-  
13          structure elements and determine the most ap-  
14          propriate mix of those elements.

15          “(2) NATIONAL ARCHITECTURE.—The program  
16          carried out under paragraph (1) shall be consistent  
17          with the national architecture.

18          “(3) PRIORITIES.—In carrying out paragraph  
19          (1), the Secretary shall give higher priority to activi-  
20          ties that—

21                 “(A) assist motor vehicle drivers in avoid-  
22                 ing motor vehicle crashes;

23                 “(B) assist in the development of an auto-  
24                 mated highway system; or

1           “(C) improve the integration of air bag  
2           technology with other on-board safety systems.

3           “(4) COST SHARING.—

4           “(A) IN GENERAL.—Except as provided in  
5           subparagraph (B), the Federal share of the cost  
6           of a research project carried out in cooperation  
7           with a non-Federal entity under a program car-  
8           ried out under paragraph (1) shall not exceed  
9           80 percent.

10          “(B) INNOVATIVE OR HIGH-RISK RE-  
11          SEARCH PROJECTS.—The Federal share of the  
12          cost of an innovative or high-risk research  
13          project described in subparagraph (A) may, at  
14          the discretion of the Secretary, be 100 percent.

15          “(5) PLAN.—The Secretary shall—

16          “(A) not later than 1 year after the date  
17          of enactment of this subchapter, submit to Con-  
18          gress a 6-year plan specifying the goals, objec-  
19          tives, and milestones to be achieved by each  
20          program carried out under paragraph (1); and

21          “(B) report biennially to Congress on the  
22          progress in meeting the goals, objectives, and  
23          milestones.

24          “(c) EVALUATION.—

25          “(1) GUIDELINES AND REQUIREMENTS.—



1           “(A) IN GENERAL.—The Secretary shall  
2           establish guidelines and requirements for the  
3           independent evaluation of field and related  
4           operational tests, and, if necessary, deployment  
5           projects, carried out under this subchapter.

6           “(B) REQUIRED PROVISIONS.—The guide-  
7           lines and requirements established under sub-  
8           paragraph (A) shall include provisions to ensure  
9           the objectivity and independence of the evalua-  
10          tor so as to avoid any real or apparent conflict  
11          of interest or potential influence on the outcome  
12          by parties to any such test or deployment  
13          project or by any other formal evaluation car-  
14          ried out under this subchapter.

15          “(2) FUNDING.—

16               “(A) SMALL PROJECTS.—In the case of a  
17               test or project with a cost of less than  
18               \$5,000,000, the Secretary may allocate not  
19               more than 15 percent of the funds made avail-  
20               able to carry out the test or project for an eval-  
21               uation of the test or project.

22               “(B) MODERATE PROJECTS.—In the case  
23               of a test or project with a cost of \$5,000,000  
24               or more, but less than \$10,000,000, the Sec-  
25               retary may allocate not more than 10 percent

1 of the funds made available to carry out the  
2 test or project for an evaluation of the test or  
3 project.

4 “(C) LARGE PROJECTS.—In the case of a  
5 test or project with a cost of \$10,000,000 or  
6 more, the Secretary may allocate not more than  
7 5 percent of the funds made available to carry  
8 out the test or project for an evaluation of the  
9 test or project.

10 “(3) INAPPLICABILITY OF PAPERWORK REDUC-  
11 TION ACT.—Any survey, questionnaire, or interview  
12 that the Secretary considers necessary to carry out  
13 the evaluation of any test or program assessment ac-  
14 tivity under this subchapter shall not be subject to  
15 chapter 35 of title 44.

16 “(d) INFORMATION CLEARINGHOUSE.—

17 “(1) IN GENERAL.—The Secretary shall—

18 “(A) maintain a repository for technical  
19 and safety data collected as a result of federally  
20 sponsored projects carried out under this sub-  
21 chapter; and

22 “(B) on request, make that information  
23 (except for proprietary information and data)  
24 readily available to all users of the repository at  
25 an appropriate cost.

