

Calendar No. 188

105TH CONGRESS
1ST Session

S. 1173

[Report No. 105-95]

A BILL

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

OCTOBER 1, 1997

Reported with amendments

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

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, Mr. JOHNSON, Mr. CAMPBELL, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 1, 1997

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

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

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

5 (b) TABLE OF CONTENTS.—The table of contents of
 6 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 *and border infrastructure.*
- 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.
- Sec. 1125. *Sense of the Senate concerning reliance on private enterprise.*
- Sec. 1126. *Study of use of uniformed police officers on Federal-aid highway construction projects.*
- Sec. 1127. *Contracting for engineering and design services.*

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.
- Sec. 1225. *Integrated decisionmaking process.*

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.
- Sec. 1407. *Automatic crash protection unbelted testing standard.*

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.

Subtitle H—Miscellaneous Provisions

- Sec. 1801. Designation of portion of State Route 17 in New York and Pennsylvania as Interstate Route 86.*

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

- Sec. 2001. Strategic research plan.
- Sec. 2002. Multimodal ~~transportation research and development program~~
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. *Transportation and environment cooperative research program.*
- Sec. 2018. Conforming amendments.

Subtitle B—Intelligent Transportation Systems

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

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”.

9 **Subtitle A—General Provisions**

10 **SEC. 1101. AUTHORIZATIONS.**

11 For the purpose of carrying out title 23, United
12 States Code, the following sums shall be available from
13 the Highway Trust Fund (other than the Mass Transit
14 Account):

15 (1) INTERSTATE AND NATIONAL HIGHWAY SYS-
16 TEM PROGRAM.—For the Interstate and National
17 Highway System program under section 103 of that
18 title \$11,979,000,000 for fiscal year 1998,
19 \$11,808,000,000 for fiscal year 1999,
20 \$11,819,000,000 for fiscal year 2000,
21 \$11,916,000,000 for fiscal year 2001,
22 \$12,242,000,000 for fiscal year 2002, and
23 \$12,776,000,000 for fiscal year 2003, of which—

1 (A) \$4,600,000,000 for fiscal year 1998,
2 \$4,609,000,000 for fiscal year 1999,
3 \$4,637,000,000 for fiscal year 2000,
4 \$4,674,000,000 for fiscal year 2001,
5 \$4,773,000,000 for fiscal year 2002, and
6 \$4,918,000,000 for fiscal year 2003 shall be
7 ~~used~~ *available* for the Interstate maintenance
8 component; and

9 (B) \$1,400,000,000 for fiscal year 1998,
10 \$1,403,000,000 for fiscal year 1999,
11 \$1,411,000,000 for fiscal year 2000,
12 \$1,423,000,000 for fiscal year 2001,
13 \$1,453,000,000 for fiscal year 2002, and
14 \$1,497,000,000 for fiscal year 2003 shall be
15 ~~used~~ *available* for the Interstate bridge compo-
16 nent.

17 (2) SURFACE TRANSPORTATION PROGRAM.—
18 For the surface transportation program under sec-
19 tion 133 of that title \$7,000,000,000 for fiscal year
20 1998, \$7,014,000,000 for fiscal year 1999,
21 \$7,056,000,000 for fiscal year 2000,
22 \$7,113,000,000 for fiscal year 2001,
23 \$7,263,000,000 for fiscal year 2002, and
24 \$7,484,000,000 for fiscal year 2003.

1 (3) CONGESTION MITIGATION AND AIR QUALITY
2 IMPROVEMENT PROGRAM.—For the congestion miti-
3 gation and air quality improvement program under
4 section 149 of that title \$1,150,000,000 for fiscal
5 year 1998, \$1,152,000,000 for fiscal year 1999,
6 \$1,159,000,000 for fiscal year 2000,
7 \$1,169,000,000 for fiscal year 2001,
8 \$1,193,000,000 for fiscal year 2002, and
9 \$1,230,000,000 for fiscal year 2003.

10 (4) FEDERAL LANDS HIGHWAYS PROGRAM.—

11 (A) INDIAN RESERVATION ROADS.—For
12 Indian reservation roads under section 204 of
13 that title \$200,000,000 for each of fiscal years
14 1998 through 2003.

15 (B) PARKWAYS AND PARK ROADS.—For
16 parkways and park roads under section 204 of
17 that title \$90,000,000 for each of fiscal years
18 1998 through 2003.

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

23 (D) COOPERATIVE FEDERAL LANDS
24 TRANSPORTATION PROGRAM.—For the Coopera-
25 tive Federal Lands Transportation Program

1 under section 207 of that title \$74,000,000 for
2 each of fiscal years 1998 through 2003.

3 **SEC. 1102. APPORTIONMENTS.**

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

7 “(b) APPORTIONMENTS.—On October 1 of each fiscal
8 year, the Secretary, after making the deduction authorized
9 by subsection (a) and the set-asides authorized by sub-
10 section (f), shall apportion the remainder of the sums au-
11 thorized to be appropriated for expenditure on the Na-
12 tional Highway System, the congestion mitigation and air
13 quality improvement program, and the surface transpor-
14 tation program, for that fiscal year, among the States in
15 the following manner:

16 “(1) INTERSTATE AND NATIONAL HIGHWAY
17 SYSTEM PROGRAM.—

18 “(A) INTERSTATE MAINTENANCE COMPO-
19 NENT.—For resurfacing, restoring, rehabilitat-
20 ing, and reconstructing the Interstate System—

21 “(i) 50 percent in the ratio that—

22 “(I) the total lane miles on Inter-
23 state System routes designated
24 under—

25 “(aa) section 103;

1 “(bb) section 139(a) before
2 March 9, 1984 (other than
3 routes on toll roads not subject
4 to a Secretarial agreement under
5 section 105 of the Federal-Aid
6 Highway Act of 1978 (92 Stat.
7 2692)); and

8 “(cc) section 139(c) (as in
9 effect on the day before the date
10 of enactment of the Intermodal
11 *Surface Transportation Efficiency*
12 *Act of 1997);*

13 in each State; bears to

14 “(II) the total of all such lane
15 miles in all States; and

16 “(ii) 50 percent in the ratio that—

17 “(I) the total vehicle miles trav-
18 eled on lanes on Interstate System
19 routes designated under—

20 “(aa) section 103;

21 “(bb) section 139(a) before
22 March 9, 1984 (other than
23 routes on toll roads not subject
24 to a Secretarial agreement under
25 section 105 of the Federal-Aid

1 Highway Act of 1978 (92 Stat.
2 2692)); and

3 “(cc) section 139(c) (as in
4 effect on the day before the date
5 of enactment of the Intermodal
6 *Surface Transportation Efficiency*
7 *Act of 1997*);

8 in each State; bears to

9 “(II) the total of all such vehicle
10 miles traveled in all States.

11 “(B) INTERSTATE BRIDGE COMPONENT.—

12 For resurfacing, restoring, rehabilitating, and
13 reconstructing bridges on the Interstate Sys-
14 tem, in the ratio that—

15 “(i) the total square footage of struc-
16 turally deficient and functionally obsolete
17 bridges on the Interstate System (other
18 than bridges on toll roads not subject to a
19 Secretarial agreement under section 105 of
20 the Federal-Aid Highway Act of 1978 (92
21 Stat. 2692)) in each State; bears to

22 “(ii) the total square footage of struc-
23 turally deficient and functionally obsolete
24 bridges on the Interstate System (other
25 than bridges on toll roads not subject to a

1 Secretarial agreement under section 105 of
 2 the Federal-Aid Highway Act of 1978 (92
 3 Stat. 2692)) in all States.

4 “(C) OTHER NATIONAL HIGHWAY SYSTEM
 5 COMPONENT.—

6 “(i) IN GENERAL.—For the National
 7 Highway System (excluding ~~activities for~~
 8 ~~which~~ funds ~~are~~ apportioned under sub-
 9 paragraph (A) or (B)), \$36,400,000 for
 10 each fiscal year to the Virgin Islands,
 11 Guam, American Samoa, and the Com-
 12 monwealth of Northern Mariana Islands
 13 and the remainder apportioned as follows:

14 “(I) 20 percent of the appor-
 15 tionments in the ratio that—

16 “(aa) the total lane miles of
 17 principal arterial routes (exclud-
 18 ing Interstate System routes) in
 19 each State; bears to

20 “(bb) the total lane miles of
 21 principal arterial routes (exclud-
 22 ing Interstate System routes) in
 23 all States.

24 “(II) 29 percent of the appor-
 25 tionments in the ratio that—

1 “(aa) the total vehicle miles
2 traveled on lanes on principal ar-
3 terial routes (excluding Interstate
4 System routes) in each State;
5 bears to

6 “(bb) the total vehicle miles
7 traveled on lanes on principal ar-
8 terial routes (excluding Interstate
9 System routes) in all States.

10 “(III) 18 percent of the appor-
11 tionments in the ratio that—

12 “(aa) the total square foot-
13 age of structurally deficient and
14 functionally obsolete bridges on
15 principal arterial routes (exclud-
16 ing bridges on Interstate System
17 routes (other than bridges on toll
18 roads not subject to a Secretarial
19 agreement under section 105 of
20 the Federal-Aid Highway Act of
21 1978 (92 Stat. 2692))) in each
22 State; bears to

23 “(bb) the total square foot-
24 age of structurally deficient and
25 functionally obsolete bridges on

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

9 “(IV) 24 percent of the appor-
10 tionments in the ratio that—

11 “(aa) the total diesel fuel
12 used on highways in each State;
13 bears to

14 “(bb) the total diesel fuel
15 used on highways in all States.

16 “(V) 9 percent of the appor-
17 tionments in the ratio that—

18 “(aa) the quotient obtained
19 by dividing the total lane miles
20 on principal arterial highways in
21 each State by the total popu-
22 lation of the State; bears to

23 “(bb) the quotient obtained
24 by dividing the total lane miles
25 on principal arterial highways in

1 all States by the total population
2 of all States.

3 “(ii) DATA.—Each calculation under
4 clause (i) shall be based on the latest avail-
5 able data.

6 “(D) MINIMUM APPORTIONMENT.—Not-
7 withstanding subparagraphs (A) through (C),
8 each State shall receive a minimum of $\frac{1}{2}$ of 1
9 percent of the funds apportioned under this
10 paragraph.

11 “(2) CONGESTION MITIGATION AND AIR QUAL-
12 ITY IMPROVEMENT PROGRAM.—

13 “(A) IN GENERAL.—For the congestion
14 mitigation and air quality improvement pro-
15 gram, in the ratio that—

16 “(i) the total of all weighted non-
17 attainment and maintenance area popu-
18 lations in each State; bears to

19 “(ii) the total of all weighted non-
20 attainment and maintenance area popu-
21 lations in all States.

22 “(B) CALCULATION OF WEIGHTED NON-
23 ATTAINMENT AND MAINTENANCE AREA POPU-
24 LATION.—Subject to subparagraph (C), for the
25 purpose of subparagraph (A), the weighted non-

1 attainment and maintenance area population
 2 shall be calculated by multiplying the popu-
 3 lation of each area in a State that was a non-
 4 attainment area or maintenance area as de-
 5 scribed in section 149(b) for ozone or carbon
 6 monoxide by a factor of—

7 “(i) 0.8 if—

8 “(I) at the time of the appor-
 9 tionment, the area is a maintenance area;
 10 or

11 “(II) at the time of the appor-
 12 tionment, the area is classified as a
 13 submarginal ozone nonattainment
 14 area under ~~that Act~~; *or the Clean Air*
 15 *Act (42 U.S.C. 7401 et seq.);*

16 ~~“(III) as of the date of enact-~~
 17 ~~ment of the Intermodal Transpor-~~
 18 ~~tation Act of 1997, the area is consid-~~
 19 ~~ered by the Administrator of the En-~~
 20 ~~vironmental Protection Agency to be a~~
 21 ~~flexible attainment region;~~

22 “(ii) 1.0 if, at the time of the appor-
 23 tionment, the area is classified as a mar-
 24 ginal ozone nonattainment area under sub-

1 part 2 of part D of title I of the Clean
2 Air Act (42 U.S.C. 7511 et seq.);

3 “(iii) 1.1 if, at the time of the appor-
4 tionment, the area is classified as a mod-
5 erate ozone nonattainment area under that
6 subpart;

7 “(iv) 1.2 if, at the time of the appor-
8 tionment, the area is classified as a serious
9 ozone nonattainment area under that sub-
10 part;

11 “(v) 1.3 if, at the time of the appor-
12 tionment, the area is classified as a severe
13 ozone nonattainment area under that sub-
14 part;

15 “(vi) 1.4 if, at the time of the appor-
16 tionment, the area is classified as an ex-
17 treme ozone nonattainment area under
18 that subpart; or

19 “(vii) 1.0 if, at the time of the appor-
20 tionment, the area is not a nonattainment
21 or maintenance area as described in sec-
22 tion 149(b) for ozone, but is classified
23 under subpart 3 of part D of title I of that
24 Act (42 U.S.C. 7512 et seq.) as a non-

1 attainment area described in section
2 149(b) for carbon monoxide.

3 “(C) ADDITIONAL ADJUSTMENT FOR CAR-
4 BON MONOXIDE AREAS.—

5 “(i) CARBON MONOXIDE NONATTAIN-
6 MENT AREAS.—If, in addition to being
7 classified as a nonattainment or mainte-
8 nance area for ozone, the area was also
9 classified under subpart 3 of part D of
10 title I of that Act (42 U.S.C. 7512 et seq.)
11 as a nonattainment area described in sec-
12 tion 149(b) for carbon monoxide, the
13 weighted nonattainment or maintenance
14 area population of the area, as determined
15 under clauses (i) through (vi) of subpara-
16 graph (B), shall be further multiplied by a
17 factor of 1.2.

18 “(ii) CARBON MONOXIDE MAINTEN-
19 NANCE AREAS.—If, in addition to being
20 classified as a nonattainment or mainte-
21 nance area for ozone, the area was at one
22 time also classified under subpart 3 of part
23 D of title I of that Act (42 U.S.C. 7512
24 et seq.) as a nonattainment area described
25 in section 149(b) for carbon monoxide but

1 has been redesignated as a maintenance
2 area, the weighted nonattainment or main-
3 tenance area population of the area, as de-
4 termined under clauses (i) through (vi) of
5 subparagraph (B), shall be further multi-
6 plied by a factor of 1.1.

7 “(D) MINIMUM APPORTIONMENT.—Not-
8 withstanding any other provision of this para-
9 graph, each State shall receive a minimum of
10 $\frac{1}{2}$ of 1 percent of the funds apportioned under
11 this paragraph.

12 “(E) DETERMINATIONS OF POPULATION.—
13 In determining population figures for the pur-
14 poses of this paragraph, the Secretary shall use
15 the latest available annual estimates prepared
16 by the Secretary of Commerce.

17 “(3) SURFACE TRANSPORTATION PROGRAM.—

18 “(A) IN GENERAL.—For the surface trans-
19 portation program, in accordance with the fol-
20 lowing formula:

21 “(i) 20 percent of the apportionments
22 in the ratio that—

23 “(I) the total lane miles of Fed-
24 eral-aid highways in each State; bears
25 to

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

3 “(ii) 30 percent of the apportionments
4 in the ratio that—

5 “(I) the total vehicle miles trav-
6 eled on lanes on Federal-aid highways
7 in each State; bears to

8 “(II) the total vehicle miles trav-
9 eled on lanes on Federal-aid highways
10 in all States.

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

13 “(I) the total square footage of
14 structurally deficient and functionally
15 obsolete bridges on Federal-aid high-
16 ways (excluding bridges described in
17 subparagraphs (B) and (C)(i)(III) of
18 paragraph (1)) in each State; bears to

19 “(II) the total square footage *of*
20 structurally deficient and functionally
21 obsolete bridges on Federal-aid high-
22 ways (excluding bridges described in
23 subparagraphs (B) and (C)(i)(III) of
24 paragraph (1)) in all States.

1 “(iv) 25 percent of the apportion-
2 ments in the ratio that—

3 “(I) the estimated tax payments
4 attributable to highway users in each
5 State paid into the Highway Trust
6 Fund (other than the Mass Transit
7 Account) in the latest fiscal year for
8 which data are available; bears to

9 “(II) the estimated tax payments
10 attributable to highway users in all
11 States paid into the Highway Trust
12 Fund (other than the Mass Transit
13 Account) in the latest fiscal year for
14 which data are available.

15 “(B) DATA.—Each calculation under sub-
16 paragraph (A) shall be based on the latest
17 available data.

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

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

1 “(h) EFFECT OF CERTAIN AMENDMENTS.—Notwith-
2 standing any other provision of law, deposits into the
3 Highway Trust Fund resulting from the amendments
4 made by section 901 of the Taxpayer Relief Act of 1997
5 shall not be taken into account in determining the appor-
6 tionments and allocations that any State shall be entitled
7 to receive under the Intermodal *Surface* Transportation
8 *Efficiency* Act of 1997 and *this* title ~~23~~, United States
9 Code.”.

10 (c) ISTEA TRANSITION.—

11 (1) IN GENERAL.—For each of fiscal years
12 1998 through 2003, the Secretary shall determine,
13 with respect to each State—

14 (A) the total apportionments for the fiscal
15 year under section 104 of title 23, United
16 States Code, for the Interstate and National
17 Highway System program, the surface trans-
18 portation program, metropolitan planning, and
19 the congestion mitigation and air quality im-
20 provement program;

21 (B) the annual average of the total appor-
22 tionments during the period of fiscal years
23 1992 through 1997 for all Federal-aid highway
24 programs (as defined in section 101 of title 23,
25 United States Code), excluding apportionments

1 for the Federal lands highways program under
2 section 204 of that title;

3 (C) the annual average of the total appor-
4 tionments during the period of fiscal years
5 1992 through 1997 for all Federal-aid highway
6 programs (as defined in section 101 of title 23,
7 United States Code), excluding—

8 (i) apportionments authorized under
9 section 104 of that title for construction of
10 the Interstate System;

11 (ii) apportionments for the Interstate
12 substitute program under section 103(e)(4)
13 of that title (as in effect on the day before
14 the date of enactment of this Act);

15 (iii) apportionments for the Federal
16 lands highways program under section 204
17 of that title; and

18 (iv) adjustments to sums apportioned
19 under section 104 of that title due to the
20 hold harmless adjustment under section
21 1015(a) of the Intermodal Surface Trans-
22 portation Efficiency Act of 1991 (23
23 U.S.C. 104 note; 105 Stat. 1943);

24 (D) the product obtained by multiplying—

1 (i) the annual average of the total ap-
 2 portionments determined under subpara-
 3 graph (B); by

4 (ii) the applicable percentage deter-
 5 mined under paragraph (2); and

6 (E) the product obtained by multiplying—

7 (i) the annual average of the total ap-
 8 portionments determined under subpara-
 9 graph (C); by

10 (ii) the applicable percentage deter-
 11 mined under paragraph (2).

12 (2) APPLICABLE PERCENTAGES.—

13 (A) FISCAL YEAR 1998.—For fiscal year
 14 1998—

15 (i) the applicable percentage referred
 16 to in paragraph (1)(D)(ii) shall be 145
 17 percent; and

18 (ii) the applicable percentage referred
 19 to in paragraph (1)(E)(ii) shall be 107
 20 percent.

21 (B) FISCAL YEARS THEREAFTER.—For
 22 each of fiscal years 1999 through 2003, the ap-
 23 plicable percentage referred to in paragraph
 24 (1)(D)(ii) or (1)(E)(ii), respectively, shall be a

1 percentage equal to the product obtained by
2 multiplying—

3 (i) the percentage specified in clause
4 (i) or (ii), respectively, of subparagraph
5 (A); by

6 (ii) the percentage that—

7 (I) the total contract authority
8 made available under this Act and
9 title 23, United States Code, for Fed-
10 eral-aid highway programs for the fis-
11 cal year; bears to

12 (II) the total contract authority
13 made available under this Act and
14 title 23, United States Code, for Fed-
15 eral-aid highway programs for fiscal
16 year 1998.

17 (3) MAXIMUM TRANSITION.—

18 (A) IN GENERAL.—For each of fiscal years
19 1998 through 2003, in the case of each State
20 with respect to which the total apportionments
21 determined under paragraph (1)(A) is greater
22 than the product determined under paragraph
23 (1)(D), the Secretary shall reduce proportion-
24 ately the apportionments to the State under
25 section 104 of title 23, United States Code, for

1 the National Highway System component of the
2 Interstate and National Highway System pro-
3 gram, the surface transportation program, and
4 the congestion mitigation and air quality im-
5 provement program so that the total of the ap-
6 portionments is equal to the product determined
7 under paragraph (1)(D).

8 (B) REDISTRIBUTION OF FUNDS.—

9 (i) IN GENERAL.—Subject to clause
10 (ii), funds made available under subpara-
11 graph (A) shall be redistributed propor-
12 tionately under section 104 of title 23,
13 United States Code, for the Interstate and
14 National Highway System program, the
15 surface transportation program, and the
16 congestion mitigation and air quality im-
17 provement program, to States not subject
18 to a reduction under subparagraph (A).

19 (ii) LIMITATION.—The ratio that—

20 (I) the total apportionments to a
21 State under section 104 of title 23,
22 United States Code, for the Interstate
23 and National Highway System pro-
24 gram, the surface transportation pro-
25 gram, *metropolitan planning*, and the

1 congestion mitigation and air quality
2 improvement program, after the appli-
3 cation of clause (i); bears to

4 (II) the annual average of the
5 total apportionments determined
6 under paragraph (1)(B) with respect
7 to the State;

8 may not exceed, in the case of fiscal year
9 1998, 145 percent, and, in the case of each
10 of fiscal years 1999 through 2003, 145
11 percent as adjusted in the manner de-
12 scribed in paragraph (2)(B).

13 (4) MINIMUM TRANSITION.—

14 (A) IN GENERAL.—For each of fiscal years
15 1998 through 2003, the Secretary shall appor-
16 tion to each State such additional amounts as
17 are necessary to ensure that—

18 (i) the total apportionments to the
19 State under section 104 of title 23, United
20 States Code, for the Interstate and Na-
21 tional Highway System program, the sur-
22 face transportation program, metropolitan
23 planning, and the congestion mitigation
24 and air quality improvement program,

1 after the application of paragraph (3); is
2 equal to

3 (ii) the greater of—

4 (I) the product determined with
5 respect to the State under paragraph
6 (1)(E); or

7 (II) the total apportionments to
8 the State for fiscal year 1997 for all
9 Federal-aid highway programs, ex-
10 cluding—

11 (aa) apportionments for the
12 Federal lands highways program
13 under section 204 of title 23,
14 United States Code;

15 (bb) adjustments to sums
16 apportioned under section 104 of
17 that title due to the hold harm-
18 less adjustment under section
19 1015(a) of the Intermodal Sur-
20 face Transportation Efficiency
21 Act of 1991 (23 U.S.C. 104 note;
22 105 Stat. 1943); and

23 (cc) demonstration projects
24 under the Intermodal Surface

1 Transportation Efficiency Act of
2 1991 (Public Law 102–240).

3 (B) OBLIGATION.—Amounts apportioned
4 under subparagraph (A)—

5 (i) shall be considered to be sums
6 made available for expenditure on the sur-
7 face transportation program, except that—

8 (I) the amounts shall not be sub-
9 ject to paragraphs (1) and (2) of sec-
10 tion 133(d) of title 23, United States
11 Code; and

12 (II) 50 percent of the amounts
13 shall be subject to section 133(d)(3)
14 of that title;

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

18 (iii) shall remain available for obliga-
19 tion for a period of 3 years after the last
20 day of the fiscal year for which the
21 amounts are apportioned.

22 (C) 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)
 2 such sums as are necessary to carry out
 3 this paragraph.

4 (ii) CONTRACT AUTHORITY.—Funds
 5 authorized under this subparagraph shall
 6 be available for obligation in the same
 7 manner as if the funds were apportioned
 8 under chapter 1 of title 23, United States
 9 Code.

10 (d) MINIMUM GUARANTEE.—

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

13 **“§ 105. Minimum guarantee**

14 “(a) ADJUSTMENT.—

15 “(1) IN GENERAL.—In fiscal year 1998 and
 16 each fiscal year thereafter on October 1, or as soon
 17 as practicable thereafter, the Secretary shall allocate
 18 among the States amounts sufficient to ensure
 19 that—

20 “(A) the ratio that—

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

23 “(I) under section 104 for the
 24 Interstate and National Highway Sys-
 25 tem program, the surface transpor-

1 tation program, metropolitan plan-
2 ning, and the congestion mitigation
3 and air quality improvement program;
4 and

5 “(II) under *this section and* sec-
6 tion 1102(c) of the Intermodal *Sur-*
7 *face* Transportation *Efficiency* Act of
8 1997 for ISTEA transition; bears to

9 “(ii) each State’s percentage of esti-
10 mated tax payments attributable to high-
11 way users in the State paid into the High-
12 way Trust Fund (other than the Mass
13 Transit Account) in the latest fiscal year
14 for which data are available;

15 is not less than 0.90; and

16 “(B) in the case of a State specified in
17 paragraph (2), the State’s percentage of the
18 total apportionments for the fiscal year de-
19 scribed in subclauses (I) and (II) of subpara-
20 graph (A)(i) is—

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

23 “(ii) not greater than the product de-
24 termined for the State under section
25 1102(c)(1)(D) of the Intermodal *Surface*

1 Transportation *Efficiency* Act of 1997 for
 2 the fiscal year.

3 “(2) STATE PERCENTAGES.—The percentage
 4 referred to in paragraph (1)(B) for a specified State
 5 shall be determined in accordance with the following
 6 table:

“State	Percentage
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.

7 “(b) TREATMENT OF ALLOCATIONS.—

8 “(1) OBLIGATION.—Amounts allocated under
 9 subsection (a)—

10 “(A) shall be available for obligation when
 11 allocated and shall remain available for obliga-
 12 tion for a period of 3 years after the last day
 13 of the fiscal year for which the amounts are al-
 14 located; and

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

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

4 “(c) TREATMENT OF WITHHELD APPORTION-
5 MENTS.—For the purpose of subsection (a), any funds
6 that, but for section 158(b) or any other provision of law
7 under which Federal-aid highway funds are withheld from
8 apportionment, would be apportioned to a State for a fis-
9 cal year under a section referred to in subsection (a) shall
10 be treated as being apportioned in that fiscal year.

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

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 105
18 and inserting the following:

“105. Minimum guarantee.”.

19 (e) AUDITS OF HIGHWAY TRUST FUND.—Section
20 104 of title 23, United States Code, is amended by strik-
21 ing subsection (i) and inserting the following:

22 “(i) AUDITS OF HIGHWAY TRUST FUND.—From
23 available administrative funds deducted under subsection
24 (a), the Secretary may reimburse the Office of Inspector
25 General of the Department of Transportation for the con-

1 duct of annual audits of financial statements in accord-
 2 ance with section 3521 of title 31.”.

3 (f) TECHNICAL AMENDMENTS.—Section 104 of title
 4 23, United States Code, is amended—

5 (1) in subsection (e)—

6 (A) by inserting “NOTIFICATION TO
 7 STATES.—” after “(e)”;

8 (B) in the first sentence—

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

11 (ii) by striking “and research”;

12 (C) by striking the second sentence; and

13 (D) in the last sentence, by striking “, ex-
 14 cept that” and all that follows through “such
 15 funds”; and

16 (2) in subsection (f)—

17 (A) by striking “(f)(1) On” and inserting
 18 the following:

19 “(f) METROPOLITAN PLANNING.—

20 “(1) SET-ASIDE.—On”;

21 (B) by striking “(2) These” and inserting
 22 the following:

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

1 (C) by striking “(3) The” and inserting
2 the following:

3 “(3) USE OF FUNDS.—The”; and

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

6 “(4) DISTRIBUTION OF FUNDS WITHIN
7 STATES.—The”.

8 (g) CONFORMING AMENDMENTS.—

9 (1) Section 146(a) of title 23, United States
10 Code, is amended in the first sentence by striking “,
11 104(b)(2), and 104(b)(6)” and inserting “and
12 104(b)(2)”.

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

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

18 (3) Section 158 of title 23, United States Code,
19 is amended—

20 (A) in subsection (a)—

21 (i) by striking paragraph (1);

22 (ii) by redesignating paragraphs (2)
23 and (3) as paragraphs (1) and (2), respec-
24 tively;

1 (iii) in paragraph (1) (as so redesignated)—
2 nated)—

3 (I) by striking “AFTER THE
4 FIRST YEAR” and inserting “IN GEN-
5 ERAL”; and

6 (II) by striking “, 104(b)(2),
7 104(b)(5), and 104(b)(6)” and insert-
8 ing “and 104(b)(2)”; and

9 (iv) in paragraph (2) (as redesignated
10 by clause (ii)), by striking “paragraphs (1)
11 and (2) of this subsection” and inserting
12 “paragraph (1)”; and

13 (B) by striking subsection (b) and insert-
14 ing the following:

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

19 (4)(A) Section 157 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 157.

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

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

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

11 (D) Section 142(c) of title 23, United States
12 Code, is amended by striking “(other than section
13 104(b)(5)(A))”.

14 (E) Section 159 of title 23, United States Code,
15 is amended—

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

21 (ii) in subsection (b)—

22 (I) in paragraphs (1)(A)(i) and
23 (3)(A), by striking “section 104(b)(5)(A)”
24 each place it appears and inserting “sec-
25 tion 104(b)(5)(A) (as in effect on the day

1 before the date of enactment of the Inter-
2 modal *Surface* Transportation *Efficiency*
3 Act of 1997”);

4 (II) in paragraph (1)(A)(ii), by strik-
5 ing “section 104(b)(5)(B)” and inserting
6 “section 104(b)(5)(B) (as in effect on the
7 day before the date of enactment of the
8 Intermodal *Surface* Transportation *Effi-*
9 *ciency* Act of 1997)”);

10 (III) in paragraph (3)(B), by striking
11 “(5)(B)” and inserting “(5)(B) (as in ef-
12 fect on the day before the date of enact-
13 ment of the Intermodal *Surface* Transpor-
14 tation *Efficiency* Act of 1997)”); and

15 (IV) in paragraphs (3)~~(B)~~ and (4), by
16 striking “section 104(b)(5)” each place it
17 appears and inserting “section 104(b)(5)
18 (as in effect on the day before the date of
19 enactment of the Intermodal *Surface*
20 Transportation *Efficiency* Act of 1997)”.

21 (F) Section 161(a) of title 23, United States
22 Code, is amended by striking “paragraphs (1), (3),
23 and (5)(B) of section 104(b)” each place it appears
24 and inserting “paragraphs (1) and (3) of section
25 104(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 LIMITATIONS.—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 *(A) section 105(a) of title 23, United States*
12 *Code, excluding amounts allocated under section*
13 *105(a)(1)(B) of that title;*

14 *(B) section 125 of that title;*

15 (C) section 157 of that title (as in effect
16 on the day before the date of enactment of this
17 Act);

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

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

23 (F) subsections (b) and (j) of section 131
24 of the Surface Transportation Assistance Act of
25 1982 (96 Stat. 2119);

1 (G) subsections (b) and (c) of section 149
2 of the Surface Transportation and Uniform Re-
3 location Assistance Act of 1987 (101 Stat.
4 198); and

5 (H) sections 1103 through 1108 of the
6 Intermodal Surface Transportation Efficiency
7 Act of 1991 (105 Stat. 2027).

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

14 (c) APPLICABILITY TO TRANSPORTATION RESEARCH
15 PROGRAMS.—Obligation limitations for Federal-aid high-
16 ways and highway safety construction programs estab-
17 lished by subsection (a) shall apply to transportation re-
18 search programs carried out under chapter 5 of title 23,
19 United States Code.

20 (d) OBLIGATION AUTHORITY.—Section 118 of title
21 23, United States Code, is amended by adding at the end
22 the following:

23 “(g) OBLIGATION AUTHORITY.—

24 “(1) DISTRIBUTION.—For each fiscal year, the
25 Secretary shall—

1 “(A) distribute the total amount of obliga-
2 tion authority for Federal-aid highways and
3 highway safety construction programs made
4 available for the fiscal year by allocation in the
5 ratio that—

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

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

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

20 “(C) not distribute—

21 “(i) amounts deducted under section
22 104(a) for administrative expenses;

23 “(ii) amounts ~~made available for the~~
24 ~~Federal lands highways program under~~

1 ~~section 204~~; *set aside under section 104(k)*
2 *for Interstate 4R and bridge projects;*

3 “(iii) *amounts made available under*
4 *sections 143, 164, 165, 204, 206, 207, and*
5 *322;*

6 “(iv) *amounts made available under*
7 *section 111 of title 49;*

8 “(v) *amounts made available under*
9 *section 201 of the Appalachian Regional*
10 *Development Act of 1965 (40 U.S.C. App.);*

11 “(vi) *amounts made available under*
12 *section 1012(b) of the Intermodal Surface*
13 *Transportation Efficiency Act of 1991 (23*
14 *U.S.C. 149 note; 105 Stat. 1938);*

15 “(vii) *amounts made available under*
16 *chapter 2 of subtitle C of title I, and sec-*
17 *tions 1503, 1603, and 1604, of the Inter-*
18 *modal Surface Transportation Efficiency*
19 *Act of 1997;*

20 ~~“(iii)~~ “(viii) *amounts made available*
21 *under section 149(d) of the Surface Trans-*
22 *portation and Uniform Relocation Assist-*
23 *ance Act of 1987 (101 Stat. 201); and*

24 ~~“(iv)~~ “(ix) *amounts made available for*
25 *implementation of programs under chapter*

1 5 of this title and sections 5222, 5232, and
2 5241 of title 49.

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

6 “(A) revise a distribution of the funds
7 made available under paragraph (1) for the fis-
8 cal year if a State will not obligate the amount
9 distributed during the fiscal year; and

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

19 (e) APPLICABILITY OF OBLIGATION LIMITATIONS.—
20 An obligation limitation established by a provision of any
21 other Act shall not apply to obligations under a program
22 funded under this Act or title 23, United States Code, un-
23 less—

24 (1) the provision specifically amends or limits
25 the applicability of this subsection; or

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

3 **SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE**
4 **TRANSPORTATION PROGRAM.**

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

8 “(f) OBLIGATION AUTHORITY.—

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

20 “(A) the aggregate amount of funds that
21 the State is required to obligate in the area
22 under subsection (d) during each such period;
23 by

24 “(B) the ratio that—

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

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

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

15 **SEC. 1105. EMERGENCY RELIEF.**

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

19 (b) **ELIGIBILITY AND FUNDING.**—Section 125 of title
20 23, United States Code, is amended—

21 (1) by striking subsection (a);

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

24 (3) by inserting after the section heading the
25 following:

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

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

10 “(2) catastrophic failure from any external
11 cause.

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

18 “(c) FUNDING.—Subject to the following limitations,
19 there are hereby authorized to be appropriated from the
20 Highway Trust Fund (other than the Mass Transit Ac-
21 count) such sums as may be necessary to establish the
22 fund authorized by this section and to replenish it on an
23 annual basis:

24 “(1) Not more than \$100,000,000 is authorized
25 to be obligated in any 1 fiscal year commencing

1 after September 30, 1980, to carry out the provi-
2 sions of this section, except that, if in any fiscal year
3 the total of all obligations under this section is less
4 than the amount authorized to be obligated in such
5 fiscal year, the unobligated balance of such amount
6 shall remain available until expended and shall be
7 in addition to amounts otherwise available to carry
8 out this section each year.

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

19 (4) in subsection (d) (as so redesignated), by
20 striking “subsection (c)” both places it appears and
21 inserting “subsection (e)”; and

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

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

5 (1) was destroyed as a result of a combination
 6 of storms in the winter of 1982–1983 and a moun-
 7 tain slide; *and*

8 ~~(2) until its destruction, served as the only rea-~~
 9 ~~sonable access route between 2 cities and as the des-~~
 10 ~~ignated emergency evacuation route of 1 of the~~
 11 ~~cities; and~~

12 ~~(3) complies with the local coastal plan;~~
 13 shall be eligible for assistance under section ~~125(a)~~ of title
 14 ~~23, United States Code.~~

15 *(2) until its destruction, served as the only rea-*
 16 *sonable access route between 2 cities and as the des-*
 17 *ignated emergency evacuation route of 1 of the cities;*
 18 *shall be eligible for assistance under section 125(a) of title*
 19 *23, United States Code, if the project complies with the local*
 20 *coastal plan.*

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

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

1 “(j) USE OF FEDERAL LAND MANAGEMENT AGENCY
2 FUNDS.—Notwithstanding any other provision of law, the
3 funds appropriated to any Federal land management
4 agency may be used to pay the non-Federal share of the
5 cost of any Federal-aid highway project the Federal share
6 of which is funded under section 104.

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

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

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

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

3 “(a) ESTABLISHMENT.—

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

11 “(2) TRANSPORTATION PLANNING PROCE-
12 DURES.—In consultation with the Secretary of each
13 appropriate Federal land management agency, the
14 Secretary shall develop, *by rule*, transportation plan-
15 ning procedures that are consistent with the metro-
16 politan and statewide planning processes required
17 under sections 134 and 135.

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

23 “(4) INCLUSION IN OTHER PLANS.—All region-
24 ally significant Federal lands highways program
25 projects—

1 “(A) shall be developed in cooperation with
2 States and metropolitan planning organizations;
3 and

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

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

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

20 (2) in subsection (b), by striking the first 3 sen-
21 tences and inserting the following: “Funds available
22 for public lands highways, park roads and parkways,
23 and Indian reservation roads shall be used by the
24 Secretary and the Secretary of the appropriate Fed-
25 eral land management agency to pay for the cost of

1 transportation planning, research, engineering, and
2 construction of the highways, roads, and parkways,
3 or of transit facilities within public lands, national
4 parks, and Indian reservations. In connection with
5 activities under the preceding sentence, the Sec-
6 retary and the Secretary of the appropriate Federal
7 land management agency may enter into construc-
8 tion contracts and other appropriate contracts with
9 a State or civil subdivision of a State or Indian
10 tribe.”;

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

15 (4) in subsection (h), by adding at the end the
16 following:

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

21 (5) by striking subsection (i) and inserting the
22 following:

23 “(i) TRANSFERS OF COSTS TO SECRETARIES OF
24 FEDERAL LAND MANAGEMENT AGENCIES.—

1 “(1) ADMINISTRATIVE COSTS.—The Secretary
2 shall transfer to the appropriate Federal land man-
3 agement agency from amounts made available for
4 public lands highways such amounts as are nec-
5 essary to pay necessary administrative costs of the
6 agency in connection with public lands highways.

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

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

22 **SEC. 1107. RECREATIONAL TRAILS PROGRAM.**

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

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

2 “(a) DEFINITIONS.—

3 “(1) **MOTORIZED RECREATION.**—The term ‘mo-
4 torized recreation’ means off-road recreation using
5 any motor-powered vehicle, except for a motorized
6 wheelchair.

7 “(2) **RECREATIONAL TRAIL; TRAIL.**—The term
8 ‘recreational trail’ or ‘trail’ means a thoroughfare or
9 track across land or snow, used for recreational pur-
10 poses such as—

11 “(A) pedestrian activities, including wheel-
12 chair use;

13 “(B) skating or skateboarding;

14 “(C) equestrian activities, including car-
15 riage driving;

16 “(D) nonmotorized snow trail activities, in-
17 cluding skiing;

18 “(E) bicycling or use of other human-pow-
19 ered vehicles;

20 “(F) aquatic or water activities; and

21 “(G) motorized vehicular activities, includ-
22 ing all-terrain vehicle riding, motorcycling,
23 snowmobiling, use of off-road light trucks, or
24 use of other off-road motorized vehicles.

25 “(b) **PROGRAM.**—In accordance with this section, the
26 Secretary, in consultation with the Secretary of the Inte-

1 rior and the Secretary of Agriculture, shall carry out a
2 program to provide and maintain recreational trails (re-
3 ferred to in this section as the ‘program’).

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

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

9 “(A) permissible under other law;

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

14 “(C) approved by the administering agency
15 of the State designated under paragraph (2);
16 and

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

1 and the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1701 et seq.);

3 “(2) the Governor of a State shall designate the
4 State agency or agencies that will be responsible for
5 administering apportionments received under this
6 section; and

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

10 “(d) USE OF APPORTIONED FUNDS.—

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

14 “(A) have been planned and developed
15 under the laws, policies, and administrative pro-
16 cedures of each State; and

17 “(B) are identified in, or further a specific
18 goal of, a trail plan or trail plan element in-
19 cluded or referenced in a metropolitan transpor-
20 tation plan required under section 134 or a
21 statewide transportation plan required under
22 section 135, consistent with the statewide com-
23 prehensive outdoor recreation plan required by
24 the Land and Water Conservation Fund Act of
25 1965 (16 U.S.C. 460l–4 et seq.).

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

3 “(A) maintenance and restoration of exist-
4 ing trails;

5 “(B) development and rehabilitation of
6 trailside and trailhead facilities and trail link-
7 ages;

8 “(C) purchase and lease of trail construc-
9 tion and maintenance equipment;

10 “(D) construction of new trails;

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

13 “(F) *payment of* costs to the State in-
14 curred in administering the program, but in an
15 amount not to exceed 7 percent of the appor-
16 tionment received by the State for a fiscal year;
17 and

18 “(G) operation of educational programs to
19 promote safety and environmental protection as
20 these objectives relate to the use of trails.

21 “(3) USE OF APPORTIONMENTS.—

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

1 “(i) 40 percent shall be used for trail
2 or trail-related projects that facilitate di-
3 verse recreational trail use within a trail
4 corridor, trailside, or trailhead, regardless
5 of whether the project is for diverse motor-
6 ized use, for diverse nonmotorized use, or
7 to accommodate both motorized and non-
8 motorized recreational trail use;

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

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

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

23 “(C) WAIVER AUTHORITY.—Upon the re-
24 quest of a State trail advisory committee estab-
25 lished under subsection (c)(3), the Secretary

1 may waive, in whole or in part, the require-
2 ments of subparagraph (A) with respect to the
3 State if the State certifies to the Secretary that
4 the State does not have sufficient projects to
5 meet the requirements of subparagraph (A).

6 “(D) STATE ADMINISTRATIVE COSTS.—
7 State administrative costs eligible for funding
8 under paragraph (2)(F) shall be exempt from
9 the requirements of subparagraph (A).

10 “(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—
11 To the extent practicable and consistent with the other
12 requirements of this section, a State should give consider-
13 ation to project proposals that provide for the redesign,
14 reconstruction, nonroutine maintenance, or relocation of
15 trails to benefit the natural environment or to mitigate
16 and minimize the impact to the natural environment.

17 “(f) FEDERAL SHARE.—

18 “(1) IN GENERAL.—Subject to the other provi-
19 sions of this subsection, the Federal share of the
20 cost of a project under this section shall not exceed
21 80 percent.

