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105TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 105–467
Part 1

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

ON

H.R. 2400

together with

ADDITIONAL AND SEPARATE VIEWS

MARCH 25, 1998.—Ordered to be printed

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

105TH CONGRESS, *2d Session* | HOUSE OF REPRESENTATIVES | REPT. 105–467 Part 1

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MARCH 25, 1998.—Ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL AND SEPARATE VIEWS

[To accompany H.R. 2400]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Building Efficient Surface Transportation and Equity Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Savings clause.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Amendments to title 23, United States Code.
Sec. 102. Authorization of appropriations.
Sec. 103. Obligation ceiling.
Sec. 104. Apportionments.
Sec. 105. Interstate maintenance program.
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Sec. 122. Highway use tax evasion projects.
Sec. 123. Performance bonus program.
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Sec. 125. Statewide planning.
Sec. 126. Roadside safety technologies.
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Sec. 128. Woodrow Wilson Memorial Bridge.
Sec. 129. Training.
Sec. 130. Transportation assistance for Olympic cities.
Sec. 131. National Defense Highways.
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Sec. 135. Access of motorcycles.
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Sec. 137. Bicycle transportation and pedestrian walkways.
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Sec. 139. Project administration.
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TITLE II—HIGHWAY SAFETY

Sec. 201. Amendments to title 23, United States Code.
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Sec. 203. Highway safety research and development.
Sec. 204. Occupant protection incentive grants.
Sec. 205. Alcohol-impaired driving countermeasures.
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Sec. 207. National Driver Register.
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Sec. 209. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 210. Authorizations of appropriations.
Sec. 211. Transportation injury research.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 301. Amendments to title 49, United States Code.
Sec. 302. Definitions.
Sec. 303. Metropolitan planning.
Sec. 304. Transportation improvement program.
Sec. 305. Transportation management areas.
Sec. 306. Urbanized area formula grants.
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Sec. 311. Formula program for other than urbanized areas.
Sec. 312. Research, development, demonstration, and training projects.
Sec. 313. National planning and research programs.
Sec. 314. National transit institute.
Sec. 315. University research institutes.
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Sec. 317. Bus testing facilities.
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Sec. 319. General provisions on assistance.
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Sec. 701. Budgetary treatment of Highway Trust Fund.
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TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

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Sec. 901. High-speed rail.
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TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

Sec. 1001. Conditions for implementation of funding.

TITLE XI—REVENUES

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) INTERSTATE SYSTEM.—The term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. SAVINGS CLAUSE.

Except as otherwise provided in this Act, an amendment made by this Act shall not affect any funds apportioned or allocated before the date of the enactment of this Act.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title and title V an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

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

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,019,500,000 for fiscal year 1998, $4,462,600,000 for fiscal year 1999, and $5,006,200,000 for each of fiscal years 2000 through 2003.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,978,500,000 for fiscal year 1998, $5,520,500,000 for fiscal year 1999, and $6,186,500,000 for each of fiscal years 2000 through 2003.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $3,777,600,000 for fiscal year 1998, $4,194,000,000 for fiscal year 1999, and $4,704,800,000 for each of fiscal years 2000 through 2003.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $5,601,400,000 for fiscal year 1998, $6,218,900,000 for fiscal year 1999, and $6,976,300,000 for each of fiscal years 2000 through 2003.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,406,800,000 for fiscal year 1998, $1,561,900,000 for fiscal year 1999, and $1,752,200,000 for each of fiscal years 2000 through 2003.

(6) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program under section 154 of such title $750,000,000 for fiscal year 1998, $1,000,000,000 for fiscal year 1999, and $1,000,000,000 for each of fiscal years 2000 through 2003.

(7) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—For the high cost Interstate System reconstruction and improvement program under section 160 of such title $265,000,000 for fiscal year 1998, $512,500,000 for fiscal year 1999, $920,000,000 for fiscal year 2000, $923,000,000 for fiscal year 2001, $922,000,000 for fiscal year 2002, and $1,067,000,000 for fiscal year 2003.

(8) DISCRETIONARY PROGRAMS.—For executive and legislative branch discretionary programs referred to in section 127 of this Act (including amendments made by such section) $1,622,400,000 for fiscal year 1998, $2,215,300,000 for fiscal year 1999, $2,563,600,000 for fiscal year 2000, $2,563,600,000 for fiscal year 2001, $2,657,600,000 for fiscal year 2002, and $2,657,600,000 for fiscal year 2003.

(9) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) $250,000,000 for fiscal year 1998, $400,000,000 for fiscal year 1999, and $400,000,000 for each of fiscal years 2000 through 2003.

(10) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and $50,000,000 for each of fiscal years 2000 through 2003.

(11) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $194,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $212,000,000 for each of fiscal years 2000 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $58,000,000 for fiscal year 1998, $60,000,000 for fiscal year 1999, and $60,000,000 for each of fiscal years 2000 through 2003.

(C) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways under section 204 of such title $85,300,000 for fiscal year 1998, $86,200,000 for fiscal year 1999, and $99,000,000 for each of fiscal years 2000 through 2003.

(D) FOREST HIGHWAYS.—For forest highways under section 204 of such title $113,500,000 for fiscal year 1998, $130,000,000 for fiscal year 1999, and $130,000,000 for each of fiscal years 2000 through 2003.

(12) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) $5,000,000 for fiscal year 1998 and $10,000,000 for each of fiscal years 1999 through 2003.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and VI of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

(3) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and VI of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the annual gross receipts of the small business concerns; and

(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and VI of this Act; and

(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (2) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

(4) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

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

SEC. 103. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law, the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $25,300,000,000 for fiscal year 1999; and

(3) $28,400,000,000 for each of fiscal years 2000 through 2003.

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

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(7) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(8) under section 104(j) of title 23, United States Code, relating to high priority projects.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998 through 2003, the Secretary shall—

(1) not distribute amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) determine the ratio that—

(A) the obligation limitation imposed by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraph (1), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway programs (other than sums authorized to be appropriated for sections referred to in subsection (b)) for such fiscal year less the aggregate of amounts not distributed under paragraph (1);

(3)(A) multiply the ratio determined under paragraph (2) by the sums authorized to be appropriated for such fiscal year for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than the recreational trails program and programs to which paragraph (1) applies);

(B) not distribute such amount for each such program (other than the recreational trails program and programs to which paragraph (1) applies); and

(C) in administering such program, allocate such amount for such program;

(4) distribute the obligation limitation imposed by subsection (a) less the aggregate of amounts not distributed under paragraphs (1) and (3) and less amounts distributed under paragraph (5) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated to each State for such fiscal year and that are subject to the limitation imposed by subsection (a) bear to the total of the sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated for such fiscal year and that are subject to the limitation imposed by subsection (a); and

(5) distribute any amount determined under paragraph (3) for the recreational trails program in accordance with the formula set forth in section 104(h) of title 23, United States Code, for such program.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highway programs that have been apportioned to a State; and

(2) after August 1 of each of fiscal years 1998 through 2003 revise a distribution of the obligation authority made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways programs established by subsection (a) shall apply to transportation research programs carried out under chapter 3 of title 23, United States Code, and under title VI of this Act.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation authority under subsection (a) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds (A) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (B) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(5). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds that are authorized to be appropriated for such fiscal year to carry out the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, and that will not be available for obligation in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribu-

tion to the States shall be made in the same ratio as funds are apportioned under section 104(b)(5) of such title. The funds so distributed to a State shall be credited to the State's apportionment under such section 104(b)(5).

SEC. 104. APPORTIONMENTS.

(a) ADMINISTRATIVE TAKEDOWN.—Section 104(a) is amended to read as follows:

"(a) ADMINISTRATIVE TAKEDOWN.—Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high risk road safety program, the high cost Interstate System reconstruction and improvement program, the national corridor planning and development program, the border infrastructure and safety program, and the Federal lands highways program, the Secretary shall deduct a sum, in such amount not to exceed 1 percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid highway program. In making such determination, the Secretary shall take into account the unobligated balance of any sums deducted for such purposes in prior years. The sums so deducted shall remain available until expended. The Secretary may not transfer any of such sums to a Federal entity other than the Federal Highway Administration.".

(b) APPORTIONMENTS.—Section 104(b) is amended to read as follows:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the surface transportation program, the congestion mitigation and air quality improvement program, and the high risk road safety program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(A) In the case of a State with an average population density of 20 persons or fewer per square mile, and in the case of a State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(i) a percentage share of the remaining apportionments equal to the percentage specified for the State in section 104(h)(1) of the Building Efficient Surface Transportation and Equity Act of 1998; or

"(ii) a share determined under subparagraph (B).

"(B) Subject to subparagraph (A), in the case of any State for which the apportionment is not determined under subparagraph (A)(i), a share of the remaining apportionments determined in accordance with the following formula:

"(i) 1/9 of the remaining apportionments in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(ii) 1/9 of the remaining apportionments in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iii) 2/9 of the remaining apportionments in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iv) 2/9 of the remaining apportionments in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(v) 3/9 of the remaining apportionments in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States for which the apportionment is not determined under subparagraph (A)(i).

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) FORMULA.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment and mainte-

nance area populations of each State bear to the total weighted nonattainment and maintenance area population of all States.

"(B) CALCULATION OF WEIGHTED POPULATION.—Such weighted population shall be calculated by multiplying the population of each area within any State that was a nonattainment or maintenance area as described in subsection 149(b) for ozone, carbon monoxide, or particulate matter by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area has been redesignated as an attainment (maintenance) area under section 107(d) of the Clean Air Act;

"(ii) 1.1 if, at the time of apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

"(iii) 1.2 if, at the time of apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

"(iv) 1.3 if, at the time of apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

"(v) 1.4 if, at the time of apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

"(vi) 1.5 if, at the time of apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.2. if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in subsection 149(b) of this title for ozone, but is a nonattainment area for carbon monoxide or particulate matter.

"(C) ADDITIONAL FACTORS.—If the area was also classified under subpart 3 or 4 of part D of title I of the Clean Air Act as a nonattainment area described in section 149(b) for carbon monoxide or particulate matter or both, the weighted nonattainment area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2. For an area that is a nonattainment area for both carbon monoxide and for particulate matter and the area's weighted population was determined under clause (vii) of subparagraph (B), the area's weighted population shall be further multiplied by a factor of 1.2. For such areas, the population to which this factor is applied shall be the larger of the carbon monoxide and the particulate matter nonattainment area populations.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use annual estimates prepared by the Secretary of Commerce when determining population figures.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, 2 percent to the State of Alaska for any purpose described in section 133(b) and the remaining 98 percent apportioned as follows:

"(i) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce.

"(ii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States.

"(iii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual contributions by all States.

"(B) ADJUSTMENT.—The amount of funds which, but for this subparagraph, would be apportioned to each State for each fiscal year under subparagraph (A) shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned or allocated to such State for such fiscal year for Interstate maintenance, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, high risk road safety program, recreational trails program, Appalachian Development Highway System program, and metropolitan planning will ensure that the aggregate of such apportionments to any State that does not contribute to

the Highway Trust Fund does not exceed the aggregate of such apportionments to any State that does contribute to the Highway Trust Fund.

"(4) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program—

"(A) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

"(B) ⅓ in the ratio that each State's total public road mileage bears to the total public road mileage of all States; and

"(C) ⅓ in the ratio that the total vehicle miles traveled on public roads in each State bear to the total vehicle miles traveled on public roads in all States.

"(5) INTERSTATE MAINTENANCE.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(A) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States;

"(B) ⅓ in the ratio that the total vehicle miles traveled on Interstate routes open to traffic in each State bear to the total vehicle miles traveled on such routes in all States; and

"(C) ⅓ in the ratio that the total lane miles on such routes in each State bear to the total lane miles on such routes in all States.".