1           “(2) DELEGATION OF AUTHORITY.—

2                   “(A) IN GENERAL.—The Secretary may  
3           delegate the responsibility of the Secretary  
4           under this subsection, with continuing oversight  
5           by the Secretary, to an appropriate entity not  
6           within the Department of Transportation.

7                   “(B) FEDERAL ASSISTANCE.—If the Sec-  
8           retary delegates the responsibility, the entity to  
9           which the responsibility is delegated shall be eli-  
10          gible for Federal assistance under this section.

11          “(e) TRAFFIC INCIDENT MANAGEMENT AND RE-  
12       SPONSE.—The Secretary shall carry out a program to ad-  
13       vance traffic incident management and response tech-  
14       nologies, strategies, and partnerships that are fully inte-  
15       grated with intelligent transportation systems.

16          “(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

17                   “(1) IN GENERAL.—There shall be available  
18       from the Highway Trust Fund (other than the Mass  
19       Transit Account) to carry out this section  
20       \$120,000,000 for fiscal year 1998, \$125,000,000 for  
21       fiscal year 1999, \$130,000,000 for fiscal year 2000,  
22       \$135,000,000 for fiscal year 2001, \$140,000,000 for  
23       fiscal year 2002, and \$150,000,000 for fiscal year  
24       2003, of which, for each fiscal year—

1           “(A) not less than \$25,000,000 shall be  
 2           available for activities that assist motor vehicle  
 3           drivers in avoiding motor vehicle crashes, in-  
 4           cluding activities that improve the integration  
 5           of air bag technology with other on-board safety  
 6           systems;

7           “(B) not less than \$25,000,000 shall be  
 8           available for activities that assist in the develop-  
 9           ment of an automated highway system; and

10          “(C) not less than \$3,000,000 shall be  
 11          available for traffic incident management and  
 12          response.

13          “(2) CONTRACT AUTHORITY.—Funds author-  
 14          ized under this subsection shall be available for obli-  
 15          gation in the same manner as if the funds were ap-  
 16          portioned under chapter 1.

17   **“§ 525. Intelligent transportation system integration**  
 18           **program**

19          “(a) IN GENERAL.—The Secretary shall conduct a  
 20          comprehensive program (referred to in this section as the  
 21          ‘program’) to accelerate the integration and interoper-  
 22          ability of intelligent transportation systems.

23          “(b) SELECTION OF PROJECTS.—

24               “(1) IN GENERAL.—Under the program, the  
 25          Secretary shall select for funding, through competi-

1        tive solicitation, projects that will serve as models to  
2        improve transportation efficiency, promote safety, in-  
3        crease traffic flow, reduce emissions of air pollut-  
4        ants, improve traveler information, or enhance alter-  
5        native transportation modes.

6            “(2) PRIORITIES.—Under the program, the  
7        Secretary shall give higher priority to funding  
8        projects that—

9            “(A) promote and foster integration strate-  
10        gies and written agreements among local gov-  
11        ernments, States, and other regional entities;

12           “(B) build on existing (as of the date of  
13        project selection) intelligent transportation sys-  
14        tem projects;

15           “(C) deploy integrated intelligent transpor-  
16        tation system projects throughout metropolitan  
17        areas;

18           “(D) deploy integrated intelligent transpor-  
19        tation system projects that enhance safe freight  
20        movement or coordinate intermodal travel, in-  
21        cluding intermodal travel at ports of entry into  
22        the United States; and

23           “(E) advance intelligent transportation  
24        system deployment projects that are consistent  
25        with the national architecture and, as appro-

1           priate, comply with required standards as de-  
2           scribed in section 528.

3           “(c) PRIVATE SECTOR INVOLVEMENT.—In carrying  
4 out the program, the Secretary shall encourage private  
5 sector involvement and financial commitment, to the maxi-  
6 mum extent practicable, through innovative financial ar-  
7 rangements, especially public-private partnerships.

8           “(d) FINANCING AND OPERATIONS PLANS.—As a  
9 condition of receipt of funds under the program, a recipi-  
10 ent participating in a project shall submit to the Secretary  
11 a multiyear financing and operations plan that describes  
12 how the project can be cost-effectively operated and main-  
13 tained.