22 “(2) FEDERAL AGENCY PROJECT SPONSOR.—
23 Notwithstanding any other provision of law, a Fed-
24 eral agency that sponsors a project under this sec-

1 tion may contribute additional Federal funds toward
2 the cost of a project, except that—

3 “(A) the share attributable to the Sec-
4 retary of Transportation may not exceed 80
5 percent; and

6 “(B) the share attributable to the Sec-
7 retary and the Federal agency jointly may not
8 exceed 95 percent.

9 “(3) USE OF FUNDS FROM FEDERAL PROGRAMS
10 TO PROVIDE NON-FEDERAL SHARE.—Notwithstand-
11 ing any other provision of law, amounts made avail-
12 able by the Federal Government under any Federal
13 program that are—

14 “(A) expended in accordance with the re-
15 quirements of the Federal program relating to
16 activities funded and populations served; and

17 “(B) expended on a project that is eligible
18 for assistance under this section;

19 may be credited toward the non-Federal share of the
20 cost of the project.

21 “(4) PROGRAMMATIC NON-FEDERAL SHARE.—A
22 State may allow adjustments to the non-Federal
23 share of an individual project under this section if
24 the Federal share of the cost of all projects carried
25 out by the State under the program (excluding

1 projects funded under paragraph (2) or (3)) using
2 funds apportioned to the State for a fiscal year does
3 not exceed 80 percent.

4 “(5) STATE ADMINISTRATIVE COSTS.—The
5 Federal share of the administrative costs of a State
6 under this subsection shall be determined in accord-
7 ance with section 120(b).

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

10 “(1) condemnation of any kind of interest in
11 property;

12 “(2) construction of any recreational trail on
13 National Forest System land for any motorized use
14 unless—

15 “(A) the land has been apportioned for
16 uses other than wilderness by an approved for-
17 est land and resource management plan or has
18 been released to uses other than wilderness by
19 an Act of Congress; and

20 “(B) the construction is otherwise consist-
21 ent with the management direction in the ap-
22 proved forest land and resource management
23 plan;

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

4 “(A) has been apportioned for uses other
5 than wilderness by an approved Bureau of
6 Land Management resource management plan
7 or has been released to ~~other~~ uses *other than*
8 *wilderness* by an Act of Congress; and

9 “(B) the construction is otherwise consist-
10 ent with the management direction in the ap-
11 proved management plan; or

12 “(4) upgrading, expanding, or otherwise facili-
13 tating motorized use or access to trails predomi-
14 nantly used by nonmotorized trail users and on
15 which, as of May 1, 1991, motorized use is prohib-
16 ited or has not occurred.

17 “(h) PROJECT ADMINISTRATION.—

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

20 “(A) IN GENERAL.—Nothing in this title
21 or other law shall prevent a project sponsor
22 from offering to donate funds, materials, serv-
23 ices, or a new right-of-way for the purposes of
24 a project eligible for assistance under this sec-
25 tion. Any funds, or the fair market value of any

1 materials, services, or new right-of-way, may be
2 donated by any project sponsor and shall be
3 credited to the non-Federal share in accordance
4 with subsection (f).

5 “(B) FEDERAL PROJECT SPONSORS.—Any
6 funds or the fair market value of any materials
7 or services may be provided by a Federal
8 project sponsor and shall be credited to the
9 Federal agency’s share in accordance with sub-
10 section (f).

11 “(2) RECREATIONAL PURPOSE.—A project
12 funded under this section is intended to enhance rec-
13 reational opportunity and is not subject to section
14 138 of this title or section 303 of title 49.

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

21 “(4) COOPERATION BY PRIVATE PERSONS.—

22 “(A) WRITTEN ASSURANCES.—As a condi-
23 tion of making available apportionments for
24 work on recreational trails that would affect
25 privately owned land, a State shall obtain writ-

1 ten assurances that the owner of the ~~property~~
 2 *land* will cooperate with the State and partici-
 3 pate as necessary in the activities to be con-
 4 ducted.

5 “(B) PUBLIC ACCESS.—Any use of the ap-
 6 portionments to a State under this section on
 7 *privately owned* land must be accompanied by
 8 an easement or other legally binding agreement
 9 that ensures public access to the recreational
 10 trail improvements funded by the appor-
 11 tionments.

12 “(i) APPORTIONMENT.—

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

16 “(2) APPORTIONMENT.—Subject to subsection
 17 (j), for each fiscal year, the Secretary shall appor-
 18 tion—

19 “(A) 50 percent of the amounts made
 20 available to carry out this section equally
 21 among eligible States; and

22 “(B) 50 percent of the amounts made
 23 available to carry out this section among eligi-
 24 ble States in proportion to the quantity of non-

1 highway recreational fuel used in each eligible
2 State during the preceding year.

3 “(j) ADMINISTRATIVE COSTS.—

4 “(1) IN GENERAL.—Whenever an apportion-
5 ment is made under subsection (i) of the amounts
6 made available to carry out this section, the Sec-
7 retary shall first deduct an amount, not to exceed 1
8 percent of the authorized amounts, to pay the costs
9 to the Secretary for administration of, and research
10 authorized under, the program.

11 “(2) USE OF CONTRACTS.—To carry out re-
12 search funded under paragraph (1), the Secretary
13 may—

14 “(A) enter into contracts with for-profit
15 organizations; and

16 “(B) enter into contracts, partnerships, or
17 cooperative agreements with other government
18 agencies, institutions of higher learning, or non-
19 profit organizations.

20 “(k) 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) to carry out this section
24 \$17,000,000 for fiscal year 1998, \$20,000,000 for
25 fiscal year 1999, \$22,000,000 for fiscal year 2000,

1 \$23,000,000 for fiscal year 2001, \$24,000,000 for
2 fiscal year 2002, and \$25,000,000 for fiscal year
3 2003.

4 “(2) CONTRACT AUTHORITY.—Funds author-
5 ized under this subsection shall be available for obli-
6 gation in the same manner as if the funds were ap-
7 portioned under chapter 1, except that the Federal
8 share of the cost of a project under this section shall
9 be determined in accordance with this section.”.

10 (b) CONFORMING AMENDMENTS.—

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

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

 “206. Recreational trails program.”.

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

18 (a) IN GENERAL.—Section 1012(b) of the Intermodal
19 Surface Transportation Efficiency Act of 1991 (23 U.S.C.
20 149 note; 105 Stat. 1938) is amended—

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

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

1 (b) INCREASED NUMBER OF PROJECTS.—Section
2 1012(b)(1) of the Intermodal Surface Transportation Ef-
3 ficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)
4 is amended in the second sentence by striking “5” and
5 inserting “15”.

6 (c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—
7 Section 1012(b)(2) of the Intermodal Surface Transpor-
8 tation Efficiency Act of 1991 (23 U.S.C. 149 note; 105
9 Stat. 1938) is amended in the second sentence—

10 (1) by inserting after “Secretary shall fund”
11 the following: “all preimplementation costs and
12 project design, and”; and

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

15 (d) TOLLING.—Section 1012(b)(4) of the Intermodal
16 Surface Transportation Efficiency Act of 1991 (23 U.S.C.
17 149 note; 105 Stat. 1938) is amended by striking “a pilot
18 program under this section, but not on more than 3 of
19 such programs” and inserting “any value pricing pilot pro-
20 gram under this subsection”.

21 (e) HOV PASSENGER REQUIREMENTS.—Section
22 1012(b) of the Intermodal Surface Transportation Effi-
23 ciency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938)
24 is amended by striking paragraph (6) and inserting the
25 following:

1 “(6) HOV PASSENGER REQUIREMENTS.—Not-
2 withstanding section ~~102~~ 146(c) of title 23, United
3 States Code, a State may permit vehicles with fewer
4 than 2 occupants to operate in high occupancy vehi-
5 cle lanes if the vehicles are part of a value pricing
6 pilot program under this subsection.”.

7 (f) FUNDING.—Section 1012(b) of the Intermodal
8 Surface Transportation Efficiency Act of 1991 (23 U.S.C.
9 149 note; 105 Stat. 1938) is amended by adding at the
10 end the following:

11 “(7) AUTHORIZATION OF CONTRACT AUTHOR-
12 ITY.—

13 “(A) IN GENERAL.—There shall be avail-
14 able from the Highway Trust Fund (other than
15 the Mass Transit Account) to carry out this
16 subsection \$8,000,000 for each of fiscal years
17 1998 through 2003.

18 “(B) AVAILABILITY.—

19 “(i) IN GENERAL.—Funds allocated
20 by the Secretary to a State under this sub-
21 section shall remain available for obligation
22 by the State for a period of 3 years after
23 the last day of the fiscal year for which the
24 funds are authorized.

1 “(ii) USE OF UNALLOCATED
2 FUNDS.—If the total amount of funds
3 made available from the Highway Trust
4 Fund under this subsection but not allo-
5 cated exceeds \$8,000,000 as of September
6 30 of any year, the excess amount—

7 “(I) shall be apportioned in the
8 following fiscal year by the Secretary
9 to all States in accordance with sec-
10 tion 104(b)(3) of title 23, United
11 States Code;

12 “(II) shall be considered to be a
13 sum made available for expenditure on
14 the surface transportation program,
15 except that the amount shall not be
16 subject to section 133(d) of that title;
17 and

18 “(III) shall be available for any
19 purpose eligible for funding under sec-
20 tion 133 of that title.

21 “(C) CONTRACT AUTHORITY.—Funds au-
22 thorized under this paragraph shall be available
23 for obligation in the same manner as if the
24 funds were apportioned under chapter 1 of title
25 23, United States Code, except that the Federal

1 share of the cost of any project under this sub-
 2 section and the availability of funds authorized
 3 by this paragraph shall be determined in ac-
 4 cordance with this subsection.”.

5 (g) CONFORMING AMENDMENTS.—Section 1012(b)
 6 of the Intermodal Surface Transportation Efficiency Act
 7 of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amend-
 8 ed—

9 (1) in paragraph (1), by striking “projects”
 10 each place it appears and inserting “programs”; and

11 (2) in paragraph (5)—

12 (A) by striking “projects” and inserting
 13 “programs”; and

14 (B) by striking “traffic, volume” and in-
 15 serting “traffic volume”.

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

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

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

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

23 “(b) PROJECTS.—

24 “(1) IN GENERAL.—The Secretary shall use
 25 funds made available under paragraph (7) to carry

1 out highway use tax evasion projects in accordance
2 with this subsection.

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

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

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

14 “(A) to expand efforts to enhance motor
15 fuel tax enforcement;

16 “(B) to fund additional Internal Revenue
17 Service staff, but only to carry out functions
18 described in this paragraph;

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

21 “(D) to develop automated data processing
22 tools to monitor motor fuel production and
23 sales;

1 “(E) to evaluate and implement registra-
2 tion and reporting requirements for motor fuel
3 taxpayers;

4 “(F) to reimburse State expenses that sup-
5 plement existing fuel tax compliance efforts;
6 and

7 “(G) to analyze and implement programs
8 to reduce tax evasion associated with other
9 highway use taxes.

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

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

22 “(7) AUTHORIZATION OF CONTRACT AUTHOR-
23 ITY.—

24 “(A) IN GENERAL.—There shall be avail-
25 able to the Secretary from the Highway Trust

1 Fund (other than the Mass Transit Account) to
2 carry out this subsection \$5,000,000 for each of
3 fiscal years 1998 through 2003.

4 “(B) AVAILABILITY OF FUNDS.—Funds
5 authorized under this paragraph shall remain
6 available for obligation for a period of 1 year
7 after the last day of the fiscal year for which
8 the funds are authorized.

9 “(c) EXCISE FUEL REPORTING SYSTEM.—

10 “(1) IN GENERAL.—Not later than April 1,
11 1998, the Secretary shall enter into a memorandum
12 of understanding with the Commissioner of the In-
13 ternal Revenue Service for the purposes of the devel-
14 opment and maintenance by the Internal Revenue
15 Service of an excise fuel reporting system (referred
16 to in this subsection as the ‘system’).

17 “(2) ELEMENTS OF MEMORANDUM OF UNDER-
18 STANDING.—The memorandum of understanding
19 shall provide that—

20 “(A) the Internal Revenue Service shall de-
21 velop and maintain the system through con-
22 tracts;

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

1 “(C) the system shall be made available for
2 use by appropriate State and Federal revenue,
3 tax, or law enforcement authorities, subject to
4 section 6103 of the Internal Revenue Code of
5 1986.

6 “(3) AUTHORIZATION OF APPROPRIATIONS
7 FROM HIGHWAY TRUST FUND.—There are author-
8 ized to be appropriated to the Secretary from the
9 Highway Trust Fund (other than the Mass Transit
10 Account) to carry out this subsection—

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

13 “(B) \$2,000,000 for each of fiscal years
14 1998 through 2003 for operation and mainte-
15 nance of the system.”.

16 (b) CONFORMING AMENDMENTS.—

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

“143. Highway use tax evasion projects.”.

20 (2) Section 1040 of the Intermodal Surface
21 Transportation Efficiency Act of 1991 (23 U.S.C.
22 101 note; 105 Stat. 1992) is repealed.

23 (3) Section 8002 of the Intermodal Surface
24 Transportation Efficiency Act of 1991 (23 U.S.C.
25 101 note; 105 Stat. 2204~~3~~) is amended—

1 (A) in the first sentence of subsection (g),
 2 by striking “section 1040 of this Act” and in-
 3 serting “section 143 of title 23, United States
 4 Code,”; and

5 (B) by striking subsection (h).

6 **SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 7 **WALKWAYS.**

8 Section 217 of title 23, United States Code, is
 9 amended—

10 (1) in subsection (b)—

11 (A) by inserting “pedestrian walkways
 12 and” after “construction of”; and

13 (B) by striking “(other than the Interstate
 14 System)”;

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

17 (3) by striking subsection (g) and inserting the
 18 following:

19 “(g) **PLANNING AND DESIGN.**—

20 “(1) **IN GENERAL.**—Bicyclists and pedestrians
 21 shall be given consideration in the comprehensive
 22 transportation plans developed by each metropolitan
 23 planning organization and State in accordance with
 24 sections 134 and 135, respectively.

1 “(2) CONSTRUCTION.—Bicycle transportation
2 facilities and pedestrian walkways shall be consid-
3 ered, where appropriate, in conjunction with all new
4 construction and reconstruction of transportation fa-
5 cilities, except where bicycle and pedestrian use are
6 not permitted.

7 “(3) SAFETY AND CONTIGUOUS ROUTES.—
8 Transportation plans and projects shall provide con-
9 sideration for safety and contiguous routes for
10 bicyclists and pedestrians.”;

11 (4) in subsection (h)—

12 (A) by striking “No motorized vehicles
13 shall” and inserting “Motorized vehicles may
14 not”; and

15 (B) by striking paragraph (3) and insert-
16 ing the following:

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

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

20 “(j) DEFINITIONS.—In this section:

21 “(1) BICYCLE TRANSPORTATION FACILITY.—

22 The term ‘bicycle transportation facility’ means a
23 new or improved lane, path, or shoulder for use by
24 bicyclists or a traffic control device, shelter, or park-
25 ing facility for bicycles.

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

4 “(3) WHEELCHAIR.—The term ‘wheelchair’
5 means a mobility aid, usable indoors, and designed
6 for and used by individuals with mobility impair-
7 ments, whether operated manually or powered.”.

8 **SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

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

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

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

1 of \$16,600,000, as adjusted by the Secretary for in-
2 flation.

3 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
4 TAGED INDIVIDUALS.—The term “socially and eco-
5 nomically disadvantaged individuals” has the mean-
6 ing such term has under section 8(d) of the Small
7 Business Act (15 U.S.C. 637(d)) and relevant sub-
8 contracting regulations promulgated pursuant there-
9 to; except that women shall be presumed to be so-
10 cially and economically disadvantaged individuals for
11 purposes of this section.

12 (c) ANNUAL LISTING OF DISADVANTAGED BUSINESS
13 ENTERPRISES.—Each State shall annually survey and
14 compile a list of the small business concerns referred to
15 in ~~paragraph (1)~~ *subsection (a)* and the location of such
16 concerns in the State and notify the Secretary, in writing,
17 of the percentage of such concerns which are controlled
18 by women, by socially and economically disadvantaged in-
19 dividuals (other than women), and by individuals who are
20 women and are otherwise socially and economically dis-
21 advantaged individuals.

22 (d) UNIFORM CERTIFICATION.—The Secretary shall
23 establish minimum uniform criteria for State governments
24 to use in certifying whether a concern qualifies for pur-
25 poses of this section. Such minimum uniform criteria shall

1 include but not be limited to on-site visits, personal inter-
2 views, licenses, analysis of stock ownership, listing of
3 equipment, analysis of bonding capacity, listing of work
4 completed, resume of principal owners, financial capacity,
5 and type of work preferred.

6 **SEC. 1112. FEDERAL SHARE PAYABLE.**

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

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

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

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

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

1 tunnels that serve the public purpose of interstate
2 commerce.

3 “(2) MAINTENANCE OF EFFORT.—

4 “(A) IN GENERAL.—The credit toward any
5 non-Federal share under paragraph (1) shall
6 not reduce nor replace State funds required to
7 match Federal funds for any program under
8 this title.

9 “(B) CONDITIONS ON RECEIPT OF CRED-
10 IT.—

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

20 “(ii) EXCEPTION.—Notwithstanding
21 clause (i), a State may receive a credit
22 under paragraph (1) for a fiscal year if,
23 for any 1 of the preceding 3 fiscal years,
24 the non-Federal transportation capital ex-
25 penditures of the State were at a level that

1 was greater than ~~25~~ 30 percent of the av-
2 erage level of such expenditures for the
3 other 2 of the preceding 3 fiscal years.

4 “(3) TREATMENT.—

5 “(A) IN GENERAL.—Use of the credit to-
6 ward a non-Federal share under paragraph (1)
7 shall not expose the agencies from which the
8 credit is received to additional liability, addi-
9 tional regulation, or additional administrative
10 oversight.

11 “(B) CHARTERED MULTISTATE AGEN-
12 CIES.—When credit is applied from a chartered
13 multistate agency under paragraph (1), the
14 credit shall be applied equally to all charter
15 States.

16 “(C) NO ADDITIONAL STANDARDS.—~~The A~~
17 public, quasi-public, ~~and or~~ private ~~agencies~~
18 *agency* from which the credit for which the non-
19 Federal share is calculated under paragraph (1)
20 shall not be subject to any additional Federal
21 design standards or laws (including regulations)
22 as a result of providing the credit beyond the
23 standards and laws to which the agency is al-
24 ready subject.”.

1 **SEC. 1113. STUDIES AND REPORTS.**

2 (a) **HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—**

3 (1) **METHODOLOGY.—**

4 (A) **EVALUATION.—**The Comptroller Gen-
5 eral of the United States shall conduct an eval-
6 uation of the methodology used by the Depart-
7 ment of Transportation to determine highway
8 needs using the highway economic requirement
9 system (referred to in this subsection as the
10 “model”).

11 (B) **REQUIRED ELEMENT.—**The evaluation
12 shall include an assessment of the extent to
13 which the model estimates an optimal level of
14 highway infrastructure investment, including an
15 assessment as to when the model may be over-
16 estimating or underestimating investment re-
17 quirements.

18 (C) **REPORT TO CONGRESS.—**Not later
19 than 2 years after the date of enactment of this
20 Act, the Comptroller General shall submit a re-
21 port to Congress on the results of the evalua-
22 tion.

23 (2) **STATE INVESTMENT PLANS.—**

24 (A) **STUDY.—**In consultation with State
25 transportation departments and other appro-
26 priate State and local officials, the Comptroller

1 General of the United States shall conduct a
2 study on the extent to which the highway eco-
3 nomic requirement system of the Federal High-
4 way Administration can be used to provide
5 States with useful information for developing
6 State transportation investment plans and
7 State infrastructure investment projections.

8 (B) REQUIRED ELEMENTS.—The study
9 shall—

10 (i) identify any additional data that
11 may need to be collected beyond the data
12 submitted, prior to the date of enactment
13 of this Act, to the Federal Highway Ad-
14 ministration through the highway perform-
15 ance monitoring system; and

16 (ii) identify what additional work, if
17 any, would be required of the Federal
18 Highway Administration and the States to
19 make the model useful at the State level.

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

24 (b) INTERNATIONAL ROUGHNESS INDEX.—

1 (1) STUDY.—The Comptroller General of the
2 United States shall ~~submit a report to Congress on~~
3 *conduct a study on* the international roughness index
4 that is used as an indicator of pavement quality on
5 the Federal-aid highway system.

6 (2) REQUIRED ELEMENTS.—The study shall
7 specify the extent of usage of the index and the ex-
8 tent to which the international roughness index
9 measurement is reliable across different manufactur-
10 ers and types of pavement.

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

15 (c) REPORTING OF RATES OF OBLIGATION.—Section
16 104 of title 23, United States Code, is amended—

17 (1) by redesignating subsection (j) as sub-
18 section (m); and

19 (2) by inserting after subsection (i) the follow-
20 ing:

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

- 1 “(1) program;
 2 “(2) funding category or subcategory;
 3 “(3) type of improvement;
 4 “(4) State; and
 5 “(5) sub-State geographic area, including ur-
 6 banized and rural areas, on the basis of the popu-
 7 lation of each such area.”.

8 **SEC. 1114. DEFINITIONS.**

9 (a) FEDERAL-AID HIGHWAY FUNDS AND PRO-
 10 GRAM.—

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

15 “‘The term ‘Federal-aid highway funds’ means funds
 16 made available to carry out the Federal-aid highway pro-
 17 gram.

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

20 (2) CONFORMING AMENDMENTS.—

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

1 (B) Section 104(m)(1) of title 23, United
 2 States Code (as redesignated by section
 3 1113(c)(1)), is amended by striking “Federal-
 4 aid highways and the highway safety construc-
 5 tion programs” and inserting “the Federal-aid
 6 highway program”.

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

11 (b) ALPHABETIZATION OF DEFINITIONS.—Section
 12 101(a) of title 23, United States Code, is amended by re-
 13 ordering the undesignated paragraphs so that they are in
 14 alphabetical order.

15 **SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPOR-**
 16 **TATION PROGRAM.**

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

20 **“§ 207. Cooperative Federal Lands Transportation**
 21 **Program**

22 “(a) IN GENERAL.—There is established the Cooper-
 23 ative Federal Lands Transportation Program (referred to
 24 in this section as the ‘program’). Funds available for the
 25 program may be used for projects, or portions of projects,

1 on highways that are owned or maintained by States or
2 political subdivisions of States and that cross, are adjacent
3 to, or lead to federally owned land or Indian reservations
4 (*including Army Corps of Engineers reservoirs*), as deter-
5 mined by the State. Such projects shall be proposed by
6 a State and selected by the Secretary. A project proposed
7 by a State under this section shall be on a highway or
8 bridge owned or maintained by the State, or 1 or more
9 political subdivisions of the State, and may be a highway
10 or bridge construction or maintenance project eligible
11 under this title or any project of a type described in sec-
12 tion 204(h).

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

14 “(1) IN GENERAL.—

15 “(A) IN GENERAL.—The Secretary—

16 “(i) after consultation with the Ad-
17 ministrator of General Services, the Sec-
18 retary of the Interior, and other agencies
19 as appropriate (*including the Army Corps*
20 *of Engineers*), shall determine the percent-
21 age of the total land in each State that is
22 owned by the Federal Government or that
23 is held by the Federal Government in
24 trust;

1 “(ii) shall determine the sum of the
2 percentages determined under clause (i)
3 for States with respect to which the per-
4 centage is 4.5 or greater; and

5 “(iii) shall determine for each State
6 included in the determination under clause
7 (ii) the percentage obtained by dividing—

8 “(I) the percentage for the State
9 determined under clause (i); by

10 “(II) the sum determined under
11 clause (ii).

12 “(B) ADJUSTMENT.—The Secretary
13 shall—

14 “(i) reduce any percentage determined
15 under subparagraph (A)(iii) that is greater
16 than 7.5 percent to 7.5 percent; and

17 “(ii) redistribute the percentage
18 points equal to any reduction under clause
19 (i) among other States included in the de-
20 termination under subparagraph (A)(ii) in
21 proportion to the percentages for those
22 States determined under subparagraph
23 (A)(iii).

24 “(2) AVAILABILITY TO STATES.—Except as
25 provided in paragraph (3), for each fiscal year, the

1 Secretary shall make funds available to carry out eli-
2 gible projects in a State in an amount equal to the
3 amount obtained by multiplying—

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

6 “(B) the funds made available for the pro-
7 gram for the fiscal year.

8 “(3) SELECTION OF PROJECTS.—The Secretary
9 may establish deadlines for States to submit pro-
10 posed projects for funding under this section, except
11 that in the case of fiscal year 1998 the deadline may
12 not be earlier than January 1, 1998. For each fiscal
13 year, if a State does not have pending, by that dead-
14 line, applications for projects with an estimated cost
15 equal to at least 3 times the amount for the State
16 determined under paragraph (2), the Secretary may
17 distribute, to 1 or more other States, at the Sec-
18 retary’s discretion, $\frac{1}{3}$ of the amount by which the
19 estimated cost of the State’s applications is less than
20 3 times the amount for the State determined under
21 paragraph (2).

22 “(c) TRANSFERS.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of law, a State and the Secretary may
25 agree to transfer amounts made available to a State

1 under this section to the allocations of the State
2 under section 202 for use in carrying out projects
3 on any Federal lands highway that is located in the
4 State.

5 “(2) SPECIAL RULE.—This paragraph applies
6 to a State that contains a national park that was
7 visited by more than 2,500,000 people in 1996 and
8 comprises more than 3,000 square miles of land
9 area, including surface water, that is located in the
10 State. For such a State, 50 percent of the amount
11 that would otherwise be made available to the State
12 for each fiscal year under the program shall be made
13 available only for eligible highway uses in the na-
14 tional park and within the borders of the State. For
15 the purpose of making allocations under section
16 202(c), the Secretary may not take into account the
17 past or future availability, for use on park roads and
18 parkways in a national park, of funds made avail-
19 able for use in a national park by this paragraph.

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

23 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

24 “(1) IN GENERAL.—There shall be available
25 from the Highway Trust Fund (other than the Mass

1 Transit Account) to carry out this section
 2 \$74,000,000 for each of fiscal years 1998 through
 3 2003.

4 “(2) CONTRACT AUTHORITY.—Funds author-
 5 ized under this subsection shall be ~~made~~ available
 6 for obligation in the same manner as if the funds
 7 were apportioned under chapter 1.”.

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

“207. Cooperative Federal Lands Transportation Program.”.

12 **SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING**
 13 **PLANNING AND BORDER INFRASTRUCTURE.**

14 (a) DEFINITIONS.—In this section:

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

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

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

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

23 (A) is located along the border with Mex-
 24 ico; or

1 (B) is located along the border with Can-
2 ada.

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

9 (4) FEDERAL INSPECTION AGENCY.—The term
10 “Federal inspection agency” means a Federal agen-
11 cy responsible for the enforcement of immigration
12 laws (including regulations), customs laws (including
13 regulations), and agriculture import restrictions, in-
14 cluding the United States Customs Service, the Im-
15 migration and Naturalization Service, the Animal
16 and Plant Health Inspection Service, the Food and
17 Drug Administration, the United States Fish and
18 Wildlife Service, and the Department of State.

19 (5) GATEWAY.—The term “gateway” means a
20 grouping of border stations defined by proximity and
21 similarity of trade.

22 (6) NON-FEDERAL GOVERNMENTAL JURISDIC-
23 TION.—The term “non-Federal governmental juris-
24 diction” means a regional, State, or local authority

1 involved in the planning, development, provision, or
2 funding of transportation infrastructure needs.

3 (b) BORDER CROSSING PLANNING INCENTIVE
4 GRANTS.—

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

9 (2) USE OF GRANTS.—The grants shall be used
10 to encourage joint transportation planning activities
11 and to improve people and vehicle movement into
12 and through international gateways as a supplement
13 to statewide and metropolitan transportation plan-
14 ning funding made available under other provisions
15 of this Act and under title 23, United States Code.

16 (3) CONDITION OF GRANTS.—As a condition of
17 receiving a grant under paragraph (1), a State
18 transportation department or a metropolitan plan-
19 ning organization shall certify to the Secretary that
20 it commits to be engaged in joint planning with its
21 counterpart agency in Mexico or Canada.

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

1 (5) AUTHORIZATION OF CONTRACT AUTHOR-
2 ITY.—

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

8 (B) CONTRACT AUTHORITY.—Funds au-
9 thorized under this subsection shall be available
10 for obligation in the same manner as if the
11 funds were apportioned under chapter 1 of title
12 23, United States Code, except that the Federal
13 share of the cost of a project under this sub-
14 section shall be determined in accordance with
15 subsection (f).

16 (c) TRADE CORRIDOR PLANNING INCENTIVE
17 GRANTS.—

18 (1) GRANTS.—

19 (A) IN GENERAL.—The Secretary shall
20 make grants to States to encourage, within the
21 framework of the statewide transportation plan-
22 ning process of the State under section 135 of
23 title 23, United States Code, cooperative
24 multistate corridor analysis of, and planning
25 for, the safe and efficient movement of goods

1 along and within international or interstate
2 trade corridors of national importance.

3 (B) IDENTIFICATION OF CORRIDORS.—

4 Each corridor referred to in subparagraph (A)
5 shall be cooperatively identified by the States
6 along the corridor.

7 (2) CORRIDOR PLANS.—

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

16 (B) COORDINATION OF PLANNING.—Plan-
17 ning with respect to a corridor under this sub-
18 section shall be coordinated with transportation
19 planning being carried out by the States and
20 metropolitan planning organizations along the
21 corridor and, to the extent appropriate, with
22 transportation planning being carried out by
23 Federal land management agencies, by tribal
24 governments, or by government agencies in
25 Mexico or Canada.

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

4 (A) to enter into multistate agreements,
5 not in conflict with any law of the United
6 States, for cooperative efforts and mutual as-
7 sistance in support of interstate trade corridor
8 planning activities; and

9 (B) to establish such agencies, joint or oth-
10 erwise, as the States may determine desirable
11 to make the agreements effective.

12 (4) AUTHORIZATION OF CONTRACT AUTHOR-
13 ITY.—

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

19 (B) CONTRACT AUTHORITY.—Funds au-
20 thorized under this subsection shall be available
21 for obligation in the same manner as if the
22 funds were apportioned under chapter 1 of title
23 23, United States Code, except that the Federal
24 share of the cost of a project under this sub-

1 section shall be determined in accordance with
2 subsection (f).

3 (d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS
4 AND BORDER INFRASTRUCTURE SAFETY AND CONGES-
5 TION RELIEF.—

6 (1) APPLICATIONS FOR GRANTS.—The Sec-
7 retary shall make grants to States or metropolitan
8 planning organizations that submit an application
9 that—

10 (A) demonstrates need for assistance in
11 carrying out transportation projects that are
12 necessary to relieve traffic congestion or im-
13 prove enforcement of motor carrier safety laws;
14 and

15 (B) includes strategies to involve both the
16 public and private sectors in the proposed
17 project.

18 (2) SELECTION OF STATES, METROPOLITAN
19 PLANNING ORGANIZATIONS, AND PROJECTS TO RE-
20 CEIVE GRANTS.—In selecting States, metropolitan
21 planning organizations, and projects to receive
22 grants under this subsection, the Secretary shall
23 consider—

24 (A) the annual volume of commercial vehi-
25 cle traffic at the border stations or ports of

1 entry of each State as compared to the annual
2 volume of commercial vehicle traffic at the bor-
3 der stations or ports of entry of all States;

4 (B) the extent to which commercial vehicle
5 traffic in each State has grown since the date
6 of enactment of the North American Free
7 Trade Agreement Implementation Act (Public
8 Law 103–182) as compared to the extent to
9 which that traffic has grown in each other
10 State;

11 (C) the extent of border transportation im-
12 provements carried out by each State since the
13 date of enactment of that Act;

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

17 (E) the extent of leveraging of Federal
18 funds provided under this subsection, includ-
19 ing—

20 (i) use of innovative financing;

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

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

1 (F) improvements in vehicle and highway
2 safety and cargo security in and through the
3 gateway concerned;

4 (G) the degree of demonstrated coordina-
5 tion with Federal inspection agencies; ~~and~~

6 (H) the extent to which the innovative and
7 problem solving techniques of the proposed
8 project would be applicable to other border sta-
9 tions or ports of entry;

10 (I) demonstrated local commitment to im-
11 plement and sustain continuing comprehensive
12 border planning processes and improvement
13 programs; and

14 (J) other factors to promote transport effi-
15 ciency and safety, as determined by the Sec-
16 retary.

17 (3) USE OF GRANTS.—

18 (A) IN GENERAL.—A grant under this sub-
19 section shall be used to develop project plans,
20 and implement coordinated and comprehensive
21 programs of projects, to improve efficiency and
22 safety.

23 (B) TYPE OF PLANS AND PROGRAMS.—

24 The plans and programs may include—

- 1 (i) improvements to transport and
2 supporting infrastructure;
- 3 (ii) improvements in operational strat-
4 egies, including electronic data interchange
5 and use of telecommunications to expedite
6 vehicle and cargo movement;
- 7 (iii) modifications to regulatory proce-
8 dures to expedite vehicle and cargo flow;
- 9 (iv) new infrastructure construction;
- 10 (v) purchase, installation, and mainte-
11 nance of weigh-in-motion devices and asso-
12 ciated electronic equipment in Mexico or
13 Canada if real time data from the devices
14 is provided to the nearest border station
15 and to State commercial vehicle enforce-
16 ment facilities that serve the border sta-
17 tion; and
- 18 (vi) other institutional improvements,
19 such as coordination of binational plan-
20 ning, programming, and border operation,
21 with special emphasis on coordination
22 with—
- 23 (I) Federal inspection agencies;
- 24 and

1 (II) their counterpart agencies in
2 Mexico and Canada.

3 (4) CONSTRUCTION OF TRANSPORTATION IN-
4 FRASTRUCTURE FOR LAW ENFORCEMENT PUR-
5 POSES.—At the request of the Administrator of Gen-
6 eral Services, in consultation with the Attorney Gen-
7 eral, the Secretary may transfer, during the period
8 of fiscal years 1998 through 2001, not more than
9 \$10,000,000 of the amounts made available under
10 paragraph (5) to the Administrator of General Serv-
11 ices for the construction of transportation infra-
12 structure necessary for law enforcement in border
13 States.

14 (5) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to carry out
16 this subsection \$125,000,000 for each of fiscal years
17 1998 through 2003.

18 (e) COORDINATION OF PLANNING.—

19 (1) PLANNING AND DEVELOPMENT OF BORDER
20 STATIONS.—The General Services Administration
21 shall be the coordinating Federal agency in the plan-
22 ning and development of new or expanded border
23 stations.

24 (2) COOPERATIVE ACTIVITIES.—In carrying out
25 paragraph (1), the Administrator of General Serv-

1 ices shall cooperate with Federal inspection agencies
2 and non-Federal governmental jurisdictions to en-
3 sure that—

4 (A) improvements to border station facili-
5 ties take into account regional and local condi-
6 tions, including the alignment of highway sys-
7 tems and connecting roadways; and

8 (B) all facility requirements, associated
9 costs, and economic impacts are identified.

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

13 (g) USE OF UNALLOCATED FUNDS.—If the total
14 amount of funds made available from the Highway Trust
15 Fund under this section but not allocated exceeds
16 \$4,000,000 as of September 30 of any year, the excess
17 amount—

18 (1) shall be apportioned in the following fiscal
19 year by the Secretary to all States in accordance
20 with section 104(b)(3) of title 23, United States
21 Code;

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

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

3 “(b) DESIGNATIONS.—

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

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

6 “(2) SUBSTITUTE CORRIDOR.—In lieu of Cor-
7 ridor H in Virginia, the Appalachian development
8 highway system shall include the Virginia portion of
9 the segment identified in section ~~332(a)(29)~~
10 1105(c)(29) of the National Highway System Des-
11 ignation Act of 1995 (Public Law 104–59; *Inter-*
12 modal Surface Transportation Efficiency Act of 1991
13 (109 Stat. 597).”.

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

19 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
20 Section 201(~~g~~) of the Appalachian Regional Development
21 Act of 1965 (40 U.S.C. App.) is amended by striking sub-
22 section (g) and inserting the following:

23 “(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

24 “(1) IN GENERAL.—

1 “(A) FISCAL YEARS 1998 THROUGH 2003.—
2 For the continued construction of the Appalach-
3 ian development highway system approved as of
4 September 30, 1996, in accordance with this
5 section, there shall be available from the High-
6 way Trust Fund (other than the Mass Transit
7 Account) \$40,000,000 for each of fiscal years
8 1998 through 2000, \$50,000,000 for fiscal year
9 2001, \$60,000,000 for fiscal year 2002, and
10 \$70,000,000 for fiscal year 2003.

11 “(B) OBLIGATION AUTHORITY.—The Sec-
12 retary shall provide equivalent amounts of obli-
13 gation authority for the funds authorized under
14 subparagraph (A).

15 “(2) 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, United States
19 Code, except that the Federal share shall be deter-
20 mined in accordance with this section and the funds
21 shall remain available in accordance with subsection
22 (a).”.

1 **SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY**
2 **PROGRAM.**

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

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

8 “(1) IN GENERAL.—For each of fiscal years
9 1998 through 2003, before any apportionment is
10 made under subsection (b)(1), the Secretary shall
11 set aside \$70,000,000 from amounts to be appor-
12 tioned under subsection (b)(1)(A), and \$70,000,000
13 from amounts to be apportioned under subsection
14 (b)(1)(B), for allocation by the Secretary—

15 “(A) for projects for resurfacing, restoring,
16 rehabilitating, or reconstructing any route or
17 portion of a route on the Interstate System
18 (other than any highway designated as a part
19 of the Interstate System under section
20 103(c)(4) and any toll road on the Interstate
21 System that is not subject to an agreement
22 under section 119(e) (as in effect on December
23 17, 1991) or an agreement under section
24 129(a));

1 “(B) for projects for a highway bridge the
2 replacement, ~~or~~ rehabilitation, *or seismic retrofit*
3 cost of which is more than \$10,000,000; and

4 “(C) for projects for a highway bridge the
5 replacement, ~~or~~ rehabilitation, *or seismic retrofit*
6 cost of which is less than \$10,000,000 if the
7 cost is at least twice the amount reserved under
8 section 144(c) by the State in which the bridge
9 is located for the fiscal year in which applica-
10 tion is made for ~~a grant~~ *an allocation* for the
11 bridge *under this subsection*.

12 “(2) *REQUIRED ALLOCATION*.—

13 “(A) *IN GENERAL*.—*Subject to subpara-*
14 *graph (B), for each of fiscal years 1998 through*
15 *2003, the Secretary shall allocate on October 1,*
16 *for use for highway bridge projects, at least*
17 *\$20,000,000 of the amounts set aside under*
18 *paragraph (1) to any State that—*

19 “(i) *is apportioned for fiscal year 1998*
20 *under paragraphs (1)(B), (1)(C)(i)(III),*
21 *and (3)(A)(iii) of subsection (b) an amount*
22 *that is less than the amount apportioned to*
23 *the State for the highway bridge replace-*
24 *ment and rehabilitation program under sec-*
25 *tion 144 for fiscal year 1997; and*

1 “(ii) was apportioned for that program
2 for fiscal year 1997 an amount greater than
3 \$125,000,000.

4 “(B) EXCEPTION.—A State that transferred
5 funds from the highway bridge replacement and
6 rehabilitation program during any of fiscal
7 years 1995 through 1997 in an amount greater
8 than 10 percent of the apportionments for that
9 program for the fiscal year shall not be eligible
10 for an allocation under subparagraph (A).

11 “(C) ADDITIONAL ALLOCATION.—An alloca-
12 tion to a State under subparagraph (A) shall be
13 in addition to any allocation to the State under
14 paragraph (1).

15 ~~“(2)~~ “(3) AVAILABILITY TO STATES OF INTER-
16 STATE 4R FUNDS.—The Secretary may grant the ap-
17 plication of a State for funds made available for a
18 fiscal year for a project described in paragraph
19 (1)(A) if the Secretary determines that—

20 “(A) the State has obligated or dem-
21 onstrates that it will obligate for the fiscal year
22 all of the apportionments to the State under
23 subparagraphs (A) and (B) of subsection (b)(1)
24 other than an amount that, by itself, is insuffi-
25 cient to pay the Federal share of the cost of a

1 project described in paragraph (1)(A) that has
 2 been submitted by the State to the Secretary
 3 for approval; and

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

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

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

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

13 “(4) *ELIGIBILITY OF CERTAIN BRIDGES.*—

14 “(A) *IN GENERAL.*—*Notwithstanding any*
 15 *other provision of law, any bridge that is owned*
 16 *and operated by an agency that does not have*
 17 *taxing powers and whose functions include oper-*
 18 *ating a federally assisted public transit system*
 19 *subsidized by toll revenues shall be eligible for as-*
 20 *sistance under this subsection.*

21 “(B) *LIMITATION.*—*The amount of assist-*
 22 *ance under subparagraph (A) shall not exceed*
 23 *the cumulative amount that the agency has ex-*
 24 *pended for capital and operating costs to sub-*
 25 *sidize the transit system.*

1 “(C) *DETERMINATION BY THE SEC-*
 2 *RETARY.—Before authorizing an expenditure of*
 3 *funds under this paragraph, the Secretary shall*
 4 *make a determination that the applicant agency*
 5 *has insufficient reserves, surpluses, and projected*
 6 *revenues (over and above those required for*
 7 *bridge and transit capital and operating costs)*
 8 *to fund the necessary bridge replacement, seismic*
 9 *retrofitting, or rehabilitation project.*

10 “(D) *CREDITING OF NON-FEDERAL*
 11 *FUNDS.—Any non-Federal funds expended for*
 12 *the seismic retrofit of the bridge may be credited*
 13 *toward the non-Federal share required as a con-*
 14 *dition of receipt of any Federal funds for seismic*
 15 *retrofit of the bridge made available after the*
 16 *date of expenditure.*

17 “~~(3)~~ (5) *PERIOD OF AVAILABILITY OF DISCRE-*
 18 *TIONARY FUNDS.—Amounts made available under*
 19 *this subsection shall remain available until ex-*
 20 *pended.”.*

21 (b) *CONFORMING AMENDMENT.—Section 118 of title*
 22 23, *United States Code, is amended by striking subsection*
 23 (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 *Surface* Transportation *Efficiency*
23 Act of 1997, the Secretary shall solicit applications from
24 States, or authorities designated by 1 or more States, for
25 financial assistance authorized by subsection (b) for plan-

1 ning, design, and construction of eligible MAGLEV
2 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 *the sum of*—

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 *that* non-United States
2 MAGLEV technology is used within the United
3 States, be carried out as a technology transfer
4 project; and

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

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

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

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

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

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

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

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

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

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

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

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

22 “(h) FUNDING.—

23 “(1) IN GENERAL.—

24 “(A) AUTHORIZATION OF CONTRACT AU-
25 THORITY.—

1 “(i) IN GENERAL.—There shall be
2 available from the Highway Trust Fund
3 (other than the Mass Transit Account) to
4 carry out this section \$10,000,000 for fis-
5 cal year 1999 and \$20,000,000 for fiscal
6 year 2000.