(c) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—Section 104(d) is amended—

(1) in paragraph (1) by striking "$300,000" and inserting "$500,000";

(2) in paragraph (2)(A) by striking "$5,000,000" and inserting "$5,250,000"; and

(3) by adding at the end of paragraph (2)(A) the following: "Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.".

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) is amended—

(1) by inserting "CERTIFICATION OF APPORTIONMENTS.—" after "(e)";

(2) by inserting "(1) IN GENERAL.—" before "On October 1";

(3) by striking the first parenthetical phrase;

(4) by striking "and research" the first place it appears;

(5) by striking the second sentence;

(6) by adding at the end the following:

"(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 of title 23, United States Code, on or before the 21st of a fiscal year, then the Secretary shall transmit, on or before such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner."; and

(7) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2) of such section, as added by paragraph (6) of this subsection.

(e) METROPOLITAN PLANNING SET-ASIDE.—Section 104(f) is amended—

(1) in paragraph (1) by striking "Interstate construction and Interstate substitute programs" and inserting "recreational trails program"; and

(2) in paragraph (3) by striking "120(j) of this title" and inserting "120(b)".

(f) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is amended to read as follows:

"(h) RECREATIONAL TRAILS PROGRAM.—

"(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

"(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder

of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

"(A) 50 percent of that amount shall be apportioned equally among eligible States.

"(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.".

(g) CROSS REFERENCE CORRECTIONS.—

(1) INTERSTATE MAINTENANCE PROGRAM.—Subsections (a), (d), and (f) of section 119 are each amended by striking "104(b)(5)(B)" each place it appears and inserting "104(b)(5)".

(2) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(f)(1) is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(5)".

(3) ADDITIONS TO INTERSTATE SYSTEM.—Section 139 is amended by striking "section 104(b)(5)(B) of this title" each place it appears and inserting "section 104(b)(5)".

(4) ACCOMMODATION OF OTHER MODES.—Section 142(c) is amended by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)".

(5) MINIMUM DRINKING AGES.—Section 158 is amended—

(A) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" each place it appears in subsection (a) and inserting "104(b)(3), and 104(b)(5)";

(B) in the heading to subsection (b) is amended by striking "PERIOD OF AVAILABILITY;"; and

(C) in subsection (b)—

(i) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(ii) by striking paragraphs (2), (3), and (4).

(6) SUSPENSION OF LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.—Section 159(b) is amended—

(A) by striking "PERIOD OF AVAILABILITY;" in the subsection heading; and

(B) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(C) by striking paragraphs (2), (3), and (4).

(7) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—Section 161(a) is amended by striking "(B)" each place it appears.

(h) STATE PERCENTAGES FOR NATIONAL HIGHWAY SYSTEM APPORTIONMENTS.—

(1) IN GENERAL.—The percentage referred to in section 104(b)(1) of title 23, United States Code, for each State shall be determined in accordance with the following table:

States:	Adjustment percentage
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.64
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.70
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23
Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.76
Ohio	3.77
Oklahoma	1.55

States:	Adjustment percentage
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

(2) ADDITIONAL RULE.—Any State with lane miles on the National Highway System totaling between 3,500 and 4,000 miles shall be treated as a State meeting the requirements of section 104(b)(1)(A) of title 23, United States Code, for purposes of such section.

(i) USE OF MOST UP-TO-DATE DATA.—The Secretary shall use the most up-to-date data available for the latest fiscal year for the purposes of making apportionments under this section and section 157 of title 23, United States Code.

(j) ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to section 2(c) of the Surface Transportation Extension Act of 1997, the Secretary shall ensure that the total apportionments for a State for fiscal year 1998 made under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount apportioned to such State under section 1003(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) REPAYMENT OF TRANSFERRED FUNDS.—The Secretary shall ensure that any apportionments made to a State for fiscal year 1998 and adjusted under paragraph (1) shall first be used to restore in accordance with section 3(c) of the Surface Transportation Extension Act of 1997 any funds that a State transferred under section 3 of such Act.

(3) INSUFFICIENT FUNDS FOR REPAYMENT.—If a State has insufficient funds apportioned in fiscal year 1998 under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) to make the adjustment required by paragraph (1), then the Secretary shall make an adjustment to any funds apportioned to such State in fiscal year 1999.

(4) ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, amounts made available for fiscal year 1998 by the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) for a program that is continued by both of sections 4, 5, 6, and 7 of the Surface Transportation Extension Act of 1997 (including amendments made by such sections) and the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount made available by such sections 4, 5, 6, and 7 for such programs.

SEC. 105. INTERSTATE MAINTENANCE PROGRAM.

Section 119 is further amended—

(1) in subsection (a)—

(A) by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(B) by striking "of this title and" and inserting a comma;

(C) by striking "this sentence" and inserting "the Building Efficient Surface Transportation and Equity Act of 1998";

(D) by striking "of this title;" and inserting ", and any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991;"; and

(E) by striking "subsection (e)" and inserting "section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159)";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

SEC. 106. NATIONAL HIGHWAY SYSTEM.

(a) COMPONENTS.—Section 103(b) is amended—

(1) by striking the last 4 sentences of paragraph (2)(B);

(2) in paragraph (2)(C) by striking "and be subject to approval by Congress in accordance with paragraph (3)"; and

(3) in paragraph (2)(D) by striking "and subject to approval by Congress in accordance with paragraph (3)".

(b) MAXIMUM MILEAGE.—Section 103(b) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent."; and

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

(c) DESIGNATION.—Section 103(b)(4), as so redesignated by subsection (b)(2) of this section, is amended—

(1) by inserting "(A) BASIC SYSTEM.—" before "The National";

(2) by inserting after subparagraph (A), as so designated by paragraph (1) of this subsection, the following:

"(B) INTERMODAL CONNECTORS.—The modifications to the National Highway System that consist of highway connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities, as submitted to Congress by the Secretary on the map dated May 24, 1996, are designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico."; and

(3) by indenting such subparagraph (A) and aligning it with subparagraph (B), as inserted by paragraph (2) of this subsection.

(d) MODIFICATIONS.—Section 103(b)(5)(A), as redesignated by subsection (b)(2) of this section, is amended by inserting "or, in the case of the strategic highway network, that are proposed by the Secretary in consultation with appropriate Federal agencies and the States" before "if the Secretary".

(e) CONFORMING AMENDMENTS.—Section 103(b) is amended—

(1) in paragraph (5), as redesignated by subsection (b)(2) of this section, by striking "Subject to paragraph (7), the" and inserting "The";

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (6); and

(4) in paragraph (6), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (4)".

(f) TECHNICAL AMENDMENT.—Section 103 is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(3) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) through (13) of subsection (i) as subparagraphs (A) through (M), respectively;

(3) by redesignating subsection (i) as paragraph (7);

(4) by moving such paragraph (7) (including such subparagraphs and clauses) to the end of subsection (b); and

(5) by moving such paragraph (7) (including such subparagraphs and clauses) 2 ems to the right.

(g) EFFECT ON EXISTING APPORTIONMENTS.—The amendments made by this section shall not affect funds apportioned or allocated under title 23, United States Code, before the date of the enactment of this Act.

(h) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall review the condition of and improvements made to connectors on the National Highway System approved by this Act that serve seaports, airports, and other intermodal freight transportation facilities since the designation of the National Highway System and shall report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors designated by this Act as part of the National Highway System and identify projects carried out on those connectors which were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments, including any funding for such connectors, and make any appropriate recommendations as part of the Secretary's report to Congress.

(i) HIGHWAY SIGNS ON THE NATIONAL HIGHWAY SYSTEM.—

(1) COMPETITION.—The Secretary shall conduct in accordance with this subsection a national children's competition to design a national logo sign for the routes comprising the National Highway System. Children 14 years of age and under shall be eligible for such competition.

(2) PANEL OF JUDGES.—The Secretary shall appoint a panel of not less than 6 persons to evaluate all designs submitted under the competition and select a winning design. The panel shall be composed of—

(A) a representative of the Department of Transportation;

(B) a representative designated by the American Association of State Highway and Transportation Officials;

(C) a representative of the motor carrier industry;

(D) a representative of private organizations dedicated to advancement of the arts; and

(E) a representative of the motoring public.

(3) REPORT AND PLAN.—Not later than 24 months after the date of the enactment of this section, the Secretary shall initiate and complete the competition and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the competition, a plan for the placement of logo signs on the National Highway System, and an estimate of the cost of implementing such plan.

(j) WEST VIRGINIA CORRIDOR 10.—The Secretary shall designate in the State of West Virginia Route 73 between Route 10 and United States Route 119, Route 10 between Route 80 and Route 73, and Route 80 between United States Route 52 and Route 10 as part of the National Highway System.

SEC. 107. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) is amended by inserting before the period at the end of the fourth sentence the following: ", and, if a State transfers funds apportioned to it under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds".

(b) DISCRETIONARY BRIDGE SET-ASIDE.—Section 144(g)(1) is amended—

(1) by inserting "(A) FISCAL YEARS 1992 THROUGH 1997.—" before "Of the amounts";

(2) by adding at the end the following:

"(B) FISCAL YEAR 1998.—The amounts authorized for fiscal year 1998 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. 25 percent of such amount shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

"(C) FISCAL YEARS 1999 THROUGH 2003.—The amounts authorized for each of fiscal years 1999 through 2003 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. Not to exceed 25 percent of such amount shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region."; and

(3) by indenting subparagraph (A), as so designated by paragraph (1) of this subsection, and aligning such subparagraph (A) with subparagraphs (B) and (C), as inserted by paragraph (2) of this subsection.

(c) OFF SYSTEM BRIDGE-SET ASIDE.—Section 144(g)(3) is amended—

(1) by striking ", 1988" and all that follows through "1997," and inserting "through 2003,"; and

(2) by striking "system" each place it appears and inserting "highway".

(d) ELIGIBILITY.—Section 144 is amended—

(1) in subsection (d) by inserting after "magnesium acetate" the following: ," sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures";

(2) in subsection (d) by inserting after "such acetate" each place it appears the following: "or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures"; and

(3) in subsection (g)(3) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable,

minimally corrosive anti-icing and de-icing compositions or install scour countermeasures".

(e) CONFORMING AMENDMENT.—Section 144(n) is amended by striking "system" and inserting "highway".

SEC. 108. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 133(a) is amended by inserting after "establish" the following: "and implement".

(b) APPLICATION OF ANTI-ICING AND DE-ICING COMPOSITIONS TO BRIDGES.—Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

(c) TRANSPORTATION CONTROL MEASURES.—Section 133(b)(9) is amended by striking "clauses (xii) and" and inserting "clause".

(d) ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT PROJECTS.—Section 133(b) is amended by adding at the end the following:

"(12) Environmental restoration and pollution abatement projects, including the retrofit or construction of storm water treatment systems, to address water pollution or environmental degradation caused or contributed to by existing transportation facilities at the time such transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

(e) DIVISION OF FUNDS.—Section 133(d)(3)(B) is amended by adding at the end the following: "Notwithstanding subsection (c), up to 15 percent of the amounts required to be obligated under this subparagraph may be obligated on roads functionally classified as minor collectors.".

(f) PROGRAM APPROVAL.—Section 133(e)(2) is amended to read as follows:

"(2) PROGRAM APPROVAL.—Each State shall submit a project agreement for each fiscal year, certifying that the State will meet all the requirements of this section and notifying the Secretary of the amount of obligations needed to administer the surface transportation program. Each State shall request adjustments to the amount of obligations as needed. The Secretary's approval of the project agreement shall be deemed a contractual obligation of the United States for the payment of surface transportation program funds provided under this title.".