14          “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

15               “(1) IN GENERAL.—There shall be available  
16 from the Highway Trust Fund (other than the Mass  
17 Transit Account) to carry out this section  
18 \$100,000,000 for fiscal year 1998, \$110,000,000 for  
19 fiscal year 1999, \$115,000,000 for fiscal year 2000,  
20 \$130,000,000 for fiscal year 2001, \$135,000,000 for  
21 fiscal year 2002, and \$145,000,000 for fiscal year  
22 2003.

23               “(2) CONTRACT AUTHORITY.—Funds author-  
24 ized under this subsection shall be available for obli-  
25 gation in the same manner as if the funds were ap-

1       portioned under chapter 1, except that, in the case  
2       of a project funded under paragraph (1)—

3               “(A) the Federal share of the cost of the  
4               project payable from funds made available  
5               under paragraph (1) shall not exceed 50 per-  
6               cent; and

7               “(B) the total Federal share of the cost of  
8               the project payable from all eligible sources (in-  
9               cluding paragraph (1)) shall not exceed 80 per-  
10              cent.

11   **“§ 526. Integration program for rural areas**

12       “(a) IN GENERAL.—The Secretary shall conduct a  
13       comprehensive program (referred to in this section as the  
14       ‘program’) to accelerate the integration or deployment of  
15       intelligent transportation systems in rural areas.

16       “(b) SELECTION OF PROJECTS.—Under the pro-  
17       gram, the Secretary shall—

18               “(1) select projects through competitive solicita-  
19               tion; and

20               “(2) give higher priority to funding projects  
21               that—

22                       “(A) promote and foster integration strate-  
23                       gies and agreements among local governments,  
24                       States, and other regional entities;

1           “(B) deploy integrated intelligent transpor-  
 2           tation system projects that improve mobility,  
 3           enhance the safety of the movement of pas-  
 4           senger vehicles and freight, or promote tourism;  
 5           or

6           “(C) advance intelligent transportation  
 7           system deployment projects that are consistent  
 8           with the national architecture and comply with  
 9           required standards as described in section 528.

10       “(c) PRIVATE SECTOR INVOLVEMENT.—In carrying  
 11 out the program, the Secretary shall encourage private  
 12 sector involvement and financial commitment, to the maxi-  
 13 mum extent practicable, through innovative financial ar-  
 14 rangements, especially public-private partnerships.

15       “(d) FINANCING AND OPERATIONS PLANS.—As a  
 16 condition of receipt of funds under the program, a recipi-  
 17 ent participating in a project shall submit to the Secretary  
 18 a multiyear financing and operations plan that describes  
 19 how the project can be cost-effectively operated and main-  
 20 tained

21       “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

22           “(1) IN GENERAL.—There shall be available  
 23 from the Highway Trust Fund (other than the Mass  
 24 Transit Account) to carry out this section  
 25 \$10,000,000 for fiscal year 1998, \$10,000,000 for



1       fiscal year 1999, \$15,000,000 for fiscal year 2000,  
2       \$15,000,000 for fiscal year 2001, \$20,000,000 for  
3       fiscal year 2002, and \$20,000,000 for fiscal year  
4       2003.

5           “(2) CONTRACT AUTHORITY.—Funds author-  
6       ized under this subsection shall be available for obli-  
7       gation in the same manner as if the funds were ap-  
8       portioned under chapter 1, except that, in the case  
9       of a project funded under paragraph (1)—

10           “(A) the Federal share of the cost of the  
11       project payable from funds made available  
12       under paragraph (1) shall not exceed 50 per-  
13       cent; and

14           “(B) the total Federal share of the cost of  
15       the project payable from all eligible sources (in-  
16       cluding paragraph (1)) shall not exceed 80 per-  
17       cent.

18   **“§ 527. Commercial vehicle intelligent transportation**  
19       **system infrastructure**

20       “(a) IN GENERAL.—The Secretary shall carry out a  
21       comprehensive program—

22           “(1) to deploy intelligent transportation systems  
23       that will promote the safety and productivity of com-  
24       mercial vehicles and drivers; and

1           “(2) to reduce costs associated with commercial  
2           vehicle operations and State and Federal commercial  
3           vehicle regulatory requirements.