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

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

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

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

1 year 2002, and \$300,000,000 for fiscal year
2 2003.

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

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

15 “(4) OTHER ASSISTANCE.—Notwithstanding
16 any other provision of law, an eligible project se-
17 lected under this section shall be eligible for other
18 forms of financial assistance provided under this
19 title *and the Transportation Infrastructure Finance*
20 *and Innovation Act of 1997*, including loans, loan
21 guarantees, and lines of credit.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 3 of title 23, United States Code, is amended by
24 inserting after the item relating to section 321 the follow-
25 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 priate.”.

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~~ *title* limits the authority of any Capital Region
14 jurisdiction to use funds apportioned to the jurisdiction
15 under paragraph (1) or (3) of section 104(b) of title 23,
16 United States Code, in accordance with the requirements
17 for such 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, *including seismic retrofitting*.

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, *apply sodium acetate/formate deicer*
24 *to*, or install scour countermeasures on a highway bridge

1 on a public road that crosses a waterway, other topo-
2 graphical barrier, other highway, or railroad.

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, *apply sodium acetate/formate de-*
11 *icer to*, or install scour countermeasures on highway
12 bridges located on public roads that are functionally
13 classified as local roads or rural minor 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 *as determined under section 120(b)*.

6 “(g) BRIDGE PERMIT EXEMPTION.—

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

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

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

23 “(B)(i) not tidal; or

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

4 “(h) INDIAN RESERVATION ROAD BRIDGES.—

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

9 “(2) RESERVATION OF FUNDS.—

10 “(A) IN GENERAL.—Of the amounts au-
11 thorized for Indian reservation roads for each
12 fiscal year, the Secretary, in cooperation with
13 the Secretary of the Interior, shall reserve not
14 less than \$9,000,000 for projects to replace, re-
15 habilitate, seismically retrofit, paint, apply cal-
16 cium magnesium acetate to, *apply sodium ace-*
17 *tate/formate deicer to*, or install scour counter-
18 measures for deficient Indian reservation road
19 bridges, including multiple-pipe culverts.

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

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

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

1 “(iii) be unsafe because of structural
2 deficiencies, physical deterioration, or func-
3 tional obsolescence; and

4 “(iv) be recorded in the national
5 bridge inventory administered by the Sec-
6 retary under subsection (b).

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

12 (4) by redesignating subsection (o) as sub-
13 section (i); and

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

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

19 (B) in paragraph (3)—

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

1 (ii) by inserting “or for alternative
2 public transportation purposes” after “no
3 longer used for motorized vehicular traf-
4 fic”; and

5 (C) in the second sentence of paragraph
6 (4)—

7 (i) by inserting “for motorized vehi-
8 cles, alternative vehicular traffic, or alter-
9 native public transportation” after “his-
10 toric bridge”; and

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

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

“144. Highway bridge replacement and rehabilitation.”.

17 **SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IM-**
18 **PROVEMENT PROGRAM.**

19 (a) ESTABLISHED PROGRAM.—Section 149(a) of title
20 23, United States Code, is amended by striking “ESTAB-
21 LISHMENT.—The Secretary shall establish” and inserting
22 “IN GENERAL.—The Secretary shall carry out”.

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

1 (1) by striking “that was designated as a non-
2 attainment area under section 107(d) of the Clean
3 Air Act (42 U.S.C. 7407(d)) during any part of fis-
4 cal year 1994” and inserting “that is designated as
5 a nonattainment area under section 107(d) of the
6 Clean Air Act (42 U.S.C. 7407(d)) or classified as
7 a submarginal ozone nonattainment area under that
8 Act, or if the project or program is for a mainte-
9 nance area or an area that, as of the date of enact-
10 ment of the Intermodal Transportation Act of 1997,
11 is considered by the Administrator of the Environ-
12 mental Protection Agency to be a flexible attainment
13 region”; *area*,”;

14 (2) in paragraph (1)—

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

17 (B) in subparagraph (B), by striking
18 “such section” and inserting “section
19 108(f)(1)(A) (other than clause (xvi)) of the
20 Clean Air Act (42 U.S.C. 7408(f)(1)(A))”;

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

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

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

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

7 “(c) STATES RECEIVING MINIMUM APPORTION-
8 MENT.—

9 “(1) STATES WITHOUT A NONATTAINMENT
10 AREA.—If a State does not have, and never has had,
11 a nonattainment area designated under the Clean
12 Air Act (42 U.S.C. 7401 et seq.), the State may use
13 funds apportioned to the State under section
14 104(b)(2) for any project eligible under the surface
15 transportation program under section 133.

16 “(2) STATES WITH A NONATTAINMENT AREA.—
17 If a State has a nonattainment area or maintenance
18 area and receives funds under section 104(b)(2)(D)
19 above the amount of funds that the State would
20 have received based on its nonattainment and main-
21 tenance area population under subparagraphs (B)
22 and (C) of section 104(b)(2), the State may use that
23 portion of the funds not ~~attributed to the~~ *based on*
24 *its nonattainment or and maintenance area popu-*
25 *lation under subparagraphs (B) and (C) of section*

1 104(b)(2) for any project *in the State* eligible under
2 section 133.”.

3 (d) FEDERAL SHARE.—Section 120(c) of title 23,
4 United States Code, is amended in the first sentence by
5 striking “The” and inserting “Except in the case of a
6 project funded from sums apportioned under section
7 104(b)(2), the”.

8 (e) CONFORMING AMENDMENTS.—

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

13 “‘The term ‘maintenance area’ means an area that
14 was designated as a nonattainment area, but was later re-
15 designated by the Administrator of the Environmental
16 Protection Agency as an attainment area, under section
17 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).”.

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

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

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

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

3 (2) in subsection (a)—

4 (A) by striking “States of New Hampshire
5 and Maine shall each” and inserting “State of
6 New Hampshire shall”; *and*

7 (B) in paragraph (1), by striking “and
8 1996” and inserting “through 2000”; and

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

11 **SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE**
12 **ON PRIVATE ENTERPRISE.**

13 (a) *IN GENERAL.—It is the sense of the Senate that*
14 *each agency authorized to expend funds made available*
15 *under this Act, or an amendment made by this Act, or a*
16 *recipient of any form of a grant or other Federal assistance*
17 *under this Act, or an amendment made by this Act—*

18 (1) *should, in expending the funds or assistance,*
19 *rely on entities in the private enterprise system to*
20 *provide such goods and services as are reasonably and*
21 *expeditiously available through ordinary business*
22 *channels; and*

23 (2) *shall not duplicate or compete with entities*
24 *in the private enterprise system.*

1 (b) *PROCEDURES.*—*The Secretary should provide pro-*
 2 *cedures to inform each agency that administers this Act and*
 3 *each recipient of a grant or other Federal assistance of the*
 4 *sense of the Senate expressed in subsection (a).*

5 **SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFI-**
 6 **CERS ON FEDERAL-AID HIGHWAY CONSTRUC-**
 7 **TION PROJECTS.**

8 (a) *IN GENERAL.*—*In consultation with the States and*
 9 *State transportation departments, the Secretary shall con-*
 10 *duct a study on the extent and effectiveness of use by States*
 11 *of uniformed police officers on Federal-aid highway con-*
 12 *struction projects.*

13 (b) *REPORT.*—*Not later than 2 years after the date*
 14 *of enactment of this Act, the Secretary shall submit to Con-*
 15 *gress a report on the results of the study conducted under*
 16 *subsection (a), including any legislative and administrative*
 17 *recommendations of the Secretary.*

18 **SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN**
 19 **SERVICES.**

20 Section 112(b)(2) of title 23, United States Code, is
 21 amended—

22 (1) in subparagraph (B)(i), by striking “, except
 23 to” and all that follows through “services”;

24 (2) by striking subparagraph (C) and inserting
 25 the following:

1 “(C) *SELECTION, PERFORMANCE, AND AU-*
2 *DITS.—*

3 “(i) *IN GENERAL.—All requirements*
4 *for architectural, engineering, and related*
5 *services at any phase of a highway project*
6 *funded in whole or in part with Federal-aid*
7 *highway funds shall be performed by a con-*
8 *tract awarded in accordance with subpara-*
9 *graph (A).*

10 “(ii) *PROHIBITION ON STATE RESTRICT-*
11 *TION.—A State shall not impose any over-*
12 *head restriction that would preclude any*
13 *qualified firm from being eligible to compete*
14 *for contracts awarded in accordance with*
15 *subparagraph (A).*

16 “(iii) *COMPLIANCE WITH FEDERAL AC-*
17 *QUISITION REGULATIONS.—The process for*
18 *selection, award, performance, administra-*
19 *tion, and audit of the resulting contracts*
20 *shall comply with the cost principles and*
21 *cost accounting principles of the Federal*
22 *Acquisition Regulations, including parts*
23 *30, 31, and 36 of the Regulations.”; and*

24 (3) *by adding at the end the following:*

25 “(H) *COMPLIANCE.—*

1 “(i) *IN GENERAL.*—A State shall com-
2 ply with the qualifications-based selection
3 process, contracting based on the Federal
4 Acquisition Regulations, and the single
5 audit procedures required under this para-
6 graph, or with an existing State law or a
7 statute enacted in accordance with the legis-
8 lative session exemption under subpara-
9 graph (G), with respect to any architecture,
10 engineering, or related service contract for
11 any phase of a Federal-aid highway project.

12 “(ii) *STATES WITH ALTERNATIVE*
13 *PROCESS.*—Any State that, after November
14 28, 1995, enacted legislation to establish an
15 alternative State process as a substitute for
16 the contract administration and audit pro-
17 cedures required under this paragraph or
18 was granted a waiver under subparagraph
19 (G) shall submit the legislation to the Sec-
20 retary, not later than 60 days after the date
21 of enactment of this subparagraph, for cer-
22 tification that the State legislation is in
23 compliance with the statutory timetable and
24 substantive criteria specified in subpara-
25 graph (G).”.

1 **Subtitle B—Program Streamlining**
2 **and Flexibility**

3 **CHAPTER 1—GENERAL PROVISIONS**

4 **SEC. 1201. ADMINISTRATIVE EXPENSES.**

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

8 “(a) ADMINISTRATIVE EXPENSES.—

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

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

1 the unobligated balance of any sums deducted under
 2 ~~that paragraph~~ *this subsection* 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 *Surface* Transportation *Efficiency* Act of 1997 shall
8 remain available to the State for use on the projects
9 for which the funds were advanced for a period of
10 20 years from the date on which the funds were ad-
11 vanced.

12 “(2) CREDIT TO HIGHWAY TRUST FUND.—With
13 respect to a project for which funds have been ad-
14 vanced from the right-of-way revolving fund, upon
15 the termination of the 20-year period referred to in
16 paragraph (1), when actual construction is com-
17 menced, or upon approval by the Secretary of the
18 plans, specifications, and estimates for the actual
19 construction of the project on the right-of-way,
20 whichever occurs first—

21 “(A) the Highway Trust Fund shall be
22 credited with an amount equal to the Federal
23 share of the funds advanced, as provided in sec-
24 tion 120, out of any Federal-aid highway funds
25 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~~4~~) 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 “(1) 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
22 (3)(A), by striking “80” and inserting “82”;

23 and

24 (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-

1 tion of an intelligent transportation system or
2 that consists of a usable project segment and
3 for which—

4 “(i) the Secretary has approved the
5 use of design-build contracting described in
6 subparagraph (A) under criteria specified
7 in regulations promulgated by the Sec-
8 retary; and

9 “(ii) the total costs are estimated to
10 exceed—

11 “(I) in the case of a project that
12 involves installation of an intelligent
13 transportation system, ~~\$10,000,000~~
14 ~~\$5,000,000~~; and

15 “(II) in the case of a usable
16 project segment, ~~\$50,000,000~~.”.

17 (b) COMPETITIVE BIDDING DEFINED.—Section 112
18 of title 23, United States Code, is amended by striking
19 subsection (f) and inserting the following:

20 “(f) COMPETITIVE BIDDING DEFINED.—In this sec-
21 tion, the term ‘competitive bidding’ means the procedures
22 used to award contracts for engineering and design serv-
23 ices under subsection (b)(2) and design-build contracts
24 under subsection (b)(3).”.

25 (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.

1 **SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.**

2 (a) *IN GENERAL.*—Subchapter III of chapter 3 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 **“§ 354. Integrated decisionmaking process**

6 “(a) *DEFINITIONS.*—In this section:

7 “(1) *INTEGRATED DECISIONMAKING PROCESS.*—
8 The term ‘integrated decisionmaking process’ means
9 the integrated decisionmaking process established with
10 respect to a surface transportation project under sub-
11 section (b).

12 “(2) *NEPA PROCESS.*—The term ‘NEPA process’
13 means the process of complying with the requirements
14 of the National Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.) with respect to a surface trans-
16 portation project.

17 “(3) *SECRETARY.*—The term ‘Secretary’ means
18 the Secretary of Transportation.

19 “(4) *SURFACE TRANSPORTATION PROJECT.*—The
20 term ‘surface transportation project’ means—

21 “(A) a highway construction project that is
22 subject to the approval of the Secretary under
23 title 23; and

24 “(B) a capital project (as defined in section
25 5302(a)(1)).

1 “(b) *ESTABLISHMENT OF INTEGRATED DECISIONMAK-*
2 *ING PROCESSES FOR SURFACE TRANSPORTATION*
3 *PROJECTS.—The Secretary shall—*

4 “(1) *establish an integrated decisionmaking*
5 *process for surface transportation projects that des-*
6 *ignates major decision points likely to have signifi-*
7 *cant environmental effects and conflicts; and*

8 “(2) *integrate the requirements of the National*
9 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
10 *seq.) with the requirements established by the Sec-*
11 *retary for transportation planning and decisionmak-*
12 *ing.*

13 “(c) *INTEGRATED DECISIONMAKING GOALS.—The in-*
14 *tegrated decisionmaking process for surface transportation*
15 *projects should, to the maximum extent practicable, accom-*
16 *plish the following major goals:*

17 “(1) *Integrate the NEPA process with the plan-*
18 *ning, predesign stage, and decisionmaking for surface*
19 *transportation projects at the earliest possible time.*

20 “(2) *Integrate all applicable Federal, State, trib-*
21 *al, and local permitting requirements.*

22 “(3) *Integrate national transportation, social,*
23 *safety, economic, and environmental goals with State,*
24 *tribal, and local land use and growth management*
25 *initiatives.*

1 “(4) *Consolidate Federal, State, tribal, and local*
2 *decisionmaking to achieve the best overall public in-*
3 *terest according to an agreed schedule.*

4 “(d) *STREAMLINING.—*

5 “(1) *AVOIDANCE OF DELAYS, PREVENTION OF*
6 *CONFLICTS, AND ELIMINATION OF UNNECESSARY DU-*
7 *PLICATION.—The Secretary shall design the integrated*
8 *decisionmaking process to avoid delays in decision-*
9 *making, prevent conflicts between cooperating agen-*
10 *cies and members of the public, and eliminate unnec-*
11 *essary duplication of review and decisionmaking re-*
12 *lating to surface transportation projects.*

13 “(2) *INTEGRATION; COMPREHENSIVE PROCESS.—*
14 *The NEPA process—*

15 “(A) *shall be integrated with the transpor-*
16 *tation planning and decisionmaking of the Fed-*
17 *eral, State, tribal, and local transportation agen-*
18 *cies; and*

19 “(B) *serve as a comprehensive decisionmak-*
20 *ing process.*

21 “(3) *OTHER REQUIREMENTS.—*

22 “(A) *IN GENERAL.—The Secretary shall—*

23 “(i) *establish a concurrent transpor-*
24 *tation and environmental coordination*
25 *process to reduce paperwork, combine re-*

1 *view documents, and eliminate duplicative*
2 *reviews;*

3 *“(ii) develop interagency agreements to*
4 *streamline and improve interagency coordi-*
5 *nation and processing time;*

6 *“(iii) apply strategic and pro-*
7 *grammatic approaches to better integrate*
8 *and expedite the NEPA process and trans-*
9 *portation decisionmaking; and*

10 *“(iv) ensure, in appropriate cases, by*
11 *conducting concurrent reviews whenever*
12 *possible, that any analyses and reviews con-*
13 *ducted by the Secretary consider the needs*
14 *of other reviewing agencies.*

15 *“(B) TIME SCHEDULES.—To comply with*
16 *subparagraph (A)(ii), time schedules shall be*
17 *consistent with sections 1501.8 and 1506.10 of*
18 *title 40, Code of Federal Regulations (or any*
19 *successor regulations).*

20 *“(4) CONCURRENT PROCESSING.—*

21 *“(A) IN GENERAL.—The integrated deci-*
22 *sionmaking process shall, to the extent prac-*
23 *ticable, include a procedure to provide for con-*
24 *current (rather than sequential) processing of all*

1 *Federal, State, tribal, and local reviews and de-*
2 *isions emanating from those reviews.*

3 “(B) *INCONSISTENCY WITH OTHER RE-*
4 *QUIREMENTS.—Subparagraph (A) does not re-*
5 *quire concurrent review if concurrent review*
6 *would be inconsistent with other statutory or*
7 *regulatory requirements.*

8 “(e) *INTERAGENCY COOPERATION.—*

9 “(1) *LEAD AND COOPERATING AGENCY CON-*
10 *CEPTS.—The lead and cooperating agency concepts of*
11 *section 1501 of title 40, Code of Federal Regulations*
12 *(or any successor regulation), shall be considered es-*
13 *sential elements to ensure integration of transpor-*
14 *tation decisionmaking.*

15 “(2) *RESPONSIBILITIES.—The Secretary shall—*

16 “(A) *not later than 60 days after the date*
17 *on which a surface transportation project is se-*
18 *lected for study by a State, identify each Federal*
19 *agency that may be required to participate in*
20 *the integrated decisionmaking process relating to*
21 *the surface transportation project and notify the*
22 *agency of the surface transportation project;*

23 “(B) *afford State, regional, tribal, and local*
24 *governments with decisionmaking authority on*

1 *surface transportation projects the opportunity*
2 *to serve as cooperating agencies;*

3 *“(C) provide cooperating agencies the re-*
4 *sults of any analysis or other information relat-*
5 *ed to a surface transportation project;*

6 *“(D) host an early scoping meeting for Fed-*
7 *eral agencies and, when appropriate, conduct*
8 *field reviews, as soon as practicable in the envi-*
9 *ronmental review process;*

10 *“(E) solicit from each cooperating agency*
11 *as early as practicable the data and analyses*
12 *necessary to facilitate execution of the duties of*
13 *each cooperating agency;*

14 *“(F) use, to the maximum extent possible,*
15 *scientific, technical, and environmental data and*
16 *analyses previously prepared by or for other*
17 *Federal, State, tribal, or local agencies, after an*
18 *independent evaluation by the Secretary of the*
19 *data and analyses;*

20 *“(G) jointly, with the cooperating agencies,*
21 *host public meetings and other community par-*
22 *ticipation processes; and*

23 *“(H) ensure that the NEPA process and*
24 *documentation provide all necessary information*
25 *for the cooperating agency to—*

1 “(i) discharge the responsibilities of the
2 cooperating agency under the National En-
3 vironmental Policy Act of 1969 (42 U.S.C.
4 4321 et seq.) and other law; and

5 “(ii) grant approvals, permits, licenses,
6 and clearances.

7 “(f) *ENHANCED SCOPING PROCESS.*—During the
8 scoping process for a surface transportation project, in ad-
9 dition to other statutory and regulatory requirements, the
10 Secretary shall, to the extent practicable—

11 “(1) provide the public with clearly understand-
12 able milestones that occur during an integrated deci-
13 sionmaking process;

14 “(2) ensure that all agencies with jurisdiction by
15 law or with special expertise have sufficient informa-
16 tion and data to discharge their responsibilities;

17 “(3) ensure that all agencies with jurisdiction by
18 law or with special expertise, and the public, are in-
19 vited to participate in the initial scoping process;

20 “(4) coordinate with other agencies to ensure
21 that the agencies provide to the Secretary, not later
22 than 30 days after the first interagency scoping meet-
23 ing, any preliminary concerns about how the pro-
24 posed project may affect matters within their jurisdic-

1 *tion or special expertise based on information avail-*
2 *able at the time of the scoping meeting; and*

3 *“(5) in cooperation with all cooperating agen-*
4 *cies, develop a schedule for conducting all necessary*
5 *environmental and other review processes.*

6 *“(g) USE OF TITLE 23 FUNDS.—*

7 *“(1) USE BY STATES.—A State may use funds*
8 *made available under section 104(b) or 105 of title 23*
9 *or section 1102(c) of the Intermodal Surface Trans-*
10 *portation Efficiency Act of 1997 to provide resources*
11 *to Federal or State agencies involved in the review or*
12 *permitting process for a surface transportation*
13 *project in order to meet a time schedule established*
14 *under this section.*

15 *“(2) USE AT SECRETARY’S DISCRETION.—At the*
16 *request of another Federal agency involved in the re-*
17 *view or permitting process for a surface transpor-*
18 *tation project, the Secretary may provide funds under*
19 *chapter 1 of title 23 to the agency to provide resources*
20 *necessary to meet the time schedules established under*
21 *this section.*

22 *“(2) AMOUNT.—Funds may be provided under*
23 *paragraph (1) in the amount by which the cost to*
24 *complete a environmental review in accordance with*
25 *a time schedule established under this section exceeds*

1 *the cost that would be incurred if there were no such*
2 *time schedule.*

3 “(3) *NOT FINAL AGENCY ACTION.*—*The provision*
4 *of funds under paragraph (1) does not constitute a*
5 *final agency action.*

6 “(h) *STATE ROLE.*—

7 “(1) *IN GENERAL.*—*For any project eligible for*
8 *assistance under chapter 1 of title 23, a State may*
9 *require, by law or agreement coordinating with all re-*
10 *lated State agencies, that all State agencies that—*

11 “(A) *have jurisdiction by Federal or State*
12 *law over environmental, growth management, or*
13 *land-use related issues that may be affected by a*
14 *surface transportation project; or*

15 “(B) *have responsibility for issuing any en-*
16 *vironment related reviews, analyses, opinions, or*
17 *determinations;*

18 *be subject to the coordinated environmental review*
19 *process provided under this section in issuing any*
20 *analyses or approvals or taking any other action re-*
21 *lating to the project.*

22 “(2) *ALL AGENCIES.*—*If a State requires that*
23 *any State agency participate in a coordinated envi-*
24 *ronmental review process, the State shall require all*
25 *affected State agencies to participate.*

1 “(i) *EARLY ACTION REGARDING POTENTIALLY INSUR-*
2 *MOUNTABLE OBSTACLES.—If, at any time during the inte-*
3 *grated decisionmaking process for a proposed surface trans-*
4 *portation project, a cooperating agency determines that*
5 *there is any potentially insurmountable obstacle associated*
6 *with any of the alternative transportation projects that*
7 *might be undertaken to address the obstacle, the Secretary*
8 *shall—*

9 “(1) *convene a meeting among the cooperating*
10 *agencies to address the obstacle;*

11 “(2) *initiate conflict resolution efforts under sub-*
12 *section (j); or*

13 “(3) *eliminate from consideration the alternative*
14 *transportation project with which the obstacle is asso-*
15 *ciated.*

16 “(j) *CONFLICT RESOLUTION.—*

17 “(1) *FORUM.—The NEPA process shall be used*
18 *as a forum to coordinate the actions of Federal, State,*
19 *regional, tribal, and local agencies, the private sector,*
20 *and the public to develop and shape surface transpor-*
21 *tation projects.*

22 “(2) *APPROACHES.—Collaborative, problem solv-*
23 *ing, and consensus building approaches shall be used*
24 *(and, when appropriate, mediation may be used) to*
25 *implement the integrated decisionmaking process with*

1 *a goal of appropriately considering factors relating to*
2 *transportation development, economic prosperity, pro-*
3 *tection of public health and the environment, commu-*
4 *nity and neighborhood preservation, and quality of*
5 *life for present and future generations.*

6 “(3) *UNRESOLVED ISSUES.*—

7 “(A) *NOTIFICATION.*—*If, before the final*
8 *transportation NEPA document is approved—*

9 “(i) *an issue remains unresolved be-*
10 *tween the lead Federal agency and the co-*
11 *operating agency; and*

12 “(ii) *efforts have been exhausted to re-*
13 *solve the issue at the field levels of each*
14 *agency—*

15 “(I) *within the applicable time-*
16 *frame of the interagency schedule es-*
17 *tablished under subsection (f)(5); or*

18 “(II) *if no timeframe is estab-*
19 *lished, within 90 days;*

20 *the field level officer of the lead agency shall no-*
21 *tify the field level officer of the cooperating agen-*
22 *cy that the field level officer of the lead agency*
23 *intends to bring the issue to the personal atten-*
24 *tion of the heads of the agencies.*

1 “(B) *EFFORTS BY THE AGENCY HEADS.*—
2 *The head of the lead agency shall contact the*
3 *head of the cooperating agency and attempt to*
4 *resolve the issue within 30 days after notifica-*
5 *tion by the field level officer of the unresolved*
6 *issue.*

7 “(C) *CONSULTATION WITH CEQ.*—*The heads*
8 *of the agencies are encouraged to consult with the*
9 *Chair of the Council on Environmental Quality*
10 *during the 30-day period under subparagraph*
11 *(B).*

12 “(D) *FAILURE TO RESOLVE.*—*If the heads*
13 *of the agencies do not resolve the issue within the*
14 *time specified in subparagraph (B), the referral*
15 *process under part 1504 of title 40, Code of Fed-*
16 *eral Regulations (or any successor regulation),*
17 *shall be initiated with respect to the issue.*

18 “(k) *JUDICIAL REVIEW.*—*Nothing in this section af-*
19 *fects the reviewability of any final agency action in a dis-*
20 *trict court of the United States or any State court.*

21 “(l) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
22 *tion affects—*

23 *“(1) the applicability of the requirements of the*
24 *National Environmental Policy Act of 1969 (42*
25 *U.S.C. 4321 et seq.) or any other statute; or*

1 “(2) *the responsibility of any Federal, State,*
2 *tribal, or local officer to comply with or enforce any*
3 *statute or regulation.*”.

4 **(b) TIMETABLE; REPORT TO CONGRESS.**—*The Sec-*
5 *retary, in consultation with the Chair of the Council on*
6 *Environmental Quality and after notice and opportunity*
7 *for public comment—*

8 (1) *not later than 180 days after the date of en-*
9 *actment of this Act, shall design the integrated deci-*
10 *sionmaking process required by the amendment made*
11 *by subsection (a);*

12 (2) *not later than 1 year after the date of enact-*
13 *ment of this Act, shall promulgate a regulation gov-*
14 *erning implementation of an integrated decisionmak-*
15 *ing process in accordance with the amendment made*
16 *by subsection (a); and*

17 (3) *not later than 2 years after the date of enact-*
18 *ment of this Act, shall submit to Congress a report*
19 *identifying any additional legislative or other solu-*
20 *tions that would further enhance the integrated deci-*
21 *sionmaking process.*

22 **(c) CONFORMING AMENDMENT.**—*The analysis for sub-*
23 *chapter III of chapter 3 of title 49, United States Code,*
24 *is amended by adding at the end the following:*

“354. *Integrated decisionmaking process.*”.

1 **CHAPTER 3—ELIGIBILITY AND**
2 **FLEXIBILITY**

3 **SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.**

4 Section 101(a) of title 23, United States Code, is
5 amended by striking the undesignated paragraph defining
6 “operational improvement” and inserting the following:

7 “The term ‘operational improvement’ means the in-
8 stallation, operation, or maintenance, in accordance with
9 subchapter II of chapter 5, of public infrastructure to sup-
10 port intelligent transportation systems and includes the in-
11 stallation or operation of any traffic management activity,
12 communication system, or roadway weather information
13 and prediction system, and any other improvement that
14 the Secretary may designate that enhances roadway safety
15 and mobility during adverse weather.”.

16 **SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TER-**
17 **MINAL FACILITIES.**

18 (a) IN GENERAL.—Section 129(c) of title 23, United
19 States Code, is amended by inserting “in accordance with
20 sections 103, 133, and 149,” after “toll or free,”.

21 (b) NATIONAL HIGHWAY SYSTEM.—Section
22 103(b)(5) of title 23, United States Code (as amended by
23 section 1234), is amended by adding at the end the follow-
24 ing:

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~~ *inserting after para-*
18 *graph (4)* the following:

19 “(5) if the project or program is to construct a
20 ferry boat or ferry terminal facility and if the condi-
21 tions described in section 129(c) are met.”.

22 **SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.**

23 Section 133(d) of title 23, United States Code, is
24 amended by striking paragraph (1) and inserting the fol-
25 lowing:

1 “(1) SAFETY PROGRAMS.—

2 “(A) IN GENERAL.—With respect to funds
3 apporportioned for each of fiscal years 1998
4 through 2003—

5 “(i) an amount equal to 2 percent of
6 the amount apporportioned to a State under
7 section 104(b)(3) shall be available only to
8 carry out activities eligible under section
9 130;

10 “(ii) an amount equal to 2 percent of
11 the amount apporportioned to a State under
12 section 104(b)(3) shall be available only to
13 carry out activities eligible under section
14 152; and

15 “(iii) an amount equal to 6 percent of
16 the amount apporportioned to a State under
17 section 104(b)(3) shall be available only to
18 carry out activities eligible under section
19 130 or 152.

20 “(B) TRANSFER OF FUNDS.—If a State
21 certifies to the Secretary that any part of the
22 amount set aside by the State under subpara-
23 graph (A)(i) is in excess of the needs of the
24 State for activities under section 130 and the
25 Secretary accepts the certification, the State

1 may transfer that excess part to the set-aside
2 of 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 pro-
12 cesses.

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)~~ *paragraph (2)*.

23 “(O) Infrastructure-based intelligent trans-
24 portation systems capital improvements.

1 “(P) In the Virgin Islands, Guam, Amer-
 2 ican Samoa, and the Commonwealth of the
 3 Northern Mariana Islands, any project eligible
 4 for funding under section 133, any airport, and
 5 any seaport.

6 “(Q) Publicly owned components of mag-
 7 netic levitation transportation systems.”.

8 **SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SUR-**
 9 **FACE TRANSPORTATION PROGRAM.**

10 Section 133(b) of title 23, United States Code (as
 11 amended by section 1232(c)), is amended—

12 (1) in paragraph (2), by striking “and publicly
 13 owned intracity or intercity bus terminals and facili-
 14 ties” and inserting “, including vehicles and facili-
 15 ties, whether publicly or privately owned, that are
 16 used to provide intercity passenger service by bus or
 17 rail”;

18 (2) in paragraph (3)—

19 (A) by striking “and bicycle” and inserting
 20 “bicycle”; and

21 (B) by inserting before the period at the
 22 end the following: “, and the modification of
 23 public sidewalks to comply with the Americans
 24 with Disabilities Act of 1990 (42 U.S.C. 12101
 25 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.~~” *systems.*

3 “(17) *Environmental restoration and pollution*
4 *abatement projects (including the retrofit or construc-*
5 *tion of storm water treatment systems) to address*
6 *water pollution or environmental degradation caused*
7 *or contributed to by transportation facilities, which*
8 *projects shall be carried out when the transportation*
9 *facilities are undergoing reconstruction, rehabilita-*
10 *tion, resurfacing, or restoration; except that the ex-*
11 *penditure of funds under this section for any such en-*
12 *vironmental restoration or pollution abatement*
13 *project shall not exceed 20 percent of the total cost of*
14 *the reconstruction, rehabilitation, resurfacing, or res-*
15 *toration project.*”.

16 **SEC. 1236. DESIGN FLEXIBILITY.**

17 Section 109 of title 23, United States Code, is
18 amended by striking subsection (a) and inserting the fol-
19 lowing:

20 “(a) IN GENERAL.—

21 “(1) REQUIREMENTS FOR FACILITIES.—The
22 Secretary shall ensure that the plans and specifica-
23 tions for each proposed highway project under this
24 chapter provide for a facility that will—

1 “(A) adequately serve the existing traffic
2 of the highway in a manner that is conducive
3 to safety, durability, and economy of mainte-
4 nance; and

5 “(B) be designed and constructed in ac-
6 cordance with criteria best suited to accomplish
7 the objectives described in subparagraph (A)
8 and to conform to the particular needs of each
9 locality.

10 “(2) CONSIDERATION OF PLANNED FUTURE
11 TRAFFIC DEMANDS.—In carrying out paragraph (1),
12 the Secretary shall ensure the consideration of the
13 planned future traffic demands of the facility.”.

14 **Subtitle C—Finance**

15 **CHAPTER 1—GENERAL PROVISIONS**

16 **SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.**

17 (a) IN GENERAL.—Chapter 1 of title 23, United
18 States Code, is amended by adding at the end the follow-
19 ing:

20 **“§ 162. State infrastructure bank program**

21 “(a) DEFINITIONS.—In this section:

22 “(1) OTHER ASSISTANCE.—The term ‘other as-
23 sistance’ includes any use of funds in an infrastruc-
24 ture bank—

25 “(A) to provide credit enhancements;

1 “(B) to serve as a capital reserve for bond
2 or debt instrument financing;

3 “(C) to subsidize interest rates;

4 “(D) to ensure the issuance of letters of
5 credit and credit instruments;

6 “(E) to finance purchase and lease agree-
7 ments with respect to transit projects;

8 “(F) to provide bond or debt financing in-
9 strument security; and

10 “(G) to provide other forms of debt financ-
11 ing and methods of leveraging funds that are
12 approved by the Secretary and that relate to
13 the project with respect to which the assistance
14 is being provided.

15 “(2) STATE.—The term ‘State’ has the mean-
16 ing given the term under section 401.

17 “(b) COOPERATIVE AGREEMENTS.—

18 “(1) IN GENERAL.—

19 “(A) PURPOSE OF AGREEMENTS.—Subject
20 to this section, the Secretary may enter into co-
21 operative agreements with States for the estab-
22 lishment of State infrastructure banks and
23 multistate infrastructure banks for making
24 loans and providing other assistance to public
25 and private entities carrying out or proposing to

1 carry out projects eligible for assistance under
2 this section.

3 “(B) CONTENTS OF AGREEMENTS.—Each
4 cooperative agreement shall specify procedures
5 and guidelines for establishing, operating, and
6 providing assistance from the infrastructure
7 bank.

8 “(2) INTERSTATE COMPACTS.—If 2 or more
9 States enter into a cooperative agreement under
10 paragraph (1) with the Secretary for the establish-
11 ment of a multistate infrastructure bank, Congress
12 grants consent to those States to enter into an inter-
13 state compact establishing the bank in accordance
14 with this section.

15 “(c) FUNDING.—

16 “(1) CONTRIBUTION.—Notwithstanding any
17 other provision of law, the Secretary may allow, sub-
18 ject to subsection (h)(1), a State that enters into a
19 cooperative agreement under this section to contrib-
20 ute to the infrastructure bank established by the
21 State not to exceed—

22 “(A)(i) the total amount of funds appor-
23 tioned to the State under each of paragraphs
24 (1) and (3) of section 104(b), excluding funds

1 set aside under paragraphs (1) and (2) of sec-
2 tion 133(d); and

3 “(ii) the total amount of funds allocated to
4 the State under section 105 and under section
5 1102 of the Intermodal *Surface* Transportation
6 *Efficiency Act* of 1997;

7 “(B) the total amount of funds made avail-
8 able to the State or other Federal transit grant
9 recipient for capital projects (as defined in sec-
10 tion 5302 of title 49) under sections 5307,
11 5309, and 5311 of title 49; and

12 “(C) the total amount of funds made avail-
13 able to the State under subtitle V of title 49.

14 “(2) CAPITALIZATION GRANT.—For the pur-
15 poses of this section, Federal funds contributed to
16 the infrastructure bank under this subsection shall
17 constitute a capitalization grant for the infrastruc-
18 ture bank.

19 “(3) SPECIAL RULE FOR URBANIZED AREAS OF
20 OVER 200,000.—Funds that are apportioned or allo-
21 cated to a State under section 104(b)(3) and attrib-
22 uted to urbanized areas of a State with a population
23 of over 200,000 individuals under section 133(d)(2)
24 may be used to provide assistance from an infra-
25 structure bank under this section with respect to a

1 project only if the metropolitan planning organiza-
2 tion designated for the area concurs, in writing, with
3 the provision of the assistance.

4 “(d) FORMS OF ASSISTANCE FROM INFRASTRUC-
5 TURE BANKS.—

6 “(1) IN GENERAL.—An infrastructure bank es-
7 tablished under this section may make loans or pro-
8 vide other assistance to a public or private entity in
9 an amount equal to all or part of the cost of carry-
10 ing out a project eligible for assistance under this
11 section.

12 “(2) SUBORDINATION OF LOANS.—The amount
13 of any loan or other assistance provided for the
14 project may be subordinated to any other debt fi-
15 nancing for the project.

16 “(3) INITIAL ASSISTANCE.—Initial assistance
17 provided with respect to a project from Federal
18 funds contributed to an infrastructure bank under
19 this section shall not be made in the form of a
20 grant.

21 “(e) QUALIFYING PROJECTS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 ~~Federal~~ funds in an infrastructure bank established
24 under this section may be used only to provide as-
25 sistance with respect to projects eligible for assist-

1 ance under this title, ~~or~~ for capital projects (as de-
2 fined in section 5302 of title 49), *or for any other*
3 *project that the Secretary determines to be appro-*
4 *priate.*

5 “(2) INTERSTATE FUNDS.—Funds contributed
6 to an infrastructure bank from funds apportioned to
7 a State under subparagraph (A) or (B) of section
8 104(b)(1) may be used only to provide assistance
9 with respect to projects eligible for assistance under
10 those subparagraphs.

11 “(3) RAIL PROGRAM FUNDS.—Funds contrib-
12 uted to an infrastructure bank from funds made
13 available to a State under subtitle V of title 49 shall
14 be used in a manner consistent with any project de-
15 scription specified under the law making the funds
16 available to the State.

17 “(f) INFRASTRUCTURE BANK REQUIREMENTS.—

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 in order to establish an infrastructure bank under
20 this section, each State establishing such a bank
21 shall—

22 “(A) contribute, at a minimum, to the
23 bank from non-Federal sources an amount
24 equal to 25 percent of the amount of each cap-

1 italization grant made to the State and contrib-
2 uted to the bank under subsection (c);

3 “(B) ensure that the bank maintains on a
4 continuing basis an investment grade rating on
5 its debt issuances and its ability to pay claims
6 under credit enhancement programs of the
7 bank;

8 “(C) ensure that investment income gen-
9 erated by funds contributed to the bank will
10 be—

11 “(i) credited to the bank;

12 “(ii) available for use in providing
13 loans and other assistance to projects eligi-
14 ble for assistance from the bank; and

15 “(iii) invested in United States Treas-
16 ury securities, bank deposits, or such other
17 financing instruments as the Secretary
18 may approve to earn interest to enhance
19 the leveraging of projects assisted by the
20 bank;

21 “(D) ensure that any loan from the bank
22 will bear interest at or below market rates, as
23 determined by the State, to make the project
24 that is the subject of the loan feasible;

1 “(E) ensure that repayment of the loan
2 from the bank will commence not later than 5
3 years after the project has been completed or,
4 in the case of a highway project, the facility has
5 opened to traffic, whichever is later;

6 “(F) ensure that the term for repaying any
7 loan will not exceed the lesser of—

8 “(i) 35 years after the date of the
9 first payment on the loan under subpara-
10 graph (E); or

11 “(ii) the useful life of the investment;
12 and

13 “(G) require the bank to make a biennial
14 report to the Secretary and to make such other
15 reports as the Secretary may require in guide-
16 lines.

17 “(2) WAIVERS BY THE SECRETARY.—The Sec-
18 retary may waive a requirement of any of subpara-
19 graphs (C) through (G) of paragraph (1) with re-
20 spect to an infrastructure bank if the Secretary de-
21 termines that the waiver is consistent with the objec-
22 tives of this section.

23 “(g) LIMITATION ON REPAYMENTS.—Notwithstand-
24 ing any other provision of law, the repayment of a loan
25 or other assistance provided from an infrastructure bank

1 under this section may not be credited toward the non-
2 Federal share of the cost of any project.

3 “(h) SECRETARIAL REQUIREMENTS.—In administer-
4 ing this section, the Secretary shall—

5 “(1) ensure that Federal disbursements shall be
6 at an annual rate of not more than 20 percent of
7 the amount designated by the State for State infra-
8 structure bank capitalization under subsection
9 (c)(1), except that the Secretary may disburse funds
10 to a State in an amount needed to finance a specific
11 project; and

12 “(2) revise cooperative agreements entered into
13 with States under section 350 of the National High-
14 way System Designation Act of 1995 (Public Law
15 104–59) to comply with this section.

16 “(i) APPLICABILITY OF FEDERAL LAW.—

17 “(1) IN GENERAL.—The requirements of this
18 title or title 49 that would otherwise apply to funds
19 made available under that title and projects assisted
20 with those funds shall apply to—

21 “(A) funds made available under that title
22 and contributed to an infrastructure bank es-
23 tablished under this section, including the non-
24 Federal contribution required under section (f);
25 and

1 “(B) projects assisted by the bank through
2 the use of the funds;
3 except to the extent that the Secretary determines
4 that any requirement of that title (*other than sec-*
5 *tions 113 and 114 of this title and section 5333 of*
6 *title 49*) is not consistent with the objectives of this
7 section.

8 “(2) REPAYMENTS.—The requirements of this
9 title or title 49 shall not apply to repayments from
10 non-Federal sources to an infrastructure bank from
11 projects assisted by the bank. Such a repayment
12 shall not be considered to be Federal funds.

13 “(j) UNITED STATES NOT OBLIGATED.—

14 “(1) IN GENERAL.—The contribution of Fed-
15 eral funds to an infrastructure bank established
16 under this section shall not be construed as a com-
17 mitment, guarantee, or obligation on the part of the
18 United States to any third party. No third party
19 shall have any right against the United States for
20 payment solely by virtue of the contribution.

21 “(2) STATEMENT.—Any security or debt fi-
22 nancing instrument issued by the infrastructure
23 bank shall expressly state that the security or in-
24 strument does not constitute a commitment, guaran-
25 tee, or obligation of the United States.

1 “(k) MANAGEMENT OF FEDERAL FUNDS.—Sections
2 3335 and 6503 of title 31, United States Code, shall not
3 apply to funds contributed under this section.

4 “(l) PROGRAM ADMINISTRATION.—

5 “(1) IN GENERAL.—A State may expend not to
6 exceed 2 percent of the Federal funds contributed to
7 an infrastructure bank established by the State
8 under this section to pay the reasonable costs of ad-
9 ministering the bank.