(g) CONFORMING AMENDMENT.—Section 133(f) is amended by striking "6-fiscal year period 1992 through 1997" and inserting "fiscal years for which funds are made available by the Building Efficient Surface Transportation and Equity Act of 1998".

(h) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement projects under chapter 1 of title 23, United States Code.

SEC. 109. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) is amended by inserting after "establish" the following: "and implement".

(b) CURRENTLY ELIGIBLE PROJECTS.—Section 149(b) is amended—

(1) in paragraph (1)(A) by striking "clauses (xii) and"; and inserting "clause";

(2) by striking "or" at the end of paragraph (3);

(3) by striking "standard." at the end of paragraph (4) and inserting "standard; or"; and

(4) by inserting after paragraph (4) the following:

"(5) if the program or project would have been eligible for funding on or before September 30, 1997, under guidance issued by the Secretary to implement this section.".

(c) STUDY OF EFFECTIVENESS OF CMAQ PROGRAM.—

(1) STUDY.—The Secretary shall request the National Academy of Sciences to study the impact of the congestion mitigation and air quality improvement program on the air quality of nonattainment areas. The study shall, at a minimum—

(A) determine the amount of funds obligated under such program in each nonattainment area and to make a comprehensive analysis of the types of projects funded under such program;

(B) identify any improvements to or degradations of the air quality in each nonattainment area;

(C) measure the impact of the projects funded under such program on the air quality of each nonattainment area; and

(D) assess the cost effectiveness of projects funded under such program in nonattainment areas, including, to the extent possible, the cost per ton of reductions of ozone and carbon monoxide and reduction of traffic congestion.

(2) REPORT.—Not later than January 1, 2000, the National Academy of Sciences shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study with recommendations for modifications to the congestion mitigation and air quality improvement program in light of the results of the study.

(3) FUNDING.—Before making the apportionment of funds under section 104(b)(2) for each of fiscal years 1998 and 1999, the Secretary shall deduct from the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 110. HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 153 the following:

"§ 154. High risk road safety improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk road safety improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(4) only for construction and operational improvement projects, and for pavement marking and signing projects, on high risk roads and only if the primary purpose of the project is to improve highway safety on a high risk road.

"(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under section 104(b)(4) among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 or a survey established pursuant to section 152(a).

"(d) TRANSFERABILITY.—A State may transfer not to exceed 50 percent of the amount of funds apportioned to it under section 104(b)(4) for any fiscal year to the apportionment of such State under section 104(b)(1) or 104(b)(3) or both.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

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

"(1) HIGH RISK ROAD.—The term 'high risk road' means any Federal-aid highway or segment of a Federal-aid highway—

"(A) on which a significant number of severe motor vehicle crashes occur; or

"(B) which has current, or will likely have, increases in traffic volume that are likely to create a potential for severe crash consequences in a significant number of motor vehicle crashes.

"(2) SEVERE CRASH.—The term 'severe crash' means a motor vehicle crash in which a fatality or incapacitating injury occurs.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 153 the following:

"154. High risk road safety improvement program.".

(c) ROADWAY SAFETY AWARENESS AND IMPROVEMENT PROGRAM.—

(1) IN GENERAL.—For purposes of identifying high-risk roadway hazards and effective countermeasures and improving the collection and public dissemination of information regarding such hazards and their impact on the number and severity of motor vehicle crashes, the Secretary shall enter into an agreement with a private nonprofit national organization that is dedicated solely to improving roadway safety.

(2) TERMS OF AGREEMENT.—Under the terms of the agreement entered into under this subsection, the organization shall—

(A) develop a pilot program to improve the collection of data pertaining to roadway hazards and design features that cause or increase the severity of motor vehicle crashes;

(B) develop a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the

extent to which roadway hazards and design features are a factor in motor vehicle crashes; and

(C) develop and disseminate information to assist State and local transportation officials, public safety officials, and motorists in identifying roadway hazards and effective countermeasures.

(3) REPORT.—Not later than 24 months after the date of entry into the agreement under this subsection, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the program authorized by this subsection. Such report shall be updated each year thereafter, and a final report shall be transmitted not later than 5 years after the date of entry into the agreement.

(4) FUNDING.—Before funds are apportioned under section 104(b)(4) of title 23, United States Code, for each of fiscal years 1998 through 2003, the Secretary shall deduct a sum not to exceed $1,000,000 per fiscal year for carrying out this subsection. Such sums shall remain available until expended.

SEC. 111. MINIMUM ALLOCATION.

(a) GENERAL RULES.—Section 157(a) is amended—

(1) in paragraph (4)—

(A) by striking "THEREAFTER" and inserting "FISCAL YEARS 1992–1997"; and

(B) by striking "fiscal year 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(2) by adding at the end the following new paragraph:

"(5) THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year for Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high priority projects program, the high risk road safety improvement program, the recreational trails program, the Appalachian Development Highway System program, and metropolitan planning shall not be less than 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available. In determining allocations under this paragraph, the Secretary shall not take into account the 2 percent set aside under section 104(b)(3)(A).".

(b) AVAILABILITY OF FUNDS.—Section 157(b) is amended—

(1) by inserting before "Amounts allocated" the following: "AVAILABILITY OF FUNDS.—";

(2) by striking "Interstate highway substitute," and all that follows through "crossing projects" and inserting "any purpose described in section 133(b)"; and

(3) by inserting before the period at the end "and section 103(c) of the Building Efficient Surface Transportation and Equity Act of 1998".

(c) CONFORMING AMENDMENTS.—Section 157 is further amended—

(1) in subsection (d) by striking "154(f) or"; and

(2) in subsection (e) by inserting before "In order" the following: "AUTHORIZATION OF APPROPRIATIONS.—".

(d) MINIMUM ALLOCATION ADJUSTMENT.—If the Secretary—

(1) determines that—

(A) the ratio of—

(i) the aggregate of funds made available by this Act, including any amendments made by this Act, that are apportioned to a State for Federal-aid highway programs (including funds allocated to the State under sections 104(j) and 157 of title 23, United States Code) for each fiscal year beginning after September 30, 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal year, is less than

(B) the ratio of—

(i) estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available, to

(ii) the estimated tax payments attributable to highway users in all States paid into such Trust Fund in such latest fiscal year; and

(2) determines that—

(A) the ratio determined under paragraph (1)(A), is less than

(B) the ratio of—

(i) the aggregate of funds made available by the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995 that are apportioned to the State for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1108 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal years 1992 through 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal years;

the Secretary shall allocate under such section 157 to the State amounts sufficient to ensure that the State's percentage of total apportionments for Federal-aid highway programs under this Act (including amendments made by this Act and allocations under such sections 104(j) and 157) for such fiscal year beginning after September 30, 1997, is equal to the State's percentage of total apportionments for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1008 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal year 1997 under the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995. The allocation shall be made on October 1 of fiscal year 1998, 1999, 2000, 2001, 2002, or 2003, as the case may be, or as soon as possible thereafter and shall be in addition to any other allocation to the State under such section 157 for such fiscal year.

(e) FINAL ADJUSTMENT.—

(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate under section 157 of title 23, United States Code, among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for such fiscal year for Interstate maintenance, National Highway System, high cost Interstate system reconstruction and improvement program, surface transportation program, metropolitan planning, congestion mitigation and air quality improvement program, high risk road safety improvement program, bridge program, Appalachian development highway system, recreational trails program, high priority projects program, the 2 percent set aside under section 104(b)(3)(A) of title 23, United States Code, and section 157 of such title (including subsection (d) of this section and this subsection), bears to

(B) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90.

(2) TREATMENT.—The allocation required by this paragraph shall be in addition to any other allocation under section 157 of title 23, United States Code, including allocations required by subsection (d) of this section.

SEC. 112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 102 of this Act for fiscal years 1998 through 2003 among the States based on the latest available cost to complete estimate for the Appalachian development highway system prepared by the Appalachian Regional Commission, unless the Appalachian Regional Commission adopts an alternative method for distribution. In general, no State containing Appalachian development highway system routes shall receive an apportionment of less than $1,000,000. For fiscal years 1999 through 2003, any alternative method for distribution adopted by the Appalachian Regional Commission must be communicated to the Secretary at least 30 days prior to the beginning of the fiscal year in which the apportionment is to be made. Such funds shall be available to construct highways and access roads under section 201 of the Appalachian Regional Development Act of 1965.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 102 of this Act for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70" and inserting "80".

(d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—Section 201 of such Act is amended by adding at the end the following new subsection:

"(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of fiscal year 1998 and each fiscal year thereafter, or as soon as is practicable thereafter, there shall be deducted, for the expenses of the Appalachian Regional Commission in administering the funds authorized under this section for such year, not to exceed 3.75 percent of the funds made available for such year under subsection (g) of this section.".

(e) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Section 201 of such Act is further amended by adding at the end the following:

"(j) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Before the State of Ohio may request the dedesignation of corridor B from the Ohio River in Scioto County to the Scioto-Adams County line, corridor B1 from the Kentucky State line to the junction with corridor B at Rosemount, corridor C from the junction with corridor B at Lucasville to State Route 159 at Chillicothe, or corridor D from the Adams County line to the Ohio River in Washington County as segments of the Appalachian development highway system, the State must consult about the proposed dedesignation with local elected officials having jurisdiction over the area in which the segment is located and conduct public hearings on the proposed dedesignation in each county in which any part of the segment is located.".

(f) ADDITIONS TO APPALACHIAN REGION.—The undesignated paragraph relating to Georgia of section 403 of such Act is amended—

(1) by inserting "Elbert," after "Douglas,"; and

(2) by inserting "Hart," after "Haralson,".

SEC. 113. HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 160 is amended to read as follows:

"§160. High cost interstate system reconstruction and improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost Interstate System reconstruction and improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

"(1) the total cost of the project is greater than the lesser of $200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

"(2) the project is a ready-to-commence project;

"(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

"(4) the applicant agrees to obligate the funds within 1 year of the date the funds are made available.

"(c) ALLOCATION OF FUNDS.—Subject to subsection (f)(1), of the funds made available to carry out the program under this section, the Secretary shall allocate—

"(1) not less than $165,000,000 for fiscal year 1998, $412,500,000 for fiscal year 1999, and $670,000,000 for each of fiscal years 2000 through 2003 among States in the ratio that the estimated cost of carrying out projects determined by the Secretary to be eligible for funding under subsection (b) in each State bears to the estimated cost of carrying out such projects in all of the States; and

"(2) at the discretion of the Secretary, not more than the amounts set forth in section 127(a)(2) for each of fiscal years 1998 through 2003 for projects eligible for assistance under this section to—

"(A) meet an extraordinary need for funding; or

"(B) help expedite completion of a project of national significance.

"(d) UNALLOCATED FUNDS.—

"(1) APPORTIONMENT.—If, on August 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary determines that funds authorized to be allocated in

such fiscal year for the program under this section will not be allocated in such fiscal year as a result of not enough projects being eligible for assistance under this section, the Secretary shall apportion under section 104(b)(5) such funds among the States for the Interstate maintenance program.