4           “(b) ELEMENTS OF PROGRAM.—

5           “(1) SAFETY INFORMATION SYSTEMS AND NET-  
6           WORKS.—

7           “(A) IN GENERAL.—The program shall ad-  
8           vance the technological capability and promote  
9           the deployment of commercial vehicle, commer-  
10          cial driver, and carrier-specific safety informa-  
11          tion systems and networks and other intelligent  
12          transportation system technologies used to as-  
13          sist States in identifying high-risk commercial  
14          operations and in conducting other innovative  
15          safety strategies, including the Commercial Ve-  
16          hicle Information Systems and Networks.

17          “(B) FOCUS OF PROJECTS.—Projects as-  
18          sisted under the program shall focus on—

19               “(i) identifying and eliminating unsafe  
20               and illegal carriers, vehicles, and drivers in  
21               a manner that does not unduly hinder the  
22               productivity and efficiency of safe and  
23               legal commercial operations;

1 “(ii) enhancing the safe passage of  
2 commercial vehicles across the United  
3 States and across international borders;

4 “(iii) reducing the numbers of viola-  
5 tions of out-of-service orders; and

6 “(iv) complying with directives to ad-  
7 dress other safety violations.

8 “(2) MONITORING SYSTEMS.—The program  
9 shall advance on-board driver and vehicle safety  
10 monitoring systems, including fitness-for-duty,  
11 brake, and other operational monitoring tech-  
12 nologies, that will facilitate commercial vehicle safe-  
13 ty, including inspection by motor carrier safety as-  
14 sistance program officers and employees under chap-  
15 ter 311 of title 49.

16 “(c) USE OF FEDERAL FUNDS.—

17 “(1) IN GENERAL.—Federal funds used to  
18 carry out the program shall be primarily used to im-  
19 prove—

20 “(A) commercial vehicle safety and the ef-  
21 fectiveness and efficiency of enforcement efforts  
22 conducted under the motor carrier safety assist-  
23 ance program under chapter 311 of title 49;

1           “(B) electronic processing of registration,  
2           driver licensing, fuel tax, and other safety infor-  
3           mation; and

4           “(C) communication of the information de-  
5           scribed in subparagraph (B) to other States.

6           “(2) LEVERAGING.—Federal funds used to  
7           carry out the program shall, to the maximum extent  
8           practicable—

9           “(A) be leveraged with non-Federal funds;  
10          and

11          “(B) be used for activities not carried out  
12          through the use of private funds.

13          “(d) FEDERAL SHARE.—The Federal share of the  
14          cost of a project assisted under the program shall be not  
15          more than 80 percent.

16          “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

17          “(1) IN GENERAL.—There shall be available  
18          from the Highway Trust Fund (other than the Mass  
19          Transit Account) to carry out this section  
20          \$25,000,000 for fiscal year 1998, \$25,000,000 for  
21          fiscal year 1999, \$25,000,000 for fiscal year 2000,  
22          \$35,000,000 for fiscal year 2001, \$35,000,000 for  
23          fiscal year 2002, and \$40,000,000 for fiscal year  
24          2003.

1           “(2) CONTRACT AUTHORITY.—Funds author-  
 2           ized under this subsection shall be available for obli-  
 3           gation in the same manner as if the funds were ap-  
 4           portioned under chapter 1, except that, in the case  
 5           of a project funded under paragraph (1)—

6                   “(A) the Federal share of the cost of the  
 7                   project payable from funds made available  
 8                   under paragraph (1) shall not exceed 50 per-  
 9                   cent; and

10                   “(B) the total Federal share of the cost of  
 11                   the project payable from all eligible sources (in-  
 12                   cluding paragraph (1)) shall not exceed 80 per-  
 13                   cent.