10 “(2) NON-FEDERAL FUNDS.—The limitation de-
11 scribed in paragraph (1) shall not apply to non-Fed-
12 eral funds.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 1 of title 23, United States Code, is amended by
15 adding at the end the following:

“162. State infrastructure bank program.”.

16 **CHAPTER 2—TRANSPORTATION INFRA-**
17 **STRUCTURE FINANCE AND INNOVA-**
18 **TION**

19 **SEC. 1311. SHORT TITLE.**

20 This chapter may be cited as the “Transportation In-
21 frastructure Finance and Innovation Act of 1997”.

22 **SEC. 1312. FINDINGS.**

23 Congress finds that—

24 (1) a well-developed system of transportation
25 infrastructure is critical to the economic well-being,

1 health, and welfare of the people of the United
2 States;

3 (2) traditional public funding techniques such
4 as grant programs are unable to keep pace with the
5 infrastructure investment needs of the United States
6 because of budgetary constraints at the Federal,
7 State, and local levels of government;

8 (3) major transportation infrastructure facilities
9 that address critical national needs, such as inter-
10 modal facilities, border crossings, and multistate
11 trade corridors, are of a scale that exceeds the ca-
12 pacity of Federal and State assistance programs in
13 effect on the date of enactment of this Act;

14 (4) new investment capital can be attracted to
15 infrastructure projects that are capable of generat-
16 ing their own revenue streams through user charges
17 or other dedicated funding sources; and

18 (5) a Federal credit program for projects of na-
19 tional significance can complement existing funding
20 resources by filling market gaps, thereby leveraging
21 substantial private co-investment.

22 **SEC. 1313. DEFINITIONS.**

23 In this chapter:

24 (1) **ELIGIBLE PROJECT COSTS.**—The term “eli-
25 gible project costs” means amounts substantially all

1 of which are paid by, or for the account of, an obli-
2 gor in connection with a project, including the cost
3 of—

4 (A) development phase activities, including
5 planning, feasibility analysis, revenue forecast-
6 ing, environmental review, permitting, prelimi-
7 nary engineering and design work, and other
8 preconstruction activities;

9 (B) construction, reconstruction, rehabili-
10 tation, replacement, and acquisition of real
11 property (including land related to the project
12 and improvements to land), environmental miti-
13 gation, construction contingencies, and acquisi-
14 tion of equipment; and

15 (C) interest during construction, reason-
16 ably required reserve funds, capital issuance ex-
17 penses, and other carrying costs during con-
18 struction.

19 (2) FEDERAL CREDIT INSTRUMENT.—The term
20 “Federal credit instrument” means a secured loan,
21 loan guarantee, or line of credit authorized to be
22 made available under this chapter with respect to a
23 project.

24 (3) LENDER.—The term “lender” means any
25 non-Federal qualified institutional buyer (as defined

1 in section 230.144A(a) of title 17, Code of Federal
2 Regulations (or any successor regulation), known as
3 Rule 144A(a) of the Securities and Exchange Com-
4 mission and issued under the Securities Act of 1933
5 (15 U.S.C. 77a et seq.), including—

6 (A) a qualified retirement plan (as defined
7 in section 4974(c) of the Internal Revenue Code
8 of 1986) that is a qualified institutional buyer;
9 and

10 (B) a governmental plan (as defined in
11 section 414(d) of the Internal Revenue Code of
12 1986) that is a qualified institutional buyer.

13 (4) LINE OF CREDIT.—The term “line of cred-
14 it” means an agreement entered into by the Sec-
15 retary with an obligor under section 1316 to provide
16 a direct loan at a future date upon the occurrence
17 of certain events.

18 (5) LOAN GUARANTEE.—The term “loan guar-
19 antee” means any guarantee or other pledge by the
20 Secretary to pay all or part of the principal of and
21 interest on a loan or other debt obligation issued by
22 an obligor and funded by a lender.

23 (6) LOCAL SERVICER.—The term “local
24 servicer” means—

1 (A) a State infrastructure bank established
2 under title 23, United States Code; or

3 (B) a State or local government or any
4 agency of a State or local government that is
5 responsible for servicing a Federal credit instru-
6 ment on behalf of the Secretary.

7 (7) OBLIGOR.—The term “obligor” means a
8 party primarily liable for payment of the principal of
9 or interest on a Federal credit instrument, which
10 party may be a corporation, partnership, joint ven-
11 ture, trust, or governmental entity, agency, or in-
12 strumentality.

13 (8) PROJECT.—The term “project” means any
14 surface transportation project eligible for Federal
15 assistance under title 23 or chapter 53 of title 49,
16 United States Code.

17 (9) PROJECT OBLIGATION.—The term “project
18 obligation” means any note, bond, debenture, or
19 other debt obligation issued by an obligor in connec-
20 tion with the financing of a project, other than a
21 Federal credit instrument.

22 (10) SECURED LOAN.—The term “secured
23 loan” means a direct loan or other debt obligation
24 issued by an obligor and funded by the Secretary in

1 connection with the financing of a project under sec-
2 tion 1315.

3 (11) STATE.—The term “State” has the mean-
4 ing given the term in section 101 of title 23, United
5 States Code.

6 (12) SUBSTANTIAL COMPLETION.—The term
7 “substantial completion” means the opening of a
8 project to vehicular or passenger traffic.

9 **SEC. 1314. DETERMINATION OF ELIGIBILITY AND PROJECT**
10 **SELECTION.**

11 (a) ELIGIBILITY.—To be eligible to receive financial
12 assistance under this chapter, a project shall meet the fol-
13 lowing criteria:

14 (1) INCLUSION IN TRANSPORTATION PLANS
15 AND PROGRAMS.—The project—

16 (A) shall be included in the State transpor-
17 tation plan required under section 135 of title
18 23, United States Code; and

19 (B) at such time as an agreement to make
20 available a Federal credit instrument is entered
21 into under this chapter, shall be included in the
22 approved State transportation improvement
23 program required under section 134 of that
24 title.

1 (2) APPLICATION.—A State, a local servicer
2 identified under section 1317(a), or the entity un-
3 dertaking the project shall submit a project applica-
4 tion to the Secretary.

5 (3) ELIGIBLE PROJECT COSTS.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), to be eligible for assistance
8 under this chapter, a project shall have eligible
9 project costs that are reasonably anticipated to
10 equal or exceed the lesser of—

11 (i) \$100,000,000; or

12 (ii) 50 percent of the amount of Fed-
13 eral-aid highway funds apportioned for the
14 most recently-completed fiscal year under
15 title 23, United States Code, to the State
16 in which the project is located.

17 (B) INTELLIGENT TRANSPORTATION SYS-
18 TEM PROJECTS.—In the case of a project in-
19 volving the installation of an intelligent trans-
20 portation system, eligible project costs shall be
21 reasonably anticipated to equal or exceed
22 \$30,000,000.

23 (4) DEDICATED REVENUE SOURCES.—Project
24 financing shall be repayable in whole or in part by
25 user charges or other dedicated revenue sources.

1 (5) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
2 TIES.—In the case of a project that is undertaken
3 by an entity that is not a State or local government
4 or an agency or instrumentality of a State or local
5 government, the project that the entity is undertak-
6 ing shall be publicly sponsored as provided in para-
7 graphs (1) and (2).

8 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

9 (1) ESTABLISHMENT.—The Secretary shall es-
10 tablish criteria for selecting among projects that
11 meet the eligibility criteria specified in subsection
12 (a).

13 (2) SELECTION CRITERIA.—The selection cri-
14 teria shall include the following:

15 (A) The extent to which the project is na-
16 tionally or regionally significant, in terms of
17 generating economic benefits, supporting inter-
18 national commerce, or otherwise enhancing the
19 national transportation system.

20 (B) The creditworthiness of the project, in-
21 cluding a determination by the Secretary that
22 any financing for the project has appropriate
23 security features, such as a rate covenant, to
24 ensure repayment. The Secretary shall require
25 each project applicant to provide a preliminary

1 rating opinion letter from a nationally recog-
2 nized bond rating agency.

3 (C) The extent to which assistance under
4 this chapter would foster innovative public-pri-
5 vate partnerships and attract private debt or
6 equity investment.

7 (D) The likelihood that assistance under
8 this chapter would enable the project to proceed
9 at an earlier date than the project would other-
10 wise be able to proceed.

11 (E) The extent to which the project uses
12 new technologies, including intelligent transpor-
13 tation systems, that enhance the efficiency of
14 the project.

15 (F) The amount of budget authority re-
16 quired to fund the Federal credit instrument
17 made available under this chapter.

18 (c) FEDERAL REQUIREMENTS.—The following provi-
19 sions of law shall apply to funds made available under this
20 chapter and projects assisted with the funds:

21 ~~(1) Section 113 of title 23, United States Code.~~

22 ~~(2) (1) Title VI of the Civil Rights Act of 1964~~
23 ~~(42 U.S.C. 2000d et seq.).~~

24 ~~(3) (2) The National Environmental Policy Act~~
25 ~~of 1969 (42 U.S.C. 4321 et seq.).~~

1 ~~(4)~~ (3) The Uniform Relocation Assistance and
2 Real Property Acquisition Policies Act of 1970 (42
3 U.S.C. 4601 et seq.).

4 ~~(5)~~ Section ~~5333~~ of title 49, United States
5 Code.

6 **SEC. 1315. SECURED LOANS.**

7 (a) IN GENERAL.—

8 (1) AGREEMENTS.—Subject to paragraphs (2)
9 and (3), the Secretary may enter into agreements
10 with 1 or more obligors to make secured loans, the
11 proceeds of which shall be used—

12 (A) to finance eligible project costs; or

13 (B) to refinance interim construction fi-
14 nancing of eligible project costs;

15 of any project selected under section 1314.

16 (2) LIMITATION ON REFINANCING OF INTERIM
17 CONSTRUCTION FINANCING.—A loan under para-
18 graph (1) shall not refinance interim construction fi-
19 nancing under paragraph (1)(B) later than 1 year
20 after the date of substantial completion of the
21 project.

22 (3) AUTHORIZATION PERIOD.—The Secretary
23 may enter into a loan agreement during any of fiscal
24 years 1998 through 2003.

25 (b) TERMS AND LIMITATIONS.—

1 (1) IN GENERAL.—A secured loan under this
2 section with respect to a project shall be on such
3 terms and conditions and contain such covenants,
4 representations, warranties, and requirements (in-
5 cluding requirements for audits) as the Secretary de-
6 termines appropriate.

7 (2) MAXIMUM AMOUNT.—The amount of the se-
8 cured loan shall not exceed 33 percent of the reason-
9 ably anticipated eligible project costs.

10 (3) PAYMENT.—The secured loan—

11 (A) shall be payable, in whole or in part,
12 from revenues generated by any rate covenant,
13 coverage requirement, or similar security fea-
14 ture supporting the project obligations or from
15 a dedicated revenue stream; and

16 (B) may have a lien on revenues described
17 in subparagraph (A) subject to any lien secur-
18 ing project obligations.

19 (4) INTEREST RATE.—The interest rate on the
20 secured loan shall be equal to the yield on market-
21 able United States Treasury securities of a similar
22 maturity to the maturity of the secured loan on the
23 date of execution of the loan agreement.

24 (5) MATURITY DATE.—The final maturity date
25 of the secured loan shall be not later than 35 years

1 after the date of substantial completion of the
2 project.

3 (6) NONSUBORDINATION.—The secured loan
4 shall not be subordinated to the claims of any holder
5 of project obligations in the event of bankruptcy, in-
6 solvency, or liquidation of the obligor.

7 (7) FEES.—The Secretary may establish fees at
8 a level sufficient to cover the costs to the Federal
9 Government of making a secured loan under this
10 section.

11 (c) REPAYMENT.—

12 (1) SCHEDULE.—The Secretary shall establish
13 a repayment schedule for each secured loan under
14 this section based on the projected cash flow from
15 project revenues and other repayment sources.

16 (2) COMMENCEMENT.—Scheduled loan repay-
17 ments of principal or interest on a secured loan
18 under this section shall commence not later than 5
19 years after the date of substantial completion of the
20 project.

21 (3) SOURCES OF REPAYMENT FUNDS.—The
22 sources of funds for scheduled loan repayments
23 under this section shall include tolls, user fees, or
24 other dedicated revenue sources.

25 (4) DEFERRED PAYMENTS.—

1 (A) AUTHORIZATION.—If, at any time dur-
2 ing the 10 years after the date of substantial
3 completion of the project, the project is unable
4 to generate sufficient revenues to pay scheduled
5 principal and interest on the secured loan, the
6 Secretary may, pursuant to established criteria
7 for the project agreed to by the entity under-
8 taking the project and the Secretary, allow the
9 obligor to add unpaid principal and interest to
10 the outstanding balance of the secured loan.

11 (B) INTEREST.—Any payment deferred
12 under subparagraph (A) shall—

13 (i) continue to accrue interest in ac-
14 cordance with subsection (b)(4) until fully
15 repaid; and

16 (ii) be scheduled to be amortized over
17 the remaining term of the loan beginning
18 not later than 10 years after the date of
19 substantial completion of the project in ac-
20 cordance with paragraph (1).

21 (5) PREPAYMENT.—

22 (A) USE OF EXCESS REVENUES.—Any ex-
23 cess revenues that remain after satisfying
24 scheduled debt service requirements on the
25 project obligations and secured loan and all de-

1 posit requirements under the terms of any trust
2 agreement, bond resolution, or similar agree-
3 ment securing project obligations may be ap-
4 plied annually to prepay the secured loan with-
5 out penalty.

6 (B) USE OF PROCEEDS OF REFINANC-
7 ING.—The secured loan may be prepaid at any
8 time without penalty from the proceeds of refi-
9 nancing from non-Federal funding sources.

10 (d) SALE OF SECURED LOANS.—As soon as prac-
11 ticable after substantial completion of a project, the Sec-
12 retary shall sell to another entity or reoffer into the capital
13 markets a secured loan for the project if the Secretary
14 determines that the sale or reoffering can be made on fa-
15 vorable terms.

16 (e) LOAN GUARANTEES.—

17 (1) IN GENERAL.—The Secretary may provide a
18 loan guarantee to a lender in lieu of making a se-
19 cured loan if the Secretary determines that the
20 budgetary cost of the loan guarantee is substantially
21 the same as that of a secured loan.

22 (2) TERMS.—The terms of a guaranteed loan
23 shall be consistent with the terms set forth in this
24 section for a secured loan, except that the rate on
25 the guaranteed loan and any prepayment features

1 shall be negotiated between the obligor and the lender,
2 er, with the consent of the Secretary.

3 **SEC. 1316. LINES OF CREDIT.**

4 (a) IN GENERAL.—

5 (1) AGREEMENTS.—The Secretary may enter
6 into agreements to make available lines of credit to
7 1 or more obligors in the form of direct loans to be
8 made by the Secretary at future dates on the occurrence
9 of certain events for any project selected under
10 section 1314.

11 (2) USE OF PROCEEDS.—The proceeds of a line
12 of credit made available under this section shall be
13 available to pay debt service on project obligations
14 issued to finance eligible project costs, extraordinary
15 repair and replacement costs, operation and maintenance
16 expenses, and costs associated with unexpected Federal or State
17 environmental restrictions.

18 (b) TERMS AND LIMITATIONS.—

19 (1) IN GENERAL.—A line of credit under this
20 section with respect to a project shall be on such
21 terms and conditions and contain such covenants,
22 representations, warranties, and requirements (including
23 requirements for audits) as the Secretary determines
24 appropriate.

25 (2) MAXIMUM AMOUNTS.—

1 (A) TOTAL AMOUNT.—The total amount of
 2 the line of credit shall not exceed 33 percent of
 3 the reasonably anticipated eligible project costs.

4 (B) ONE-YEAR DRAWS.—The amount
 5 drawn in any 1 year shall not exceed 20 percent
 6 of the total amount of the line of credit.

7 (3) DRAWS.—Any draw on the line of credit
 8 shall represent a direct loan and shall be made only
 9 if net revenues from the project (including capital-
 10 ized interest, any debt service reserve fund, and any
 11 other available reserve) are insufficient to pay ~~debt~~
 12 ~~service on project obligations~~ *the costs specified in*
 13 *subsection (a)(2).*

14 (4) INTEREST RATE.—The interest rate on a
 15 direct loan resulting from a draw on the line of cred-
 16 it shall be ~~equal to~~ *not less than* the yield on 30-year
 17 marketable United States Treasury securities as of
 18 the date on which the line of credit is obligated.

19 (5) SECURITY.—The line of credit—

20 (A) shall be made available only in connec-
 21 tion with a project obligation secured, in whole
 22 or in part, by a rate covenant, coverage require-
 23 ment, or similar security feature or from a
 24 dedicated revenue stream; and

1 (B) may have a lien on revenues described
2 in subparagraph (A) subject to any lien secur-
3 ing project obligations.

4 (6) PERIOD OF AVAILABILITY.—The line of
5 credit shall be available during the period beginning
6 on the date of substantial completion of the project
7 and ending not later than 10 years after that date.

8 (7) RIGHTS OF THIRD PARTY CREDITORS.—

9 (A) AGAINST FEDERAL GOVERNMENT.—A
10 third party creditor of the obligor shall not have
11 any right against the Federal Government with
12 respect to any draw on the line of credit.

13 (B) ASSIGNMENT.—An obligor may assign
14 the line of credit to 1 or more lenders or to a
15 trustee on the lenders' behalf.

16 (8) NONSUBORDINATION.—A direct loan under
17 this section shall not be subordinated to the claims
18 of any holder of project obligations in the event of
19 bankruptcy, insolvency, or liquidation of the obligor.

20 (9) FEES.—The Secretary may establish fees at
21 a level sufficient to cover the costs to the Federal
22 Government of providing a line of credit under this
23 section.

24 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
25 MENTS.—A line of credit under this section shall not

1 be issued for a project with respect to which another
 2 Federal credit instrument under this chapter is
 3 made available.

4 (c) REPAYMENT.—

5 (1) SCHEDULE.—The Secretary shall establish
 6 a repayment schedule for each direct loan under this
 7 section based on the projected cash flow from project
 8 revenues and other repayment sources.

9 (2) TIMING.—All scheduled repayments of prin-
 10 cipal or interest on a direct loan under this section
 11 shall commence not later than 5 years after ~~substan-~~
 12 ~~tial completion of the project~~ *the end of the period*
 13 *of availability specified in subsection (b)(6)* and be
 14 fully repaid, with interest, by the date that is ~~20~~ 25
 15 years after the end of the period of availability speci-
 16 fied in subsection (b)(6).

17 (3) SOURCES OF REPAYMENT FUNDS.—The
 18 sources of funds for scheduled loan repayments
 19 under this section shall include tolls, user fees, or
 20 other dedicated revenue sources.

21 **SEC. 1317. PROJECT SERVICING.**

22 (a) REQUIREMENT.—The State in which a project
 23 that receives financial assistance under this chapter is lo-
 24 cated may identify a local servicer to assist the Secretary

1 in servicing the Federal credit instrument made available
2 under this chapter.

3 (b) AGENCY; FEES.—If a State identifies a local
4 servicer under subsection (a), the local servicer—

5 (1) shall act as the agent for the Secretary; and

6 (2) may receive a servicing fee, subject to ap-
7 proval by the Secretary.

8 (c) LIABILITY.—A local servicer identified under sub-
9 section (a) shall not be liable for the obligations of the
10 obligor to the Secretary or any lender.

11 (d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
12 retary may retain the services of expert firms in the field
13 of municipal and project finance to assist in the underwrit-
14 ing and servicing of Federal credit instruments.

15 **SEC. 1318. OFFICE OF INFRASTRUCTURE FINANCE.**

16 (a) DUTIES OF THE SECRETARY.—Section 301 of
17 title 49, United States Code, is amended—

18 (1) in paragraph (7), by striking “and” at the
19 end;

20 (2) in paragraph (8), by striking the period at
21 the end and inserting “; and”; and

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

23 “(9) develop and coordinate Federal policy on
24 financing transportation infrastructure, including
25 the provision of direct Federal credit assistance and

1 other techniques used to leverage Federal transpor-
2 tation funds.”.

3 (b) OFFICE OF INFRASTRUCTURE FINANCE.—

4 (1) IN GENERAL.—Chapter 1 of title 49, United
5 States Code, is amended by adding at the end the
6 following:

7 **“§ 113. Office of Infrastructure Finance**

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish within the Office of the Secretary
10 an Office of Infrastructure Finance.

11 “(b) DIRECTOR.—The Office shall be headed by a Di-
12 rector who shall be appointed by the Secretary not later
13 than 180 days after the date of enactment of this section.

14 “(c) FUNCTIONS.—The Director shall be responsible
15 for—

16 “(1) carrying out the responsibilities of the Sec-
17 retary described in section 301(9);

18 “(2) carrying out research on financing trans-
19 portation infrastructure, including educational pro-
20 grams and other initiatives to support Federal,
21 State, and local government efforts; and

22 “(3) providing technical assistance to Federal,
23 State, and local government agencies and officials to
24 facilitate the development and use of alternative

1 techniques for financing transportation infrastruc-
2 ture.”.

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 1 of title 49, United States Code, is
5 amended by adding at the end the following:

“113. Office of Infrastructure Finance.”.

6 **SEC. 1319. STATE AND LOCAL PERMITS.**

7 The provision of financial assistance under this chap-
8 ter with respect to a project shall not—

9 (1) relieve any recipient of the assistance of any
10 obligation to obtain any required State or local per-
11 mit or approval with respect to the project;

12 (2) limit the right of any unit of State or local
13 government to approve or regulate any rate of re-
14 turn on private equity invested in the project; or

15 (3) otherwise supersede any State or local law
16 (including any regulation) applicable to the construc-
17 tion or operation of the project.

18 **SEC. 1320. REGULATIONS.**

19 The Secretary may issue such regulations as the Sec-
20 retary determines appropriate to carry out this chapter
21 and the amendments made by this chapter.

22 **SEC. 1321. FUNDING.**

23 (a) 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 chapter—

4 (A) \$60,000,000 for fiscal year 1998;

5 (B) \$60,000,000 for fiscal year 1999;

6 (C) \$90,000,000 for fiscal year 2000;

7 (D) \$90,000,000 for fiscal year 2001;

8 (E) ~~\$100,000,000~~ *\$115,000,000* for fiscal
9 year 2002; and

10 (F) ~~\$100,000,000~~ *\$115,000,000* for fiscal
11 year 2003.

12 (2) ADMINISTRATIVE COSTS.—From funds
13 made available under paragraph (1), the Secretary
14 may use, for the administration of this chapter, not
15 more than \$2,000,000 for each of fiscal years 1998
16 through 2003.

17 (3) AVAILABILITY.—Amounts made available
18 under paragraph (1) shall remain available until ex-
19 pended.

20 (b) CONTRACT AUTHORITY.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, approval by the Secretary of a Fed-
23 eral credit instrument that uses funds made avail-
24 able under this chapter shall be deemed to be ac-

1 ceptance by the United States of a contractual obli-
 2 gation to fund the Federal credit instrument.

3 (2) AVAILABILITY.—Amounts authorized under
 4 this section for a fiscal year shall be available for ob-
 5 ligation on October 1 of the fiscal year.

6 (c) LIMITATIONS ON CREDIT AMOUNTS.—For each
 7 of fiscal years 1998 through 2003, principal amounts of
 8 Federal credit instruments made available under this
 9 chapter shall be limited to the amounts specified in the
 10 following table:

Fiscal year:	Maximum amount of credit:
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.

11 **SEC. 1322. REPORT TO CONGRESS.**

12 Not later than 4 years after the date of enactment
 13 of this Act, the Secretary shall submit to Congress a re-
 14 port summarizing the financial performance of the
 15 projects that are receiving, or have received, assistance
 16 under this chapter, including a recommendation as to
 17 whether the objectives of this chapter are best served—

18 (1) by continuing the program under the au-
 19 thority of the Secretary;

1 (2) by establishing a Government corporation or
2 Government-sponsored enterprise to administer the
3 program; or

4 (3) by phasing out the program and relying on
5 the capital markets to fund the types of infrastruc-
6 ture investments assisted by this chapter without
7 Federal participation.

8 **Subtitle D—Safety**

9 **SEC. 1401. OPERATION LIFESAVER.**

10 Section 104 of title 23, United States Code (as
11 amended by section 1102(a)), is amended—

12 (1) in the matter preceding paragraph (1) of
13 subsection (b), by striking “subsection (f)” and in-
14 serting “subsections (d) and (f)”; and

15 (2) in subsection (d), by striking paragraph (1)
16 and inserting the following:

17 “(1) OPERATION LIFESAVER.—Before making
18 an apportionment of funds under subsection (b)(3)
19 for a fiscal year, the Secretary shall set aside
20 \$500,000 of the funds authorized to be appropriated
21 for the surface transportation program for the fiscal
22 year to carry out a public information and education
23 program to help prevent and reduce motor vehicle
24 accidents, injuries, and fatalities and to improve
25 driver performance at railway-highway crossings.”.

1 **SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-**
2 **NATION IN HIGH SPEED RAIL CORRIDORS.**

3 Section 104(d) of title 23, United States Code, is
4 amended by striking paragraphs (2) and (3) and inserting
5 the following:

6 “(2) RAILWAY-HIGHWAY CROSSING HAZARD
7 ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

8 “(A) IN GENERAL.—Before making an ap-
9 portionment of funds under subsection (b)(3)
10 for a fiscal year, the Secretary shall set aside
11 \$5,000,000 of the funds authorized to be appro-
12 priated for the surface transportation program
13 for the fiscal year for elimination of hazards of
14 railway-highway crossings.

15 “(B) ELIGIBLE CORRIDORS.—Funds made
16 available under subparagraph (A) shall be ex-
17 pended for projects in—

18 “(i) 5 railway corridors selected by
19 the Secretary in accordance with this sub-
20 section (as in effect on the day before the
21 date of enactment of this clause); and

22 “(ii) 3 railway corridors selected by
23 the Secretary in accordance with subpara-
24 graphs (C) and (D).

25 “(C) REQUIRED INCLUSION OF HIGH
26 SPEED RAIL LINES.—A corridor selected by the

1 Secretary under subparagraph ~~(A)~~ (B) shall in-
2 clude rail lines where railroad speeds of 90
3 miles or more per hour are occurring or can
4 reasonably be expected to occur in the future.

5 “(D) CONSIDERATIONS IN CORRIDOR SE-
6 LECTION.—In selecting corridors under sub-
7 paragraph ~~(A)~~ (B), the Secretary shall con-
8 sider—

9 “(i) projected rail ridership volume in
10 each corridor;

11 “(ii) the percentage of each corridor
12 over which a train will be capable of oper-
13 ating at its maximum cruise speed taking
14 into account such factors as topography
15 and other traffic on the line;

16 “(iii) projected benefits to nonriders
17 such as congestion relief on other modes of
18 transportation serving each corridor (in-
19 cluding congestion in heavily traveled air
20 passenger corridors);

21 “(iv) the amount of State and local fi-
22 nancial support that can reasonably be an-
23 ticipated for the improvement of the line
24 and related facilities; and

1 “(v) the cooperation of the owner of
2 the right-of-way that can reasonably be ex-
3 pected in the operation of high speed rail
4 passenger service in each corridor.”.

5 **SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.**

6 Section 130 of title 23, United States Code, is
7 amended—

8 (1) in the first sentence of subsection (a)—

9 (A) by striking “structures, and” and in-
10 serting “structures,”; and

11 (B) by inserting after “grade crossings,”
12 the following: “trespassing countermeasures *in*
13 *the immediate vicinity of a public railway-high-*
14 *way grade crossing*, railway-highway crossing
15 safety education, enforcement of traffic laws re-
16 lating to railway-highway crossing safety, and
17 projects at privately owned railway-highway
18 crossings if each such project is publicly spon-
19 sored and the Secretary determines that the
20 project would serve a public benefit,”;

21 (2) in subsection (d), by adding at the end the
22 following: “In a manner established by the Sec-
23 retary, each State shall submit a report that de-
24 scribes completed railway-highway crossing projects
25 funded under this section to the Department of

1 Transportation for inclusion in the National Grade
2 Crossing Inventory prepared by the Department of
3 Transportation and the Association of American
4 Railroads.”; and

5 (3) by striking subsection (e).

6 **SEC. 1404. HAZARD ELIMINATION PROGRAM.**

7 (a) IN GENERAL.—Section 152 of title 23, United
8 States Code, is amended—

9 (1) in subsection (a), by inserting “, bicyclists,”
10 after “motorists”;

11 (2) in subsection (b), by striking “highway safe-
12 ty improvement project” and inserting “safety im-
13 provement project, including a project described in
14 subsection (a)”;

15 (3) in subsection (c), by striking “*on any public*
16 *road* (other than a highway on the Interstate Sys-
17 tem).” and inserting the following: “on—

18 “(1) *any public road*;

19 “(2) *any public transportation vehicle or facil-*
20 *ity, any publicly owned bicycle or pedestrian path-*
21 *way or trail, or any other facility that the Secretary*
22 *determines to be appropriate; or*

23 “(3) *any traffic calming measure.*”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 101(a) of title 23, United States
2 Code, is amended—

3 (A) in the undesignated paragraph defin-
4 ing “highway safety improvement project”, by
5 striking “highway safety” and inserting “safe-
6 ty”; and

7 (B) by moving that undesignated para-
8 graph to appear before the undesignated para-
9 graph defining “Secretary”.

10 (2) Section 152 of title 23, United States Code,
11 is amended in subsections (f) and (g) by striking
12 “highway safety improvement projects” each place it
13 appears and inserting “safety improvement
14 projects”.

15 **SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
16 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
17 **ING UNDER THE INFLUENCE.**

18 (a) IN GENERAL.—Chapter 1 of title 23, United
19 States Code (as amended by section 1301(a)), is amended
20 by adding at the end the following:

21 **“§ 163. Minimum penalties for repeat offenders for**
22 **driving while intoxicated or driving**
23 **under the influence**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ALCOHOL CONCENTRATION.—The term
2 ‘alcohol concentration’ means grams of alcohol per
3 100 milliliters of blood or grams of alcohol per 210
4 liters of breath.

5 “(2) DRIVING WHILE INTOXICATED; DRIVING
6 UNDER THE INFLUENCE.—The terms ‘driving while
7 intoxicated’ and ‘driving under the influence’ mean
8 driving or being in actual physical control of a motor
9 vehicle while having an alcohol concentration above
10 the permitted limit as established by each State.

11 “(3) LICENSE SUSPENSION.—The term ‘license
12 suspension’ means the suspension of all driving
13 privileges.

14 “(4) MOTOR VEHICLE.—The term ‘motor vehi-
15 cle’ means a vehicle driven or drawn by mechanical
16 power and manufactured primarily for use on public
17 highways, but does not include a vehicle operated
18 solely on a rail line or a commercial vehicle.

19 “(5) REPEAT INTOXICATED DRIVER LAW.—The
20 term ‘repeat intoxicated driver law’ means a State
21 law that provides, as a minimum penalty, that an in-
22 dividual convicted of a second or subsequent offense
23 for driving while intoxicated or driving under the in-
24 fluence within 5 years after a conviction for that of-
25 fense whose alcohol concentration with respect to the

1 second or subsequent offense was determined on the
2 basis of a chemical test to be equal to or greater
3 than 0.15 shall receive—

4 “(A) a license suspension for not less than
5 1 year;

6 “(B) an assessment of the individual’s de-
7 gree of abuse of alcohol and treatment as ap-
8 propriate; and

9 “(C) either—

10 “(i) an assignment of 30 days of com-
11 munity service; or

12 “(ii) 5 days of imprisonment.

13 “(b) TRANSFER OF FUNDS.—

14 “(1) FISCAL YEARS 2001 AND 2002.—

15 “(A) IN GENERAL.—On October 1, 2000,
16 and October 1, 2001, if a State has not enacted
17 or is not enforcing a repeat intoxicated driver
18 law, the Secretary shall transfer an amount
19 equal to 1½ percent of the funds apportioned
20 to the State on that date under paragraphs (1)
21 and (3) of section 104(b) to the apportionment
22 of the State under section 402 to be used for
23 alcohol-impaired driving programs.

1 “(B) DERIVATION OF AMOUNT TO BE
2 TRANSFERRED.—An amount transferred under
3 subparagraph (A) may be derived—

4 “(i) from the apportionment of the
5 State under section 104(b)(1);

6 “(ii) from the apportionment of the
7 State under section 104(b)(3); or

8 “(iii) partially from the apportionment
9 of the State under section 104(b)(1) and
10 partially from the apportionment of the
11 State under section 104(b)(3).

12 “(2) FISCAL YEAR 2003 AND FISCAL YEARS
13 THEREAFTER.—On October 1, 2002, and each Octo-
14 ber 1 thereafter, if a State has not enacted or is not
15 enforcing a repeat intoxicated driver law, the Sec-
16 retary shall transfer 3 percent of the funds appor-
17 tioned to the State on that date under each of para-
18 graphs (1) and (3) of section 104(b) to the appor-
19 tionment of the State under section 402 to be used
20 for alcohol-impaired driving programs.

21 “(3) FEDERAL SHARE.—The Federal share of
22 the cost of a project carried out under section 402
23 with funds transferred under paragraph (1) or (2)
24 shall be 100 percent.

25 “(4) TRANSFER OF OBLIGATION AUTHORITY.—

1 “(A) IN GENERAL.—If the Secretary trans-
2 fers under this subsection any funds to the ap-
3 portionment of a State under section 402 for a
4 fiscal year, the Secretary shall transfer an
5 amount, determined under subparagraph (B),
6 of obligation authority distributed for the fiscal
7 year to the State for Federal-aid highways and
8 highway safety construction programs for carry-
9 ing out projects under section 402.

10 “(B) AMOUNT.—The amount of obligation
11 authority referred to in subparagraph (A) shall
12 be determined by multiplying—

13 “(i) the amount of funds transferred
14 under subparagraph (A) to the appor-
15 tionment of the State under section 402 for
16 the fiscal year; by

17 “(ii) the ratio that—

18 “(I) the amount of obligation au-
19 thority distributed for the fiscal year
20 to the State for Federal-aid highways
21 and highway safety construction pro-
22 grams; bears to

23 “(II) the total of the sums appor-
24 tioned to the State for Federal-aid
25 highways and highway safety con-

1 construction programs (excluding sums
2 not subject to any obligation limita-
3 tion) for the fiscal year.

4 “(5) LIMITATION ON APPLICABILITY OF HIGH-
5 WAY SAFETY OBLIGATIONS.—Notwithstanding any
6 other provision of law, no limitation on the total of
7 obligations for highway safety programs under sec-
8 tion 402 shall apply to funds transferred under this
9 subsection to the apportionment of a State under
10 that section.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 1 of title 23, United States Code (as amended by
13 section 1301(b)), is amended by adding at the end the
14 following:

 “163. Minimum penalties for repeat offenders for driving while intoxicated or
 driving under the influence.”.

15 **SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT**
16 **BELTS.**

17 (a) IN GENERAL.—Chapter 1 of title 23, United
18 States Code (as amended by section 1405(a)), is amended
19 by adding at the end the following:

20 **“§ 164. Safety incentive grants for use of seat belts**

21 “(a) DEFINITIONS.—In this section:

22 “(1) MOTOR VEHICLE.—The term ‘motor vehi-
23 cle’ means a vehicle driven or drawn by mechanical
24 power and manufactured primarily for use on public

1 highways, but does not include a vehicle operated
2 solely on a rail line.

3 “(2) MULTIPURPOSE PASSENGER MOTOR VEHI-
4 CLE.—The term ‘multipurpose passenger motor ve-
5 hicle’ means a motor vehicle with motive power (ex-
6 cept a trailer), designed to carry not more than 10
7 individuals, that is constructed on a truck chassis or
8 is constructed with special features for occasional
9 off-road operation.

10 “(3) NATIONAL AVERAGE SEAT BELT USE
11 RATE.—The term ‘national average seat belt use
12 rate’ means, in the case of each of calendar years
13 1995 through 2001, the national average seat belt
14 use rate for that year, as determined by the Sec-
15 retary.

16 “(4) PASSENGER CAR.—The term ‘passenger
17 car’ means a motor vehicle with motive power (ex-
18 cept a multipurpose passenger motor vehicle, motor-
19 cycle, or trailer) designed to carry not more than 10
20 individuals.

21 “(5) PASSENGER MOTOR VEHICLE.—The term
22 ‘passenger motor vehicle’ means a passenger car or
23 a multipurpose passenger motor vehicle.

24 “(6) SAVINGS TO THE FEDERAL GOVERN-
25 MENT.—The term ‘savings to the Federal Govern-

1 ment' means the amount of Federal budget savings
2 *relating to Federal medical costs (including savings*
3 *under the medicare and medicaid programs under ti-*
4 *ties XVIII and XIX of the Social Security Act (42*
5 *U.S.C. 1395 et seq.)), as determined by the Sec-*
6 *retary.*

7 “(7) SEAT BELT.—The term ‘seat belt’
8 means—

9 “(A) with respect to an open-body pas-
10 senger motor vehicle, including a convertible, an
11 occupant restraint system consisting of a lap
12 belt or a lap belt and a detachable shoulder
13 belt; and

14 “(B) with respect to any other passenger
15 motor vehicle, an occupant restraint system
16 consisting of integrated lap and shoulder belts.

17 “(8) STATE SEAT BELT USE RATE.—The term
18 ‘State seat belt use rate’ means the rate of use of
19 seat belts in passenger motor vehicles in a State, as
20 measured and submitted to the Secretary—

21 “(A) for each of calendar years 1995
22 through 1997, by the State, as adjusted by the
23 Secretary to ensure national consistency in
24 methods of measurement (as determined by the
25 Secretary); and

1 “(B) for each of calendar years 1998
2 through 2001, by the State in a manner con-
3 sistent with the criteria established by the Sec-
4 retary under subsection (e).

5 “(b) DETERMINATIONS BY THE SECRETARY.—Not
6 later than 30 days after the date of enactment of this sec-
7 tion, and not later than September 1 of each calendar year
8 thereafter through September 1, 2002, the Secretary shall
9 determine—

10 “(1)(A) which States had, for each of the pre-
11 vious calendar years (referred to in this subsection
12 as the ‘previous calendar year’) and the year preced-
13 ing the previous calendar year, a State seat belt use
14 rate greater than the national average seat belt use
15 rate for that year; and

16 “(B) in the case of each State described in sub-
17 paragraph (A), the amount that is equal to the sav-
18 ings to the Federal Government due to the amount
19 by which the State seat belt use rate for the pre-
20 vious calendar year exceeds the national average seat
21 belt use rate for that year; and

22 “(2) in the case of each State that is not a
23 State described in paragraph (1)(A)—

24 “(A) the base seat belt use rate of the
25 State, which shall be equal to the highest State

1 seat belt use rate for the State for any calendar
2 year during the period of 1995 through the cal-
3 endar year preceding the previous calendar
4 year; and

5 “(B) the amount that is equal to the sav-
6 ings to the Federal Government due to any in-
7 crease in the State seat belt use rate for the
8 previous calendar year over the base seat belt
9 use rate determined under subparagraph (A).

10 “(c) ALLOCATIONS.—

11 “(1) STATES WITH GREATER THAN THE NA-
12 TIONAL AVERAGE SEAT BELT USE RATE.—Not later
13 than 30 days after the date of enactment of this sec-
14 tion, and not later than each October 1 thereafter
15 through October 1, 2002, the Secretary shall allo-
16 cate to each State described in subsection (b)(1)(A)
17 an amount equal to the amount determined for the
18 State under subsection (b)(1)(B).

19 “(2) OTHER STATES.—Not later than 30 days
20 after the date of enactment of this section, and not
21 later than each October 1 thereafter through Octo-
22 ber 1, 2002, the Secretary shall allocate to each
23 State described in subsection (b)(2) an amount
24 equal to the amount determined for the State under
25 subsection (b)(2)(B).

1 “(d) USE OF FUNDS.—For each fiscal year, each
2 State that is allocated an amount under this section shall
3 use the amount for projects eligible for assistance under
4 this title.

5 “(e) CRITERIA.—Not later than 180 days after the
6 date of enactment of the Intermodal *Surface* Transpor-
7 tation *Efficiency* Act of 1997, the Secretary shall establish
8 criteria for the measurement of State seat belt use rates
9 by States to ensure that the measurements are accurate
10 and representative.

11 “(f) FUNDING.—

12 “(1) AUTHORIZATION OF CONTRACT AUTHOR-
13 ITY.—There shall be available from the Highway
14 Trust Fund (other than the Mass Transit Account)
15 to carry out this section \$60,000,000 for fiscal year
16 1998, \$70,000,000 for fiscal year 1999,
17 \$80,000,000 for fiscal year 2000, \$90,000,000 for
18 fiscal year 2001, and \$100,000,000 for each of fiscal
19 years 2002 and 2003.

20 “(2) *PROPORTIONATE ADJUSTMENT.*—*If the total*
21 *amounts to be allocated under subsection (c) for any*
22 *fiscal year would exceed the amounts authorized for*
23 *the fiscal year under paragraph (1), the allocation to*
24 *each State under subsection (c) shall be reduced pro-*
25 *portionately.*

1 “~~(2)~~ (3) USE OF UNALLOCATED FUNDS.—To
 2 the extent that the amounts made available for any
 3 fiscal year under paragraph (1) exceed the total
 4 amounts to be allocated under subsection (c) for the
 5 fiscal year, the excess amounts—

6 “(A) shall be apportioned in accordance
 7 with section 104(b)(3);

8 “(B) shall be considered to be sums made
 9 available for expenditure on the surface trans-
 10 portation program, except that the amounts
 11 shall not be subject to section 133(d); and

12 “(C) shall be available for any purpose eli-
 13 gible for funding under section 133.

14 “~~(3)~~ (4) ADMINISTRATIVE EXPENSES.—Not
 15 more than 2 percent of the funds made available to
 16 carry out this section may be used to pay the nec-
 17 essary administrative expenses incurred in carrying
 18 out this section.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
 20 chapter 1 of title 23, United States Code (as amended by
 21 section 1405(b)), is amended by adding at the end the
 22 following:

 “164. Safety incentive grants for use of seat belts.”.

23 **SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED**
 24 **TESTING STANDARD.**

25 (a) *IN GENERAL.*—

1 (1) *TESTING WITH SIMULTANEOUS USE.*—*Begin-*
2 *ning on the date of enactment of this Act, for the pur-*
3 *pose of certification under section 30115 of title 49,*
4 *United States Code, of compliance with the motor ve-*
5 *hicle safety standards under section 30111 of that*
6 *title, a manufacturer or distributor of a motor vehicle*
7 *shall be deemed to be in compliance with applicable*
8 *performance standards for occupant crash protection*
9 *if the motor vehicle meets the applicable requirements*
10 *for testing with the simultaneous use of both an auto-*
11 *matic restraint system and a manual seat belt.*

12 (2) *PROHIBITION.*—*In no case shall a manufac-*
13 *turer or distributor use, for the purpose of the certifi-*
14 *cation referred to in paragraph (1), testing that pro-*
15 *vides for the use of an automatic restraint system*
16 *without the use of a manual seat belt.*

17 (b) *REVISION OF STANDARDS.*—*The Secretary shall*
18 *issue such revised standards under section 30111 of title*
19 *49, United States Code, as are necessary to conform to sub-*
20 *section (a).*

21 **Subtitle E—Environment**

22 **SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.**

23 (a) *IN GENERAL.*—Chapter 1 of title 23, United
24 States Code (as amended by section 1406(a)) is amended
25 by adding at the end the following:

1 **“§ 165. National scenic byways program**

2 “(a) DESIGNATION OF ROADS.—

3 “(1) IN GENERAL.—The Secretary shall carry
4 out a national scenic byways program that recog-
5 nizes roads having outstanding scenic, historic, cul-
6 tural, natural, recreational, and archaeological quali-
7 ties by designating the roads as National Scenic By-
8 ways or All-American Roads.