"(2) REDISTRIBUTION OF OBLIGATION AUTHORITY.—The Secretary shall also redistribute on such August 1 any obligation authority that is allocated for the fiscal year under section 103(c)(4) of the Building Efficient Surface Transportation and Equity Act of 1998 attributable to the program under this section and that the Secretary determines will not be used before September 30 of such fiscal year among the States (other than a State from which obligation authority for such fiscal year is redistributed under section 103(d) of such Act) in the same ratio as set forth in section 103(c)(5) of such Act.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) FUTURE ALLOCATIONS.—

"(1) FISCAL YEARS 1998–2003.—For fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, funds to be allocated pursuant to subsection (c)(1) shall be allocated in the same manner as funds apportioned under section 104(b)(5). Such funds shall only be available for projects eligible under subsection (b); except that if a State does not have a project eligible under subsection (b), funds allocated to such State under this paragraph shall be available for any project in such State on a segment of the Interstate System that is open to traffic.

"(2) DETERMINATIONS.—The Secretary shall, in cooperation with States and affected metropolitan planning organizations, determine—

"(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System; and

"(B) a method to allocate funds made available under this section that would—

"(i) address the needs identified in subparagraph (A);

"(ii) provide a fair and equitable distribution of such funds; and

"(iii) allow for States to address any extraordinary needs.

"(3) REPORT.—The determination made under paragraph (2) shall be submitted to Congress in a report not later than January 1, 2000.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 160 and inserting the following:

"160. High cost interstate system reconstruction and improvement program.".

SEC. 114. RECREATIONAL TRAILS PROGRAM.

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

"§ 206. Recreational trails program

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall administer a national program for the purposes of providing and maintaining recreational trails.

"(b) STATEMENT OF INTENT.—Funds made available to carry out the recreational trails program under this section are to be derived from revenues collected through motor fuel taxes from nonhighway users and are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(c) STATE ELIGIBILITY.—A State shall be eligible to obligate funds apportioned to it under section 104(h) only if—

"(1) the Governor of the State has designated the State agency or agencies that will be responsible for administering funds received under this section; and

"(2) a recreational trail advisory committee on which both motorized and nonmotorized recreational trail users are fairly represented exists within the State.

"(d) FEDERAL SHARE PAYABLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a project under this section shall not exceed 50 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute additional Federal funds toward a project's cost if the share attributable

to the Secretary does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

"(3) ALLOWABLE MATCH FROM FEDERAL PROGRAMS.—The following Federal programs may be used to contribute additional Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

"(A) State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(B) HUD Community Development Block Grants (Public Law 93–383).

"(C) Public Works Employment Act of 1976 (Public Law 94–369).

"(D) Acts establishing national heritage corridors and areas.

"(E) Job Training Partnership Act of 1982 (Public Law 97–300).

"(F) National and Community Service Trust Act of 1993 (Public Law 103–82).

"(G) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–93).

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects in a fiscal year if the total Federal share payable for all projects within the State carried out under this section with funds apportioned to the State under section 104(h) for such fiscal year does not exceed 50 percent. For purposes of this paragraph, a project funded under paragraph (2) or (3) of this subsection may not be included in the calculation of the programmatic non-Federal share.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State under subsection (e)(1)(A) shall be determined in accordance with section 120(b).

"(e) USE OF FUNDS.—

"(1) PERMISSIBLE USES.—A State may use funds apportioned to it under section 104(h)—

"(A) in an amount not exceeding 7 percent of such funds, for administrative costs of the State;

"(B) in an amount not exceeding 5 percent of such funds, for operation of environmental protection education and safety education programs relating to the use of recreational trails;

"(C) for development and rehabilitation of urban trail linkages to provide connections to and among neighborhoods and community centers and between trails;

"(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

"(E) for restoration of areas damaged by usage of recreational trails, including back country terrain;

"(F) for development and rehabilitation of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

"(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

"(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

"(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

"(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

"(K) only as otherwise permissible and where necessary and required by a statewide comprehensive outdoor recreation plan, for construction of new trails crossing Federal lands if such construction is approved by the administering agency of the State and the Federal agency or agencies charged with management of all impacted lands and if such approval is contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

"(2) USE NOT PERMITTED.—A State may not use funds apportioned to it under section 104(h)—

"(A) for condemnation of any kind of interest in property;

"(B)(i) for construction of any recreational trail on National Forest System lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

"(ii) for construction of any recreational trail on Bureau of Land Management lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved management plans; or

"(C) for upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

"(3) GRANTS.—

"(A) IN GENERAL.—A State may provide funds apportioned to it under section 104(h) to make grants to private individuals, organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the recreational trail advisory committee satisfying the requirements of subsection (c)(2), for uses consistent with this section.

"(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

"(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraph (7), not less than 30 percent of the funds apportioned to a State in a fiscal year under section 104(h) shall be reserved for uses relating to motorized recreation, and not less than 30 percent of such funds shall be reserved for uses relating to non-motorized recreation.

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) GUIDANCE.—A recreational trail advisory committee satisfying the requirements of subsection (c)(2) shall issue guidance to a State for the purposes of implementing subparagraph (A).

"(6) DIVERSIFIED TRAIL USE.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend funds apportioned to it under section 104(h) in a manner that gives preference to project proposals which—

"(i) provide for the greatest number of compatible recreational purposes, including those described in subsection (g)(3); or

"(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective with respect to a State until such time as the State has allocated not less than 40 percent of funds apportioned to it under section 104(h) in such manner.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory committee satisfying the requirements of subsection (c)(2).

"(7) EXEMPTIONS.—

"(A) SMALL STATE.—Any State with a total land area of less than 3,500,000 acres and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States shall be exempted from the requirements of paragraph (4) upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

"(B) STATE RECREATIONAL TRAIL ADVISORY COMMITTEE.—If approved by the State recreational trail advisory committee satisfying the requirements of subsection (c)(2), the State may be exempted from the requirements of paragraph (4).

"(8) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to it under section 104(h) may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

"(9) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Nothing in this title or any other law shall prevent a project sponsor from offering to donate funds, materials, services, or new right-of-way for the purposes of a project eligible for assistance. Any funds, or the fair market value of any materials, services, or new right-of-way may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (d). Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited as part of that Federal agency's share under subsection (d)(2).

"(10) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of section 303 of title 49 or section 138 of this title.

"(f) COORDINATION OF ACTIVITIES.—

"(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this section is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this section diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

"(2) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition to making available funds for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of funds apportioned to a State under section 104(h) on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those funds.

"(g) APPLICABILITY OF CHAPTER 1.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1; except that the Federal share payable for a project using such funds shall be determined in accordance with this section and such funds shall remain available until expended.

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

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' has the meaning such term has under section 9503(c)(6) of the Internal Revenue Code of 1986.

"(3) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities (including carriage driving), jogging or similar fitness activities, skating or skateboarding, trail biking, overnight or long-distance backpacking, snowmobiling, aquatic or water activity, or vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a 'National Recreation Trail' designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

"(4) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for motorized wheelchairs.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 is amended by inserting after the item relating to section 205 the following:

"206. Recreational trails program.".

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

"(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.".

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction

and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 115. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—

(1) IN GENERAL.—The Secretary may make allocations under this section only with respect to high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) SPECIAL RULE.—In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress of high priority corridors as part of a law provided for in section 508 of this Act, allocations under this section for the creation or upgrade of any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) that the Secretary determines would—

(A) facilitate international or interregional trade; or

(B) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

(4) Environmental review.

(5) Multistate and intrastate coordination for corridors described in subsection (b).

(6) Construction.

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State receiving an allocation under this section shall develop, in consultation with the Secretary, a development and management plan for the corridor with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

(1) A complete and comprehensive analysis of corridor costs and benefits.

(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

(4) The results of any environmental reviews and mitigation plans.

(5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall ensure that all States having jurisdiction over any portion of such corridor will participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 127(a)(3)(B) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

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

SEC. 116. COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure and safety program under which the Secretary may make allocations to any border State for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations under this section may only be used in a border region for—

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

(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

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

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

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

(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act, and combination with other sources of Federal, State, local, or private funding;

(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

(6) the extent to which the innovative and problem-solving techniques of the proposed project would be applicable to other international border crossings;

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

(8) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) STATE MOTOR VEHICLE SAFETY INSPECTION FACILITIES.—Due to the increase in cross-border trade as a result of the Northern American Free Trade Agreement, of the amounts made available to carry out this section for a fiscal year, not to exceed $25,000,000 for fiscal year 1998 and not to exceed $20,000,000 for each of fiscal years 1999 through 2003 shall be available for the construction of State motor vehicle safety inspection facilities for the inspection by State authorities of commercial motor vehicles crossing the border to ensure the safety of such vehicles.

(e) ALLOCATIONS.—

(1) FUNDS.—At least 40 percent of the funds made available for carrying out this section shall be allocated for projects in the vicinity of the border of the United States and Mexico, and at least 40 percent of such funds shall be allocated for projects in the vicinity of the border of the United States and Canada.

(2) PROJECTS.—At least 2 of the projects in the vicinity of the border of the United States with Mexico for which allocations are made under this section and at least 2 of the projects in the vicinity of the border of the United States and Canada for which allocations are made under this section shall be located at ports of entry with high annual volumes of traffic.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by section 127(a)(3)(A) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

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

(1) BORDER REGION.—The term "border region" means the portion of a border State in the vicinity of an international border with Canada or Mexico.

(2) BORDER STATE.—The term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 117. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended—

(1) in subsection (e)—

(A) by striking "(c)" and inserting "(b)"; and

(B) by striking "90" and inserting "120"; and

(2) by adding at the end the following:

"(j) FUNDS APPROPRIATED TO A FEDERAL LAND MANAGING AGENCY.—Notwithstanding any other provision of law, the funds appropriated to any Federal land managing agency may be used as the non-Federal share payable on account of any Federal-aid highway project the Federal share of which is payable with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program.

"(k) FUNDS APPROPRIATED FOR FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding any other provision of law, funds appropriated for carrying out the Federal lands highways program under section 204 may be used as the non-Federal share payable on account of any project that is carried out with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program if the project will provide access to, or be carried out within, Federal or Indian lands.".

(b) ALLOCATIONS.—Section 202 is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ALLOCATION OF SUMS AUTHORIZED FOR PUBLIC LANDS HIGHWAYS.—

"(1) IN GENERAL.—On October 1 of each fiscal year and after making the transfer provided for in section 204(i), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways for transportation projects within the boundaries of those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary from applications for such funds by Federal land managing agencies, Indian tribal governments, and States.

"(2) PREFERENCE.—In allocating sums under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land, recreation, or resource management activities that are proposed within the boundaries of a State in which at least 3 percent of the total public lands in the United States are located."; and

(2) by adding at the end the following:

"(e) FOREST HIGHWAYS.—

"(1) ALLOCATION OF FUNDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways as provided in section 134 of the Federal-Aid Highway Act of 1987.

"(2) PROJECT SELECTION.—With respect to allocations under this subsection, the Secretary shall give priority to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(c) AVAILABILITY OF FUNDS.—Section 203 is amended—

(1) by striking "Funds authorized for," and inserting "(a) IN GENERAL.—Funds authorized for forest highways,";

(2) in the fourth sentence by inserting "forest highways" after "any fiscal year for"; and

(3) by adding at the end the following:

"(b) TIME OF OBLIGATION.—Notwithstanding any other provision of law, the Secretary's authorization of engineering and related work for a Federal lands highways program project or the Secretary's approval of plans, specifications, and estimates for construction of a Federal lands highways program project shall be deemed to constitute a contractual obligation of the Federal Government for the payment of its contribution to such project.".