14   **“§ 528. Standards**

15           “(a) IN GENERAL.—

16                   “(1) DEVELOPMENT, IMPLEMENTATION, AND  
 17                   MAINTENANCE.—The Secretary shall develop, imple-  
 18                   ment, and maintain a national architecture and sup-  
 19                   porting standards to promote the widespread use  
 20                   and evaluation of intelligent transportation system  
 21                   technology as a component of the surface transpor-  
 22                   tation systems of the United States.

23                   “(2) INTEROPERABILITY AND EFFICIENCY.—To  
 24                   the maximum extent practicable, the standards shall  
 25                   promote interoperability among, and efficiency of,

1 intelligent transportation system technologies imple-  
2 mented throughout the States.

3 “(3) USE OF STANDARDS-SETTING ORGANIZA-  
4 TIONS.—In carrying out this section, the Secretary  
5 may use the services of such standards-setting orga-  
6 nizations as the Secretary determines appropriate.

7 “(b) REPORT.—

8 “(1) IN GENERAL.—Not later than January 1,  
9 1999, the Secretary shall submit a report describing  
10 the status of all standards.

11 “(2) CONTENTS.—The report shall—

12 “(A) identify each standard that is needed  
13 for operation of intelligent transportation sys-  
14 tems in the United States;

15 “(B) specify the status of the development  
16 of each standard;

17 “(C) provide a timetable for achieving  
18 agreement on each standard as described in this  
19 section; and

20 “(D) determine which standards are criti-  
21 cal to ensuring national interoperability or criti-  
22 cal to the development of other standards.

23 “(c) ESTABLISHMENT OF PROVISIONAL STAND-  
24 ARDS.—

1           “(1) ESTABLISHMENT.—Subject to subsection  
2           (d), if a standard determined to be critical under  
3           subsection (b)(2)(D) is not adopted and published by  
4           the appropriate standards-setting organization by  
5           January 1, 2001, the Secretary shall establish a pro-  
6           visional standard after consultation with affected  
7           parties.

8           “(2) PERIOD OF EFFECTIVENESS.—The provi-  
9           sional standard shall—

10                   “(A) be published in the Federal Register;

11                   “(B) take effect not later than May 1,  
12                   2001; and

13                   “(C) remain in effect until the appropriate  
14                   standards-setting organization adopts and pub-  
15                   lishes a standard.

16           “(d) WAIVER OF REQUIREMENT TO ESTABLISH PRO-  
17           VISIONAL STANDARDS.—

18           “(1) NOTICE.—The Secretary may waive the  
19           requirement to establish a provisional standard by  
20           submitting, not later than January 1, 2001, to the  
21           Committee on Environment and Public Works of the  
22           Senate and the Committee on Transportation and  
23           Infrastructure of the House of Representatives, a  
24           notice that—

1           “(A) specifies the provisional standard sub-  
2           ject to the waiver;

3           “(B) describes the history of the develop-  
4           ment of the standard subject to the waiver;

5           “(C) specifies the reasons why the require-  
6           ment for the establishment of the provisional  
7           standard is being waived;

8           “(D) describes the impacts of delaying the  
9           establishment of the standard subject to the  
10          waiver, especially the impacts on the purposes  
11          of this subchapter; and

12          “(E) provides specific estimates as to when  
13          the standard subject to the waiver is expected  
14          to be adopted and published by the appropriate  
15          standards-setting organization.

16          “(2) PROGRESS REPORTS.—

17               “(A) IN GENERAL.—In the case of each  
18               standard subject to a waiver by the Secretary  
19               under paragraph (1), the Secretary shall sub-  
20               mit, in accordance with the schedule specified  
21               in subparagraph (B), a report to the Committee  
22               on Environment and Public Works of the Sen-  
23               ate and the Committee on Transportation and  
24               Infrastructure of the House of Representatives



1 on the progress of the adoption of a completed  
2 standard.

3 “(B) SCHEDULE OF REPORTS.—The Sec-  
4 retary shall submit a report under subpara-  
5 graph (A) with respect to a standard—

6 “(i) not later than 180 days after the  
7 date of submission of the notice under  
8 paragraph (1) with respect to the stand-  
9 ard; and

10 “(ii) at the end of each 180-day pe-  
11 riod thereafter until such time as a stand-  
12 ard has been adopted and published by the  
13 appropriate standards-setting organization  
14 or the waiver is withdrawn under para-  
15 graph (3).