9 “(2) CRITERIA.—The Secretary shall designate
10 roads to be recognized under the national scenic by-
11 ways program in accordance with criteria developed
12 by the Secretary.

13 “(3) NOMINATION.—To be considered for the
14 designation, a road must be nominated by a State
15 or a Federal land management agency and must
16 first be designated as a State scenic byway or, in the
17 case of a road on Federal land, as a Federal land
18 management agency byway.

19 “(b) GRANTS AND TECHNICAL ASSISTANCE.—

20 “(1) IN GENERAL.—The Secretary shall make
21 grants and provide technical assistance to States
22 to—

23 “(A) implement projects on highways des-
24 igned as National Scenic Byways or All-
25 American Roads, or as State scenic byways;
26 and

1 “(B) plan, design, and develop a State scenic byway program.

2
3 “(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

4
5 “(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

6
7
8
9
10 “(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

11
12
13
14
15
16
17 “(C) each eligible project that is associated with the development of a State scenic byway program.

18
19
20 “(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

21
22
23 “(1) An activity related to the planning, design, or development of a State scenic byway program.

1 “(2) Development and implementation of a cor-
2 ridor management plan to maintain the scenic, his-
3 torical, recreational, cultural, natural, and archae-
4 ological characteristics of a byway corridor while
5 providing for accommodation of increased tourism
6 and development of related amenities.

7 “(3) Safety improvements to a State scenic
8 byway, National Scenic Byway, or All-American
9 Road to the extent that the improvements are nec-
10 essary to accommodate increased traffic and changes
11 in the types of vehicles using the highway as a result
12 of the designation as a State scenic byway, National
13 Scenic Byway, or All-American Road.

14 “(4) Construction along a scenic byway of a fa-
15 cility for pedestrians and bicyclists, rest area, turn-
16 out, highway shoulder improvement, passing lane,
17 overlook, or interpretive facility.

18 “(5) An improvement to a scenic byway that
19 will enhance access to an area for the purpose of
20 recreation, including water-related recreation.

21 “(6) Protection of scenic, historical, rec-
22 reational, cultural, natural, and archaeological re-
23 sources in an area adjacent to a scenic byway.

1 “(7) Development and provision of tourist in-
2 formation to the public, including interpretive infor-
3 mation about a scenic byway.

4 “(8) Development and implementation of a sce-
5 nic byways marketing program.

6 “(d) LIMITATION.—The Secretary shall not make a
7 grant under this section for any project that would not
8 protect the scenic, historical, recreational, cultural, natu-
9 ral, and archaeological integrity of a highway and adjacent
10 areas.

11 “(e) FEDERAL SHARE.—The Federal share of the
12 cost of carrying out a project under this section shall be
13 80 percent, except that, in the case of any scenic byways
14 project along a public road that provides access to or with-
15 in Federal or Indian land, a Federal land management
16 agency may use funds authorized for use by the agency
17 as the non-Federal share.

18 “(f) AUTHORIZATION OF CONTRACT AUTHORITY.—
19 There shall be available from the Highway Trust Fund
20 (other than the Mass Transit Account) to carry out this
21 section \$17,000,000 for fiscal year 1998, \$17,000,000 for
22 fiscal year 1999, \$19,000,000 for fiscal year 2000,
23 \$19,000,000 for fiscal year 2001, \$21,000,000 for fiscal
24 year 2002, and \$23,000,000 for fiscal year 2003.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 1 of title 23, United States Code (as amended by
 3 section 1406(b)), is amended by adding at the end the
 4 following:

“165. National scenic byways program.”.

5 **SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.**

6 Section 149 of title 23, United States Code, is
 7 amended by adding at the end the following:

8 “(e) PARTNERSHIPS WITH NONGOVERNMENTAL EN-
 9 TITIES.—

10 “(1) IN GENERAL.—Notwithstanding any other
 11 provision of this title and in accordance with this
 12 subsection, a metropolitan planning organization,
 13 State transportation department, or other project
 14 sponsor may enter into an agreement with any pub-
 15 lic, private, or nonprofit entity to cooperatively im-
 16 plement any project carried out under this section.

17 “(2) FORMS OF PARTICIPATION BY ENTITIES.—
 18 Participation by an entity under paragraph (1) may
 19 consist of—

20 “(A) ownership or operation of any land,
 21 facility, vehicle, or other physical asset associ-
 22 ated with the project;

23 “(B) cost sharing of any project expense;

24 “(C) carrying out of ~~administrative~~ *admin-*
 25 *istration*, construction management, project

1 management, project operation, or any other
2 management or operational duty associated
3 with the project; and

4 “(D) any other form of participation ap-
5 proved by the Secretary.

6 “(3) ALLOCATION TO ENTITIES.—A State may
7 allocate funds apportioned under section 104(b)(2)
8 to an entity described in paragraph (1).

9 “(4) ALTERNATIVE FUEL PROJECTS.—In the
10 case of a project that will provide for the use of al-
11 ternative fuels by privately owned vehicles or vehicle
12 fleets, activities eligible for funding under this sub-
13 section—

14 “(A) shall include the incremental costs of
15 vehicle refueling infrastructure and other cap-
16 ital investments associated with the project; but

17 “(B) shall not include the base cost of any
18 vehicle that would otherwise be borne by a pri-
19 vate party or the cost of any project element
20 that would otherwise be offset by any other
21 Federal, State, or local program.

22 “(5) PROHIBITION ON FEDERAL PARTICIPATION
23 WITH RESPECT TO REQUIRED ACTIVITIES.—A Fed-
24 eral participation payment under this subsection
25 may not be made with respect to any activity that

1 is required under the Clean Air Act (42 U.S.C. 7401
2 et seq.) or any other Federal law.”.

3 “(A) may include the costs of vehicle refuel-
4 ing infrastructure and other capital investments
5 associated with the project; and

6 “(B) shall—

7 “(i) include only the incremental cost
8 of an alternative fueled vehicle compared to
9 a conventionally fueled vehicle that would
10 otherwise be borne by a private party; and

11 “(ii) apply other governmental finan-
12 cial purchase contributions in the calcula-
13 tion of net incremental cost.

14 “(5) *PROHIBITION ON FEDERAL PARTICIPATION*
15 *WITH RESPECT TO REQUIRED ACTIVITIES.*—A Federal
16 participation payment under this subsection may not
17 be made to an entity to fund an obligation imposed
18 under the Clean Air Act (42 U.S.C. 7401 et seq.) or
19 any other Federal law.”.

20 **SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.**

21 (a) FINDINGS.—Congress finds that—

22 (1) surface transportation has unintended but
23 negative consequences for wetlands and other water
24 resources;

1 (2) in almost every State, construction and
2 other highway activities have reduced or eliminated
3 wetland functions and values, such as wildlife habi-
4 tat, ground water recharge, flood control, and water
5 quality benefits;

6 (3) the United States has lost more than $\frac{1}{2}$ of
7 the estimated 220,000,000 acres of wetlands that
8 existed during colonial times; and

9 (4) while the rate of human-induced destruction
10 and conversion of wetlands has slowed in recent
11 years, the United States has suffered unacceptable
12 wetland losses as a result of highway projects.

13 (b) ESTABLISHMENT.—The Secretary shall establish
14 a national wetland restoration pilot program (referred to
15 in this section as the “program”) to fund mitigation
16 projects to offset the degradation of wetlands, or the loss
17 of functions and values of the aquatic resource, resulting
18 from projects carried out before December 27, 1977,
19 under title 23, United States Code (or similar projects as
20 determined by the Secretary), for which mitigation has not
21 been performed.

22 (c) APPLICATIONS.—To be eligible for funding under
23 the program, a State shall submit an application to the
24 Secretary that includes—

1 (1) a description of the wetland proposed to be
2 restored by a mitigation project described in sub-
3 section (b) (referred to in this section as a “wetland
4 restoration project”) under the program (including
5 the size and quality of the wetland);

6 (2) such information as is necessary to establish
7 a nexus between—

8 (A) a project carried out under title 23,
9 United States Code (or a similar project as de-
10 termined by the Secretary); and

11 (B) the wetland values and functions pro-
12 posed to be restored by the wetland restoration
13 project;

14 (3) a description of the benefits expected from
15 the proposed wetland restoration project (including
16 improvement of water quality, improvement of wild-
17 life habitat, ground water recharge, and flood con-
18 trol);

19 (4) a description of the State’s level of commit-
20 ment to the proposed wetland restoration project
21 (including the monetary commitment of the State
22 and any development of a State or regional con-
23 servation plan that includes the proposed wetland
24 restoration); and

1 (5) the estimated total cost of the wetland res-
2 toration project.

3 (d) SELECTION OF WETLAND RESTORATION
4 PROJECTS.—

5 (1) INTERAGENCY COUNCIL.—In consultation
6 with the Secretary of the Army, the Secretary of the
7 Interior, the Secretary of Agriculture, and the Ad-
8 ministrator of the Environmental Protection Agency,
9 the Secretary shall establish an interagency advisory
10 council to—

11 (A) review the submitted applications that
12 meet the requirements of subsection (c); and

13 (B) not later than 60 days after the appli-
14 cation deadline, select wetland restoration
15 projects for funding under the program.

16 (2) SELECTION CRITERIA FOR PRIORITY WET-
17 LAND RESTORATION PROJECTS.—In consultation
18 with the Secretary of the Army, the Secretary of the
19 Interior, the Secretary of Agriculture, and the Ad-
20 ministrator of the Environmental Protection Agency,
21 the Secretary shall give priority in funding under
22 this section to wetland restoration projects that—

23 (A) provide for long-term monitoring and
24 maintenance of wetland resources;

1 (B) are managed by an entity, such as a
2 nature conservancy, with expertise in the long-
3 term monitoring and protection of wetland re-
4 sources; and

5 (C) have a high likelihood of success.

6 (e) REPORTS.—Not later than April 1, 2000, and
7 April 1, 2003, the Secretary shall submit a report to Con-
8 gress on the results of the program.

9 (f) 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 section
13 \$12,000,000 for fiscal year 1998, \$13,000,000 for
14 fiscal year 1999, \$14,000,000 for fiscal year 2000,
15 \$17,000,000 for fiscal year 2001, \$20,000,000 for
16 fiscal year 2002, and \$24,000,000 for fiscal year
17 2003.

18 (2) CONTRACT AUTHORITY.—Funds authorized
19 under this subsection shall be available for obligation
20 in the same manner as if the funds were apportioned
21 under chapter 1 of title 23, United States Code.

22 **Subtitle F—Planning**

23 **SEC. 1601. METROPOLITAN PLANNING.**

24 (a) IN GENERAL.—Section 134 of title 23, United
25 States Code, is amended to read as follows:

1 **“§ 134. Metropolitan planning**

2 “(a) GENERAL REQUIREMENTS.—

3 “(1) FINDINGS.—Congress finds that it is in
4 the national interest to encourage and promote the
5 safe and efficient management, operation, and devel-
6 opment of surface transportation systems that will
7 serve the mobility needs of people and freight within
8 and through urbanized areas, while minimizing
9 transportation-related fuel consumption and air pol-
10 lution.

11 “(2) DEVELOPMENT OF PLANS AND PRO-
12 GRAMS.—To accomplish the objective stated in para-
13 graph (1), metropolitan planning organizations des-
14 ignated under subsection (b), in cooperation with the
15 State and public transit operators, shall develop
16 transportation plans and programs for urbanized
17 areas of the State.

18 “(3) CONTENTS.—The plans and programs for
19 each metropolitan area shall provide for the develop-
20 ment and integrated management and operation of
21 transportation systems and facilities (including pe-
22 destrian walkways and bicycle transportation facili-
23 ties) that will function as an intermodal transpor-
24 tation system for the metropolitan area and as an
25 integral part of an intermodal transportation system
26 for the State and the United States.

1 “(4) PROCESS.—The process for developing the
2 plans and programs shall provide for consideration
3 of all modes of transportation and shall be continu-
4 ing, cooperative, and comprehensive to the degree
5 appropriate, based on the complexity of the trans-
6 portation problems to be addressed.

7 “(b) DESIGNATION OF METROPOLITAN PLANNING
8 ORGANIZATIONS.—

9 “(1) IN GENERAL.—To carry out the transpor-
10 tation planning process required by this section, a
11 metropolitan planning organization shall be des-
12 ignated for each urbanized area with a population of
13 more than 50,000 individuals—

14 “(A) by agreement between the Governor
15 and units of general purpose local government
16 that together represent at least 75 percent of
17 the affected population (including the central
18 city or cities as defined by the Bureau of the
19 Census); or

20 “(B) in accordance with procedures estab-
21 lished by applicable State or local law.

22 “(2) REDESIGNATION.—A metropolitan plan-
23 ning organization may be redesignated by agreement
24 between the Governor and units of general purpose
25 local government that together represent at least 75

1 percent of the affected population (including the
2 central city or cities as defined by the Bureau of the
3 Census) as appropriate to carry out this section.

4 “(3) DESIGNATION OF MORE THAN 1 METRO-
5 POLITAN PLANNING ORGANIZATION.—More than 1
6 metropolitan planning organization may be des-
7 ignated within an existing metropolitan planning
8 area only if the Governor and the existing metropoli-
9 tan planning organization determine that the size
10 and complexity of the existing metropolitan planning
11 area make designation of more than 1 metropolitan
12 planning organization for the area appropriate.

13 “(4) STRUCTURE.—Each policy board of a met-
14ropolitan planning organization that serves an area
15 designated as a transportation management area,
16 when designated or redesignated under this sub-
17 section, shall consist of—

18 “(A) local elected officials;

19 “(B) officials of public agencies that ad-
20 minister or operate major modes of transpor-
21 tation in the metropolitan area (including all
22 transportation agencies included in the metro-
23 politan planning organization as of June 1,
24 1991); and

25 “(C) appropriate State officials.

1 “(5) OTHER AUTHORITY.—Nothing in this sub-
2 section interferes with the authority, under any
3 State law in effect on December 18, 1991, of a pub-
4 lic agency with multimodal transportation respon-
5 sibilities to—

6 “(A) develop plans and programs for adop-
7 tion by a metropolitan planning organization; or

8 “(B) develop long-range capital plans, co-
9 ordinate transit services and projects, and carry
10 out other activities under State law.

11 “(c) METROPOLITAN PLANNING AREA BOUND-
12 ARIES.—

13 “(1) IN GENERAL.—For the purposes of this
14 section, the boundaries of a metropolitan planning
15 area shall be determined by agreement between the
16 metropolitan planning organization and the Gov-
17 ernor.

18 “(2) INCLUDED AREA.—Each metropolitan
19 planning area—

20 “(A) shall encompass at least the existing
21 urbanized area and the contiguous area ex-
22 pected to become urbanized within a 20-year
23 forecast period; and

24 “(B) may encompass the entire metropoli-
25 tan statistical area or consolidated metropolitan

1 statistical area, as defined by the Bureau of the
2 Census.

3 “(3) EXISTING METROPOLITAN PLANNING
4 AREAS IN NONATTAINMENT.—Notwithstanding para-
5 graph (2), in the case of an area designated as a
6 nonattainment area for ozone or carbon monoxide
7 under the Clean Air Act (42 U.S.C. 7401 et seq.),
8 the boundaries of the metropolitan planning area in
9 existence as of the date of enactment of the Inter-
10 modal *Surface* Transportation *Efficiency* Act of
11 1997, shall be retained, except that the boundaries
12 may be adjusted by agreement of the affected metro-
13 politan planning organizations and Governors in the
14 manner described in subsection (b)(2).

15 “(4) NEW METROPOLITAN PLANNING AREAS IN
16 NONATTAINMENT.—In the case of an urbanized area
17 designated after the date of enactment of the Inter-
18 modal *Surface* Transportation *Efficiency* Act of
19 1997 as a nonattainment area for ozone or carbon
20 monoxide, the boundaries of the metropolitan plan-
21 ning area—

22 “(A) shall be established by agreement be-
23 tween the appropriate units of general purpose
24 local government (including the central city)
25 and the Governor;

1 “(B) shall encompass at least the urban-
2 ized area and the contiguous area expected to
3 become urbanized within a 20-year forecast pe-
4 riod;

5 “(C) may encompass the entire metropoli-
6 tan statistical area or consolidated metropolitan
7 statistical area, as defined by the Bureau of the
8 Census; and

9 “(D) may address any nonattainment area
10 identified under the Clean Air Act (42 U.S.C.
11 7401 et seq.) for ozone or carbon monoxide.

12 “(d) COORDINATION IN MULTISTATE AREAS.—

13 “(1) IN GENERAL.—The Secretary shall encour-
14 age each Governor with responsibility for a portion
15 of a multistate metropolitan area and the appro-
16 priate metropolitan planning organizations to pro-
17 vide coordinated transportation planning for the en-
18 tire metropolitan area.

19 “(2) INTERSTATE COMPACTS.—The consent of
20 Congress is granted to any 2 or more States—

21 “(A) to enter into agreements or compacts,
22 not in conflict with any law of the United
23 States, for cooperative efforts and mutual as-
24 sistance in support of activities authorized
25 under this section as the activities pertain to

1 interstate areas and localities within the States;
2 and

3 “(B) to establish such agencies, joint or
4 otherwise, as the States may determine desir-
5 able for making the agreements and compacts
6 effective.

7 “(e) COORDINATION OF METROPOLITAN PLANNING
8 ORGANIZATIONS.—If more than 1 metropolitan planning
9 organization has authority within a metropolitan planning
10 area or an area that is designated as a nonattainment area
11 for ozone or carbon monoxide under the Clean Air Act
12 (42 U.S.C. 7401 et seq.), each such metropolitan planning
13 organization shall consult with the other metropolitan
14 planning organizations designated for the area and the
15 State in the development of plans and programs required
16 by this section.

17 “(f) SCOPE OF PLANNING PROCESS.—The metropoli-
18 tan transportation planning process for a metropolitan
19 area under this section shall consider, ~~as appropriate,~~ the
20 following:

21 “(1) Supporting the economic vitality of the
22 metropolitan area, especially by enabling global com-
23 petitiveness, productivity, 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 “(4) *Protecting and enhancing the environment,
10 promoting energy conservation, and improving qual-
11 ity of life through land use planning.*

12 “(5) Enhancing the integration and connectivity
13 of the transportation system, across and between
14 modes, for people and freight.

15 “(6) Promoting efficient system management
16 and operation.

17 “(7) Emphasizing the preservation of the exist-
18 ing transportation system.

19 “(g) DEVELOPMENT OF LONG-RANGE TRANSPOR-
20 TATION PLAN.—

21 “(1) IN GENERAL.—

22 “(A) DEVELOPMENT.—In accordance with
23 this subsection, each metropolitan planning or-
24 ganization shall develop, and update periodi-
25 cally, according to a schedule that the Secretary

1 determines to be appropriate, a long-range
2 transportation plan for its metropolitan area.

3 “(B) FORECAST PERIOD.—In developing
4 long-range transportation plans, the metropoli-
5 tan planning process shall address—

6 “(i) the considerations under sub-
7 section (f); and

8 “(ii) any State or local goals devel-
9 oped within the cooperative metropolitan
10 planning process;

11 as they relate to a 20-year forecast period and
12 to other forecast periods as determined by the
13 participants in the planning process.

14 “(C) FUNDING ESTIMATES.—For the pur-
15 pose of developing the long-range transportation
16 plan, the State shall consult with the metropoli-
17 tan planning organization and each public tran-
18 sit agency in developing estimates of funds that
19 are reasonably expected to be available to sup-
20 port plan implementation.

21 “(2) LONG-RANGE TRANSPORTATION PLAN.—A
22 long-range transportation plan under this subsection
23 shall, at a minimum, contain—

24 “(A) an identification of transportation fa-
25 cilities (including major roadways and transit,

1 multimodal, and intermodal facilities) that
2 should function as a future integrated transpor-
3 tation system, giving emphasis to those facilities
4 that serve important national, regional, and
5 metropolitan transportation functions;

6 “(B) an identification of transportation
7 strategies necessary to—

8 “(i) ensure preservation, including re-
9 quirements for management, operation,
10 modernization, and rehabilitation, of the
11 existing and future transportation system;
12 and

13 “(ii) make the most efficient use of
14 existing transportation facilities to relieve
15 congestion, to efficiently serve the mobility
16 needs of people and goods, and to enhance
17 access within the metropolitan planning
18 area; and

19 “(C) a financial plan that demonstrates
20 how the long-range transportation plan can be
21 implemented, indicates total resources from
22 public and private sources that are reasonably
23 expected to be available to carry out the plan
24 (without any requirement for indicating project-
25 specific funding sources), and recommends any

1 additional financing strategies for needed
2 projects and programs.

3 “(3) COORDINATION WITH CLEAN AIR ACT
4 AGENCIES.—In metropolitan areas that are in non-
5 attainment for ozone or carbon monoxide under the
6 Clean Air Act (42 U.S.C. 7401 et seq.), the metro-
7 politan planning organization shall coordinate the
8 development of a long-range transportation plan
9 with the process for development of the transpor-
10 tation control measures of the State implementation
11 plan required by that Act.

12 “(4) PARTICIPATION BY INTERESTED PAR-
13 TIES.—Before adopting a long-range transportation
14 plan, each metropolitan planning organization shall
15 provide citizens, affected public agencies, representa-
16 tives of transportation agency employees, freight
17 shippers, private providers of transportation, and
18 other interested parties with a reasonable oppor-
19 tunity to comment on the long-range transportation
20 plan.

21 “(5) PUBLICATION OF LONG-RANGE TRANSPOR-
22 TATION PLAN.—Each long-range transportation plan
23 prepared by a metropolitan planning organization
24 shall be—

1 “(A) published or otherwise made readily
2 available for public review; and

3 “(B) submitted for information purposes
4 to the Governor at such times and in such man-
5 ner as the Secretary shall establish.

6 “(h) METROPOLITAN TRANSPORTATION IMPROVE-
7 MENT PROGRAM.—

8 “(1) DEVELOPMENT.—

9 “(A) IN GENERAL.—In cooperation with
10 the State and any affected public transit opera-
11 tor, the metropolitan planning organization des-
12 igned for a metropolitan area shall develop a
13 transportation improvement program for the
14 area for which the organization is designated.

15 “(B) OPPORTUNITY FOR COMMENT.—In
16 developing the program, the metropolitan plan-
17 ning organization, in cooperation with the State
18 and any affected public transit operator, shall
19 provide citizens, affected public agencies, rep-
20 resentatives of transportation agency employees,
21 other affected employee representatives, freight
22 shippers, private providers of transportation,
23 and other interested parties with a reasonable
24 opportunity to comment on the proposed pro-
25 gram.

1 “(C) FUNDING ESTIMATES.—For the pur-
2 pose of developing the transportation improve-
3 ment program, the metropolitan planning orga-
4 nization, public transit agency, and State shall
5 cooperatively develop estimates of funds that
6 are reasonably expected to be available to sup-
7 port program implementation.

8 “(D) UPDATING AND APPROVAL.—The
9 program shall be updated at least once every 2
10 years and shall be approved by the metropolitan
11 planning organization and the Governor.

12 “(2) CONTENTS.—The transportation improve-
13 ment program shall include—

14 “(A) a list, in order of priority, of pro-
15 posed federally supported ~~surface transpor-~~
16 ~~tation~~ projects and strategies to be carried out
17 within each 3-year-period after the initial adop-
18 tion of the transportation improvement pro-
19 gram; and

20 “(B) a financial plan that—

21 “(i) demonstrates how the transpor-
22 tation improvement program can be imple-
23 mented;

24 “(ii) indicates resources from public
25 and private sources that are reasonably ex-

1 pected to be available to carry out the pro-
2 gram (without any requirement for indicat-
3 ing project-specific funding sources); and

4 “(iii) identifies innovative financing
5 techniques to finance projects, programs,
6 and strategies (without any requirement
7 for indicating project-specific funding
8 sources).

9 “(3) INCLUDED PROJECTS.—

10 “(A) CHAPTER 1 AND CHAPTER 53
11 PROJECTS.—A transportation improvement pro-
12 gram developed under this subsection for a met-
13 ropolitan area shall include the projects and
14 strategies within the area that are proposed for
15 funding under chapter 1 of this title and chap-
16 ter 53 of title 49.

17 “(B) CHAPTER 2 PROJECTS.—

18 “(i) REGIONALLY SIGNIFICANT
19 PROJECTS.—Regionally significant projects
20 proposed for funding under chapter 2 of
21 this title shall be identified individually in
22 the transportation improvement program.

23 “(ii) OTHER PROJECTS.—Projects
24 proposed for funding under chapter 2 of
25 this title that are not determined to be re-

1 gionally significant shall be grouped in 1
2 line item or identified individually in the
3 transportation improvement program.

4 “(C) CONSISTENCY WITH LONG-RANGE
5 TRANSPORTATION PLAN.—Each project shall be
6 consistent with the long-range transportation
7 plan developed under subsection (g) for the
8 area.

9 “(D) REQUIREMENT OF ANTICIPATED
10 FULL FUNDING.—The program shall include a
11 project, or an identified phase of a project, only
12 if full funding can reasonably be anticipated to
13 be available for the project within the time pe-
14 riod contemplated for completion of the project.

15 “(4) NOTICE AND COMMENT.—Before approv-
16 ing a transportation improvement program, a metro-
17 politan planning organization shall, in cooperation
18 with the State and any affected public transit opera-
19 tor, provide citizens, affected public agencies, rep-
20 resentatives of transportation agency employees, pri-
21 vate providers of transportation, and other inter-
22 ested parties with reasonable notice of and an oppor-
23 tunity to comment on the proposed program.

24 “(5) SELECTION OF PROJECTS.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in subsection (i)(4) and in addition to
3 the transportation improvement program devel-
4 opment required under paragraph (1), the se-
5 lection of federally funded projects for imple-
6 mentation in metropolitan areas shall be carried
7 out, from the approved transportation improve-
8 ment program—

9 “(i) by—

10 “(I) in the case of projects under
11 chapter 1, the State; and

12 “(II) in the case of projects
13 under chapter 53 of title 49, the des-
14 ignated transit funding recipients; and

15 “(ii) in cooperation with the metro-
16 politan planning organization.

17 “(B) MODIFICATIONS TO PROJECT PRIOR-
18 ITY.—Notwithstanding any other provision of
19 law, action by the Secretary shall not be re-
20 quired to advance a project included in the ap-
21 proved transportation improvement program in
22 place of another project of higher priority in the
23 program.

24 “(i) TRANSPORTATION MANAGEMENT AREAS.—

25 “(1) DESIGNATION.—

1 “(A) REQUIRED DESIGNATIONS.—The Sec-
2 retary shall designate as a transportation man-
3 agement area each urbanized area with a popu-
4 lation of over 200,000 individuals.

5 “(B) DESIGNATIONS ON REQUEST.—The
6 Secretary shall designate any additional area as
7 a transportation management area on the re-
8 quest of the Governor and the metropolitan
9 planning organization designated for the area.

10 “(2) TRANSPORTATION PLANS AND PRO-
11 GRAMS.—Within a transportation management area,
12 transportation plans and programs shall be based on
13 a continuing and comprehensive transportation plan-
14 ning process carried out by the metropolitan plan-
15 ning organization in cooperation with the State and
16 any affected public transit operator.

17 “(3) CONGESTION MANAGEMENT SYSTEM.—
18 Within a transportation management area, the
19 transportation planning process under this section
20 shall include a congestion management system that
21 provides for effective management of new and exist-
22 ing transportation facilities eligible for funding
23 under this title and chapter 53 of title 49 through
24 the use of travel demand reduction and operational
25 management strategies.

1 “(4) SELECTION OF PROJECTS.—

2 “(A) IN GENERAL.—In addition to the
3 transportation improvement program develop-
4 ment required under subsection (h)(1), all fed-
5 erally funded projects carried out within the
6 boundaries of a transportation management
7 area under this title (excluding projects carried
8 out on the National Highway System) or under
9 chapter 53 of title 49 shall be selected for im-
10 plementation from the approved transportation
11 improvement program by the metropolitan plan-
12 ning organization designated for the area in
13 consultation with the State and any affected
14 public transit operator.

15 “(B) NATIONAL HIGHWAY SYSTEM
16 PROJECTS.—Projects carried out within the
17 boundaries of a transportation management
18 area on the National Highway System shall be
19 selected for implementation from the approved
20 transportation improvement program by the
21 State in cooperation with the metropolitan plan-
22 ning organization designated for the area.

23 “(5) CERTIFICATION.—

24 “(A) IN GENERAL.—The Secretary shall—

1 “(i) ensure that the metropolitan
2 planning process in each transportation
3 management area is being carried out in
4 accordance with applicable provisions of
5 Federal law; and

6 “(ii) subject to subparagraph (B), cer-
7 tify, not less often than once every 3 years,
8 that the requirements of this paragraph
9 are met with respect to the transportation
10 management area.

11 “(B) REQUIREMENTS FOR CERTIFI-
12 CATION.—The Secretary may make the certifi-
13 cation under subparagraph (A) if—

14 “(i) the transportation planning proc-
15 ess complies with the requirements of this
16 section and other applicable requirements
17 of Federal law; and

18 “(ii) there is a transportation im-
19 provement program for the area that has
20 been approved by the metropolitan plan-
21 ning organization and the Governor.

22 “(C) EFFECT OF FAILURE TO CERTIFY.—

23 “(i) WITHHOLDING OF FUNDS.—If a
24 metropolitan planning process is not cer-
25 tified, the Secretary may withhold up to 20

1 percent of the apportioned funds attrib-
2 utable to the transportation management
3 area under this title and chapter 53 of title
4 49.

5 “(ii) RESTORATION OF WITHHELD
6 FUNDS.—The withheld apportionments
7 shall be restored to the metropolitan area
8 at such time as the metropolitan planning
9 organization is certified by the Secretary.

10 “(iii) FEASIBILITY OF PRIVATE EN-
11 TERPRISE PARTICIPATION.—The Secretary
12 shall not withhold certification under this
13 paragraph based on the policies and cri-
14 teria established by a metropolitan plan-
15 ning organization or transit grant recipient
16 for determining the feasibility of private
17 enterprise participation in accordance with
18 section 5306(a) of title 49.

19 “(j) ABBREVIATED PLANS AND PROGRAMS FOR CER-
20 TAIN AREAS.—

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 in the case of a metropolitan area not designated as
23 a transportation management area under this sec-
24 tion, the Secretary may provide for the development
25 of an abbreviated metropolitan transportation plan

1 and program that the Secretary determines is appro-
2 priate to achieve the purposes of this section, taking
3 into account the complexity of transportation prob-
4 lems in the area.

5 “(2) NONATTAINMENT AREAS.—The Secretary
6 may not permit abbreviated plans or programs for a
7 metropolitan area that is in nonattainment for ozone
8 or carbon monoxide under the Clean Air Act (42
9 U.S.C. 7401 et seq.).

10 “(k) ADDITIONAL REQUIREMENTS FOR CERTAIN
11 NONATTAINMENT AREAS.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this title or chapter 53 of title 49, in the
14 case of a transportation management area classified
15 as nonattainment for ozone or carbon monoxide
16 under the Clean Air Act (42 U.S.C. 7401 et seq.),
17 Federal funds may not be programmed in the area
18 for any highway project that will result in a signifi-
19 cant increase in carrying capacity for single occu-
20 pant vehicles unless the project results from an ap-
21 proved congestion management system.

22 “(2) APPLICABILITY.—This subsection applies
23 to a nonattainment area within the metropolitan
24 planning area boundaries determined under sub-
25 section (c).

1 “(l) LIMITATION.—Nothing in this section confers on
2 a metropolitan planning organization the authority to im-
3 pose any legal requirement on any transportation facility,
4 provider, or project not eligible for assistance under this
5 title or chapter 53 of title 49.

6 “(m) FUNDING.—

7 “(1) IN GENERAL.—Funds set aside under sec-
8 tion 104(f) of this title and section 5303 of title 49
9 shall be available to carry out this section.

10 “(2) UNUSED FUNDS.—Any funds that are not
11 used to carry out this section may be made available
12 by the metropolitan planning organization to the
13 State to fund activities under section 135.”.

14 (b) TECHNICAL AMENDMENT.—The analysis for
15 chapter 1 of title 23, United States Code, is amended by
16 striking the item relating to section 134 and inserting the
17 following:

“134. Metropolitan planning.”.

18 **SEC. 1602. STATEWIDE PLANNING.**

19 Section 135 of title 23, United States Code, is
20 amended to read as follows:

21 **“§ 135. Statewide planning**

22 “(a) GENERAL REQUIREMENTS.—

23 “(1) FINDINGS.—It is in the national interest
24 to encourage and promote the safe and efficient
25 management, operation, and development of surface

1 transportation systems that will serve the mobility
2 needs of people and freight throughout each State.

3 “(2) DEVELOPMENT OF PLANS AND PRO-
4 GRAMS.—Subject to section 134 of this title and sec-
5 tions 5303 through 5305 of title 49, each State shall
6 develop transportation plans and programs for all
7 areas of the State.

8 “(3) CONTENTS.—The plans and programs for
9 each State shall provide for the development and in-
10 tegrated management and operation of transpor-
11 tation systems (including pedestrian walkways and
12 bicycle transportation facilities) that will function as
13 an intermodal State transportation system and an
14 integral part of the intermodal transportation sys-
15 tem of the United States.

16 “(4) PROCESS OF DEVELOPMENT.—The process
17 for developing the plans and programs shall provide
18 for consideration of all modes of transportation and
19 shall be continuing, cooperative, and comprehensive
20 to the degree appropriate, based on the complexity
21 of the transportation problems to be addressed.

22 “(b) SCOPE OF PLANNING PROCESS.—Each State
23 shall carry out a transportation planning process that
24 shall consider, as appropriate, the following:

1 “(1) Supporting the economic vitality of the
2 United States, the States, and metropolitan areas,
3 especially by enabling global competitiveness, pro-
4 ductivity, and efficiency.

5 “(2) Increasing the safety and security of the
6 transportation system for motorized and non-
7 motorized users.

8 “(3) Increasing the accessibility and mobility
9 options available to people and for freight.

10 ~~“(4) Protecting and enhancing the environment
11 and promoting energy conservation and improved
12 quality of life.~~

13 “(4) *Protecting and enhancing the environment,
14 promoting energy conservation, and improving qual-
15 ity of life through land use planning.*

16 “(5) Enhancing the integration and connectivity
17 of the transportation system, across and between
18 modes throughout the State, for people and freight.

19 “(6) Promoting efficient system management
20 and operation.

21 “(7) Emphasizing the preservation of the exist-
22 ing transportation system.

23 “(c) COORDINATION WITH METROPOLITAN PLAN-
24 NING; STATE IMPLEMENTATION PLAN.—In carrying out
25 planning under this section, a State shall—

1 “(1) coordinate the planning with the transpor-
2 tation planning activities carried out under section
3 134 for metropolitan areas of the State; and

4 “(2) carry out the responsibilities of the State
5 for the development of the transportation portion of
6 the State air quality implementation plan to the ex-
7 tent required by the Clean Air Act (42 U.S.C. 7401
8 et seq.).

9 “(d) ADDITIONAL REQUIREMENTS.—In carrying out
10 planning under this section, each State shall, at a mini-
11 mum, consider—

12 “(1) with respect to nonmetropolitan areas, the
13 concerns of local elected officials representing units
14 of general purpose local government;

15 “(2) the concerns of Indian tribal governments
16 and Federal land management agencies that have
17 jurisdiction over land within the boundaries of the
18 State; and

19 “(3) coordination of transportation plans, pro-
20 grams, and planning activities with related planning
21 activities being carried out outside of metropolitan
22 planning areas.

23 “(e) LONG-RANGE TRANSPORTATION PLAN.—

24 “(1) DEVELOPMENT.—Each State shall develop
25 a long-range transportation plan, with a minimum

1 20-year forecast period, for all areas of the State,
2 that provides for the development and implementa-
3 tion of the intermodal transportation system of the
4 State.

5 “(2) CONSULTATION WITH GOVERNMENTS.—

6 “(A) METROPOLITAN AREAS.—With re-
7 spect to each metropolitan area in the State,
8 the plan shall be developed in cooperation with
9 the metropolitan planning organization des-
10 ignated for the metropolitan area under section
11 134 of this title and section 5305 of title 49.

12 “(B) NONMETROPOLITAN AREAS.—With
13 respect to each nonmetropolitan area, the plan
14 shall be developed in consultation with local
15 elected officials representing units of general
16 purpose local government.

17 “(C) INDIAN TRIBAL AREAS.—With respect
18 to each area of the State under the jurisdiction
19 of an Indian tribal government, the plan shall
20 be developed in consultation with the tribal gov-
21 ernment and the Secretary of the Interior.

22 “(3) PARTICIPATION BY INTERESTED PAR-
23 TIES.—In developing the plan, the State shall—

24 “(A) provide citizens, affected public agen-
25 cies, representatives of transportation agency

1 employees, other affected employee representa-
 2 tives, freight shippers, private providers of
 3 transportation, and other interested parties
 4 with a reasonable opportunity to comment on
 5 the proposed plan; and

6 “(B) identify transportation strategies nec-
 7 essary to efficiently serve the mobility needs of
 8 people.

9 “(f) STATE TRANSPORTATION IMPROVEMENT PRO-
 10 GRAM.—

11 “(1) DEVELOPMENT.—

12 “(A) IN GENERAL.—The State shall de-
 13 velop a transportation improvement program
 14 for all areas of the State.

15 “(B) CONSULTATION WITH GOVERN-
 16 MENTS.—

17 “(i) METROPOLITAN AREAS.—With
 18 respect to each metropolitan area in the
 19 State, the program shall be developed in
 20 cooperation with the metropolitan planning
 21 organization designated for the metropoli-
 22 tan area under section 134 of this title and
 23 section 5305 of title 49.

24 “(ii) NONMETROPOLITAN AREAS.—
 25 With respect to each nonmetropolitan area

1 in the State, the program shall be devel-
2 oped in consultation with units of general
3 purpose local government.

4 “(iii) INDIAN TRIBAL AREAS.—With
5 respect to each area of the State under the
6 jurisdiction of an Indian tribal government,
7 the program shall be developed in consulta-
8 tion with the tribal government and the
9 Secretary of the Interior.

10 “(C) PARTICIPATION BY INTERESTED PAR-
11 TIES.—In developing the program, the Gov-
12 ernor shall provide citizens, affected public
13 agencies, representatives of transportation
14 agency employees, other affected employee rep-
15 resentatives, freight shippers, private providers
16 of transportation, and other interested parties
17 with a reasonable opportunity to comment on
18 the proposed program.

19 “(2) INCLUDED PROJECTS.—

20 “(A) IN GENERAL.—A transportation im-
21 provement program developed under this sub-
22 section for a State shall include federally sup-
23 ported surface transportation expenditures
24 within the boundaries of the State.

25 “(B) CHAPTER 2 PROJECTS.—

1 “(i) REGIONALLY SIGNIFICANT
2 PROJECTS.—Regionally significant projects
3 proposed for funding under chapter 2 shall
4 be identified individually.

5 “(ii) OTHER PROJECTS.—Projects
6 proposed for funding under chapter 2 that
7 are not determined to be regionally signifi-
8 cant shall be grouped in 1 line item or
9 identified individually.

10 “(C) CONSISTENCY WITH LONG-RANGE
11 TRANSPORTATION PLAN.—Each project shall—

12 “(i) be consistent with the long-range
13 transportation plan developed under this
14 section for the State;

15 “(ii) be identical to the project as de-
16 scribed in an approved metropolitan trans-
17 portation improvement program; and

18 “(iii) be in conformance with the ap-
19 plicable State air quality implementation
20 plan developed under the Clean Air Act
21 (42 U.S.C. 7401 et seq.), if the project is
22 carried out in an area designated as non-
23 attainment for ozone or carbon monoxide
24 under that Act.

1 “(D) REQUIREMENT OF ANTICIPATED
2 FULL FUNDING.—

3 “(i) IN GENERAL.—The program shall
4 include a project, or an identified phase of
5 a project, only if full funding can reason-
6 ably be anticipated to be available for the
7 project within the time period con-
8 templated for completion of the project.

9 “(ii) LIMITATION.—Clause (i) does
10 not require the indication of project-spe-
11 cific funding sources.

12 “(E) PRIORITIES.—The program shall re-
13 flect the priorities for programming and ex-
14 penditures of funds, including transportation
15 enhancements, required by this title.

16 “(3) PROJECT SELECTION FOR AREAS OF LESS
17 THAN 50,000 POPULATION.—

18 “(A) IN GENERAL.—Projects carried out in
19 areas with populations of less than 50,000 indi-
20 viduals (excluding projects carried out on the
21 National Highway System) shall be selected,
22 from the approved statewide transportation im-
23 provement program, by the State in cooperation
24 with the affected local officials.

1 “(B) NATIONAL HIGHWAY SYSTEM
2 PROJECTS.—Projects carried out in areas de-
3 scribed in subparagraph (A) on the National
4 Highway System shall be selected, from the ap-
5 proved statewide transportation improvement
6 program, by the State in consultation with the
7 affected local officials.

8 “(4) BIENNIAL REVIEW AND APPROVAL.—A
9 transportation improvement program developed
10 under this subsection shall be reviewed and, on a
11 finding that the planning process through which the
12 program was developed is consistent with this sec-
13 tion and section 134, approved not less frequently
14 than biennially by the Secretary.

15 “(5) MODIFICATIONS TO PROJECT PRIORITY.—
16 Notwithstanding any other provision of law, action
17 by the Secretary shall not be required to advance a
18 project included in the approved statewide transpor-
19 tation improvement program in place of another
20 project of higher priority in the program.

21 “(g) FUNDING.—Funds set aside under section 505
22 of this title and section 5313(b) of title 49 shall be avail-
23 able to carry out this section.

24 “(h) CONTINUATION OF CURRENT REVIEW PRAC-
25 TICE.—Since plans and programs described in this section

1 or section 134 are subject to a reasonable opportunity for
2 public comment, since individual projects included in the
3 plans and programs are subject to review under the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
5 et seq.), and since decisions by the Secretary concerning
6 plans and programs described in this section have not been
7 reviewed under that Act as of January 1, 1997, any deci-
8 sion by the Secretary concerning a plan or program de-
9 scribed in this section or section 134 shall not be consid-
10 ered to be a Federal action subject to review under the
11 National Environmental Policy Act of 1969 (42 U.S.C.
12 4321 et seq.).”.