(d) AWARD OF CONTRACTS; TRANSFERS—Section 204 is amended—

(1) in subsection (a) to read as follows:

"(a) Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to those that apply to Federal-aid highways, there is established a coordinated Federal Lands Highways Program which shall consist of forest highways, public lands highways, park roads and parkways, and Indian reservation roads and bridges. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are consistent with the metropolitan and Statewide planning processes in sections 134 and 135 of this title. The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary. All regionally significant Federal Lands Highway Program projects shall be developed in cooperation with States and metropolitan planning organizations and be included in appropriate Federal Lands Highways Program, State, and metropolitan plans and transportation improvement programs. The approved Federal Lands Highways Program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action thereon. The Secretary and the Secretary of the appropriate Federal land managing agency shall develop appropriate safety, bridge, and pavement management systems for roads funded under the Federal Lands Highways Program.";

(2) by striking the first three sentences of subsection (b) and inserting "Funds available for forest highways, public lands highways, park roads and parkways,

and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land managing agency to pay for the cost of transportation planning, research, engineering, and construction thereof. The Secretary and the Secretary of the appropriate Federal land managing agency, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe to carry out this subsection.";

(3) in the first sentence of subsection (e) by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land managing agency"; and

(4) by striking subsection (i) and inserting the following:

"(i) TRANSFERS TO SECRETARIES OF FEDERAL LAND MANAGING AGENCIES.—The Secretary shall transfer to the appropriate Federal land managing agency from the appropriation for public lands highways such amounts as may be needed to cover—

"(1) necessary administrative costs of such agency in connection with public lands highways; and

"(2) the cost to such agency of conducting necessary transportation planning serving Federal lands if funding for such planning is otherwise not provided in this section.".

(e) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study, together with an assessment of the impacts (including environmental, aesthetic, economic, and historic impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1998 to carry out this subsection.

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

(f) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

(g) NEW RIVER PARKWAY.—Of amounts available under section 102(a)(11)(C) of this Act, the Secretary shall allocate $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000 to the Secretary of the Interior for the planning, design, and construction of a visitors center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources accessible by the New

River Parkway in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and I–64. Such funds shall remain available until expended.

(h) GETTYSBURG, PENNSYLVANIA.—

(1) RESTORATION OF TRAIN STATION.—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

SEC. 118. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 162. National scenic byways program

"(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as 'National Scenic Byways' or 'All-American Roads'. The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

"(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

"(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

"(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byways program.

"(2) PRIORITY PROJECTS.—In making allocations under this subsection, the Secretary shall give priority to—

"(A) eligible projects along highways that are designated as National Scenic Byways or All-American Roads;

"(B) eligible projects on State-designated scenic byways that are undertaken to make them eligible for designation as National Scenic Byways or All-American Roads; and

"(C) eligible projects that will assist the development of State scenic byways programs.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) Activities related to planning, design, or development of State scenic byway programs.

"(2) Development of corridor management plans for scenic byways.

"(3) Safety improvements to a scenic byway to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway due to such designation.

"(4) Construction along a scenic byway of facilities for pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

"(5) Improvements to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of historical, archaeological, and cultural resources in areas adjacent to scenic byways.

"(7) Development and provision of tourist information to the public, including interpretive information about scenic byways.

"(8) development and implementation of scenic byways marketing programs.

"(d) FEDERAL SHARE.—The Federal share payable on account of any project carried out under this section shall be determined in accordance with section 120(b) of this title. For any scenic byways project along a public road that provides access

to or within Federal or Indian lands, a Federal land management agency may use funds authorized for its use as the non-Federal share of the costs of the project.

"(e) PROTECTION OF SCENIC INTEGRITY.—

"(1) SCENIC INTEGRITY.—The Secretary shall not make an allocation under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(2) SAVINGS CLAUSE.—The Secretary shall not make any grant, provide technical assistance, or impose any requirement on a State under this section that is inconsistent with the authority of the State provided in this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following new item:

"162. National scenic byways program.".

(c) CENTER.—

(1) ESTABLISHMENT.—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology which allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998 through 2003.

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

SEC. 119. VARIABLE PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a variable pricing program. In implementing such program, the Secretary shall solicit the participation of State and local governments and public authorities for 1 or more variable pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 of such governments and public authorities to conduct and monitor the pilot programs.

(b) FEDERAL SHARE PAYABLE.—The Federal share payable for a pilot program under this section shall be 80 percent of the aggregate cost of the program and the Federal share payable for any portion of a project conducted under the program may not exceed 100 percent.

(c) IMPLEMENTATION COSTS.—The Secretary may fund all pre-implementation costs, including public education and project design, and all of the development and startup costs of a pilot project under this section, including salaries and expenses, until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation; except that the Secretary may not fund the pre-implementation, development, and startup costs of a pilot project for more than 3 years.

(d) USE OF REVENUES.—Revenues generated by any pilot project under this section must be applied to projects eligible for assistance under title 23, United States Code.

(e) COLLECTION OF TOLLS.—Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not as part of more than 3 of such programs.

(f) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any pilot program conducted under this section shall include an analysis of the potential effects of the pilot program on low income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

(g) REPORTS TO CONGRESS.—The Secretary shall monitor the effect of the pilot programs conducted for a period of at least 10 years and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Trans-

portation and Infrastructure of the House of Representatives biennially on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, drivers of all income levels, and availability of funds for transportation programs.

(h) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102 of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high-occupancy vehicle lanes if such vehicles are part of a pilot program being conducted under this section.

(i) PERIOD OF AVAILABILITY.—Funds allocated by the Secretary under this section shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which such funds are authorized. Any amounts allocated under this section that remain unobligated at the end of such period and any amounts authorized under subsection (i) that remain unallocated by the end of such period shall be transferred to a State's apportionment under section 104(b)(3) of title 23, United States Code, and shall be treated in the same manner as other funds apportioned under such section.

(j) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section and the availability of such funds shall be determined in accordance with this section.

(k) REPEAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any funds made available to carry out this title (other than the emergency relief program authorized in section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) AGREEMENTS.—In receiving a credit for non-Federal capital expenditures under this subsection, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(3) TREATMENT.—

"(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

"(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

"(ii) shall not subject the agency to any additional Federal design standards, laws, or regulations as a result of providing the non-Federal match other than those to which the agency is already subject.

"(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied for a non-Federal share under this subsection, such credit shall be applied equally to all charter States.".

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(3) ELIGIBILITY.—In order to be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of such facility.

(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(C) An analysis demonstrating that such facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

(D) A facility management plan that includes—

(i) a plan for implementing the imposition of tolls on the facility;

(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(iii) a description of the public transportation agency which will be responsible for implementation and administration of the pilot toll reconstruction and rehabilitation program; and

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the converted facility, while retaining legal and administrative control of the Interstate route section.

(E) Such other information as the Secretary may require.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines the following:

(A) The State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments.

(B) The facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls.

(C) The State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers.

(D) The State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable.

(E) The State has given preference to the use of an existing public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for debt service, for reasonable return on investment of any private person financing the project, and for any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(5) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this section for a term to be determined by the Secretary but not less than 10 years.

(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term ''Interstate System'' has the same meaning such term has under section 101(a) of title 23, United States Code.

(c) BRIDGE RECONSTRUCTION OR REPLACEMENT.—Section 129(a)(1)(C) is amended by striking ''toll-free bridge or tunnel'' and inserting ''toll-free major bridge or toll-free tunnel''.

SEC. 121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) OBLIGATION OF AMOUNTS.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended to read as follows:

"(c) OBLIGATION OF AMOUNTS.—Amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section may be obligated at the discretion of the Secretary. Such sums shall remain available until expended.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of ferry transportation in the United States and its possessions—

(A) to identify existing ferry operations, including—

(i) the locations and routes served; and

(ii) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry operations; and

(B) to identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes.

(2) REPORT.—The Secretary shall submit a report on the results of the study required under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c) is amended—

(1) in paragraph (3) by striking "owned." and inserting "owned or operated."; and

(2) in paragraph (6) by striking "sold, leased, or" and inserting "sold or".

SEC. 122. HIGHWAY USE TAX EVASION PROJECTS.

(a) APPLICABILITY OF TITLE 23.—Section 1040(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended to read as follows:

"(f) APPLICABILITY OF TITLE 23.—Funds made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out under this section shall be 100 percent and such funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.".

(b) AUTOMATED FUEL REPORTING SYSTEM.—Section 1040 of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) AUTOMATED FUEL REPORTING SYSTEM.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.".

(c) TECHNICAL AMENDMENT.—Section 1040(a) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "by subsection (e)".

SEC. 123. PERFORMANCE BONUS PROGRAM.

(a) STUDY.—The Secretary shall develop performance-based criteria for the distribution of not to exceed 5 percent of the funds from each of the following programs:

(1) The Interstate maintenance program under section 119 of title 23, United States Code.

(2) The bridge program under section 144 of such title.

(3) The high risk road safety improvement program under section 154 of such title.

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

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

(b) REQUIREMENTS FOR DEVELOPMENT OF CRITERIA.—Performance-based criteria developed by the Secretary under subsection (a) shall assess on a statewide basis the following:

(1) For the Interstate maintenance program, whether pavement conditions on routes on the Interstate System in the State have consistently been of a high quality or have recently improved.

(2) For the bridge program, whether the percentage of deficient bridges in the State has consistently been low or has recently decreased.

(3) For the high risk road safety improvement program, whether the level of safety on highways in the State has consistently been high or has recently improved.

(4) For the surface transportation program, whether the level of financial effort in State funding for highway and transit investments has been high or has recently increased.

(5) For the congestion mitigation and air quality improvement program, whether the environmental performance of the transportation system has been consistently high or has improved.

(c) REQUIRED SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the performance-based criteria developed under subsection (a).

SEC. 124. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) is amended by inserting after "and goods" the following: "and foster economic growth and development".

(b) COORDINATION OF MPOS.—Section 134(e) is amended—

(1) in the subsection heading by striking "MPO'S" and inserting "MPOS";

(2) by inserting before "If" the following: "(1) NONATTAINMENT AREAS.—";

(3) by adding at the end the following:

"(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project."; and

(4) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2), as added by paragraph (3) of this subsection.

(c) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 134(f) is amended to read as follows:

"(f) GOALS AND OBJECTIVES OF PLANNING PROCESS.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.

This subsection shall apply to the development of long-range transportation plans and transportation improvement programs.".

(d) LONG-RANGE PLAN.—Section 134(g) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (2) by striking ", at a minimum" and inserting "contain, at a minimum, the following";

(3) in paragraph (2)(A)—

(A) by striking "Identify" and inserting "An identification of"; and

(B) by striking "shall consider" and inserting "may consider";

(4) by striking paragraph (2)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(6) in paragraph (5) by inserting "transportation" before "plan prepared".

(e) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) is amended—

(1) in paragraph (1), by striking "2 years" and inserting "3 years"; and

(2) by adding at the end of paragraph (2)(B) the following: "The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

(f) TRANSPORTATION MANAGEMENT AREAS.—Section 134(i) is amended—

(1) in paragraph (4) by inserting after "System" each place it appears the following: ", under the high risk road safety program,"; and

(2) in paragraph (5)—

(A) by striking "(1)" and inserting "(A)"; and

(B) by striking "(2)" and inserting "(B)".

SEC. 125. STATEWIDE PLANNING.

(a) SCOPE OF PLANNING PROCESS.—Section 135(c) is amended to read as follows:

"(c) SCOPE OF THE PLANNING PROCESS.—To the extent that a State determines appropriate, the State may consider goals and objectives in the transportation planning process that—

"(1) support the economic vitality of the Nation, its States and metropolitan areas, especially by enabling global competitiveness, productivity and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance the quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes throughout the State for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.".

(b) ADDITIONAL CONSIDERATIONS.—Section 135(d) is amended—

(1) in the subsection heading by striking "REQUIREMENTS" and inserting "CONSIDERATIONS"; and

(2) by striking "shall, at a minimum," and inserting "may".

(c) LONG-RANGE PLAN.—Section 135(e) is amended by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,".