16 “(C) CONSULTATION.—In developing each  
17 progress report under subparagraph (A), the  
18 Secretary shall consult with the standards-set-  
19 ting organizations involved in the  
20 standardmaking process for the standard.

21 “(3) WITHDRAWAL OF WAIVER.—

22 “(A) IN GENERAL.—At any time, the Sec-  
23 retary may, through notification to the Commit-  
24 tee on Environment and Public Works of the  
25 Senate and the Committee on Transportation

1 and Infrastructure of the House of Representa-  
 2 tives, withdraw a notice of a waiver of the re-  
 3 quirement to establish a provisional standard.

4 “(B) IMPLEMENTATION.—If the Secretary  
 5 submits notification under subparagraph (A)  
 6 with respect to a provisional standard, not less  
 7 than 30 days, but not more than 90 days, after  
 8 the date of the notification, the Secretary shall  
 9 implement the provisional standard, unless, by  
 10 the end of the 90-day period beginning on the  
 11 date of the notification, a standard has been  
 12 adopted and published by the appropriate  
 13 standards-setting organization.

14 “(e) REQUIREMENT FOR COMPLIANCE WITH STAND-  
 15 ARD.—

16 “(1) IN GENERAL.—

17 “(A) STANDARD IN EXISTENCE.—Funds  
 18 made available from the Highway Trust Fund  
 19 shall not be used to deploy an intelligent trans-  
 20 portation system technology if the technology  
 21 does not comply with each applicable provi-  
 22 sional standard or completed standard.

23 “(B) NO STANDARD IN EXISTENCE.—In  
 24 the absence of a provisional standard or com-  
 25 pleted standard, Federal funds shall not be

1           used to deploy an intelligent transportation sys-  
2           tem technology if the deployment is not consist-  
3           ent with the interfaces to ensure interoper-  
4           ability that are contained in the national archi-  
5           tecture.

6           “(2) APPLICABILITY.—Paragraph (1) shall not  
7           apply to—

8                 “(A) the operation or maintenance of an  
9                 intelligent transportation system in existence on  
10                the date of enactment of this subchapter; or

11               “(B) the upgrade or expansion of an intel-  
12               ligent transportation system in existence on the  
13               date of enactment of this subchapter if the Sec-  
14               retary determines that the upgrade or expan-  
15               sion—

16                   “(i) does not adversely affect the pur-  
17                   poses of this subchapter, especially the  
18                   goal of national or regional interoper-  
19                   ability;

20                   “(ii) is carried out before the end of  
21                   the useful life of the system; and

22                   “(iii) is cost effective as compared to  
23                   alternatives that meet the compliance re-  
24                   quirement of paragraph (1)(A) or the con-  
25                   sistency requirement of paragraph (1)(B).

1 “(f) SPECTRUM.—

2 “(1) CONSULTATION.—The Secretary shall con-  
3 sult with the Secretary of Commerce, the Secretary  
4 of Defense, and the Chairman of the Federal Com-  
5 munications Commission to determine the best  
6 means for securing the necessary spectrum for the  
7 near-term establishment of a dedicated short-range  
8 vehicle-to-wayside wireless standard and any other  
9 spectrum that the Secretary determines to be critical  
10 to the implementation of this title.

11 “(2) PROGRESS REPORT.—After consultation  
12 under paragraph (1) and with other affected agen-  
13 cies, but not later than 1 year after the date of en-  
14 actment of this subchapter, the Secretary shall sub-  
15 mit a report to Congress on the progress made in  
16 securing the spectrum described in paragraph (1).

17 “(3) DEADLINE FOR SECURING SPECTRUM.—  
18 Notwithstanding any other provision of law, not  
19 later than 2 years after the date of enactment of  
20 this subchapter, the Secretary of Commerce shall re-  
21 lease to the Federal Communications Commission,  
22 and the Federal Communications Commission shall  
23 allocate, the spectrum described in paragraph (1).