13 **SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES**
14 **PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary shall establish
16 an advanced travel forecasting procedures program—

17 (1) to provide for completion of the advanced
18 transportation model developed under the Transpor-
19 tation Analysis Simulation System (referred to in
20 this section as “TRANSIMS”); and

21 (2) to provide support for early deployment of
22 the advanced transportation modeling computer soft-
23 ware and graphics package developed under
24 TRANSIMS and the program established under this
25 section to States, local governments, and metropoli-

1 tan planning organizations with responsibility for
2 travel modeling.

3 (b) ELIGIBLE ACTIVITIES.—The Secretary shall use
4 funds made available under this section to—

5 (1) provide funding for completion of core de-
6 velopment of the advanced transportation model;

7 (2) develop user-friendly advanced transpor-
8 tation modeling computer software and graphics
9 packages;

10 (3) provide training and technical assistance
11 with respect to the implementation and application
12 of the advanced transportation model to States, local
13 governments, and metropolitan planning organiza-
14 tions with responsibility for travel modeling; and

15 (4) allocate funds to not more than 12 entities
16 described in paragraph (3), *representing a diversity*
17 *of populations and geographic regions*, for a pilot
18 program to enable transportation management areas
19 designated under section 134(i) of title 23, United
20 States Code, to convert from the use of travel fore-
21 casting procedures in use by the areas as of the date
22 of enactment of this ~~section~~ *Act* to the use of the ad-
23 vanced transportation model.

24 (c) 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 \$4,000,000 for fiscal year 1998, \$3,000,000 for fis-
5 cal year 1999, \$6,500,000 for fiscal year 2000,
6 \$5,000,000 for fiscal year 2001, \$4,000,000 for fis-
7 cal year 2002, and \$2,500,000 for fiscal year 2003.

8 (2) ALLOCATION OF FUNDS.—

9 (A) FISCAL YEARS 1998 AND 1999.—For
10 each of fiscal years 1998 and 1999, 100 per-
11 cent of the funds made available under para-
12 graph (1) shall be allocated to activities in de-
13 scribed in paragraphs (1), (2), and (3) of sub-
14 section (b).

15 (B) FISCAL YEARS 2000 THROUGH 2003.—

16 For each of fiscal years 2000 through 2003,
17 not more than 50 percent of the funds made
18 available under paragraph (1) may be allocated
19 to activities described in subsection (b)(4).

20 (3) CONTRACT AUTHORITY.—Funds authorized
21 under this subsection shall be available for obligation
22 in the same manner as if the funds were apportioned
23 under chapter 1 of title 23, United States Code, ex-
24 cept that the Federal share of the cost of—

1 (A) any activity described in paragraph
 2 (1), (2), or (3) of subsection (b) shall not ex-
 3 ceed 100 percent; and

4 (B) any activity described in subsection
 5 (b)(4) shall not exceed 80 percent.

6 **SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYS-**
 7 **TEM PRESERVATION PILOT PROGRAM.**

8 (a) ESTABLISHMENT.—In cooperation with appro-
 9 priate State, regional, and local governments, the Sec-
 10 retary shall establish a comprehensive initiative to inves-
 11 tigate and address the relationships between transpor-
 12 tation and community and system preservation.

13 (b) RESEARCH.—

14 (1) IN GENERAL.—In cooperation with appro-
 15 priate Federal agencies, State, regional, and local
 16 governments, and other entities eligible for assist-
 17 ance under subsection (d), the Secretary shall carry
 18 out a comprehensive research program to investigate
 19 the relationships between transportation, community
 20 preservation, and the environment.

21 (2) REQUIRED ELEMENTS.—The program shall
 22 provide for monitoring and analysis of projects car-
 23 ried out with funds made available to carry out sub-
 24 sections (c) and (d).

25 (c) PLANNING.—

1 (1) IN GENERAL.—The Secretary ~~may~~ *shall* al-
2 locate funds made available to carry out this sub-
3 section to States, metropolitan planning organiza-
4 tions, and local governments to plan, develop, and
5 implement strategies to integrate transportation and
6 community and system preservation plans and prac-
7 tices.

8 (2) PURPOSES.—The purposes of the alloca-
9 tions shall be—

10 (A) to improve the efficiency of the trans-
11 portation system;

12 (B) to reduce the impacts of transpor-
13 tation on the environment;

14 (C) to reduce the need for costly future in-
15 vestments in public infrastructure; and

16 (D) to provide efficient access to jobs,
17 services, and centers of trade.

18 (3) CRITERIA.—In allocating funds made avail-
19 able to carry out this subsection, the Secretary shall
20 give priority to applicants that—

21 (A) propose projects for funding that ad-
22 dress the purposes described in paragraph (2);

23 (B) demonstrate a commitment to public
24 involvement, including involvement of nontradi-
25 tional partners in the project team; and

1 (C) demonstrate a commitment of non-
 2 Federal resources to the proposed projects.

3 (d) ALLOCATION OF FUNDS FOR IMPLEMENTA-
 4 TION.—

5 (1) IN GENERAL.—The Secretary ~~may~~ *shall* al-
 6 locate funds made available to carry out this sub-
 7 section to States, metropolitan planning organiza-
 8 tions, and local governments to carry out projects to
 9 address transportation efficiency and community
 10 and system preservation.

11 (2) CRITERIA.—In allocating funds made avail-
 12 able to carry out this subsection, the Secretary shall
 13 give priority to applicants that—

14 (A) have instituted preservation or develop-
 15 ment plans and programs that—

16 (i) meet the requirements of title 23
 17 and chapter 53 of title 49, United States
 18 Code; and

19 (ii) are—

20 (I) coordinated with adopted
 21 preservation or development plans; or

22 (II) intended to promote *cost-ef-*
 23 *fective and* strategic investments in
 24 transportation infrastructure *that*

1 *minimize adverse impacts on the envi-*
2 *ronment;*

3 (B) have instituted other policies to inte-
4 grate transportation and community and sys-
5 tem preservation practices, such as—

6 (i) spending policies that direct funds
7 to high-growth areas;

8 (ii) urban growth boundaries to guide
9 metropolitan expansion;

10 (iii) “green corridors” programs that
11 provide access to major highway corridors
12 for areas targeted for efficient and com-
13 pact development; or

14 (iv) other similar programs or policies
15 as determined by the Secretary;

16 (C) have preservation or development poli-
17 cies that include a mechanism for reducing po-
18 tential impacts of transportation activities on
19 the environment; and

20 (D) propose projects for funding that ad-
21 dress the purposes described in subsection
22 (c)(2).

23 (3) *EQUITABLE DISTRIBUTION.*—*In allocating*
24 *funds to carry out this subsection, the Secretary shall*

1 *ensure the equitable distribution of funds to a diver-*
 2 *sity of populations and geographic regions.*

3 ~~(3)~~ (4) USE OF ALLOCATED FUNDS.—

4 (A) IN GENERAL.—An allocation of funds
 5 made available to carry out this subsection shall
 6 be used by the recipient to implement the
 7 projects proposed in the application to the Sec-
 8 retary.

9 (B) TYPES OF PROJECTS.—The allocation
 10 of funds shall be available for obligation for—

11 (i) any project eligible for funding
 12 under title 23 or chapter 53 of title 49,
 13 United States Code; or

14 (ii) any other activity relating to
 15 transportation and community and system
 16 preservation that the Secretary determines
 17 to be appropriate, including corridor pres-
 18 ervation activities that are necessary to im-
 19 plement—

20 (I) transit-oriented development
 21 plans;

22 (II) traffic calming measures; or

23 (III) other coordinated transpor-
 24 tation and community and system
 25 preservation practices.

1 (e) AUTHORIZATION OF CONTRACT AUTHORITY.—

2 (1) IN GENERAL.—There shall be available
3 from the Highway Trust Fund (other than the Mass
4 Transit Account) to carry out this section
5 \$20,000,000 for each of fiscal years 1998 through
6 2003.

7 (2) CONTRACT AUTHORITY.—Funds authorized
8 under this subsection shall be available for obligation
9 in the same manner as if the funds were apportioned
10 under chapter 1 of title 23, United States Code.

11 **Subtitle G—Technical Corrections**

12 **SEC. 1701. FEDERAL-AID SYSTEMS.**

13 (a) IN GENERAL.—Section 103 of title 23, United
14 States Code, is amended to read as follows:

15 **“§ 103. Federal-aid systems**

16 “(a) IN GENERAL.—For the purposes of this title,
17 the Federal-aid systems are the Interstate System and the
18 National Highway System.

19 “(b) NATIONAL HIGHWAY SYSTEM.—

20 “(1) DESCRIPTION.—The National Highway
21 System consists of an interconnected system of
22 major routes and connectors that—

23 “(A) serve major population centers, inter-
24 national border crossings, ports, airports, public
25 transportation facilities, and other intermodal

1 transportation facilities and other major travel
2 destinations;

3 “(B) meet national defense requirements;
4 and

5 “(C) serve interstate and interregional
6 travel.

7 “(2) COMPONENTS.—The National Highway
8 System consists of the following:

9 “(A) The Interstate System described in
10 subsection (c).

11 “(B) Other urban and rural principal arte-
12 rial routes.

13 “(C) Other connector highways (including
14 toll facilities) that provide motor vehicle access
15 between arterial routes on the National High-
16 way System and a major intermodal transpor-
17 tation facility.

18 “(D) A strategic highway network consist-
19 ing of a network of highways that are impor-
20 tant to the United States strategic defense pol-
21 icy and that provide defense access, continuity,
22 and emergency capabilities for the movement of
23 personnel, materials, and equipment in both
24 peacetime and wartime. The highways may be
25 highways on or off the Interstate System and

1 shall be designated by the Secretary in con-
2 sultation with appropriate Federal agencies and
3 the States.

4 “(E) Major strategic highway network con-
5 nectors consisting of highways that provide
6 motor vehicle access between major military in-
7 stallations and highways that are part of the
8 strategic highway network. The highways shall
9 be designated by the Secretary in consultation
10 with appropriate Federal agencies and the
11 States.

12 “(3) MAXIMUM MILEAGE.—The mileage of
13 highways on the National Highway System shall not
14 exceed 178,250 miles.

15 “(4) MODIFICATIONS TO NHS.—

16 “(A) IN GENERAL.—The Secretary may
17 make any modification, including any modifica-
18 tion consisting of a connector to a major inter-
19 modal terminal, to the National Highway Sys-
20 tem that is proposed by a State or that is pro-
21 posed by a State and revised by the Secretary
22 if the Secretary determines that the modifica-
23 tion—

1 “(i) meets the criteria established for
2 the National Highway System under this
3 title; and

4 “(ii) enhances the national transpor-
5 tation characteristics of the National High-
6 way System.

7 “(B) COOPERATION.—

8 “(i) IN GENERAL.—In proposing a
9 modification under this paragraph, a State
10 shall cooperate with local and regional offi-
11 cials.

12 “(ii) URBANIZED AREAS.—In an ur-
13 banized area, the local officials shall act
14 through the metropolitan planning organi-
15 zation designated for the area under sec-
16 tion 134.

17 “(c) INTERSTATE SYSTEM.—

18 “(1) DESCRIPTION.—

19 “(A) IN GENERAL.—The Dwight D. Eisen-
20 hower National System of Interstate and De-
21 fense Highways within the United States (in-
22 cluding the District of Columbia and Puerto
23 Rico), consists of highways—

24 “(i) designed—

1 “(I) in accordance with the
2 standards of section 109(b); or

3 “(II) in the case of highways in
4 Alaska and Puerto Rico, in accord-
5 ance with such geometric and con-
6 struction standards as are adequate
7 for current and probable future traffic
8 demands and the needs of the locality
9 of the highway; and

10 “(ii) located so as—

11 “(I) to connect by routes, as di-
12 rect as practicable, the principal met-
13 ropolitan areas, cities, and industrial
14 centers;

15 “(II) to serve the national de-
16 fense; and

17 “(III) to the maximum extent
18 practicable, to connect at suitable bor-
19 der points with routes of continental
20 importance in Canada and Mexico.

21 “(B) SELECTION OF ROUTES.—To the
22 maximum extent practicable, each route of the
23 Interstate System shall be selected by joint ac-
24 tion of the State transportation agencies of the
25 State in which the route is located and the ad-

1 joining States, in cooperation with local and re-
2 gional officials, and subject to the approval of
3 the Secretary.

4 “(2) MAXIMUM MILEAGE.—The mileage of
5 highways on the Interstate System shall not exceed
6 43,000 miles, exclusive of designations under para-
7 graph (4).

8 “(3) MODIFICATIONS.—The Secretary may ap-
9 prove or require modifications to the Interstate Sys-
10 tem in a manner consistent with the policies and
11 procedures established under this subsection.

12 “(4) INTERSTATE SYSTEM DESIGNATIONS.—

13 “(A) ADDITIONS.—If the Secretary deter-
14 mines that a highway on the National Highway
15 System meets all standards of a highway on the
16 Interstate System and that the highway is a
17 logical addition or connection to the Interstate
18 System, the Secretary may, upon the affirma-
19 tive recommendation of the State or States in
20 which the highway is located, designate the
21 highway as a route on the Interstate System.

22 “(B) DESIGNATIONS AS FUTURE INTER-
23 STATE SYSTEM ROUTES.—

24 “(i) IN GENERAL.—If the Secretary
25 determines that a highway on the National

1 Highway System would be a logical addi-
2 tion or connection to the Interstate System
3 and would qualify for designation as a
4 route on the Interstate System under sub-
5 paragraph (A), the Secretary may, upon
6 the affirmative recommendation of the
7 State or States in which the highway is lo-
8 cated, designate the highway as a future
9 Interstate System route.

10 “(ii) WRITTEN AGREEMENT OF
11 STATES.—A designation under clause (i)
12 shall be made only upon the written agree-
13 ment of the State or States described in
14 that clause that the highway will be con-
15 structed to meet all standards of a high-
16 way on the Interstate System by the date
17 that is 12 years after the date of the
18 agreement.

19 “(iii) REMOVAL OF DESIGNATION.—

20 “(I) IN GENERAL.—If the State
21 or States described in clause (i) have
22 not substantially completed the con-
23 struction of a highway designated
24 under this subparagraph within the
25 time provided for in the agreement be-

1 tween the Secretary and the State or
2 States under clause (ii), the Secretary
3 shall remove the designation of the
4 highway as a future Interstate System
5 route.

6 “(II) EFFECT OF REMOVAL.—

7 Removal of the designation of a high-
8 way under subclause (I) shall not pre-
9 clude the Secretary from designating
10 the highway as a route on the Inter-
11 state System under subparagraph (A)
12 or under any other provision of law
13 providing for addition to the Inter-
14 state System.

15 “(iv) PROHIBITION ON REFERRAL AS

16 INTERSTATE SYSTEM ROUTE.—No law,
17 rule, regulation, map, document, or other
18 record of the United States, or of any
19 State or political subdivision of a State,
20 shall refer to any highway designated as a
21 future Interstate System route under this
22 subparagraph, nor shall any such highway
23 be signed or marked, as a highway on the
24 Interstate System until such time as the
25 highway is constructed to the geometric

1 and construction standards for the Inter-
 2 state System and has been designated as
 3 a route on the Interstate System.

4 “(C) FINANCIAL RESPONSIBILITY.—

5 “(i) IN GENERAL.—Except as pro-
 6 vided in clause (ii), the designation of a
 7 highway under this paragraph shall create
 8 no additional Federal financial responsibil-
 9 ity with respect to the highway.

10 “(ii) CERTAIN HIGHWAYS.—Subject to
 11 section 119(b)(1)(B), a State may use
 12 funds available to the State under para-
 13 graphs (1) and (3) of section 104(b) for
 14 the resurfacing, restoration, rehabilitation,
 15 and reconstruction of a highway—

16 “(I) designated before March 9,
 17 1984, as a route on the Interstate
 18 System under subparagraph (A) or as
 19 a future Interstate System route
 20 under subparagraph (B); or

21 “(II) ~~in Alaska or Puerto Rico~~
 22 designated under subparagraph (A)
 23 *and located in Alaska or Puerto Rico.*

24 “(d) TRANSFER OF INTERSTATE CONSTRUCTION
 25 FUNDS.—

1 “(1) INTERSTATE CONSTRUCTION FUNDS NOT
2 IN SURPLUS.—

3 “(A) IN GENERAL.—Upon application by a
4 State and approval by the Secretary, the Sec-
5 retary may transfer to the apportionment of the
6 State under section 104(b)(1) any amount of
7 funds apportioned to the State under section
8 104(b)(5)(A) (as in effect on the day before the
9 date of enactment of the Intermodal *Surface*
10 Transportation *Efficiency* Act of 1997), if the
11 amount does not exceed the Federal share of
12 the costs of construction of segments of the
13 Interstate System in the State included in the
14 most recent Interstate System cost estimate.

15 “(B) EFFECT OF TRANSFER.—Upon trans-
16 fer of an amount under subparagraph (A), the
17 construction on which the amount is based, as
18 included in the most recent Interstate System
19 cost estimate, shall be ineligible for funding
20 under section 104(b)(5)(A) (as in effect on the
21 day before the date of enactment of the Inter-
22 modal *Surface* Transportation *Efficiency* Act of
23 1997) or 104(k).

24 “(2) SURPLUS INTERSTATE CONSTRUCTION
25 FUNDS.—Upon application by a State and approval

1 by the Secretary, the Secretary may transfer to the
2 apportionment of the State under section 104(b)(1)
3 any amount of surplus funds apportioned to the
4 State under section 104(b)(5)(A) (as in effect on the
5 day before the date of enactment of the Intermodal
6 *Surface Transportation Efficiency Act of 1997*), if
7 the State has fully financed all work eligible under
8 the most recent Interstate System cost estimate.

9 “(3) APPLICABILITY OF CERTAIN LAWS.—
10 Funds transferred under this subsection shall be
11 subject to the laws (including regulations, policies,
12 and procedures) relating to the apportionment to
13 which the funds are transferred.

14 “(e) UNOBLIGATED BALANCES OF INTERSTATE SUB-
15 STITUTE FUNDS.—Unobligated balances of funds appor-
16 tioned to a State under section 103(e)(4)(H) (as in effect
17 on the day before the date of enactment of the Intermodal
18 *Surface Transportation Efficiency Act of 1997*) shall be
19 available for obligation by the State under the law (includ-
20 ing regulations, policies, and procedures) relating to the
21 obligation and expenditure of the funds in effect on that
22 date.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1)(A) Section 101(a) of title 23, United States
25 Code, is amended in the undesignated paragraph de-

1 fining “Interstate System” by striking “subsection
2 (e) of section 103 of this title” and inserting “sec-
3 tion 103(e)”.

4 (B) Section 104(f)(1) of title 23, United States
5 Code, is amended by striking “, except that” and all
6 that follows through “programs”.

7 (C) Section 115(a) of title 23, United States
8 Code, is amended—

9 (i) in the subsection heading, by striking

10 “SUBSTITUTE,”; and

11 (ii) in paragraph (1)(A)(i), by striking

12 “103(e)(4)(H),”;

13 (D) Section 118 of title 23, United States Code
14 (as amended by section 1118(b)), is amended—

15 (i) by striking subsection (d); and

16 (ii) by redesignating subsections (e), (f),

17 and (g) (as added by section 1103(d)) as sub-
18 sections (e), (d), and (e), respectively.

19 (E) Section 129(b) of title 23, United States
20 Code, is amended in the first sentence by striking
21 “which has been” and all that follows through “and
22 has not” and inserting “which is a public road and
23 has not”.

24 (2)(A) Section 139 of title 23, United States
25 Code, is repealed.

1 (B) The analysis for chapter 1 of title 23, Unit-
2 ed States Code, is amended by striking the item re-
3 lating to section 139.

4 (C) Section 119(a) of title 23, United States
5 Code, is amended in the first sentence—

6 (i) by striking “sections 103 and 139(c) of
7 this title” and inserting “section 103(c)(1) and,
8 in Alaska and Puerto Rico, under section
9 103(c)(4)(A)”;

10 (ii) by striking “section 139 (a) and (b) of
11 this title” and inserting “subparagraphs (A)
12 and (B) of section 103(c)(4)”.

13 (D) Section 127(f) of title 23, United States
14 Code, is amended by striking “section 139(a)” and
15 inserting “section 103(c)(4)(A)”.

16 (E) Section 1105(e)(5) of the Intermodal Sur-
17 face Transportation Efficiency Act of 1991 (109
18 Stat. 597) is amended by striking subparagraph (B)
19 and inserting the following:

20 “(B) TREATMENT OF SEGMENTS.—Subject
21 to subparagraph (C), segments designated as
22 parts of the Interstate System under this para-
23 graph shall be treated in the same manner as
24 segments designated under section 103(c)(4)(A)
25 of title 23, United States Code.”.

1 **SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.**

2 (a) DEFINITIONS AND DECLARATION OF POLICY.—

3 (1) CREATION OF POLICY SECTION.—Section
4 102 of title 23, United States Code, is amended—

5 (A) by striking the section heading and in-
6 serting the following:

7 **“§ 102. Declaration of policy”;**

8 (B) by redesignating subsection (a) as sub-
9 section (c) and moving that subsection to the
10 end of section 146; and

11 (C) by redesignating subsection (b) as sub-
12 section (f) and moving that subsection to the
13 end of section 118 (as amended by section
14 1701(b)(1)(D)(ii)).

15 (2) TRANSFER OF POLICY PROVISIONS.—Sec-
16 tion 101 of title 23, United States Code, is amend-
17 ed—

18 (A) by striking the section heading and in-
19 serting the following:

20 **“§ 101. Definitions”;**

21 (B) in subsection (a), by striking “(a)”;

22 (C) by striking subsection (b); and

23 (D) by redesignating subsections (c)
24 through (e) as subsections (a) through (c), re-
25 spectively, and moving those subsections to sec-
26 tion 102 (as amended by paragraph (1)).

1 (3) CONFORMING AMENDMENTS.—

2 (A) The analysis for chapter 1 of title 23,
3 United States Code, is amended by striking the
4 items relating to sections 101 and 102 and in-
5 serting the following:

“101. Definitions.

“102. Declaration of policy.”.

6 (B) Section 47107(j)(1)(B) of title 49,
7 United States Code, is amended by striking
8 “section 101(a)” and inserting “section 101”.

9 (b) ADVANCE CONSTRUCTION.—Section 115 of title
10 23, United States Code, is amended—

11 (1) in subsection (b)—

12 (A) by striking “PROJECTS” and all that
13 follows through “When a State” and inserting
14 “PROJECTS.—When a State”;

15 (B) by striking paragraphs (2) and (3);
16 and

17 (C) by redesignating subparagraphs (A)
18 and (B) as paragraphs (1) and (2), respectively,
19 and indenting appropriately;

20 (2) by striking subsection (c);

21 (3) in subsection (d), by striking “section
22 135(f)” and inserting “section 135”; and

23 (4) by redesignating subsection (d) as sub-
24 section (c).

1 (c) MAINTENANCE.—Section 116 of title 23, United
2 States Code, is amended—

3 (1) in subsection (a), by striking the second
4 sentence;

5 (2) by striking subsection (b);

6 (3) in subsection (c)—

7 (A) in the first sentence, by striking “he”
8 and inserting “the Secretary”; and

9 (B) in the second sentence, by striking
10 “further projects” and inserting “further ex-
11 penditure of Federal-aid highway program
12 funds”; and

13 (4) by redesignating subsections (c) and (d) as
14 subsections (b) and (c), respectively.

15 (d) INTERSTATE MAINTENANCE PROGRAM.—Section
16 119(a) of title 23, United States Code, is amended in the
17 first sentence by striking “the date of enactment of this
18 sentence” and inserting “March 9, 1984”.

19 (e) ADVANCES TO STATES.—Section 124 of title 23,
20 United States Code, is amended—

21 (1) by striking “(a)”; and

22 (2) by striking subsection (b).

23 (f) DIVERSION.—

24 (1) IN GENERAL.—Section 126 of title 23,
25 United States Code, is repealed.

1 (2) CONFORMING AMENDMENT.—The analysis
2 for chapter 1 of title 23, United States Code, is
3 amended by striking the item relating to section
4 126.

5 (g) RAILWAY-HIGHWAY CROSSINGS.—Section 130(f)
6 of title 23, United States Code, is amended by striking
7 “APPORTIONMENT” and all that follows through the first
8 sentence and inserting “FEDERAL SHARE.—”.

9 (h) SURFACE TRANSPORTATION PROGRAM.—Section
10 133(a) of title 23, United States Code, is amended by
11 striking “ESTABLISHMENT.—The Secretary shall estab-
12 lish” and inserting “IN GENERAL.—The Secretary shall
13 carry out”.

14 (i) CONTROL OF JUNKYARDS.—Section 136 of title
15 23, United States Code, is amended by striking subsection
16 (m) and inserting the following:

17 “(m) PRIMARY SYSTEM DEFINED.—For purposes of
18 this section, the term ‘primary system’ means the Federal-
19 aid primary system in existence on June 1, 1991, and any
20 highway which is not on such system but which is on the
21 National Highway System.”.

22 (j) FRINGE AND CORRIDOR PARKING FACILITIES.—
23 Section 137(a) of title 23, United States Code, is amended
24 in the first sentence by striking “on the Federal-aid urban
25 system” and inserting “on a Federal-aid highway”.

1 (k) NONDISCRIMINATION.—Section 140 of title 23,
2 United States Code, is amended—

3 (1) in subsection (a)—

4 (A) in the first sentence, by striking “sub-
5 section (a) of section 105 of this title,” and in-
6 serting “section 106(a),”;

7 (B) by striking “he” each place it appears
8 and inserting “the Secretary”;

9 (C) in the second sentence, by striking
10 “He” and inserting “The Secretary”;

11 (D) in the third sentence, by striking “In
12 approving programs for projects on any of the
13 Federal-aid systems,” and inserting “Before ap-
14 proving any project under section 106(a),”;

15 (E) in the last sentence, by striking “him”
16 and inserting “the Secretary”;

17 (2) by striking subsection (b);

18 (3) in the subsection heading of subsection (d),
19 by striking “AND CONTRACTING”; and

20 (4) by redesignating subsections (c) and (d) as
21 subsections (b) and (c), respectively.

22 (l) PRIORITY PRIMARY ROUTES.—

23 (1) IN GENERAL.—Section 147 of title 23,
24 United States Code, is repealed.

1 (2) CONFORMING AMENDMENT.—The analysis
2 for chapter 1 of title 23, United States Code, is
3 amended by striking the item relating to section
4 147.

5 (m) DEVELOPMENT OF A NATIONAL SCENIC AND
6 RECREATIONAL HIGHWAY.—

7 (1) IN GENERAL.—Section 148 of title 23,
8 United States Code, is repealed.

9 (2) CONFORMING AMENDMENT.—The analysis
10 for chapter 1 of title 23, United States Code, is
11 amended by striking the item relating to section
12 148.

13 (n) HAZARD ELIMINATION PROGRAM.—Section
14 152(e) of title 23, United States Code, is amended by
15 striking “apportioned to” in the first sentence and all that
16 follows through “shall be” in the second sentence.

17 (o) ACCESS HIGHWAYS TO PUBLIC RECREATION
18 AREAS ON CERTAIN LAKES.—

19 (1) IN GENERAL.—Section 155 of title 23,
20 United States Code, is repealed.

21 (2) CONFORMING AMENDMENT.—The analysis
22 for chapter 1 of title 23, United States Code, is
23 amended by striking the item relating to section
24 155.

1 **SEC. 1703. NONDISCRIMINATION.**

2 (a) IN GENERAL.—Section 324 of title 23, United
3 States Code, is amended—

4 (1) by inserting “(d) PROHIBITION OF DIS-
5 CRIMINATION ON THE BASIS OF SEX.—” before “No
6 person”; and

7 (2) by moving subsection (d) (as designated by
8 paragraph (1)) to the end of section 140 (as amend-
9 ed by section 1702(k)).

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 324 of title 23, United States Code,
12 is repealed.

13 (2) The analysis for chapter 3 of title 23, Unit-
14 ed States Code, is amended by striking the item re-
15 lating to section 324.

16 **SEC. 1704. STATE TRANSPORTATION DEPARTMENT.**

17 (a) IN GENERAL.—Section 302 of title 23, United
18 States Code, is amended—

19 (1) in subsection (a)—

20 (A) by striking “(a)”;

21 (B) by striking the second sentence; and

22 (C) by adding at the end the following:

23 “Compliance with this section shall have no ef-
24 fect on the eligibility of costs.”; and

25 (2) by striking subsection (b).

26 (b) CONFORMING AMENDMENTS.—

1 (1) Title 23, United States Code, is amended—

2 (A) by striking “State highway depart-
3 ment” each place it appears and inserting
4 “State transportation department”; and

5 (B) by striking “State highway depart-
6 ments” each place it appears and inserting
7 “State transportation departments”.

8 (2) The analysis for chapter 3 of title 23, Unit-
9 ed States Code, is amended in the item relating to
10 section 302 by striking “highway” and inserting
11 “transportation”.

12 (3) Section 302 of title 23, United States Code,
13 is amended in the section heading by striking
14 “**highway**” and inserting “**transportation**”.

15 (4) Section 410(h)(5) of title 23, United States
16 Code, is amended in the paragraph heading by strik-
17 ing “HIGHWAY” and inserting “TRANSPORTATION”.

18 (5) Section 201(b) of the Appalachian Regional
19 Development Act of 1965 (40 U.S.C. App.) is
20 amended in the second sentence by striking “State
21 highway department” and inserting “State transpor-
22 tation department”.

23 (6) Section 138(c) of the Surface Transpor-
24 tation Assistance Act of 1978 (40 U.S.C. App. note
25 to section 201 of the Appalachian Regional Develop-

1 ment Act of 1965; Public Law 95–599) is amended
 2 in the first sentence by striking “State highway de-
 3 partment” and inserting “State transportation de-
 4 partment”.

5 ***Subtitle H—Miscellaneous***
 6 ***Provisions***

7 ***SEC. 1801. DESIGNATION OF PORTION OF STATE ROUTE 17***
 8 ***IN NEW YORK AND PENNSYLVANIA AS INTER-***
 9 ***STATE ROUTE 86.***

10 *(a) IN GENERAL.—Subject to subsection (b)(2), not-*
 11 *withstanding section 103(c), the portion of State Route 17*
 12 *located between the junction of State Route 17 and Inter-*
 13 *state Route 87 in Harriman, New York, and the junction*
 14 *of State Route 17 and Interstate Route 90 near Erie, Penn-*
 15 *sylvania, is designated as Interstate Route 86.*

16 *(b) SUBSTANDARD FEATURES.—*

17 *(1) UPGRADING.—Each segment of State Route*
 18 *17 described in subsection (a) that does not substan-*
 19 *tially meet the Interstate System design standards*
 20 *under section 109(b) of title 23, United States Code,*
 21 *in effect on the date of enactment of this Act shall be*
 22 *upgraded in accordance with plans and schedules de-*
 23 *veloped by the applicable State.*

24 *(2) DESIGNATION.—Each segment of State Route*
 25 *17 that on the date of enactment of this Act is not*

1 at least 4 lanes wide, separated by a median, access-
2 controlled, and grade-separated shall—

3 (A) be designated as a future Interstate Sys-
4 tem route; and

5 (B) become part of Interstate Route 86 at
6 such time as the Secretary determines that the
7 segment substantially meets the Interstate Sys-
8 tem design standards described in paragraph
9 (1).

10 (c) *TREATMENT OF ROUTE.*—

11 (1) *MILEAGE LIMITATION.*—*The mileage of Inter-*
12 *state Route 86 designated under subsection (a) shall*
13 *not be charged against the limitation established by*
14 *section 103(c)(2) of title 23, United States Code.*

15 (2) *FEDERAL FINANCIAL RESPONSIBILITY.*—

16 (A) *IN GENERAL.*—*Subject to subparagraph*
17 *(B), the designation of Interstate Route 86 under*
18 *subsection (a) shall not create increased Federal*
19 *financial responsibility with respect to the des-*
20 *ignated Route.*

21 (B) *USE OF CERTAIN FUNDS.*—*A State may*
22 *use funds available to the State under para-*
23 *graphs (1) and (3) of section 104(b) of title 23,*
24 *United States Code, to eliminate substandard*
25 *features of, and to resurface, restore, rehabilitate,*

1 *or reconstruct, any portion of the designated*
2 *Route.*

3 **TITLE II—RESEARCH AND**
4 **TECHNOLOGY**

5 **Subtitle A—Research and Training**

6 **SEC. 2001. STRATEGIC RESEARCH PLAN.**

7 Subtitle III of title 49, United States Code, is amend-
8 ed—

9 (1) in the table of chapters, by inserting after
10 the item relating to chapter 51 the following:

 “52. RESEARCH AND DEVELOPMENT 5201”;

11 and

12 (2) by inserting after chapter 51 the following:

13 **“CHAPTER 52—RESEARCH AND**
14 **DEVELOPMENT**

 “Sec.

 “5201. Definitions.

 “SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

 “5211. Transactional authority.

 “SUBCHAPTER II—STRATEGIC PLANNING

 “5221. Strategic planning.

 “5222. Authorization of ~~appropriations~~ *contract authority*.

 “SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH
 AND DEVELOPMENT PROGRAM

 “5231. Multimodal Transportation Research and Development Program.

 “5232. Authorization of ~~appropriations~~ *contract authority*.

 “SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION
 CENTERS

 “5241. National university transportation centers.

1 **“§ 5201. Definitions**

2 “In this chapter:

3 “(1) DEPARTMENT.—The term ‘Department’
4 means the Department of Transportation.

5 “(2) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of Transportation.

7 “SUBCHAPTER I—GENERAL AND
8 ADMINISTRATIVE PROVISIONS

9 **“§ 5211. Transactional authority**

10 “To further the objectives of this chapter, the Sec-
11 retary may make grants to, and enter into contracts, coop-
12 erative agreements, and other transactions with—

13 “(1) any person or any agency or instrumental-
14 ity of the United States;

15 “(2) any unit of State or local government;

16 “(3) any educational institution; and

17 “(4) any other entity.

18 “SUBCHAPTER II—STRATEGIC PLANNING

19 **“§ 5221. Strategic planning**

20 “(a) AUTHORITY.—The Secretary shall establish a
21 strategic planning process to—

22 “(1) determine national transportation re-
23 search, development, and technology deployment pri-
24 orities, strategies, and milestones over the next 5
25 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 *IN GENERAL*.—
25 The Secretary shall make grants to, or enter into con-
26 tracts with, the nonprofit institutions of higher learning

1 selected under section 5317 (as in effect on the day before
2 the date of enactment of this ~~section~~ *section*)—

3 “(1) to operate 1 university transportation cen-
4 ter in each of the 10 Federal administrative regions
5 that comprise the Standard Federal Regional
6 Boundary System; and

7 “(2) to continue operation of university trans-
8 portation centers at the Mack-Blackwell National
9 Rural Transportation Study Center, the National
10 Center for Transportation and Industrial Productiv-
11 ity, the Institute for Surface Transportation Policy
12 Studies, the Urban Transit Institute at the Univer-
13 sity of South Florida, the National Center for Ad-
14 vanced Transportation Technology, and the Univer-
15 sity of Alabama Transportation Research Center.

16 “(b) ADDITIONAL CENTERS.—

17 “(1) IN GENERAL.—The Secretary may make
18 grants to nonprofit institutions of higher learning to
19 establish and operate not more than ~~10~~ 4 additional
20 university transportation centers to address—

21 “(A) transportation management, research,
22 and development, with special attention to in-
23 creasing the number of highly skilled minority
24 individuals and women entering the transpor-
25 tation workforce;

1 “(B) transportation and industrial produc-
2 tivity;

3 “(C) rural transportation;

4 “(D) advanced transportation technology;

5 “(E) international transportation policy
6 studies;

7 “(F) transportation infrastructure tech-
8 nology;

9 “(G) urban transportation research;

10 “(H) transportation and the environment;

11 “(I) surface transportation safety; or

12 “(J) infrastructure finance studies.

13 “(2) SELECTION CRITERIA.—

14 “(A) APPLICATION.—A nonprofit institu-
15 tion of higher learning that desires to receive a
16 grant under paragraph (1) shall submit an ap-
17 plication to the Secretary in such manner and
18 containing such information as the Secretary
19 may require.

20 “(B) SELECTION OF RECIPIENTS.—The
21 Secretary shall select each grant recipient under
22 paragraph (1) on the basis of—

23 “(i) the demonstrated research and
24 extension resources available to the recipi-
25 ent to carry out this section;

1 “(ii) the capability of the recipient to
2 provide leadership in making national and
3 regional contributions to the solution of
4 immediate and long-term transportation
5 problems;

6 “(iii) the establishment by the recipi-
7 ent of a surface transportation program
8 that encompasses several modes of trans-
9 portation;

10 “(iv) the demonstrated ability of the
11 recipient to disseminate results of trans-
12 portation research and education programs
13 through a statewide or regionwide continu-
14 ing education program; ~~and~~

15 “(v) the strategic plan that the recipi-
16 ent proposes to carry out using the grant
17 ~~funds.~~ *funds; and*

18 “(vi) *the extent to which private funds*
19 *have been committed to a university and*
20 *public-private partnerships established to*
21 *fulfill the objectives specified in paragraph*
22 *(1).*

23 “(c) OBJECTIVES.—Each university transportation
24 center shall use grant funds under subsection (a) or (b)
25 to carry out—

1 “(1) multimodal basic and applied research, the
2 products of which are judged by peers or other ex-
3 perts in the field to advance the body of knowledge
4 in transportation;

5 “(2) an education program that includes multi-
6 disciplinary course work and participation in re-
7 search; and

8 “(3) an ongoing program of technology transfer
9 that makes research results available to potential
10 users in a form that can be readily implemented,
11 used, or otherwise applied.

12 “(d) MAINTENANCE OF EFFORT.—Before making a
13 grant under subsection (a) or (b), the Secretary shall re-
14 quire the grant recipient to enter into an agreement with
15 the Secretary to ensure that the recipient will maintain,
16 during the period of the grant, a level of total expenditures
17 from all other sources for establishing and operating a
18 university transportation center and carrying out related
19 research activities that is at least equal to the average level
20 of those expenditures in the 2 fiscal years of the recipient
21 prior to the award of a grant under subsection (a) or (b).

22 “(e) ADDITIONAL GRANTS AND CONTRACTS.—

23 “(1) GRANTS OR CONTRACTS.—In addition to
24 grants under subsection (a) or (b), the Secretary
25 may make grants to, or enter into contracts with,

1 university transportation centers without the need
2 for a competitive process.

3 “(2) USE OF GRANTS OR CONTRACTS.—A non-
4 competitive grant or contract under paragraph (1)
5 shall be used for transportation research, develop-
6 ment, education, or training consistent with the stra-
7 tegic plan approved as part of the selection process
8 for the center.

9 “(f) FEDERAL SHARE.—The Federal share of the
10 cost of establishing and operating a university transpor-
11 tation center and carrying out related research activities
12 under this section shall be not more than 50 percent.

13 “(g) PROGRAM COORDINATION.—

14 “(1) IN GENERAL.—The Secretary shall—

15 “(A) coordinate research, education, train-
16 ing, and technology transfer activities carried
17 out by grant recipients under this section;

18 “(B) disseminate the results of the re-
19 search; and

20 “(C) establish and operate a clearinghouse
21 for disseminating the results of the research.

22 “(2) REVIEW AND EVALUATION.—

23 “(A) IN GENERAL.—Not less often than
24 annually, the Secretary shall review and evalu-

1 ate programs carried out by grant recipients
2 under this section.

3 “(B) NOTIFICATION OF DEFICIENCIES.—
4 In carrying out subparagraph (A), if the Sec-
5 retary determines that a university transpor-
6 tation center is deficient in meeting the objec-
7 tives of this section, the Secretary shall notify
8 the grant recipient operating the center of each
9 deficiency and provide specific recommendations
10 of measures that should be taken to address the
11 deficiency.

12 “(C) DISQUALIFICATION.—If, after the
13 end of the 180-day period that begins on the
14 date of notification to a grant recipient under
15 subparagraph (B) with respect to a center, the
16 Secretary determines that the recipient has not
17 corrected each deficiency identified under sub-
18 paragraph (B), the Secretary may, after notify-
19 ing the Committee on Environment and Public
20 Works of the Senate and the Committee on
21 Transportation and Infrastructure of the House
22 of Representatives of the determination—

23 “(i) disqualify the university transpor-
24 tation center from further participation
25 under this section; and

1 “(ii) make a grant for the establish-
2 ment of a new university transportation
3 center, in lieu of the disqualified center,
4 under subsection (a) or (b), as applicable.

5 “(3) FUNDING.—The Secretary may use not
6 more than 1 percent of Federal funds made avail-
7 able under this section to carry out this subsection.

8 “(h) 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) to carry out this section
12 \$12,000,000 for each of fiscal years 1998 through
13 2003.

14 “(2) CONTRACT AUTHORITY.—Funds author-
15 ized under this subsection shall be made available
16 for obligation in the same manner as if the funds
17 were apportioned under chapter 1 of title 23, except
18 that the Federal share of the cost of a project under
19 this section shall be determined in accordance with
20 this section.

21 “(3) TECHNOLOGY TRANSFER ACTIVITIES.—
22 For each fiscal year, not less than 5 percent of the
23 amounts made available to carry out this section
24 shall be available to carry out technology transfer
25 activities.

1 “(i) LIMITATION ON AVAILABILITY OF FUNDS.—
2 Funds authorized under this section shall remain available
3 for obligation for a period of 2 years after the last day
4 of the fiscal year for which the funds are authorized.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Sections 5316 and 5317 of title 49, United
7 States Code, are repealed.

8 (2) The analysis for chapter 53 of title 49,
9 United States Code, is amended by striking the
10 items relating to sections 5316 and 5317.