(d) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) is amended—

(1) by inserting after the second sentence of paragraph (1) the following: "With respect to nonmetropolitan areas of the State (areas with less than 50,000 population), the program shall be developed by the State, in cooperation with elected officials of affected local governments and elected officials of subdivisions of affected local governments which have jurisdiction over transportation planning, through a process developed by the State which ensures participation by such elected officials.";

(2) in paragraph (1) by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,";

(3) in paragraph (2) by inserting before the last sentence the following: "The program may include, for illustrative purposes, additional projects that would be included in the program if reasonable additional resources were available.";

(4) in paragraph (3) by inserting after "System" each place it appears the following: ", under the high risk road safety program,";

(5) in the heading to paragraph (4) by striking "BIENNIAL" and inserting "TRIENNIAL"; and

(6) in paragraph (4) by striking "biennially" and inserting "triennially".

(e) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between State, local rural officials, and regional planning and development organizations in different States.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 126. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed

limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

(b) TRAFFIC FLOW AND SAFETY APPLICATIONS OF ROAD BARRIERS.—

(1) STUDY.—The Secretary shall conduct a study on the technologies and methods to enhance safety, streamline construction, and improve capacity by providing positive separation at all times between traffic, equipment, and workers on highway construction projects. The study shall also address how such technologies can be used to improve capacity and safety at those specific highway, bridge, and other appropriate locations where reversible lane, contraflow, and high occupancy vehicle lane operations are implemented during peak traffic periods.

(2) FACTORS TO CONSIDER.—In conducting the study, the Secretary shall consider, at a minimum, uses of positive separation technologies related to—

(A) separating workers from traffic flow when work is in progress;

(B) providing additional safe work space by utilizing adjacent and available traffic lanes during off-peak hours;

(C) rapid deployment to allow for daily or periodic restoring lanes for use by traffic during peak hours as needed;

(D) mitigating congestion caused by construction by—

(i) opening all adjacent and available lanes to traffic during peak traffic hours; or

(ii) use of reversible lanes to optimize capacity of the highway by adjusting to directional traffic flow; and

(E) permanent use of positive separation technologies to create contraflow or reversible lanes to increase the capacity of congested highways, bridges, and tunnels.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study. The report shall include findings and recommendations for the use of the identified technologies to provide positive separation on appropriate projects and locations. The Secretary shall provide the report to the States for their use on appropriate projects on the National Highway System and other Federal-aid highways.

SEC. 127. DISCRETIONARY PROGRAM AUTHORIZATIONS.

(a) EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—

(1) BRIDGE DISCRETIONARY PROGRAM.—The amount set aside by the Secretary under section 144(g)(2) of title 23, United States Code, shall be $100,000,000 for each of fiscal years 1998 through 2003.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—The amount the Secretary shall allocate for the high cost Interstate System reconstruction and improvement program under section 160(c)(2) of title 23, United States Code, shall not be more than $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $250,000,000 for fiscal year 2000, $252,000,000 for fiscal year 2001, $252,000,000 for fiscal year 2002, and $397,000,000 for fiscal year 2003.

(3) ADDITIONAL EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—Of amounts made available by section 102(a)(8) of this Act, the following sums shall be available:

(A) COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.—For the coordinated border infrastructure and safety program under section 116 of this Act $70,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, and $100,000,000 for each of fiscal years 2000 through 2003.

(B) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.—For the national corridor planning and development program under section 115 of this Act $50,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $250,000,000 for each of fiscal years 2000 through 2003.

(C) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $18,000,000 for each of fiscal years 1998 through 2003.

(D) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byway program under section 162 of title 23, United States Code, $30,000,000 for each of fiscal years 1998 through 2003.

(E) VARIABLE PRICING PILOT PROGRAM.—For the variable pricing pilot program under section 119 of this Act $10,000,000 for fiscal year 1998 and $14,000,000 for each of fiscal years 1999 through 2003.

(F) HIGHWAY RESEARCH.—For highway research under sections 307, 308, and 325 of title 23, United States Code, $150,000,000 for fiscal year 1998, $185,000,000 for fiscal year 1999, and $195,000,000 for each of fiscal years 2000 through 2003.

(G) TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT.—For transportation education, professional training, and technology deployment under sections 321, 322, and 326 of title 23, United States Code, and section 5505 of title 49, United States Code, $50,000,000 for each of fiscal years 1998 and 1999 and $55,000,000 for each of fiscal years 2000 through 2003.

(H) TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.—For Transportation technology innovation and demonstration program under section 632 of this Act $43,667,000 for fiscal year 1998, $44,667,000 for fiscal year 1999, $48,167,000 for fiscal year 2000, $47,717,000 for fiscal year 2001, $47,967,000 for fiscal year 2002, and $48,217,000 for fiscal year 2003.

(I) INTELLIGENCE TRANSPORTATION SYSTEMS PROGRAMS.—For intelligence transportation systems programs under subtitle B of title VI of this Act $175,000,000 for each of fiscal years 1998 through 2003.

(4) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—There is authorized to be appropriated to carry out section 130 of this Act, relating to transportation assistance for Olympic cities, such sums as may be necessary for fiscal years 1998 through 2003.

(b) LEGISLATIVE BRANCH DISCRETIONARY PROGRAMS.—Section 104 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following:

"(j) HIGH PRIORITY PROJECTS PROGRAM.—

"(1) IN GENERAL.—Of amounts made available by section 102(a)(8) of the Building Efficient Surface Transportation and Equity Act of 1998, $1,025,695,000 for fiscal year 1998, $1,398,675,000 for fiscal year 1999, $1,678,410,000 for fiscal year 2000, $1,678,410,000 for fiscal year 2001, $1,771,655,000 for fiscal year 2002, and $1,771,655,000 for fiscal year 2003 shall be available for high priority projects in accordance with this subsection. Such funds shall remain available until expended.

"(2) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available by paragraph (1). Of amounts made available by paragraph (1), the Secretary, subject to paragraph (3), shall make available to carry out each project described in section 127(c) of such Act the amount listed for such project in such section. Any amounts made available by this subsection that are not allocated for projects described in section 127(c) shall be available to the Secretary, subject to paragraph (3), to carry out such other high priority projects as the Secretary determines appropriate.

"(3) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available by paragraph (1)—

"(A) 11 percent of the amount allocated by such section shall be available for obligation beginning in fiscal year 1998;

"(B) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

"(C) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

"(D) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

"(E) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

"(F) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

"(4) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available by paragraph (1) shall be 80 percent of the total cost thereof.

"(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for carrying out a

project or projects, with funds made available by paragraph (1), to the State in which such project or projects are located upon request of such State.

"(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this subsection—

"(A) has obligated all funds allocated under this subsection of such Act for such project; and

"(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection and such section 127(c).

"(7) NONAPPLICABILITY OF OBLIGATION LIMITATION.—Funds made available by paragraph (1) shall not be subject to any obligation limitation.".

(c) HIGH PRIORITY PROJECTS.—Subject to section 104(j)(3) of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 104(j) of such title) for fiscal years 1998 through 2003 to carry out each such project:

			[Dollars in Millions]
1	Dist. of Col.	Implement traffic signalization, freeway management and motor vehicle information systems, Washington, D.C.	8.000
2	West Virginia	Upgrade US 340 between West Virginia/Virginia State line and the Charles Town Bypass	6.500
3	New York	Construct bridge deck over the Metro North right-of-way along Park Ave. between E. 188th and 189th Streets	0.750
4	Oregon	Upgrade access road and related facilities to Port Orford, Port Orford	1.500
5	Minnesota	Upgrade Perpich Memorial from 2 miles south of Biwabik to CSAH 111	2.800
6	Indiana	Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties	7.000
7	Illinois	Upgrade Western Ave., Park Forest	0.126
8	Washington	Undertake FAST Corridor improvements with the amounts provided as follows: $16,000,000 to construct the North Duwamish Intermodal Project, $4,500,000 for the Port of Tacoma Road project, $3,000,000 for the SW Third St./BSNF project in Auburn, $2,000,000	32.000
9	Dist. of Col.	Implement Geographical Information System, Washington, D.C.	10.000
10	New York	Reconstruct Niagara St., Quay St., and 8th St. including realignment of Qual St. and 8th Ave. in Niagara Falls	3.500
11	California	Construct the San Fernando Valley Regional Transportation Hub in Los	0.500
12	Washington	Construct Cross Base Corridor, Fort Lewis-McChord AFB	0.500
13	Illinois	Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn	0.600
14	Virginia	Reconstruct SR 168 (Battlefield Blvd.) in Chesapeake	8.000
15	New York	Construct interchange and connector road using ITS testbed capabilities at I–90 Exit 8	13.000
16	Minnesota	Trunk Highway 53 DWP railroad bridge replacement, St. Louis Co.	4.800
17	Illinois	Resurface Cicero Ave. between 127th St. and 143rd St., Chicago	0.610
18	Illinois	Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood	1.000
19	Illinois	Construct I–57 interchange, Coles Co.	15.000
20	Connecticut	Construct Harford Riverwalk South, Hartford	3.520
21	Virgin Islands	Upgrade West-East corridor through Charlotte Amalie	8.000

			[Dollars in Millions]
22	Connecticut	Improve pedestrian and bicycle connections between Union Station and downtown New London	4.520
23	North Carolina	Upgrade US 13 (including Ahoskie bypass) in Bertie and Hertford Counties	1.000
24	Wisconsin	Construct Chippewa Falls Bypass	6.000
25	Mississippi	Upgrade Brister Rd. between Tutwiler and Coahoma County line, Tallahatchie Co.	0.510
26	Florida	Construct improvements to JFK Boulevard, Eatonville ..	1.000
27	Illinois	Reconstruct Greenbriar Rd. with construction of new turn lanes in vicinity of John A. Logan College in Carterville	1.400
28	Connecticut	Construct overlook and access to Niantic Bay	3.080
29	California	Construct sound walls along SR23 in Thousand Oaks	2.532
30	Mississippi	Construct I–20 /Norrell Road interchange, Hinds County	5.000
31	North Carolina	Upgrade I–85, Mecklenburg and Cabarrus Counties	26.000
32	New Jersey	Construct, reconstruct and integrate multi-transportation modes to establish intermodal transportation corridor and center between Elizabeth and Newark	4.000
33	Texas	Road improvements along historic mission trails in San Antonio.	2.500
34	Mississippi	Construct Lincoln Road extension, Lamar Co.	1.500
35	Texas	Upgrade JFK Causeway, Corpus Christi	3.000
36	Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	1.200
37	California	Implement traffic management improvements, Grover Beach	0.500
38	California	Construct Chatsworth Depot Bicycle and Pedestrian Access project, Los	0.492
39	California	Reconstruct Palos Verdes Drive, Palos Verdes Estates ...	0.450
40	Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	20.000
41	California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach ..	1.100
42	Arkansas	Upgrade US Rt. 67, Newport to Missouri State line	2.000
43	Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	1.200
44	Massachusetts ..	Construct Greenfield-Montague Bikeways, Franklin Co.	0.900
45	Vermont	Replace Missisquoi Bay Bridge	16.000
46	California	Upgrade Route 4 East in Contra Costa Co.	10.000
47	Minnesota	Construct Phalen Blvd. between I–35E and I94	13.000
48	Ohio	Upgrade North Road between US 422 and East Market St., Trumbull Co.	1.200
49	Michigan	Construct bike path between Mount Clemens and New Baltimore	5.000
50	Maryland	Upgrade US 29 interchange with Randolph Road, Montgomery Co.	12.000
51	Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris Co. line	6.400
52	Wisconsin	Upgrade Marshfield Blvd., Marshfield	5.000
53	California	Reconstruct the I–710/Firestone Blvd. interchange	16.000
54	Massachusetts ..	Construct I–495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	4.200
55	Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	13.300
56	West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone Co.	2.000
57	Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.480
58	South Carolina	Widen North Main Street, Columbia	9.750
59	Texas	Construct circumferential freeway loop around Texarkana	9.900
60	Texas	Upgrade FM517 between Owens and FM 3346, Galveston	3.856