24 “(g) FUNDING.—The Secretary shall use funds made  
25 available under section 524 to carry out this section.

1   **“§ 529. Funding limitations**

2       “(a) CONSISTENCY WITH NATIONAL ARCHITEC-  
3   TURE.—The Secretary shall use funds made available  
4   under this subchapter to deploy intelligent transportation  
5   system technologies that are consistent with the national  
6   architecture.

7       “(b) COMPETITION WITH PRIVATELY FUNDED  
8   PROJECTS.—To the maximum extent practicable, the Sec-  
9   retary shall not fund any intelligent transportation system  
10   operational test or deployment project that competes with  
11   a similar privately funded project.

12       “(c) INFRASTRUCTURE DEVELOPMENT.—Funds  
13   made available under this subchapter for operational tests  
14   and deployment projects—

15           “(1) shall be used primarily for the development  
16       of intelligent transportation system infrastructure;  
17       and

18           “(2) to the maximum extent practicable, shall  
19       not be used for the construction of physical highway  
20       and transit infrastructure unless the construction is  
21       incidental and critically necessary to the implemen-  
22       tation of an intelligent transportation system  
23       project.

24       “(d) PUBLIC RELATIONS AND TRAINING.—For each  
25   fiscal year, not more than \$15,000,000 of the funds made  
26   available under this subchapter shall be used for intel-

1 ligent transportation system outreach, public relations,  
 2 training, mainstreaming, shareholder relations, or related  
 3 activities.

4 **“§ 530. Advisory committees**

5 “(a) IN GENERAL.—In carrying out this subchapter,  
 6 the Secretary shall use 1 or more advisory committees.

7 “(b) APPLICABILITY OF FEDERAL ADVISORY COM-  
 8 MITTEE ACT.—Any advisory committee so used shall be  
 9 subject to the Federal Advisory Committee Act (5 U.S.C.  
 10 App.).”.

11 **SEC. 2104. CONFORMING AMENDMENT.**

12 The Intermodal Surface Transportation Efficiency  
 13 Act of 1991 is amended by striking part B of title VI (23  
 14 U.S.C. 307 note; 105 Stat. 2189).

15 **Subtitle C—Funding**

16 **SEC. 2201. FUNDING.**

17 Chapter 5 of title 23, United States Code (as amend-  
 18 ed by section 2103), is amended by adding at the end the  
 19 following:

20 “SUBCHAPTER III—FUNDING

21 **“§ 541. Funding**

22 “(a) RESEARCH, TECHNOLOGY, AND TRAINING.—  
 23 There shall be available from the Highway Trust Fund  
 24 (other than the Mass Transit Account) to carry out sec-  
 25 tions 502, 507, 509, and 511 \$98,000,000 for fiscal year

1 1998, \$101,000,000 for fiscal year 1999, \$104,000,000  
 2 for fiscal year 2000, \$107,000,000 for fiscal year 2001,  
 3 \$110,000,000 for fiscal year 2002, and \$114,000,000 for  
 4 fiscal year 2003.

5 “(b) CONTRACT AUTHORITY.—Funds authorized  
 6 under this section shall be available for obligation in the  
 7 same manner as if the funds were apportioned under chap-  
 8 ter 1, except that—

9 “(1) any Federal share of the cost of an activity  
 10 under this chapter shall be determined in accordance  
 11 with this chapter; and

12 “(2) the funds shall remain available for obliga-  
 13 tion for a period of 4 years after the last day of the  
 14 fiscal year for which the funds are authorized.

15 “(c) LIMITATIONS ON OBLIGATIONS.—Notwithstand-  
 16 ing any other provision of law, the total amount of all obli-  
 17 gations under subsection (a) shall not exceed—

18 “(1) \$98,000,000 for fiscal year 1998;

19 “(2) \$101,000,000 for fiscal year 1999;

20 “(3) \$104,000,000 for fiscal year 2000;

21 “(4) \$107,000,000 for fiscal year 2001;

22 “(5) \$110,000,000 for fiscal year 2002; and

23 “(6) \$114,000,000 for fiscal year 2003.”.

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