11 **SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.**

12 (a) IN GENERAL.—Section 111 of title 49, United
13 States Code, is amended—

14 (1) in subsection (b)(4), by striking the second
15 sentence;

16 (2) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (J), by striking
19 “and” at the end;

20 (ii) in subparagraph (K), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the follow-
24 ing:

1 “(L) transportation-related variables that
2 influence global competitiveness.”;

3 (B) in paragraph (2)—

4 (i) in the first sentence, by striking
5 “national transportation system” and in-
6 serting “transportation systems of the
7 United States”;

8 (ii) by striking subparagraph (A) and
9 inserting the following:

10 “(A) be coordinated with efforts to meas-
11 ure outputs and outcomes of the Department of
12 Transportation and the transportation systems
13 of the United States under the Government
14 Performance and Results Act of 1993 (Public
15 Law 103–62) and the amendments made by
16 that Act;”; and

17 (iii) in subparagraph (C), by inserting
18 “, made relevant to the States and metro-
19 politan planning organizations,” after “ac-
20 curacy”;

21 (C) in paragraph (3), by adding at the end
22 the following: “The Bureau shall review and re-
23 port to the Secretary of Transportation on the
24 sources and reliability of the statistics proposed
25 by the heads of the operating administrations of

1 the Department to measure outputs and out-
 2 comes as required by the Government Perform-
 3 ance and Results Act of 1993 (Public Law
 4 103–62), and the amendments made by that
 5 Act, and shall carry out such other reviews of
 6 the sources and reliability of other data col-
 7 lected by the heads of the operating administra-
 8 tions of the Department as shall be requested
 9 by the Secretary.”; and

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

11 “(7) SUPPORTING TRANSPORTATION DECISION-
 12 MAKING.—Ensuring that the statistics compiled
 13 under paragraph (1) are relevant for transportation
 14 decisionmaking by the Federal Government, State
 15 and local governments, transportation-related asso-
 16 ciations, private businesses, and consumers.”;

17 (3) by redesignating subsections (d), (e), and
 18 (f) as subsections (h), (i), and (j), respectively;

19 (4) by striking subsection (g);

20 (5) by inserting after subsection (c) the follow-
 21 ing:

22 “(d) TRANSPORTATION DATA BASE.—

23 “(1) IN GENERAL.—In consultation with the
 24 Associate Deputy Secretary, the Assistant Secretar-
 25 ies, and the heads of *the* operating administrations

1 of the Department of Transportation, the Director
2 shall establish and maintain a transportation data
3 base for all modes of transportation.

4 “(2) USE.—The data base shall be suitable for
5 analyses carried out by the Federal Government, the
6 States, and metropolitan planning organizations.

7 “(3) CONTENTS.—The data base shall in-
8 clude—

9 “(A) information on the volumes and pat-
10 terns of movement of goods, including local,
11 interregional, and international movement, by
12 all modes of transportation and intermodal
13 combinations, and by relevant classification;

14 “(B) information on the volumes and pat-
15 terns of movement of people, including local,
16 interregional, and international movements, by
17 all modes of transportation (including bicycle
18 and pedestrian modes) and intermodal combina-
19 tions, and by relevant classification;

20 “(C) information on the location and
21 connectivity of transportation facilities and
22 services; and

23 “(D) a national accounting of expenditures
24 and capital stocks on each mode of transpor-
25 tation and intermodal combination.

1 “(e) NATIONAL TRANSPORTATION LIBRARY.—

2 “(1) IN GENERAL.—The Director shall establish
3 and maintain a National Transportation Library,
4 which shall contain a collection of statistical and
5 other information needed for transportation decision-
6 making at the Federal, State, and local levels.

7 “(2) ACCESS.—The Bureau shall facilitate and
8 promote access to the Library, with the goal of im-
9 proving the ability of the transportation community
10 to share information and the ability of the Bureau
11 to make statistics readily accessible under subsection
12 (e)(5).

13 “(3) COORDINATION.—The Bureau shall work
14 with other transportation libraries and other trans-
15 portation information providers, both public and pri-
16 vate, to achieve the goal specified in paragraph (2).

17 “(f) NATIONAL TRANSPORTATION ATLAS DATA
18 BASE.—

19 “(1) IN GENERAL.—The Director shall develop
20 and maintain geospatial data bases that depict—

21 “(A) transportation networks;

22 “(B) flows of people, goods, vehicles, and
23 craft over the networks; and

1 “(C) social, economic, and environmental
2 conditions that affect or are affected by the net-
3 works.

4 “(2) INTERMODAL NETWORK ANALYSIS.—The
5 data bases shall be able to support intermodal net-
6 work analysis.

7 “(g) RESEARCH AND DEVELOPMENT GRANTS.—The
8 Secretary may make grants to, or enter into cooperative
9 agreements or contracts with, public and nonprofit private
10 entities (including State departments of transportation,
11 metropolitan planning organizations, and institutions of
12 higher education) for—

13 “(1) investigation of the subjects specified in
14 subsection (c)(1) and research and development of
15 new methods of data collection, management, inte-
16 gration, dissemination, interpretation, and analysis;

17 “(2) development of electronic clearinghouses of
18 transportation data and related information, as part
19 of the National Transportation Library under sub-
20 section (e); and

21 “(3) development and improvement of methods
22 for sharing geographic data, in support of the na-
23 tional transportation atlas data base under sub-
24 section (f) and the National Spatial Data Infrastruc-
25 ture developed under Executive Order No. 12906.”;

1 (6) by striking subsection (i) (as redesignated
2 by paragraph (3)) and inserting the following:

3 “(i) PROHIBITION ON CERTAIN DISCLOSURES.—

4 “(1) IN GENERAL.—An officer or employee of
5 the Bureau may not—

6 “(A) make any disclosure in which the
7 data provided by an individual or organization
8 under subsection (c)(2) can be identified;

9 “(B) use the information provided under
10 subsection (c)(2) for a nonstatistical purpose;
11 or

12 “(C) permit anyone other than an individ-
13 ual authorized by the Director to examine any
14 individual report provided under subsection
15 (c)(2).

16 “(2) PROHIBITION ON REQUESTS FOR CERTAIN
17 DATA.—

18 “(A) GOVERNMENT AGENCIES.—No de-
19 partment, bureau, agency, officer, or employee
20 of the United States (except the Director ~~of the~~
21 ~~Bureau of Transportation Statistics~~ in carrying
22 out this section) may require, for any reason, a
23 copy of any report that has been filed under
24 subsection (c)(2) with the Bureau ~~of Transpor-~~

1 ~~tation~~ Statistics or retained by an individual re-
2 spondent.

3 “(B) COURTS.—Any copy of a report de-
4 scribed in subparagraph (A) that has been re-
5 tained by an individual respondent or filed with
6 the Bureau or any of its employees, contractors,
7 or agents—

8 “(i) shall be immune from legal proc-
9 ess; and

10 “(ii) shall not, without the consent of
11 the individual concerned, be admitted as
12 evidence or used for any purpose in any
13 action, suit, or other judicial or adminis-
14 trative proceeding.

15 “(C) APPLICABILITY.—This paragraph
16 shall apply only to information that permits in-
17 formation concerning an individual or organiza-
18 tion to be reasonably inferred by direct or indi-
19 rect means.

20 “(3) DATA COLLECTED FOR NONSTATISTICAL
21 PURPOSES.—In a case in which the Bureau is au-
22 thorized by statute to collect data or information for
23 a nonstatistical purpose, the Director shall clearly
24 distinguish the collection of the data or information,
25 by rule and on the collection instrument, so as to in-

1 form a respondent that is requested or required to
2 supply the data or information of the nonstatistical
3 purpose.”;

4 (7) in subsection (j) (as redesignated by para-
5 graph (3)), by striking “On or before January 1,
6 1994, and annually thereafter, the” and inserting
7 “The”; and

8 (8) by adding at the end the following:

9 “(k) *STUDY.*—

10 “(1) *IN GENERAL.*—*The Director shall carry out*
11 *a study—*

12 “(A) *to measure the ton-miles and value-*
13 *miles of international trade traffic carried by*
14 *highway for each State;*

15 “(B) *to evaluate the accuracy and reliabil-*
16 *ity of such measures for use in the formula for*
17 *highway apportionments;*

18 “(C) *to evaluate the accuracy and reliabil-*
19 *ity of the use of diesel fuel data as a measure of*
20 *international trade traffic by State; and*

21 “(D) *to identify needed improvements in*
22 *long-term data collection programs to provide*
23 *accurate and reliable measures of international*
24 *traffic for use in the formula for highway appor-*
25 *tionments.*

1 “(2) *BASIS FOR EVALUATIONS.*—*The study shall*
 2 *evaluate the accuracy and reliability of measures for*
 3 *use as formula factors based on statistical quality*
 4 *standards developed by the Bureau in consultation*
 5 *with the Committee on National Statistics of the Na-*
 6 *tional Academy of Sciences.*

7 “(3) *REPORT.*—*Not later than 3 years after the*
 8 *date of enactment of this subsection, the Director shall*
 9 *submit to the Committee on Environment and Public*
 10 *Works of the Senate and the Committee on Transpor-*
 11 *tation and Infrastructure of the House of Representa-*
 12 *tives a report on the results of the study carried out*
 13 *under paragraph (1), including recommendations for*
 14 *changes in law necessary to implement the identified*
 15 *needs for improvements in long-term data collection*
 16 *programs.*

17 “~~(k)~~ (l) *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 “~~(t)~~ (m) *AUTHORIZATION OF CONTRACT AUTHOR-*
 25 *ITY.*—

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 (1) in the table of chapters, by adding at the
2 end the following:

“5. Research and Technology 501”;

3 and

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

5 **“CHAPTER 5—RESEARCH AND**
6 **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.

“512. *Transportation and environment cooperative research program.*

“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

“521. ~~Findings and p~~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. *Corridor development and coordination.*

~~“528~~ “529. Standards.

~~“529~~ “530. Funding limitations.

“531. *Use of innovative financing.*

~~“530~~ “532. Advisory committees.

“SUBCHAPTER III—FUNDING

“541. Funding.

1 “SUBCHAPTER I—RESEARCH AND TRAINING

2 **“§ 501. Definition of safety**

3 “In this chapter, the term ‘safety’ includes highway
 4 and traffic safety systems, research and development re-
 5 lating to vehicle, highway, driver, passenger, bicyclist, and
 6 pedestrian characteristics, accident investigations, commu-
 7 nications, emergency medical care, and transportation of
 8 the injured.

9 **“§ 502. Research and technology program**

10 “(a) GENERAL AUTHORITY AND COLLABORATIVE
 11 AGREEMENTS.—

12 “(1) AUTHORITY OF THE SECRETARY.—

13 “(A) IN GENERAL.—The Secretary—

14 “(i) shall carry out research, develop-
 15 ment, and technology transfer activities
 16 with respect to—

17 “(I) motor carrier transportation;

18 “(II) all phases of transportation
 19 planning and development (including
 20 construction, operation, moderniza-
 21 tion, development, design, mainte-
 22 nance, safety, financing, and traffic
 23 conditions); and

1 “(III) the effect of State laws on
2 the activities described in subclauses
3 (I) and (II); and

4 “(ii) may test, develop, or assist in
5 testing and developing any material, inven-
6 tion, patented article, or process.

7 “(B) COOPERATION, GRANTS, AND CON-
8 TRACTS.—The Secretary may carry out this
9 section—

10 “(i) independently;

11 “(ii) in cooperation with other Federal
12 departments, agencies, and instrumental-
13 ities; or

14 “(iii) by making grants to, or entering
15 into contracts, cooperative agreements, and
16 other transactions with, the National
17 Academy of Sciences, the American Asso-
18 ciation of State Highway and Transpor-
19 tation Officials, or any State agency, au-
20 thority, association, institution, for-profit
21 or nonprofit corporation, organization, for-
22 eign country, or person.

23 “(C) TECHNICAL INNOVATION.—The Sec-
24 retary shall develop and carry out programs to
25 facilitate the application of such products of re-

1 search and technical innovations as will improve
2 the safety, efficiency, and effectiveness of the
3 transportation system.

4 “(D) FUNDS.—

5 “(i) IN GENERAL.—Except as other-
6 wise specifically provided in other sections
7 of this chapter—

8 “(I) to carry out this subsection,
9 the Secretary shall use—

10 “(aa) funds made available
11 under section 541 for research,
12 technology, and training; and

13 “(bb) such funds as may be
14 deposited by any cooperating or-
15 ganization or person in a special
16 account of the Treasury estab-
17 lished for this purpose; and

18 “(II) the funds described in item
19 (aa) shall remain available for obliga-
20 tion for a period of 3 years after the
21 last day of the fiscal year for which
22 the funds are authorized.

23 “(ii) USE OF FUNDS.—The Secretary
24 shall use funds described in clause (i) to
25 develop, administer, communicate, and

1 ~~achieve~~ *promote* the use of products of re-
2 search, development, and technology trans-
3 fer programs under this section.

4 “(2) COLLABORATIVE RESEARCH AND DEVEL-
5 OPMENT.—

6 “(A) IN GENERAL.—To encourage innova-
7 tive solutions to surface transportation prob-
8 lems and stimulate the deployment of new tech-
9 nology, the Secretary may carry out, on a cost-
10 shared basis, collaborative research and devel-
11 opment with non-Federal entities, including
12 State and local governments, foreign govern-
13 ments, colleges and universities, corporations,
14 institutions, partnerships, sole proprietorships,
15 and trade associations that are incorporated or
16 established under the laws of any State.

17 “(B) AGREEMENTS.—In carrying out this
18 paragraph, the Secretary may enter into cooper-
19 ative research and development agreements (as
20 defined in section 12 of the Stevenson-Wydler
21 Technology Innovation Act of 1980 (15 U.S.C.
22 3710a)).

23 “(C) FEDERAL SHARE.—

24 “(i) IN GENERAL.—The Federal share
25 of the cost of activities carried out under

1 a cooperative research and development
2 agreement entered into under this para-
3 graph shall not exceed 50 percent, except
4 that if there is substantial public interest
5 or benefit, the Secretary may approve a
6 greater Federal share.

7 “(ii) NON-FEDERAL SHARE.—All costs
8 directly incurred by the non-Federal part-
9 ners, including personnel, travel, and hard-
10 ware development costs, shall be credited
11 toward the non-Federal share of the cost
12 of the activities described in clause (i).

13 “(D) USE OF TECHNOLOGY.—The re-
14 search, development, or use of a technology
15 under a cooperative research and development
16 agreement entered into under this paragraph,
17 including the terms under which the technology
18 may be licensed and the resulting royalties may
19 be distributed, shall be subject to the Steven-
20 son-Wydler Technology Innovation Act of 1980
21 (15 U.S.C. 3701 et seq.).

22 “(3) WAIVER OF ADVERTISING REQUIRE-
23 MENTS.—Section 3709 of the Revised Statutes (41
24 U.S.C. 5) shall not apply to a contract or agreement
25 entered into under this chapter.

1 “(b) MANDATORY ELEMENTS OF PROGRAM.—The
2 Secretary shall include in the surface transportation re-
3 search, development, and technology transfer programs
4 under this subsection and as specified elsewhere in this
5 title—

6 “(1) a coordinated long-term program of re-
7 search for the development, use, and dissemination
8 of performance indicators to measure the perform-
9 ance of the surface transportation systems of the
10 United States, including indicators for productivity,
11 efficiency, energy use, air quality, congestion, safety,
12 maintenance, and other factors that reflect the over-
13 all performance of the system; and

14 “(2) a program to strengthen and expand sur-
15 face transportation infrastructure research, develop-
16 ment, and technology transfer, which shall include,
17 at a minimum—

18 “(A) methods and materials for improving
19 the durability of surface transportation infra-
20 structure facilities and extending the life of
21 bridge structures, including new and innovative
22 technologies to reduce corrosion;

23 “(B) a research and development program
24 directed toward the reduction of costs, and the

1 mitigation of impacts, associated with the con-
2 struction of highways and mass transit systems;

3 “(C) a surface transportation research pro-
4 gram to develop nondestructive evaluation
5 equipment for use with existing infrastructure
6 facilities and with next-generation infrastruc-
7 ture facilities that use advanced materials;

8 “(D)(i) information technology, including
9 appropriate computer programs to collect and
10 analyze data on the status of infrastructure fa-
11 cilities described in subparagraph (C) with re-
12 spect to enhancing management, growth, and
13 capacity; and

14 “(ii) dynamic simulation models of surface
15 transportation systems for—

16 “(I) predicting capacity, safety, and
17 infrastructure durability problems;

18 “(II) evaluating planned research
19 projects; and

20 “(III) testing the strengths and weak-
21 nesses of proposed revisions to surface
22 transportation operation programs;

23 “(E) new innovative technologies to en-
24 hance and facilitate field construction and reha-

1 bilitation techniques for minimizing disruption
2 during repair and maintenance of structures;

3 “(F) initiatives to improve the ability of
4 the United States to respond to emergencies
5 and natural disasters and to enhance national
6 defense mobility; and

7 “(G) an evaluation of traffic calming meas-
8 ures that promote community preservation,
9 transportation mode choice, and safety.

10 “(c) REPORT ON GOALS, MILESTONES, AND ACCOM-
11 PLISHMENTS.—The goals, milestones, and accomplish-
12 ments relevant to each of the mandatory program ele-
13 ments described in subsection (b) shall be specified in the
14 report required under section 5221(d) of title 49.”.

15 **SEC. 2006. ADVANCED RESEARCH PROGRAM.**

16 Subchapter I of chapter 5 of title 23, United States
17 Code (as added by section 2005), is amended by adding
18 at the end the following:

19 **“§ 503. Advanced research program**

20 “(a) ESTABLISHMENT.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish an advanced research program within the Fed-
23 eral Highway Administration to address longer-term,
24 higher-risk research that shows potential benefits for
25 improving the durability, mobility, efficiency, envi-

1 ronmental impact, productivity, and safety of trans-
2 portation systems.

3 “(2) DEVELOPMENT OF PARTNERSHIPS.—In
4 carrying out the program, the Secretary shall at-
5 tempt to develop partnerships with the public and
6 private sectors.

7 “(b) GRANTS, COOPERATIVE AGREEMENTS, AND
8 CONTRACTS.—Under the program, the Secretary may
9 make grants and enter into cooperative agreements and
10 contracts for advanced research.

11 “(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

12 “(1) IN GENERAL.—There shall be available
13 from the Highway Trust Fund (other than the Mass
14 Transit Account) to carry out this section
15 \$5,000,000 for fiscal year 1998, \$7,000,000 for fis-
16 cal year 1999, \$9,000,000 for fiscal year 2000, and
17 \$10,000,000 for each of fiscal years 2001 through
18 2003.

19 “(2) CONTRACT AUTHORITY.—Funds author-
20 ized under this section shall be available for obliga-
21 tion in the same manner as if the funds were appor-
22 tioned under chapter 1, except that the Federal
23 share of the cost of any activity funded under this
24 subsection shall be determined by the Secretary.”.

1 **SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PRO-**
2 **GRAM.**

3 Subchapter I of chapter 5 of title 23, United States
4 Code (as amended by section 2006), is amended by adding
5 at the end the following:

6 **“§ 504. Long-term pavement performance program**

7 “(a) **AUTHORITY.**—The Secretary shall complete the
8 long-term pavement performance program tests initiated
9 under the strategic highway research program established
10 under section 307(d) (as in effect on the day before the
11 date of enactment of this section) and continued by the
12 Intermodal Surface Transportation Efficiency Act of 1991
13 (Public Law 102–240) through the midpoint of a planned
14 20-year life of the long-term pavement performance pro-
15 gram (referred to in this section as the ‘program’).

16 “(b) **GRANTS, COOPERATIVE AGREEMENTS, AND**
17 **CONTRACTS.**—Under the program, the Secretary shall
18 make grants and enter into cooperative agreements and
19 contracts to—

20 “(1) monitor, material-test, and evaluate high-
21 way test sections in existence as of the date of the
22 grant, agreement, or contract;

23 “(2) analyze the data obtained in carrying out
24 paragraph (1); and

25 “(3) prepare products to fulfill program objec-
26 tives and meet future pavement technology needs.

1 “(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

2 “(1) IN GENERAL.—There shall be available
3 from the Highway Trust Fund (other than the Mass
4 Transit Account) to carry out this section
5 \$15,000,000 for each of fiscal years 1998 through
6 2003.

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

11 “(A) the Federal share of the cost of any
12 activity funded under this section shall be de-
13 termined by the Secretary; and

14 “(B) the funds shall remain available for
15 obligation for a period of 3 years after the last
16 day of the fiscal year for which the funds are
17 authorized.”.

18 **SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.**

19 Subchapter I of chapter 5 of title 23, United States
20 Code (as amended by section 2007), is amended by adding
21 at the end the following:

22 **“§ 505. State planning and research program**

23 “(a) IN GENERAL.—

24 “(1) AVAILABILITY OF FUNDS.—Two percent of
25 the sums apportioned for fiscal year 1998 and each

1 fiscal year thereafter to any State under section 104
2 (except section 104(f)) and any transfers or addi-
3 tions to the surface transportation program under
4 section 133 shall be available for expenditure by the
5 State transportation ~~agency~~ *department*, in consulta-
6 tion with the Secretary, in accordance with this sec-
7 tion.

8 “(2) USE OF FUNDS.—The sums referred to in
9 paragraph (1) shall be available only for—

10 “(A) intermodal metropolitan, statewide,
11 and nonmetropolitan planning under sections
12 134 and 135;

13 “(B) development and implementation of
14 management systems referred to in section 303;

15 “(C) studies, research, development, and
16 technology transfer activities necessary for the
17 planning, design, construction, management,
18 operation, maintenance, regulation, and tax-
19 ation of the use of surface transportation sys-
20 tems, including training and accreditation of in-
21 spection and testing on engineering standards
22 and construction materials for the systems; and

23 “(D) studies of the economy, safety, and
24 convenience of surface transportation usage and

1 the desirable regulation and equitable taxation
2 of surface transportation usage.

3 “(b) MINIMUM EXPENDITURES ON STUDIES, RE-
4 SEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER
5 ACTIVITIES.—

6 “(1) IN GENERAL.—*For each fiscal year, N*not
7 less than 25 percent of the funds of a State that are
8 subject to subsection (a) shall be expended by the
9 State transportation ~~agency~~ *department* for studies,
10 research, development, and technology transfer ac-
11 tivities described in subparagraphs (C) and (D) of
12 subsection (a)(2) unless the State certifies to the
13 Secretary for the fiscal year that the total expendi-
14 tures by the State transportation ~~agency~~ *department*
15 for transportation planning under sections 134 and
16 135 will exceed 75 percent of the amount of the
17 funds and the Secretary accepts the certification.

18 “(2) EXEMPTION FROM SMALL BUSINESS AS-
19 SESSMENT.—Funds expended under paragraph (1)
20 shall not be considered to be part of the extramural
21 budget of the agency for the purpose of section 9 of
22 the Small Business Act (15 U.S.C. 638).

23 “(c) FEDERAL SHARE.—The Federal share of the
24 cost of a project financed with funds referred to in sub-
25 section (a) shall be 80 percent unless the Secretary deter-

1 mines that the interests of the Federal-aid highway pro-
 2 gram would be best served by decreasing or eliminating
 3 the non-Federal share.

4 “(d) ADMINISTRATION OF FUNDS.—Funds referred
 5 to in subsection (a) shall be combined and administered
 6 by the Secretary as a single fund, which shall be available
 7 for obligation for the same period as funds apportioned
 8 under section 104(b)(1).”.

9 **SEC. 2009. EDUCATION AND TRAINING.**

10 Subchapter I of chapter 5 of title 23, United States
 11 Code (as amended by section 2008), is amended by adding
 12 at the end the following:

13 **“§ 506. Education and training**

14 “(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

15 “(1) AUTHORITY.—The Secretary shall carry
 16 out a transportation assistance program that will
 17 provide access to modern highway technology to—

18 “(A) highway and transportation agencies
 19 in urbanized areas with populations of between
 20 50,000 and 1,000,000 individuals;

21 “(B) highway and transportation agencies
 22 in rural areas; and

23 “(C) contractors that do work for the
 24 agencies.

1 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND
2 CONTRACTS.—The Secretary may make grants and
3 enter into cooperative agreements and contracts to
4 provide education and training, technical assistance,
5 and related support services that will—

6 “(A) assist rural, local transportation
7 agencies and tribal governments, and the con-
8 sultants and construction personnel working for
9 the agencies and governments, to—

10 “(i) develop and expand their exper-
11 tise in road and transportation areas (in-
12 cluding pavement, bridge, safety manage-
13 ment systems, and traffic safety counter-
14 measures);

15 “(ii) improve roads and bridges;

16 “(iii) enhance—

17 “(I) programs for the movement
18 of passengers and freight; and

19 “(II) intergovernmental transpor-
20 tation planning and project selection;
21 and

22 “(iv) deal effectively with special
23 transportation-related problems by prepar-
24 ing and providing training packages,

1 manuals, guidelines, and technical resource
2 materials;

3 “(B) identify, package, and deliver trans-
4 portation technology and traffic safety informa-
5 tion to local jurisdictions to assist urban trans-
6 portation agencies in developing and expanding
7 their ability to deal effectively with transpor-
8 tation-related problems;

9 “(C) operate, in cooperation with State
10 transportation ~~agencies~~ *departments* and univer-
11 sities—

12 “(i) local technical assistance program
13 centers to provide transportation tech-
14 nology transfer services to rural areas and
15 to urbanized areas with populations of be-
16 tween 50,000 and 1,000,000 individuals;
17 and

18 “(ii) local technical assistance pro-
19 gram centers designated to provide trans-
20 portation technical assistance to Indian
21 tribal governments; and

22 “(D) allow local transportation agencies
23 and tribal governments, in cooperation with the
24 private sector, to enhance new technology im-
25 plementation.

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) \$7,000,000 for fis-
6 cal year 1998, \$7,000,000 for fiscal year 1999,
7 \$7,000,000 for fiscal year 2000, \$8,000,000 for
8 fiscal year 2001, \$8,000,000 for fiscal year
9 2002, and \$8,000,000 for fiscal year 2003 to be
10 used to develop and administer the program es-
11 tablished under this section and to provide tech-
12 nical and financial support for the centers oper-
13 ated under paragraph (2)(C).

14 “(B) CONTRACT AUTHORITY.—Funds au-
15 thorized under this paragraph shall be available
16 for obligation in the same manner as if the
17 funds were apportioned under chapter 1, except
18 that—

19 “(i) the Federal share of the cost of
20 any activity under this subsection shall be
21 determined by the Secretary; and

22 “(ii) the funds shall remain available
23 for obligation for a period of 3 years after
24 the last day of the fiscal year for which the
25 funds are authorized.

1 “(b) NATIONAL HIGHWAY INSTITUTE.—

2 “(1) ESTABLISHMENT; DUTIES; PROGRAMS.—

3 “(A) ESTABLISHMENT.—The Secretary
4 shall establish and operate in the Federal High-
5 way Administration a National Highway Insti-
6 tute (referred to in this subsection as the ‘Insti-
7 tute’).

8 “(B) DUTIES.—

9 “(i) INSTITUTE.—In cooperation with
10 State transportation ~~agencies~~ *departments*,
11 United States industry, and any national
12 or international entity, the Institute shall
13 develop and administer education and
14 training programs of instruction for—

15 “(I) Federal Highway Adminis-
16 tration, State, and local transpor-
17 tation agency employees;

18 “(II) regional, State, and metro-
19 politan planning organizations;

20 “(III) State and local police, pub-
21 lic safety, and motor vehicle employ-
22 ees; and

23 “(IV) United States citizens and
24 foreign nationals engaged or to be en-

1 gaged in surface transportation work
2 of interest to the United States.

3 “(ii) SECRETARY.—The Secretary
4 shall administer, through the Institute, the
5 authority vested in the Secretary by this
6 title or by any other law for the develop-
7 ment and conduct of education and train-
8 ing programs relating to highways.

9 “(C) TYPES OF PROGRAMS.—Programs
10 that the Institute may develop and administer
11 may include courses in modern developments,
12 techniques, methods, regulations, management,
13 and procedures relating to—

- 14 “(i) surface transportation;
15 “(ii) environmental factors;
16 “(iii) acquisition of rights-of-way;
17 “(iv) relocation assistance;
18 “(v) engineering;
19 “(vi) safety;
20 “(vii) construction;
21 “(viii) maintenance;
22 “(ix) operations;
23 “(x) contract administration;
24 “(xi) motor carrier activities;
25 “(xii) inspection; and

1 “(xiii) highway finance.

2 “(2) SET ASIDE; FEDERAL SHARE.—Not to ex-
3 ceed $\frac{1}{4}$ of 1 percent of the funds apportioned to a
4 State under section 104(b)(3) for the surface trans-
5 portation program shall be available for expenditure
6 by ~~transportation agencies of the State~~ *the State*
7 *transportation department* for the payment of not to
8 exceed 80 percent of the cost of tuition and direct
9 educational expenses (excluding travel, subsistence,
10 or salaries) in connection with the education and
11 training of employees of State and local transpor-
12 tation agencies in accordance with this subsection.

13 “(3) FEDERAL RESPONSIBILITY.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), education and training of
16 employees of Federal, State, and local transpor-
17 tation (including highway) agencies authorized
18 under this subsection may be provided—

19 “(i) by the Secretary at no cost to the
20 States and local governments if the Sec-
21 retary determines that provision at no cost
22 is in the public interest; or

23 “(ii) by the State through grants, co-
24 operative agreements, and contracts with

1 public and private agencies, institutions,
2 individuals, and the Institute.

3 “(B) PAYMENT OF FULL COST BY PRIVATE
4 PERSONS.—Private agencies, international or
5 foreign entities, and individuals shall pay the
6 full cost of any education and training received
7 by them unless the Secretary determines that a
8 lower cost is of critical importance to the public
9 interest.

10 “(4) TRAINING FELLOWSHIPS; COOPERATION.—

11 The Institute may—

12 “(A) engage in training activities author-
13 ized under this subsection, including the grant-
14 ing of training fellowships; and

15 “(B) carry out its authority independently
16 or in cooperation with any other branch of the
17 Federal Government or any State agency, au-
18 thority, association, institution, for-profit or
19 nonprofit corporation, other national or inter-
20 national entity, or other person.

21 “(5) COLLECTION OF FEES.—

22 “(A) GENERAL RULE.—In accordance with
23 this subsection, the Institute may assess and
24 collect fees solely to defray the costs of the In-

1 stitute in developing or administering education
2 and training programs under this subsection.

3 “(B) LIMITATION.—Fees may be assessed
4 and collected under this subsection only in a
5 manner that may reasonably be expected to re-
6 sult in the collection of fees during any fiscal
7 year in an aggregate amount that does not ex-
8 ceed the aggregate amount of the costs referred
9 to in subparagraph (A) for the fiscal year.

10 “(C) PERSONS SUBJECT TO FEES.—Fees
11 may be assessed and collected under this sub-
12 section only with respect to—

13 “(i) persons and entities for whom
14 education or training programs are devel-
15 oped or administered under this sub-
16 section; and

17 “(ii) persons and entities to whom
18 education or training is provided under
19 this subsection.

20 “(D) AMOUNT OF FEES.—The fees as-
21 sessed and collected under this subsection shall
22 be established in a manner that ensures that
23 the liability of any person or entity for a fee is
24 reasonably based on the proportion of the costs

1 referred to in subparagraph (A) that relate to
2 the person or entity.

3 “(E) USE.—All fees collected under this
4 subsection shall be used to defray costs associ-
5 ated with the development or administration of
6 education and training programs authorized
7 under this subsection.

8 “(6) FUNDING.—

9 “(A) AUTHORIZATION OF CONTRACT AU-
10 THORITY.—There shall be available from the
11 Highway Trust Fund (other than the Mass
12 Transit Account) to carry out this subsection
13 \$5,000,000 for fiscal year 1998, \$5,000,000 for
14 fiscal year 1999, \$5,000,000 for fiscal year
15 2000, \$6,000,000 for fiscal year 2001,
16 \$6,000,000 for fiscal year 2002, and
17 \$6,000,000 for fiscal year 2003.

18 “(B) RELATION TO ~~OTHER~~ FEES.—The
19 funds provided under this paragraph may be
20 combined with or held separate from the fees
21 collected under paragraph (5).

22 “(C) CONTRACT AUTHORITY.—Funds au-
23 thorized under this paragraph shall be available
24 for obligation in the same manner as if the

1 funds were apportioned under chapter 1, except
2 that—

3 “(i) the Federal share of the cost of
4 any activity under this subsection shall be
5 determined by the Secretary; and

6 “(ii) the funds shall remain available
7 for obligation for a period of 1 year after
8 the last day of the fiscal year for which the
9 funds are authorized.

10 “(7) CONTRACTS.—Section 3709 of the Revised
11 Statutes (41 U.S.C. 5) shall not apply to a contract
12 or agreement entered into under this subsection.

13 “(c) DWIGHT DAVID EISENHOWER TRANSPOR-
14 TATION FELLOWSHIP PROGRAM.—

15 “(1) GENERAL AUTHORITY.—The Secretary,
16 acting independently or in cooperation with other
17 Federal departments, agencies, and instrumental-
18 ities, may make grants for fellowships for any pur-
19 pose for which research, technology, or capacity
20 building is authorized under this chapter.

21 “(2) DWIGHT DAVID EISENHOWER TRANSPOR-
22 TATION FELLOWSHIP PROGRAM.—

23 “(A) IN GENERAL.—The Secretary shall
24 carry out a transportation fellowship program,
25 to be known as the ‘Dwight David Eisenhower

1 Transportation Fellowship Program', for the
2 purpose of attracting qualified students to the
3 field of transportation.

4 “(B) TYPES OF FELLOWSHIPS.—The pro-
5 gram shall offer fellowships at the junior
6 through postdoctoral levels of college education.

7 “(C) CITIZENSHIP.—Each recipient of a
8 fellowship under the program shall be a United
9 States citizen.

10 “(3) AUTHORIZATION OF CONTRACT AUTHOR-
11 ITY.—

12 “(A) IN GENERAL.—There shall be avail-
13 able from the Highway Trust Fund (other than
14 the Mass Transit Account) to carry out this
15 subsection \$2,000,000 for each of fiscal years
16 1998 through 2003.

17 “(B) CONTRACT AUTHORITY.—Funds au-
18 thorized under this paragraph shall be available
19 for obligation in the same manner as if the
20 funds were apportioned under chapter 1, except
21 that—

22 “(i) the Federal share of the cost of
23 any activity funded under this subsection
24 shall be determined by the Secretary; and

1 “(ii) the funds shall remain available
2 for obligation for a period of 1 year after
3 the last day of the fiscal year for which the
4 funds are authorized.

5 “(d) HIGHWAY CONSTRUCTION TRAINING PRO-
6 GRAMS.—

7 “(1) USE OF FUNDS BY THE SECRETARY.—

8 “(A) IN GENERAL.—The Secretary, in co-
9 operation with any other department or agency
10 of the Federal Government, State agency, au-
11 thority, association, institution, Indian tribal
12 government, for-profit or nonprofit corporation,
13 or other organization or person, may—

14 “(i) develop, conduct, and administer
15 highway construction and technology train-
16 ing, including skill improvement, programs;
17 and

18 “(ii) develop and fund Summer
19 Transportation Institutes.

20 “(B) WAIVER OF ADVERTISING REQUIRE-
21 MENTS.—Section 3709 of the Revised Statutes
22 (41 U.S.C. 5) shall not apply to a contract or
23 agreement entered into by the Secretary under
24 this subsection.

25 “(C) FUNDING.—

1 “(i) IN GENERAL.—Before making ap-
2 portionments under section 104(b) for a
3 fiscal year, the Secretary shall deduct such
4 sums as the Secretary determines are nec-
5 essary, but not to exceed \$10,000,000 for
6 each fiscal year, to carry out this sub-
7 section.

8 “(ii) AVAILABILITY.—Sums deducted
9 under clause (i) shall remain available
10 until expended.

11 “(2) USE OF FUNDS APPORTIONED TO
12 STATES.—Notwithstanding any other provision of
13 law, upon request of a State transportation depart-
14 ment to the Secretary, not to exceed $\frac{1}{2}$ of 1 percent
15 of the funds apportioned to the State for a fiscal
16 year under paragraphs (1) and (3) of section 104(b)
17 may be made available to carry out this subsection.

18 “(3) RESERVATION OF TRAINING POSITIONS
19 FOR INDIVIDUALS RECEIVING WELFARE ASSIST-
20 ANCE.—In carrying out this subsection, the Sec-
21 retary and States may reserve training positions for
22 individuals who receive welfare assistance from a
23 State.”.

1 **SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION**
2 **OUTREACH PROGRAM.**

3 (a) IN GENERAL.—Title 23, United States Code, is
4 amended—

5 (1) by redesignating section 325 as section 507;

6 (2) by moving that section to appear at the end
7 of subchapter I of chapter 5 (as amended by section
8 2009);

9 (3) in subsection (a) of that section, by insert-
10 ing “, goods, and services” after “expertise”; and

11 (4) by striking subsection (c) of that section
12 and inserting the following:

13 “(c) USE OF FUNDS.—

14 “(1) FUNDS DEPOSITED IN SPECIAL AC-
15 COUNT.—Funds available to carry out this section
16 shall include funds deposited by any cooperating or-
17 ganization or person in a special account for the
18 program established under this section with the Sec-
19 retary of the Treasury.

20 “(2) USE OF FUNDS.—The funds deposited in
21 the special account and other funds available to
22 carry out this section shall be available to pay the
23 cost of any activity eligible under this section, in-
24 cluding the cost of promotional materials, travel, re-
25 ception and representation expenses, and salaries

1 and benefits of officers and employees of the Depart-
2 ment of Transportation.

3 “(3) REIMBURSEMENTS.—Reimbursements for
4 the salaries and benefits of Federal Highway Admin-
5 istration employees who provide services under this
6 section shall be credited to the special account.

7 “(d) ELIGIBLE USE OF STATE PLANNING AND RE-
8 SEARCH FUNDS.—A State, in coordination with the Sec-
9 retary, may obligate funds made available to carry out sec-
10 tion 505 for any activity authorized under subsection
11 (a).”.

12 (b) CONFORMING AMENDMENT.—The analysis for
13 chapter 3 of title 23, United States Code, is amended by
14 striking the item relating to section 325.

15 **SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**
16 **TIVES AND PARTNERSHIPS PROGRAM.**

17 Subchapter I of chapter 5 of title 23, United States
18 Code (as amended by section 2010), is amended by adding
19 at the end the following:

20 **“§ 508. National technology deployment initiatives**
21 **and partnerships program**

22 “(a) ESTABLISHMENT.—The Secretary shall develop
23 and administer a national technology deployment initia-
24 tives *and partnerships* program (*referred to in this section*
25 *as the ‘program’*).

1 “(b) PURPOSE.—The purpose of the program is to
2 significantly accelerate the adoption of innovative tech-
3 nologies by the surface transportation community.

4 “(c) DEPLOYMENT GOALS.—

5 “(1) ESTABLISHMENT.—Not later than 180
6 days after the date of enactment of this Act, the
7 Secretary shall establish not more than 5 deploy-
8 ment goals to carry out subsection (a).

9 “(2) DESIGN.—Each of the goals and the pro-
10 gram developed to achieve the goals shall be de-
11 signed to provide tangible benefits, with respect to
12 transportation systems, in the areas of efficiency,
13 safety, reliability, service life, environmental protec-
14 tion, or sustainability.

15 “(3) STRATEGIES FOR ACHIEVEMENT.—For
16 each goal, the Secretary, in cooperation with rep-
17 resentatives of the transportation community such
18 as States, local governments, the private sector, and
19 academia, shall use domestic and international tech-
20 nology to develop strategies and initiatives to achieve
21 the goal, including technical assistance in deploying
22 technology and mechanisms for sharing information
23 among program participants.

24 “(d) CONTINUATION OF SHRP PARTNERSHIPS.—
25 Under the program, the Secretary shall continue the part-

1 nerships established through the strategic highway re-
2 search program established under section 307(d) (as in
3 effect on the day before the date of enactment of this sec-
4 tion).

5 “(e) GRANTS, COOPERATIVE AGREEMENTS, AND
6 CONTRACTS.—Under the program, the Secretary may
7 make grants and enter into cooperative agreements and
8 contracts to foster alliances and support efforts to stimu-
9 late advances in transportation technology, including—

10 “(1) the testing and evaluation of products of
11 the strategic highway research program;

12 “(2) the further development and implementa-
13 tion of technology in areas such as the Superpave
14 system and the use of lithium salts to prevent and
15 mitigate alkali silica reactivity; and

16 “(3) the provision of support for long-term
17 pavement performance product implementation and
18 technology access.

19 “(f) REPORTS.—Not later than 18 months after the
20 date of enactment of this section, and biennially there-
21 after, the Secretary shall submit to the Committee on En-
22 vironment and Public Works of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report on the progress and results
25 of activities carried out under this section.

1 “(g) FUNDING.—

2 “(1) AUTHORIZATION OF CONTRACT AUTHOR-
3 ITY.—There shall be available from the Highway
4 Trust Fund (other than the Mass Transit Account)
5 to carry out this section \$50,000,000 for each of fis-
6 cal years 1998 through 2003.

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

11 “(A) the Federal share of the cost of any
12 activity under this section shall be determined
13 by the Secretary; and

14 “(B) the funds shall remain available for
15 obligation for a period of 3 years after the last
16 day of the fiscal year for which the funds are
17 authorized.

18 “(3) ALLOCATION.—To the extent appropriate
19 to achieve the goals established under subsection (c),
20 the Secretary may further allocate funds made avail-
21 able ~~to carry out~~ *under* this subsection to States for
22 their use.”.

1 **SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.**

2 Subchapter I of chapter 5 of title 23, United States
3 Code (as amended by section 2011), is amended by adding
4 at the end the following:

5 **“§ 509. Infrastructure investment needs report**

6 “Not later than January 31, 1999, and January 31
7 of every second year thereafter, the Secretary shall report
8 to the Committee on Environment and Public Works of
9 the Senate and the Committee on Transportation and In-
10 frastructure of the House of Representatives on estimates
11 of the future highway and bridge needs of the United
12 States.”.

13 **SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CON-**
14 **STRUCTION PROGRAM.**

15 Subchapter I of chapter 5 of title 23, United States
16 Code (as amended by section 2012), is amended by adding
17 at the end the following:

18 **“§ 510. Innovative bridge research and construction**
19 **program**

20 “(a) IN GENERAL.—The Secretary shall establish
21 and carry out a program to demonstrate the application
22 of innovative material technology in the construction of
23 bridges and other structures.

24 “(b) GOALS.—The goals of the program shall in-
25 clude—

1 “(1) the development of new, cost-effective in-
2 novative material highway bridge applications;

3 “(2) the reduction of maintenance costs and
4 life-cycle costs of bridges, including the costs of new
5 construction, replacement, or rehabilitation of defi-
6 cient bridges;

7 “(3) the development of construction techniques
8 to increase safety and reduce construction time and
9 traffic congestion;

10 “(4) the development of engineering design cri-
11 teria for innovative products and materials for use
12 in highway bridges and structures; and

13 “(5) the development of highway bridges and
14 structures that will withstand natural disasters, in-
15 cluding alternative processes for the seismic retrofit
16 of bridges.

17 “(c) GRANTS, COOPERATIVE AGREEMENTS, AND
18 CONTRACTS.—

19 “(1) IN GENERAL.—Under the program, the
20 Secretary shall make grants to, and enter into coop-
21 erative agreements and contracts with—

22 “(A) States, other Federal agencies, uni-
23 versities and colleges, private sector entities,
24 and nonprofit organizations to pay the Federal
25 share of the cost of research, development, and

1 technology transfer concerning innovative mate-
2 rials; and

3 “(B) States to pay the Federal share of
4 the cost of repair, rehabilitation, replacement,
5 and new construction of bridges or structures
6 that demonstrates the application of innovative
7 materials.