[Dollars in Millions]

61	Michigan	Reconstruct Co.Rd. 612 and Co.Rd. 491, Montmorency Co.	0.910
62	Ohio	Construct Chesapeake Bypass, Lawrence Co.	5.000
63	California	Construct I–10/Pepper Ave. Interchange	8.800
64	Pennsylvania	Construct safety and capacity improvements to Rt. 309 and Old Packhouse Road including widening of Old Packhouse Road between KidsPeace National Hospital to Rt. 309	8.200
65	Iowa	Relocate US 61 to bypass Fort Madison	3.000
66	Rhode Island	Install directional signs in Newport and surrounding communities	0.300
67	Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.600
68	New York	Construct bikeway and pedestrian trail improvements, Rochester	2.400
69	Ohio	Upgrade U.S. Route 422 through Girard	4.720
70	Tennessee	State Highway 109 upgrade planning and engineering	1.840
71	Virginia	Construct transportation demonstration project utilizing magnetic levitation technology along route of 'Smart Road' between Blacksburg and Roanoke	2.000
72	Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	4.000
73	New Jersey	Reconstruct Essex Street Bridge, Bergen Co.	2.500
74	Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	1.520
75	Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke Co.	1.000
76	Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.125
77	Washington	Construct SR 167 Corridor, Tacoma	1.500
78	Pennsylvania	Construct Johnstown-Cambria County Airport Relocation Road	1.600
79	Mississippi	Construct connector between US–90 and I–10 in Biloxi	8.500
80	Alabama	Upgrade SR 5 in Bibb Co.	1.700
81	Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	3.200
82	Illinois	Construct US Route 67 bypass project around Roseville	11.700
83	Pennsylvania	Construct California University of Pennsylvania intermodal facility	1.000
84	Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson and Wise Counties	1.200
85	Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.500
86	California	Upgrade Route 4 West in Contra Costa Co.	10.000
87	Connecticut	Construct I–95 interchange, New Haven	26.000
88	Illinois	Replace Lebanon Ave. Bridge and approaches, Belleville	1.000
89	Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	3.700
90	Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	5.290
91	Michigan	Construct grade separation on Sheldon Road, Plymouth	7.000
92	Connecticut	Construct the US Rt. 7 bypass project, Brookfield to New Milford town line	5.000
93	Mississippi	Upgrade Cowan-Lorraine Rd. between I–10 and U.S. 90, Harrison Co.	10.000
94	Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.600
95	Alabama	Initiate work on controlled access highway between I–65 and Mississippi State line	8.000
96	Michigan	Upgrade Walton Blvd. between Opdyke and Squirrel, Oakland Co.	2.000
97	Michigan	Construct Monroe Rail Consolidation Project, Monroe	6.000
98	Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	7.000
99	Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.750

			[Dollars in Millions]
100	California	Improve streets and related bicycle lane in Oak Park, Ventura Co.	0.907
101	California	Construct Arbor Vitae Street improvements, Inglewood	3.500
102	Mississippi	Refurbish Satartia Bridge, Yazoo City	0.500
103	Missouri	Upgrade Route 169 between Smithville and north of I–435, Clay Co.	14.000
104	Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	5.000
105	Michigan	Replace Chevrolet Ave. bridge in Genesee Co.	1.800
106	Connecticut	Reconstruct I–84, Hartford	9.470
107	Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	2.600
108	Michigan	Design and ROW acquisition for "Intertown South" route of US 31 bypass,	1.500
109	Illinois	Undertake improvements to Campus Transportation System	1.000
110	California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1.100
111	Texas	Construct US Rt. 67 Corridor through San Angelo	7.000
112	Illinois	Upgrade Bishop Ford Expressway/142nd St. interchange	1.500
113	Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.730
114	California	Reconstruct Harbor Blvd./SR22 Interchange, City of Garden Grove	2.000
115	Michigan	Undertake capital improvements to facilitate traffic between Lansing and	10.000
116	Virginia	Construct Main Street Station in Richmond	8.000
117	New York	Reconstruct Houston Street between Avenue B to the West Side Highway, New York City	2.000
118	North Carolina	Upgrade US 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	3.000
119	New York	Construct access road and entranceway improvments to airport in Niagara Falls	3.000
120	New Jersey	Upgrade Baldwin Ave. intersection to facilitate access to waterfront and ferry, Weehawken	4.000
121	Massachusetts	Undertake vehicular and pedestrian movement improvments within Central Business District of Foxborough	2.080
122	California	Construct I–680HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	7.000
123	Michigan	Improvements to Card Road between 21 mile road and 23 mile road in Macomb Co.	1.300
124	Michigan	Upgrade (all weather) on US 2, US 41, and M 35	1.700
125	Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop Co.	1.600
126	New York	Undertake Linden Place reconstruction project, Queens	7.000
127	Texas	Construct Houston Street Viaduck project in Dallas	5.500
128	Iowa	Improve US 65/IA 5 interchange, Polk Co.	5.000
129	Texas	Construct segment located south of U.S. 209 in Travis County of a bypass to I–35 known as SH–130 only on a route running east of Decker Lake	16.000
130	Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry Co.	0.140
131	Connecticut	Reconstruct cross road over I–95, Waterford	2.000
132	Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.600
133	Hawaii	Upgrade Kaumualili Highway	10.000
134	Massachusetts	Undertake improvements to South Station Intermodal Station	3.000
135	Illinois	Construct Marina Access Road, East Chicago	1.000
136	Massachusetts	Reconstruct North Street, Fitchburg	1.000
137	Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	4.000
138	New Jersey	Upgrade Urban University Heights Connector, Newark	9.700

[Dollars in Millions]

139	California	Implement City of Compton traffic signal systems improvements	5.800
140	California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.500
141	Texas	Construct grade separations in Manchester	16.000
142	Minnesota	Upgrade TH6 between Talmoon to Bowstring River	1.200
143	North Carolina	Construct US Route 17, Elizabeth City Bypass	0.500
144	Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	7.000
145	Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	5.000
146	California	Reconstruct I–215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.750
147	California	Undertake safety enhancements along Monterey County Railroad highway grade, Monterey Co.	2.800
148	Michigan	Upgrade I–94 between M–39 and I–69	8.000
149	Michigan	Widen and make improvements to Baldwin and Joslyn Roads, Oakland Co.	5.000
150	Arkansas	Construct Geyer Springs RR grade separation, Little Rock	1.000
151	New Jersey	Construct Route 4/17 interchange in Paramus	8.500
152	West Virginia	Upgrade US Rt. 35 between I–64 and South Buffalo Bridge	35.000
153	Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.800
154	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	6.000
155	Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago Co.	15.300
156	Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.800
157	Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie Co.	0.200
158	Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	14.925
159	Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges Co.	3.200
160	Tennessee	Construct Landport regional transportation hub, Nashville	8.000
161	California	Construct San Francisco Regional Intermodal Terminal	12.500
162	Texas	Relocate railroad tracks to eliminate road crossings, and provide for the rehabilitation of secondary roads providing access to various parts of the Port and the construction of new connecting roads to access new infrastructure safely and efficiently, Bro	6.000
163	Massachusetts	Replace Brightman Street bridge in Fall River	13.640
164	California	Construct Alameda Corridor East project	12.750
165	Georgia	Upgrade US Rt. 27	10.000
166	Michigan	Upgrade Davison Rd. between Belsay and Irish Roads, Genessee Co.	4.500
167	Pennsylvania	Upgrade PA 228 (Crows Run Corridor)	7.200
168	Maine	Replace Singing Bridge across Taunton Bay	1.000
169	California	Roadway improvements to provide access to Hansen Dam Recreation Area in Los Angeles	1.000
170	Pennsylvania	Construct Rt. 819/Rt. 119 interchange between Mt. Pleasant and Scottdale	14.400
171	Massachusetts	Reconstruct Huntington Ave. in Boston	4.000
172	Ohio	Replace McCuffey Road Bridge, Mahoning Co.	3.360
173	Michigan	Upgrade Rochester Road between I–75 and Torpsey St.	12.300
174	California	Rehabilitate Artesia Blvd.	4.000
175	Illinois	Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri	5.200
176	Maine	Construct I–295 connector, Portland	4.500

[Dollars in Millions]

177	Maine	Studies and planning for reconstruction of East-West Highway	4.000
178	Illinois	Reconstruct Claire Blvd., Robbins	0.330
179	Pennsylvania	Upgrade PA Route 21, Fayette and Greene Counties	7.000
180	California	Construct VC Campus Parkway Loop System in Merced	8.000
181	Massachusetts	Replace deck of Chain Bridge over Merrimack River	1.012
182	New York	Construct Edgewater Road Dedicated Truck Route	12.000
183	Illinois	Construct Raney Street Overpass in Effingham	4.400
184	Pennsylvania	Replace Masontown bridge, Fayette and Greene Counties	7.000
185	Pennsylvania	Upgrade US Rt. 22, Chickory Mountain section	10.200
186	Michigan	Upgrade Lalie St., Frenchtown Rd., and Penshee Rd., Ironwood	0.360
187	South Carolina	Upgrade US Highway 301 within Bamberg	2.950
188	Arizona	Construct Veterans' Memorial overpass in Pima Co.	15.000
189	Michigan	Replace Chalk Hills Bridge over Menominee River	0.400
190	Michigan	Construct intermodal freight terminal in Wayne Co.	24.000
191	Oregon	Replace grade crossing with separated crossing and related improvements, Linn Co.	6.710
192	California	Reconstruct State Route 81 (Sierra Ave.) and I–10 Interchange in Fontana	10.000
193	California	Construct four-lane highway facility (Hollister Bypass), San Benito Co.	3.000
194	Maine	Construct new bridge over Kennebee River (Carlton Bridge replacement)	8.000
195	Oregon	Upgrade I–5/Highway 217 interchange, Portland	7.000
196	American Samoa	Upgrade village roads on Tutilla Island, American Samoa	11.000
197	New Jersey	Eliminate Berlin Circle and signalize intersection in Camden	8.000
198	New York	Implement Melrose Commons geographic information system	1.000
199	Pennsylvania	Reconstruct Lover Interchange on I–70, Washington Co.	5.000
200	Virginia	Aquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest	0.200
201	California	Construct Sacramento Intermodal Station	4.000
202	New York	Construct intermodal facility in New Rochelle, Westchester Co.	7.250
203	New York	Reconstruct 79th Street Traffic Circle, New York City	9.000
204	Pennsylvania	Extend North Delaware Ave. between Lewis St. and Orthodox St., Philadelphia	5.200
205	Missouri	Upgrade Route MO291 Connector	2.000
206	Pennsylvania	Upgrade US Rt. 119 between Homer City and Blairsville	6.400
207	West Virginia	Relocate segment of Route 33 (Scott Miller Bypass), Roane Co.	8.000
208	Missouri	Construct on intermodal center at Missouri Botanical Garden	1.600
209	Maine	Rehabilitate Piscataqua River bridges, Kittery	5.250
210	Wisconsin	Upgrade STH 29 between IH 94 and Chippewa Falls	6.000
211	Illinois	Extend and reconstruct roadways through industrial corridor in Alton	5.690
212	New Jersey	Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne	3.000
213	Missouri	Relocate and reconstruct Route 21 between Schenk Rd. to Town of DeSoto	40.000
214	Michigan	Improve drainage on 6th Street in Menominee	0.150
215	Pennsylvania	Reconstruct and widen US Rt. 222 to four-lane expressway between Lancaster/Berks County line and Grings Mill Rd. and construction of Warren Street extenstion in Reading	25.000
216	New Jersey	Relocate and complete construction of new multi-modal facility, Weehawken	8.000
217	Arkansas	Construct North Belt Freeway	7.000