8 “(2) GRANTS.—

9 “(A) APPLICATIONS.—

10 “(i) SUBMISSION.—To receive a grant
11 under this section, an entity described in
12 paragraph (1) shall submit an application
13 to the Secretary.

14 “(ii) CONTENTS.—The application
15 shall be in such form and contain such in-
16 formation as the Secretary may require.

17 “(B) APPROVAL CRITERIA.—The Secretary
18 shall select and approve applications for grants
19 under this section based on whether the project
20 that is the subject of the grant meets the goals
21 of the program described in subsection (b).

22 “(d) TECHNOLOGY AND INFORMATION TRANSFER.—
23 The Secretary shall take such action as is necessary to
24 ensure that the information and technology resulting from
25 research conducted under subsection (c) is made available

1 to State and local transportation departments and other
2 interested parties as specified by the Secretary.

3 “(e) FEDERAL SHARE.—The Federal share of the
4 cost of a project under this section shall be determined
5 by the Secretary.

6 “(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

7 “(1) IN GENERAL.—There shall be available
8 from the Highway Trust Fund (other than the Mass
9 Transit Account)—

10 “(A) to carry out subsection (c)(1)(A)
11 \$1,000,000 for each of fiscal years 1998
12 through 2003; and

13 “(B) to carry out subsection (c)(1)(B)—

14 “(i) \$10,000,000 for fiscal year 1998;

15 “(ii) \$15,000,000 for fiscal year 1999;

16 “(iii) \$17,000,000 for fiscal year
17 2000; and

18 “(iv) \$20,000,000 for each of fiscal
19 years 2001 through 2003.

20 “(2) CONTRACT AUTHORITY.—Funds author-
21 ized under this subsection shall be made available
22 for obligation in the same manner as if the funds
23 were apportioned under chapter 1, except that the
24 Federal share of the cost of a project under this sec-

1 tion shall be determined in accordance with this sec-
2 tion.”.

3 **SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINIS-**
4 **TRATIVE FUNDS.**

5 Section 204(b) of title 23, United States Code, is
6 amended in the last sentence by striking “326” and insert-
7 ing “506”.

8 **SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RE-**
9 **SEARCH PROGRAM.**

10 Subchapter I of chapter 5 of title 23, United States
11 Code (as amended by section 2013), is amended by adding
12 at the end the following:

13 **“§ 511. Study of future strategic highway research**
14 **program**

15 “(a) STUDY.—

16 “(1) IN GENERAL.—Not later than 120 days
17 after the date of enactment of this section, the Sec-
18 retary shall make a grant to, or enter into a cooper-
19 ative agreement or contract with, the Transportation
20 Research Board of the National Academy of
21 Sciences (referred to in this section as the ‘Board’)
22 to conduct a study to determine the goals, purposes,
23 research agenda and projects, administrative struc-
24 ture, and fiscal needs for a new strategic highway
25 research program to replace the program established

1 under section 307(d) (as in effect on the day before
2 the date of enactment of this section), or a similar
3 effort.

4 “(2) CONSULTATION.—In conducting the study,
5 the Board shall consult with the American Associa-
6 tion of State Highway and Transportation Officials
7 and such other entities as the Board determines to
8 be necessary to the conduct of the study.

9 “(b) REPORT.—Not later than 2 years after making
10 a grant or entering into a cooperative agreement or con-
11 tract under subsection (a), the Board shall submit a final
12 report on the results of the study to the Secretary, the
13 Committee on Environment and Public Works of the Sen-
14 ate, and the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives.”.

16 **SEC. 2016. JOINT PARTNERSHIPS FOR ADVANCED VEHI-**
17 **CLES, COMPONENTS, AND INFRASTRUCTURE**
18 **PROGRAM.**

19 (a) IN GENERAL.—Subchapter I of chapter 3 of sub-
20 title I of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 **“§ 310. Joint partnerships for advanced vehicles,**
23 **components, and infrastructure program**

24 “(a) PURPOSES.—The Secretary of Transportation,
25 in coordination with other government agencies and pri-

1 vate consortia, shall encourage and promote the research,
2 development, and deployment of transportation tech-
3 nologies that will use technological advances in multimodal
4 vehicles, vehicle components, environmental technologies,
5 and related infrastructure to remove impediments to an
6 efficient and cost-effective national transportation system.

7 “(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In
8 this section, the term ‘eligible consortium’ means a consor-
9 tium that receives funding under the Department of De-
10 fense Appropriations Act, 1993 (Public Law 102–396;
11 106 Stat. 1876), and that comprises 2 or more of the fol-
12 lowing entities:

13 “(1) Businesses incorporated in the United
14 States.

15 “(2) Public or private educational or research
16 organizations located in the United States.

17 “(3) Entities of State or local governments in
18 the United States.

19 “(4) Federal laboratories.

20 “(c) PROGRAM.—The Secretary shall enter into con-
21 tracts, cooperative agreements, and other transactions as
22 authorized by section 2371 of title 10 with, and make
23 grants to, eligible consortia to promote the development
24 and deployment of innovation in transportation technology
25 services, management, and operational practices.

1 “(d) ELIGIBILITY CRITERIA.—To be eligible to re-
2 ceive assistance under this section, an eligible consortium
3 shall—

4 “(1) for a period of not less than the 3 years
5 preceding the date of a contract, cooperative agree-
6 ment, or other transaction, be organized on a state-
7 wide or multistate basis for the purpose of design-
8 ing, developing, and deploying transportation tech-
9 nologies that address identified technological impedi-
10 ments in the transportation field;

11 “(2) facilitate the participation in the Consor-
12 tium of small- and medium-sized businesses, utili-
13 ties, public laboratories and universities, and other
14 relevant entities;

15 “(3) be actively engaged in transportation tech-
16 nology projects that address compliance in ~~non-at-~~
17 ~~tainment~~ *nonattainment* areas under the Clean Air
18 Act (42 U.S.C. 7401 et seq.);

19 “(4) be designed to use Federal and State fund-
20 ing to attract private capital in the form of grants
21 or investments to carry out this section; and

22 “(5) ensure that at least 50 percent of the
23 funding for the consortium project will be provided
24 by non-Federal sources.

1 “(e) PROPOSALS.—The Secretary shall prescribe
2 such terms and conditions as the Secretary determines to
3 be appropriate for the content and structure of proposals
4 submitted for assistance under this section.

5 “(f) REPORTING REQUIREMENTS.—At least once
6 each year, the Secretary shall submit to the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives and the Committee on Environment and
9 Public Works of the Senate a report on the projects under-
10 taken by the eligible consortia and the progress made in
11 advancing the purposes of this section.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$50,000,000 for each of fiscal years 1998 through 2003,
15 to remain available until expended.”.

16 (b) CONFORMING AMENDMENT.—The analysis for
17 subchapter I of chapter 3 of subtitle I of title 49, United
18 States Code, is amended by adding at the end the follow-
19 ing:

“310. Joint partnerships for advanced vehicles, components, and infrastructure
program.”.

1 **SEC. 2017. CONFORMING AMENDMENTS.**

2 **SEC. 2017. TRANSPORTATION AND ENVIRONMENT COOPER-**
3 **ATIVE RESEARCH PROGRAM.**

4 *Subchapter I of chapter 5 of title 23, United States*
5 *Code (as amended by section 2015), is amended by adding*
6 *at the end the following:*

7 **“§512. Transportation and environment cooperative**
8 **research program**

9 *“(a) IN GENERAL.—The Secretary shall establish and*
10 *carry out a transportation and environment cooperative re-*
11 *search program.*

12 *“(b) ADVISORY BOARD.—*

13 *“(1) ESTABLISHMENT.—In consultation with the*
14 *Secretary of Energy and the Administrator of the En-*
15 *vironmental Protection Agency, the Secretary shall es-*
16 *tablish an advisory board to recommend environ-*
17 *mental and energy conservation research, technology,*
18 *and technology transfer activities related to surface*
19 *transportation.*

20 *“(2) MEMBERSHIP.—The advisory board shall*
21 *include—*

22 *“(A) representatives of State transportation*
23 *and environmental agencies;*

24 *“(B) transportation and environmental sci-*
25 *entists and engineers; and*

1 “(C) representatives of metropolitan plan-
2 ning organizations, transit operating agencies,
3 and environmental organizations.

4 “(3) DEVELOPMENT OF RESEARCH PRIOR-
5 ITIES.—In developing recommendations for priorities
6 for research described in paragraph (1), the advisory
7 board shall consider the research recommendations of
8 the National Research Council report entitled ‘Envi-
9 ronmental Research Needs in Transportation’.

10 “(4) APPLICABILITY OF FEDERAL ADVISORY COM-
11 MITTEE ACT.—The Federal Advisory Committee Act
12 (5 U.S.C. App.) shall not apply to the advisory board.

13 “(c) NATIONAL ACADEMY OF SCIENCES.—

14 “(1) IN GENERAL.—The Secretary may make
15 grants to, and enter into cooperative agreements with,
16 the National Academy of Sciences to carry out such
17 activities related to the research, technology, and tech-
18 nology transfer activities described in subsection
19 (b)(1) as the Secretary determines to be appropriate.

20 “(2) ECOSYSTEM INTEGRITY STUDY.—

21 “(A) IN GENERAL.—The Secretary shall
22 give priority to conducting a study of, and pre-
23 paring a report on, the relationship between
24 highway density and ecosystem integrity, includ-
25 ing an analysis of the habitat-level impacts of

1 *highway density on the overall health of*
2 *ecosystems.*

3 “(B) *PROPOSAL OF RAPID ASSESSMENT*
4 *METHODOLOGY.—To aid transportation and reg-*
5 *ulatory agencies, the report shall propose a rapid*
6 *assessment methodology for determining the rela-*
7 *tionship between highway density and ecosystem*
8 *integrity.*

9 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section*
11 *\$5,000,000 for each of fiscal years 1998 through 2003.”.*

12 **SEC. 2018. CONFORMING AMENDMENTS.**

13 (a) Sections 307, 321, and 326 of title 23, United
14 States Code, are repealed.

15 (b) The analysis for chapter 3 of title 23, United
16 States Code, is amended by striking the items relating to
17 sections 307, 321, and 326.

18 (c) Section 115(a)(1)(A)(i) of title 23, United States
19 Code, is amended by striking “or 307” and inserting “or
20 505”.

21 (d) Section 151(d) of title 23, United States Code,
22 is amended by striking “section 307(a),” and inserting
23 “section 506,”.

24 (e) Section 106 of Public Law 89–564 (23 U.S.C.
25 403 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~~: *public*;

9 “(13) *to enhance the safe operation of motor ve-*
10 *hicles, including motorcycles, and nonmotorized vehi-*
11 *cles on the surface transportation systems of the Unit-*
12 *ed States, with a particular emphasis on decreasing*
13 *the number and severity of collisions; and*

14 “(14) *to accommodate the needs of all users of*
15 *the surface transportation systems of the United*
16 *States, including the operators of commercial vehicles,*
17 *passenger vehicles, and motorcycles.*

18 **“§ 522. Definitions**

19 “In this subchapter:

20 “(1) COMMERCIAL VEHICLE INFORMATION SYS-
21 TEMS AND NETWORKS.—The term ‘Commercial Ve-
22 hicle Information Systems and Networks’ means the
23 information systems and communications networks
24 that support commercial vehicle operations.

1 “(2) COMMERCIAL VEHICLE OPERATIONS.—The
2 term ‘commercial vehicle operations’—

3 “(A) means motor carrier operations and
4 motor vehicle regulatory activities associated
5 with the commercial movement of goods, includ-
6 ing hazardous materials, and passengers; and

7 “(B) with respect to the public sector, in-
8 cludes the issuance of operating credentials, the
9 administration of motor vehicle and fuel taxes,
10 and roadside safety and border crossing inspec-
11 tion and regulatory compliance operations.

12 “(3) COMPLETED STANDARD.—The term ‘com-
13 pleted standard’ means a standard adopted and pub-
14 lished by the appropriate standards-setting organiza-
15 tion through a voluntary consensus standardmaking
16 process.

17 “(4) CORRIDOR.—The term ‘corridor’ means
18 any major transportation route that includes parallel
19 limited access highways, major arterials, or transit
20 lines.

21 “(5) INTELLIGENT TRANSPORTATION SYS-
22 TEM.—The term ‘intelligent transportation system’
23 means electronics, communications, or information
24 processing used singly or in combination to improve

1 the efficiency or safety of a surface transportation
2 system.

3 “(6) NATIONAL ARCHITECTURE.—The term
4 ‘national architecture’ means the common frame-
5 work for interoperability adopted by the Secretary
6 that defines—

7 “(A) the functions associated with intel-
8 ligent transportation system user services;

9 “(B) the physical entities or subsystems
10 within which the functions reside;

11 “(C) the data interfaces and information
12 flows between physical subsystems; and

13 “(D) the communications requirements as-
14 sociated with the information flows.

15 “(7) PROVISIONAL STANDARD.—The term ‘pro-
16 visional standard’ means a provisional standard es-
17 tablished by the Secretary under section ~~528(e)~~
18 *529(c)*.

19 “(8) STANDARD.—The term ‘standard’ means a
20 document that—

21 “(A) contains technical specifications or
22 other precise criteria for intelligent transpor-
23 tation systems that are to be used consistently
24 as rules, guidelines, or definitions of character-
25 istics so as to ensure that materials, products,

1 processes, and services are fit for their pur-
2 poses; and

3 “(B) may support the national architecture
4 and promote—

5 “(i) the widespread use and adoption
6 of intelligent transportation system tech-
7 nology as a component of the surface
8 transportation systems of the United
9 States; and

10 “(ii) interoperability among intelligent
11 transportation system technologies imple-
12 mented throughout the States.

13 **“§ 523. Cooperation, consultation, and analysis**

14 “(a) COOPERATION.—In carrying out this sub-
15 chapter, the Secretary shall—

16 “(1) foster enhanced operation and manage-
17 ment of the surface transportation systems of the
18 United States;

19 “(2) promote the widespread deployment of in-
20 telligent transportation systems; and

21 “(3) advance emerging technologies, in coopera-
22 tion with State and local governments and the pri-
23 vate sector.

24 “(b) CONSULTATION.—As appropriate, in carrying
25 out this subchapter, the Secretary shall—

1 “(1) consult with the heads of other interested
2 Federal departments and agencies; and

3 “(2) maximize the involvement of the United
4 States private sector, colleges and universities, and
5 State and local governments in all aspects of carry-
6 ing out this subchapter.

7 “(c) PROCUREMENT METHODS.—To meet the need
8 for effective implementation of intelligent transportation
9 system projects, the Secretary shall develop appropriate
10 technical assistance and guidance to assist State and local
11 agencies in evaluating and selecting appropriate methods
12 of procurement for intelligent transportation system
13 projects, including innovative and nontraditional methods
14 of procurement.

15 **“§ 524. Research, development, and training**

16 “(a) IN GENERAL.—The Secretary shall carry out a
17 comprehensive program of intelligent transportation sys-
18 tem research, development, operational testing, technical
19 assistance and training, national architecture activities,
20 standards development and implementation, and other
21 similar activities that are necessary to carry out the pur-
22 poses of this subchapter.

23 “(b) INTELLIGENT VEHICLE AND INTELLIGENT IN-
24 FRASTRUCTURE PROGRAMS.—

25 “(1) IN GENERAL.—

1 “(A) PROGRAM.—The Secretary shall
2 carry out a program to conduct research, devel-
3 opment, and engineering designed to stimulate
4 and advance deployment of an integrated intel-
5 ligent vehicle program and an integrated intel-
6 ligent infrastructure program, consisting of—

7 “(i) projects such as crash avoidance,
8 automated highway systems, advanced ve-
9 hicle controls, and roadway safety and effi-
10 ciency systems linked to intelligent vehi-
11 cles; and

12 “(ii) projects that improve mobility
13 and the quality of the environment, includ-
14 ing projects for traffic management, inci-
15 dent management, transit management,
16 toll collection, traveler information, and
17 traffic control systems.

18 “(B) CONSIDERATION OF VEHICLE AND
19 INFRASTRUCTURE ELEMENTS.—In carrying out
20 subparagraph (A), the Secretary may consider
21 systems that include both vehicle and infra-
22 structure elements and determine the most ap-
23 propriate mix of those elements.

1 “(2) NATIONAL ARCHITECTURE.—The program
2 carried out under paragraph (1) shall be consistent
3 with the national architecture.

4 “(3) PRIORITIES.—In carrying out paragraph
5 (1), the Secretary shall give higher priority to activi-
6 ties that—

7 “(A) assist motor vehicle drivers in avoid-
8 ing motor vehicle crashes;

9 “(B) assist in the development of an auto-
10 mated highway system; or

11 “(C) improve the integration of air bag
12 technology with other on-board safety systems
13 *and maximize the safety benefits of the simulta-*
14 *neous use of an automatic restraint system and*
15 *seat belts.*

16 “(4) COST SHARING.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), the Federal share of the cost
19 of a research project carried out in cooperation
20 with a non-Federal entity under a program car-
21 ried out under paragraph (1) shall not exceed
22 80 percent.

23 “(B) INNOVATIVE OR HIGH-RISK RE-
24 SEARCH PROJECTS.—The Federal share of the
25 cost of an innovative or high-risk research

1 project described in subparagraph (A) may, at
2 the discretion of the Secretary, be 100 percent.

3 “(5) PLAN.—The Secretary shall—

4 “(A) not later than 1 year after the date
5 of enactment of this subchapter, submit to Con-
6 gress a 6-year plan specifying the goals, objec-
7 tives, and milestones to be achieved by each
8 program carried out under paragraph (1); and

9 “(B) report biennially to Congress on the
10 progress in meeting the goals, objectives, and
11 milestones.

12 “(c) EVALUATION.—

13 “(1) GUIDELINES AND REQUIREMENTS.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish guidelines and requirements for the
16 independent evaluation of field and related
17 operational tests, and, if necessary, deployment
18 projects, carried out under this subchapter.

19 “(B) REQUIRED PROVISIONS.—The guide-
20 lines and requirements established under sub-
21 paragraph (A) shall include provisions to ensure
22 the objectivity and independence of the evalua-
23 tor so as to avoid any real or apparent conflict
24 of interest or potential influence on the outcome
25 by parties to any such test or deployment

1 project or by any other formal evaluation car-
2 ried out under this subchapter.

3 “(2) FUNDING.—

4 “(A) SMALL PROJECTS.—In the case of a
5 test or project with a cost of less than
6 \$5,000,000, the Secretary may allocate not
7 more than 15 percent of the funds made avail-
8 able to carry out the test or project for an eval-
9 uation of the test or project.

10 “(B) MODERATE PROJECTS.—In the case
11 of a test or project with a cost of \$5,000,000
12 or more, but less than \$10,000,000, the Sec-
13 retary may allocate not more than 10 percent
14 of the funds made available to carry out the
15 test or project for an evaluation of the test or
16 project.

17 “(C) LARGE PROJECTS.—In the case of a
18 test or project with a cost of \$10,000,000 or
19 more, the Secretary may allocate not more than
20 5 percent of the funds made available to carry
21 out the test or project for an evaluation of the
22 test or project.

23 “(3) INAPPLICABILITY OF PAPERWORK REDUC-
24 TION ACT.—Any survey, questionnaire, or interview
25 that the Secretary considers necessary to carry out

1 the evaluation of any test or program assessment ac-
2 tivity under this subchapter shall not be subject to
3 chapter 35 of title 44.

4 “(d) INFORMATION CLEARINGHOUSE.—

5 “(1) IN GENERAL.—The Secretary shall—

6 “(A) maintain a repository for technical
7 and safety data collected as a result of federally
8 sponsored projects carried out under this sub-
9 chapter; and

10 “(B) on request, make that information
11 (except for proprietary information and data)
12 readily available to all users of the repository at
13 an appropriate cost.

14 “(2) DELEGATION OF AUTHORITY.—

15 “(A) IN GENERAL.—The Secretary may
16 delegate the responsibility of the Secretary
17 under this subsection, with continuing oversight
18 by the Secretary, to an appropriate entity not
19 within the Department of Transportation.

20 “(B) FEDERAL ASSISTANCE.—If the Sec-
21 retary delegates the responsibility, the entity to
22 which the responsibility is delegated shall be eli-
23 gible for Federal assistance under this section.

24 “(e) TRAFFIC INCIDENT MANAGEMENT AND RE-
25 SPONSE.—The Secretary shall carry out a program to ad-

1 vance traffic incident management and response tech-
2 nologies, strategies, and partnerships that are fully inte-
3 grated with intelligent transportation systems.

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 \$120,000,000 for fiscal year 1998, \$125,000,000 for
9 fiscal year 1999, \$130,000,000 for fiscal year 2000,
10 \$135,000,000 for fiscal year 2001, \$140,000,000 for
11 fiscal year 2002, and \$150,000,000 for fiscal year
12 2003, of which, for each fiscal year—

13 “(A) not less than \$25,000,000 shall be
14 available for activities that assist motor vehicle
15 drivers in avoiding motor vehicle crashes, in-
16 cluding activities that improve the integration
17 of air bag technology with other on-board safety
18 systems;

19 “(B) not less than \$25,000,000 shall be
20 available for activities that assist in the develop-
21 ment of an automated highway system; and

22 “(C) not less than \$3,000,000 shall be
23 available for traffic incident management and
24 response.

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.

5 **“§ 525. Intelligent transportation system integration**
6 **program**

7 “(a) IN GENERAL.—The Secretary shall conduct a
8 comprehensive program (referred to in this section as the
9 ‘program’) to accelerate the integration and interoper-
10 ability of intelligent transportation systems.

11 “(b) SELECTION OF PROJECTS.—

12 “(1) IN GENERAL.—Under the program, the
13 Secretary shall select for funding, through competi-
14 tive solicitation, projects that will serve as models to
15 improve transportation efficiency, promote safety, in-
16 crease traffic flow, reduce emissions of air pollut-
17 ants, improve traveler information, or enhance alter-
18 native transportation modes.

19 “(2) PRIORITIES.—Under the program, the
20 Secretary shall give higher priority to funding
21 projects that—

22 “(A) promote and foster integration strate-
23 gies and written agreements among local gov-
24 ernments, States, and other regional entities;

1 “(B) build on existing (as of the date of
2 project selection) intelligent transportation sys-
3 tem projects;

4 “(C) deploy integrated intelligent transpor-
5 tation system projects throughout metropolitan
6 areas;

7 “(D) deploy integrated intelligent transpor-
8 tation system projects that enhance safe freight
9 movement or coordinate intermodal travel, in-
10 cluding intermodal travel at ports of entry into
11 the United States; and

12 “(E) advance intelligent transportation
13 system deployment projects that are consistent
14 with the national architecture and, as appro-
15 priate, comply with required standards as de-
16 scribed in section ~~528~~ 529.

17 “(c) PRIVATE SECTOR INVOLVEMENT.—In carrying
18 out the program, the Secretary shall encourage private
19 sector involvement and financial commitment, to the maxi-
20 mum extent practicable, through innovative financial ar-
21 rangements, especially public-private partnerships.

22 “(d) FINANCING AND OPERATIONS PLANS.—As a
23 condition of receipt of funds under the program, a recipi-
24 ent participating in a project shall submit to the Secretary
25 a multiyear financing and operations plan that describes

1 how the project can be cost-effectively operated and main-
2 tained.

3 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

4 “(1) IN GENERAL.—There shall be available
5 from the Highway Trust Fund (other than the Mass
6 Transit Account) to carry out this section
7 \$100,000,000 for fiscal year 1998, \$110,000,000 for
8 fiscal year 1999, \$115,000,000 for fiscal year 2000,
9 \$130,000,000 for fiscal year 2001, \$135,000,000 for
10 fiscal year 2002, and \$145,000,000 for fiscal year
11 2003.

12 “(2) CONTRACT AUTHORITY.—Funds author-
13 ized under this subsection shall be available for obli-
14 gation in the same manner as if the funds were ap-
15 portioned under chapter 1, except that, in the case
16 of a project funded under paragraph (1)—

17 “(A) the Federal share of the cost of the
18 project payable from funds made available
19 under paragraph (1) shall not exceed 50 per-
20 cent; and

21 “(B) the total Federal share of the cost of
22 the project payable from all eligible sources (in-
23 cluding paragraph (1)) shall not exceed 80 per-
24 cent.

1 **“§ 526. Integration program for rural areas**

2 “(a) IN GENERAL.—The Secretary shall conduct a
3 comprehensive program (referred to in this section as the
4 ‘program’) to accelerate the integration or deployment of
5 intelligent transportation systems in rural areas.

6 “(b) SELECTION OF PROJECTS.—Under the pro-
7 gram, the Secretary shall—

8 “(1) select projects through competitive solicita-
9 tion; and

10 “(2) give higher priority to funding projects
11 that—

12 “(A) promote and foster integration strate-
13 gies and agreements among local governments,
14 States, and other regional entities;

15 “(B) deploy integrated intelligent transpor-
16 tation system projects that improve mobility,
17 enhance the safety of the movement of pas-
18 senger vehicles and freight, or promote tourism;
19 or

20 “(C) advance intelligent transportation
21 system deployment projects that are consistent
22 with the national architecture and comply with
23 required standards as described in section ~~528~~
24 ~~529~~.

25 “(c) PRIVATE SECTOR INVOLVEMENT.—In carrying
26 out the program, the Secretary shall encourage private

1 sector involvement and financial commitment, to the maxi-
2 mum extent practicable, through innovative financial ar-
3 rangements, especially public-private partnerships.

4 “(d) FINANCING AND OPERATIONS PLANS.—As a
5 condition of receipt of funds under the program, a recipi-
6 ent participating in a project shall submit to the Secretary
7 a multiyear financing and operations plan that describes
8 how the project can be cost-effectively operated and main-
9 tained

10 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

11 “(1) IN GENERAL.—There shall be available
12 from the Highway Trust Fund (other than the Mass
13 Transit Account) to carry out this section
14 \$10,000,000 for fiscal year 1998, \$10,000,000 for
15 fiscal year 1999, \$15,000,000 for fiscal year 2000,
16 \$15,000,000 for fiscal year 2001, \$20,000,000 for
17 fiscal year 2002, and \$20,000,000 for fiscal year
18 2003.

19 “(2) CONTRACT AUTHORITY.—Funds author-
20 ized under this subsection shall be available for obli-
21 gation in the same manner as if the funds were ap-
22 portioned under chapter 1, except that, in the case
23 of a project funded under paragraph (1)—

24 “(A) the Federal share of the cost of the
25 project payable from funds made available

1 under paragraph (1) shall not exceed 50 per-
2 cent; and

3 “(B) the total Federal share of the cost of
4 the project payable from all eligible sources (in-
5 cluding paragraph (1)) shall not exceed 80 per-
6 cent.

7 **“§ 527. Commercial vehicle intelligent transportation**
8 **system infrastructure**

9 “(a) IN GENERAL.—The Secretary shall carry out a
10 comprehensive program—

11 “(1) to deploy intelligent transportation systems
12 that will promote the safety and productivity of com-
13 mercial vehicles and drivers; and

14 “(2) to reduce costs associated with commercial
15 vehicle operations and State and Federal commercial
16 vehicle regulatory requirements.

17 “(b) ELEMENTS OF PROGRAM.—

18 “(1) SAFETY INFORMATION SYSTEMS AND NET-
19 WORKS.—

20 “(A) IN GENERAL.—The program shall ad-
21 vance the technological capability and promote
22 the deployment of commercial vehicle, commer-
23 cial driver, and carrier-specific safety informa-
24 tion systems and networks and other intelligent
25 transportation system technologies used to as-

1 sist States in identifying high-risk commercial
2 operations and in conducting other innovative
3 safety strategies, including the Commercial Ve-
4 hicle Information Systems and Networks.

5 “(B) FOCUS OF PROJECTS.—Projects as-
6 sisted under the program shall focus on—

7 “(i) identifying and eliminating unsafe
8 and illegal carriers, vehicles, and drivers in
9 a manner that does not unduly hinder the
10 productivity and efficiency of safe and
11 legal commercial operations;

12 “(ii) enhancing the safe passage of
13 commercial vehicles across the United
14 States and across international borders;

15 “(iii) reducing the numbers of viola-
16 tions of out-of-service orders; and

17 “(iv) complying with directives to ad-
18 dress other safety violations.

19 “(2) MONITORING SYSTEMS.—The program
20 shall advance on-board driver and vehicle safety
21 monitoring systems, including fitness-for-duty,
22 brake, and other operational monitoring tech-
23 nologies, that will facilitate commercial vehicle safe-
24 ty, including inspection by motor carrier safety as-

1 sistance program officers and employees under chap-
2 ter 311 of title 49.

3 “(c) USE OF FEDERAL FUNDS.—

4 “(1) IN GENERAL.—Federal funds used to
5 carry out the program shall be primarily used to im-
6 prove—

7 “(A) commercial vehicle safety and the ef-
8 fectiveness and efficiency of enforcement efforts
9 conducted under the motor carrier safety assist-
10 ance program under chapter 311 of title 49;

11 “(B) electronic processing of registration,
12 driver licensing, fuel tax, and other safety infor-
13 mation; and

14 “(C) communication of the information de-
15 scribed in subparagraph (B) ~~to other~~ *among the*
16 States.

17 “(2) LEVERAGING.—Federal funds used to
18 carry out the program shall, to the maximum extent
19 practicable—

20 “(A) be leveraged with non-Federal funds;
21 and

22 “(B) be used for activities not carried out
23 through the use of private funds.

1 “(d) FEDERAL SHARE.—The Federal share of the
2 cost of a project assisted under the program shall be not
3 more than 80 percent.

4 “(e) 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 \$25,000,000 for fiscal year 1998, \$25,000,000 for
9 fiscal year 1999, \$25,000,000 for fiscal year 2000,
10 \$35,000,000 for fiscal year 2001, \$35,000,000 for
11 fiscal year 2002, and \$40,000,000 for fiscal year
12 2003.

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, except that, in the case
17 of a project funded under paragraph (1)—

18 “(A) the Federal share of the cost of the
19 project payable from funds made available
20 under paragraph (1) shall not exceed 50 per-
21 cent; and

22 “(B) the total Federal share of the cost of
23 the project payable from all eligible sources (in-
24 cluding paragraph (1)) shall not exceed 80 per-
25 cent.

1 **“§ 528. Corridor development and coordination**

2 “(a) *IN GENERAL.*—*The Secretary shall encourage*
 3 *multistate cooperative agreements, coalitions, or other ar-*
 4 *rangements intended to promote regional cooperation, plan-*
 5 *ning, and shared project implementation for intelligent*
 6 *transportation system projects.*

7 “(b) *FUNDING.*—*There shall be available to carry out*
 8 *this section for each fiscal year not more than—*

9 “(1) *\$3,000,000 of the amounts made available*
 10 *under section 524(f); and*

11 “(2) *\$7,000,000 of the amounts made available*
 12 *under section 525(e).*

13 **“§ 528 529. Standards**

14 “(a) *IN GENERAL.*—

15 “(1) *DEVELOPMENT, IMPLEMENTATION, AND*
 16 *MAINTENANCE.*—*The Secretary shall develop, imple-*
 17 *ment, and maintain a national architecture and sup-*
 18 *porting standards to promote the widespread use*
 19 *and evaluation of intelligent transportation system*
 20 *technology as a component of the surface transpor-*
 21 *tation systems of the United States.*

22 “(2) *INTEROPERABILITY AND EFFICIENCY.*—*To*
 23 *the maximum extent practicable, the standards shall*
 24 *promote interoperability among, and efficiency of,*
 25 *intelligent transportation system technologies imple-*
 26 *mented throughout the States.*

1 “(3) USE OF STANDARDS-SETTING ORGANIZA-
2 TIONS.—In carrying out this section, the Secretary
3 may use the services of such standards-setting orga-
4 nizations as the Secretary determines appropriate.

5 “(b) REPORT.—

6 “(1) IN GENERAL.—Not later than January 1,
7 1999, the Secretary shall submit a report describing
8 the status of all standards.

9 “(2) CONTENTS.—The report shall—

10 “(A) identify each standard that is needed
11 for operation of intelligent transportation sys-
12 tems in the United States;

13 “(B) specify the status of the development
14 of each standard;

15 “(C) provide a timetable for achieving
16 agreement on each standard as described in this
17 section; and

18 “(D) determine which standards are criti-
19 cal to ensuring national interoperability or criti-
20 cal to the development of other standards.

21 “(c) ESTABLISHMENT OF PROVISIONAL STAND-
22 ARDS.—

23 “(1) ESTABLISHMENT.—Subject to subsection
24 (d), if a standard determined to be critical under
25 subsection (b)(2)(D) is not adopted and published by

1 the appropriate standards-setting organization by
2 January 1, 2001, the Secretary shall establish a pro-
3 visional standard after consultation with affected
4 parties.

5 “(2) PERIOD OF EFFECTIVENESS.—The provi-
6 sional standard shall—

7 “(A) be published in the Federal Register;

8 “(B) take effect not later than May 1,
9 2001; and

10 “(C) remain in effect until the appropriate
11 standards-setting organization adopts and pub-
12 lishes a standard.

13 “(d) WAIVER OF REQUIREMENT TO ESTABLISH PRO-
14 VISIONAL STANDARDS.—

15 “(1) NOTICE.—The Secretary may waive the
16 requirement to establish a provisional standard by
17 submitting, not later than January 1, 2001, to the
18 Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and
20 Infrastructure of the House of Representatives, a
21 notice that—

22 “(A) specifies the provisional standard sub-
23 ject to the waiver;

24 “(B) describes the history of the develop-
25 ment of the standard subject to the waiver;

1 “(C) specifies the reasons why the require-
2 ment for the establishment of the provisional
3 standard is being waived;

4 “(D) describes the impacts of delaying the
5 establishment of the standard subject to the
6 waiver, especially the impacts on the purposes
7 of this subchapter; and

8 “(E) provides specific estimates as to when
9 the standard subject to the waiver is expected
10 to be adopted and published by the appropriate
11 standards-setting organization.

12 “(2) PROGRESS REPORTS.—

13 “(A) IN GENERAL.—In the case of each
14 standard subject to a waiver by the Secretary
15 under paragraph (1), the Secretary shall sub-
16 mit, in accordance with the schedule specified
17 in subparagraph (B), a report to the Committee
18 on Environment and Public Works of the Sen-
19 ate and the Committee on Transportation and
20 Infrastructure of the House of Representatives
21 on the progress of the adoption of a completed
22 standard.

23 “(B) SCHEDULE OF REPORTS.—The Sec-
24 retary shall submit a report under subpara-
25 graph (A) with respect to a standard—

1 “(i) not later than 180 days after the
2 date of submission of the notice under
3 paragraph (1) with respect to the stand-
4 ard; and

5 “(ii) at the end of each 180-day pe-
6 riod thereafter until such time as a stand-
7 ard has been adopted and published by the
8 appropriate standards-setting organization
9 or the waiver is withdrawn under para-
10 graph (3).

11 “(C) CONSULTATION.—In developing each
12 progress report under subparagraph (A), the
13 Secretary shall consult with the standards-set-
14 ting organizations involved in the
15 standardmaking process for the standard.

16 “(3) WITHDRAWAL OF WAIVER.—

17 “(A) IN GENERAL.—At any time, the Sec-
18 retary may, through notification to the Commit-
19 tee on Environment and Public Works of the
20 Senate and the Committee on Transportation
21 and Infrastructure of the House of Representa-
22 tives, withdraw a notice of a waiver of the re-
23 quirement to establish a provisional standard.

24 “(B) IMPLEMENTATION.—If the Secretary
25 submits notification under subparagraph (A)

1 with respect to a provisional standard, not less
2 than 30 days, but not more than 90 days, after
3 the date of the notification, the Secretary shall
4 implement the provisional standard, unless, by
5 the end of the 90-day period beginning on the
6 date of the notification, a standard has been
7 adopted and published by the appropriate
8 standards-setting organization.

9 “(e) REQUIREMENT FOR COMPLIANCE WITH STAND-
10 ARD.—

11 “(1) IN GENERAL.—

12 “(A) STANDARD IN EXISTENCE.—Funds
13 made available from the Highway Trust Fund
14 shall not be used to deploy an intelligent trans-
15 portation system technology if the technology
16 does not comply with each applicable provi-
17 sional standard or completed standard.

18 “(B) NO STANDARD IN EXISTENCE.—In
19 the absence of a provisional standard or com-
20 pleted standard, Federal funds shall not be
21 used to deploy an intelligent transportation sys-
22 tem technology if the deployment is not consist-
23 ent with the interfaces to ensure interoper-
24 ability that are contained in the national archi-
25 tecture.

1 “(2) APPLICABILITY.—Paragraph (1) shall not
2 apply to—

3 “(A) the operation or maintenance of an
4 intelligent transportation system in existence on
5 the date of enactment of this subchapter; or

6 “(B) the upgrade or expansion of an intel-
7 ligent transportation system in existence on the
8 date of enactment of this subchapter if the Sec-
9 retary determines that the upgrade or expan-
10 sion—

11 “(i) does not adversely affect the pur-
12 poses of this subchapter, especially the
13 goal of national or regional interoper-
14 ability;

15 “(ii) is carried out before the end of
16 the useful life of the system; and

17 “(iii) is cost effective as compared to
18 alternatives that meet the compliance re-
19 quirement of paragraph (1)(A) or the con-
20 sistency requirement of paragraph (1)(B).

21 “(f) SPECTRUM.—

22 “(1) CONSULTATION.—The Secretary shall con-
23 sult with the Secretary of Commerce, the Secretary
24 of Defense, and the Chairman of the Federal Com-
25 munications Commission to determine the best

1 means for securing the necessary spectrum for the
2 near-term establishment of a dedicated short-range
3 vehicle-to-wayside wireless standard and any other
4 spectrum that the Secretary determines to be critical
5 to the implementation of this title.

6 “(2) PROGRESS REPORT.—After consultation
7 under paragraph (1) and with other affected agen-
8 cies, but not later than 1 year after the date of en-
9 actment of this subchapter, the Secretary shall sub-
10 mit a report to Congress on the progress made in
11 securing the spectrum described in paragraph (1).

12 “(3) DEADLINE FOR SECURING SPECTRUM.—
13 Notwithstanding any other provision of law, not
14 later than 2 years after the date of enactment of
15 this subchapter, the Secretary of Commerce shall re-
16 lease to the Federal Communications Commission,
17 and the Federal Communications Commission shall
18 allocate, the spectrum described in paragraph (1).

19 “(g) FUNDING.—The Secretary shall use funds made
20 available under section 524 to carry out this section.

21 **“§ 529 530. Funding limitations**

22 “(a) CONSISTENCY WITH NATIONAL ARCHITEC-
23 TURE.—The Secretary shall use funds made available
24 under this subchapter to deploy intelligent transportation

1 system technologies that are consistent with the national
2 architecture.

3 “(b) COMPETITION WITH PRIVATELY FUNDED
4 PROJECTS.—To the maximum extent practicable, the Sec-
5 retary shall not fund any intelligent transportation system
6 operational test or deployment project that competes with
7 a similar privately funded project.

8 “(c) INFRASTRUCTURE DEVELOPMENT.—Funds
9 made available under this subchapter for operational tests
10 and deployment projects—

11 “(1) shall be used primarily for the development
12 of intelligent transportation system infrastructure;
13 and

14 “(2) to the maximum extent practicable, shall
15 not be used for the construction of physical highway
16 and transit infrastructure unless the construction is
17 incidental and critically necessary to the implemen-
18 tation of an intelligent transportation system
19 project.

20 “(d) PUBLIC RELATIONS AND TRAINING.—For each
21 fiscal year, not more than \$15,000,000 of the funds made
22 available under this subchapter shall be used for intel-
23 ligent transportation system outreach, public relations,
24 training, mainstreaming, shareholder relations, or related
25 activities.

1 **“§ 531. Use of innovative financing**

2 “(a) *IN GENERAL.*—*The Secretary may use up to 25*
3 *percent of the funds made available under this subchapter*
4 *and section 541 to make available loans, lines of credit, and*
5 *loan guarantees for projects that are eligible for assistance*
6 *under this title and that have significant intelligent trans-*
7 *portation system elements.*

8 “(b) *CONSISTENCY WITH OTHER LAW.*—*Credit assist-*
9 *ance described in subsection (a) shall be made available in*
10 *a manner consistent with the Transportation Infrastructure*
11 *Finance and Innovation Act of 1997.*

12 **“§ ~~530~~ 532. Advisory committees**

13 “(a) *IN GENERAL.*—*In carrying out this subchapter,*
14 *the Secretary shall use 1 or more advisory committees.*

15 “(b) *APPLICABILITY OF FEDERAL ADVISORY COM-*
16 *MITTEE ACT.*—*Any advisory committee so used shall be*
17 *subject to the Federal Advisory Committee Act (5 U.S.C.*
18 *App.).”.*

19 **SEC. 2104. CONFORMING AMENDMENT.**

20 The Intermodal Surface Transportation Efficiency
21 Act of 1991 is amended by striking part B of title VI (23
22 U.S.C. 307 note; 105 Stat. 2189).

1 **Subtitle C—Funding**

2 **SEC. 2201. FUNDING.**

3 Chapter 5 of title 23, United States Code (as amend-
4 ed by section 2103), is amended by adding at the end the
5 following:

6 “SUBCHAPTER III—FUNDING

7 “§ 541. **Funding**

8 “(a) RESEARCH, TECHNOLOGY, AND TRAINING.—
9 There shall be available from the Highway Trust Fund
10 (other than the Mass Transit Account) to carry out sec-
11 tions 502, 507, 509, and 511 \$98,000,000 for fiscal year
12 1998, \$101,000,000 for fiscal year 1999, \$104,000,000
13 for fiscal year 2000, \$107,000,000 for fiscal year 2001,
14 \$110,000,000 for fiscal year 2002, and \$114,000,000 for
15 fiscal year 2003.

16 “(b) CONTRACT AUTHORITY.—Funds authorized
17 under this section shall be available for obligation in the
18 same manner as if the funds were apportioned under chap-
19 ter 1, except that—

20 “(1) any Federal share of the cost of an activity
21 under this chapter shall be determined in accordance
22 with this chapter; and

23 “(2) the funds shall remain available for obliga-
24 tion for a period of 4 years after the last day of the
25 fiscal year for which the funds are authorized.

1 “(c) LIMITATIONS ON OBLIGATIONS.—Notwithstand-
2 ing any other provision of law, the total amount of all obli-
3 gations under subsection (a) shall not exceed—

4 “(1) \$98,000,000 for fiscal year 1998;

5 “(2) \$101,000,000 for fiscal year 1999;

6 “(3) \$104,000,000 for fiscal year 2000;

7 “(4) \$107,000,000 for fiscal year 2001;

8 “(5) \$110,000,000 for fiscal year 2002; and

9 “(6) \$114,000,000 for fiscal year 2003.”.