			[Dollars in Millions]
218	California	Rehabilitate pavement throughout Santa Barbara Co. ...	1.500
219	Virginia	Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon	2.050
220	Arizona	Reconstruct I–19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales	10.000
221	Massachusetts ..	Conduct planning and engineering for connector route between I–95 and industrial/business park, Attleboro	0.800
222	Georgia	Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I–285, DeKalb Co.	0.100
223	Ohio	Construct Wilmington Bypass, Wilmington	5.000
224	Illinois	Construct Western Springs Pedestrian and Tunnel project, Cook Co.	0.925
225	Minnesota	Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake	0.960
226	Michigan	Upgrade H-58 within Pictured Rocks National Lakeshore	5.600
227	California	Reconstruct and widen Mission Road, Alhambra	3.250
228	Texas	Reconstruct and widen I–35 between North of Georgetown at Loop 418 to US Rt. 190	8.000
229	Florida	Construct access road to St. Johns Ave. Industrial Park	1.000
230	Illinois	Intersection improvements at 79th and Stoney Island Blvd., Chicago	1.740
231	Michigan	Construct Tawas Beach Road/US 23 interchange improvements, East Tawas	2.200
232	Pennsylvania	Construct Lawrenceville Industrial Access Road	10.000
233	Maryland	Construct intersection improvements to facilitate access to NSA facility, Anne Arundel Co.	3.000
234	California	Upgrade Del Almo Boulevard at I–405	5.000
235	Minnesota	Reconstruct and replace I–494 Wakota Bridge from South St. Paul to Newport, and approaches	13.000
236	Tennessee	Construct separated grade crossing at US 41 and US 231, Murfreesboro	0.323
237	Michigan	Construct four-lane boulevard from Dixie Highway to Walton Blvd., Oakland Co.	3.700
238	New York	Reconstruct Mamaroneck Ave., White Plains, Harrison and Mamaroneck	4.500
239	Texas	Upgrade FM 1764 between FM 646 to State Highway 6	3.000
240	Texas	Construct ramp connection between Hammet St. to Highway 54 ramp to provide access to I–10 in El Paso	8.000
241	New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elvated expressway (Gowanus tunnel project)	32.000
242	New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman St., New York City	1.470
243	Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair Co.	6.000
244	Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	5.900
245	Connecticut	Construct Greenmanville Ave. streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	8.400
246	Illinois	Reconstruct Broad Street between Maple St. to Sixth St., Evansville	0.350
247	New York	Construct Mineola and Hicksville Intermodal Centers in Nassau Co.	16.000
248	Colorado	Construct intermodal center at Stapleton, Denver	3.000
249	New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	16.000
250	Michigan	Extend Trowbridge Road from Harrison Rd. to Red Cedar Rd.	2.500
251	Massachusetts ..	Construct improvements to North Main St. in Worcester	2.400

			[Dollars in Millions]
252	Tennessee	Upgrade SR 96 between Arno Rd. and SR 252, Williamson Co.	3.600
253	Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	8.000
254	California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angelese	3.000
255	New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome Co.	16.800
256	Ohio	Upgrade US Rt. 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	5.000
257	Oregon	Construct passing lande on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane Co.	6.800
258	Michigan	Upgrade East Jordon Road, Boyne City	0.170
259	California	Reconstruct Tennessee Valley Bridge, Marin Co.	1.000
260	Illinois	Improve access to 93rd Street Station, Chicago	3.000
261	California	Construct I–580 interchange, Livermore	13.200
262	California	Construct San Diego and Arizona Eastern Intermodal Yard	10.000
263	Michigan	Apply ITS technologies relating to traffic control, Lansing	3.700
264	California	Construct Palisades Bluff Stabilization project, Santa Monica	8.000
265	Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.100
266	Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.200
267	California	Upgrade Industrial Parkway Southwest between Whipple Rd. and improved segment of the parkway, Hayward	0.600
268	Missouri	Replace bridge on Route 92, Platte Co.	1.000
269	Ohio	Upgrade Western Reserve Road, Mahoning Co.	5.600
270	Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs Co.	5.000
271	Illinois	Undertake streetscaping between Damden and Halsted	1.150
272	Illinois	Construct improvements to New Era Road, Carbondale	3.500
273	New York	Construct access improvements to Port of Rochester Harbor, Rochester	12.000
274	Rhode Island	Reconstruct interchanges on Rt. 116 between Rt. 146 and Ashton Viaduct, Lincoln	0.445
275	West Virginia	Preliminary engineering and design for access road to proposed location of regional airport, Lincoln Co.	1.000
276	Massachusetts ..	Upgrade Route 2 between Philipston and Greenfield	4.000
277	Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.000
278	Pennsylvania	Relocate PA 18 between 9th Ave. and 32nd St., Beaver Falls	1.400
279	California	Construct bike paths, Thousand Oaks	0.625
280	Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1.282
281	Louisiana	Reconstruct I–10 and Ryan Street access ramps and frontage street improvements, Lake Charles	8.000
282	California	Upgrade SR 92/El Camino interchange, San Mateo	3.700
283	Massachusetts ..	Construct Housatonic-Hoosic bicycle network	4.000
284	Texas	Upgrade SH 30, Huntsville	2.500
285	Connecticut	Replace bridges over Harbor Brook, Meriden	6.550
286	Indiana	Extend SR 149 between SR 130 to US Rt. 30	1.000
287	West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely Co.	0.200
288	Arkansas	Upgrade Highway 63, Marked Tree to Lake David	12.000
289	Dist. of Col.	Conduct studies and related activities pertaining to proposed intermodal transportation Center, D.C.	1.000
290	Ohio	Undertake improvements to Valley Street, Dayton	0.900
291	Texas	Construct US Expressway 77/83 interchange, Harlingen	7.500
292	Texas	Construct Loop 197, Galveston	4.290
293	Minnesota	Upgrade Highway 53 between Virginia and Cook	2.000

			[Dollars in Millions]
294	California	Upgrade intersection of Folsom Blvd. and Power Inn Rd., Sacramento	10.000
295	California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.500
296	New York	Construct intermodal facility in Yonkers, Westchester Co.	10.250
297	Massachusetts	Construct bike path between Rt. 16 (Everett) to Lynn Oceanside	1.700
298	Oregon	Design and engineering for intermodal transportation center, Astoria	0.300
299	California	Construct Port of Oakland intermodal terminal	8.000
300	Indiana	Upgrade County roads in LaPorte County	7.000
301	Alabama	Replace bridge over Tombigbee River, Naheola	3.000
302	Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	1.700
303	Colorado	Reconstruct and upgrade I–70/I–25 Interchange, Denver	13.000
304	Alabama	Construct improvements to 41st Street between 1st Ave. South and Airport Highway, Birmingham	1.000
305	New York	Replace Route 28 bridge over NY State Thruway, Ulster Co.	3.200
306	Minnesota	Reconstruct SE Main Ave./I–94 interchange, Moorhead	4.000
307	Indiana	Construct Gary Marina access road (Buffington Harbor)	10.000
308	Washington	Undertake SR 166 slide repair	6.500
309	Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.230
310	Minnesota	Upgrade 10th Street South, St. Cloud	1.500
311	Missouri	Construct Grand Ave. viaduct over Mill Creek Valley in St. Louis	2.200
312	Missouri	Construct Strother Rd./I–470 interchange, Jackson Co.	8.000
313	Wisconsin	Upgrade U.S. 51 between I–90/94 to northern Wisconsin	5.000
314	Virginia	Construct trailhead and related facilities and restore old Whitetop Train Station at terminus of Virginia Creeper Trail adjacent to Mount Rogers National Recreation Area	0.250
315	Oregon	Reconstruct Lovejoy ramp, Portland	7.718
316	Michigan	Rehabilitate Lincoln St., Negaunee	0.170
317	New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan Co.	6.000
318	Texas	Construct extension of Bay Area Blvd.	1.000
319	California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.500
320	Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.020
321	Massachusetts	Construct Arlington to Boston Bike Path	1.000
322	Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	2.000
323	Oregon	Construct bike path along Willamette River, Corvallis	0.808
324	California	Upgrade Highway 99 between State Highway 70 and Lincoln Rd., Sutter Co.	14.300
325	Texas	Construct US 77/83 Expressway extension, Brownsville	3.000
326	Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.080
327	Massachusetts	Upgrade I–495 interchange 17 and related improvements inlcuding along Route 140	14.480
328	Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	2.000
329	Illinois	Reconstruct interchange at I–294, 127th St. and Cicero Ave. with new ramps to the Tri-State Tollway, Alsip	34.265
330	Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.240
331	Missouri	Construct Jefferson Ave. viaduct over Mill Creek Valley in St. Louis	11.000

			[Dollars in Millions]
332	Ohio	Construct connector road between North Road and SR46, Trumbull Co.	5.680
333	Oregon	Repair bridge over Rogue River, Gold Beach	10.000
334	Tennessee	Construct I–40/SR 155 interchange, Davidson	9.000
335	Pennsylvania	Upgrade I–95 between Lehigh Ave. and Columbia Ave. and improvements to Girard Ave./I–95 interchange, Philadelphia	29.000
336	Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	3.200
337	New York	Reconstruct 127th Street viaduct, New York City	1.470
338	California	Construct bicycle path, Westlake Village	0.136
339	California	Upgrade Osgood Road between Washington Blvd. and South Grimmer Blvd., Freemont	2.000
340	Tennessee	Upgrade Briley Parkway between I–40 and Opreyland	9.000
341	Minnesota	Construct Gunflint Realignment project, Grand Marais	0.800
342	Maryland	Construct Baltimore Washington Parkway to Route 197, Prince Georges Co.	8.000
343	Virgin Islands	Construct bypass around Christiansted	8.000
344	Dist. of Col.	Rehabilitate Theodore Roosevelt Memorial Bridge	10.000
345	California	Construct Los Angeles County Gateway Cities NHS Access	8.750
346	South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland Co.	0.800
347	Ohio	Upgrade US Rt. 35 between vicinity of Chillicothe to Village of Richmond Dale	5.000
348	California	Extend 7th St. between F St. and North 7th St., Sacramento	2.000
349	Illinois	Construct I–64/North Greenmount Rd. interchange, St. Clair Co.	4.800
350	Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.500
351	Iowa	Construct four-lane expressway between Des Moines and Marshalltown	11.100
352	Michigan	Construct route improvements along Washington Ave. between Janes Ave. to Johnson St. and East Genesee Ave. between Saginaw River and Janes Ave., Saginaw	3.600
353	Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.707
354	Michigan	Reconstruct I–75/M-57 interchange	14.000
355	Virginia	Upgrade Danville Bypass in Pittsylvania	4.000
356	Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	4.700
357	Alabama	Construct improvements to 19th Street between I–59 and Tuxedo Junction, Birmingham	0.900
358	Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.450
359	Texas	Upgrade FM225, Nacogdoches	4.000
360	California	Construct railroad at-grade crossings, San Leandro	0.500
361	Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.800
362	Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I–90	2.000
363	Oregon	Upgrade Naito Parkway, Portland	1.500
364	Pennsylvania	Make safety improvements on PA Rt. 61 (Dusselfink Safety Project) between Rt. 183 in Cressona and SR 0215 in Mount Carbon	7.000
365	New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp.	14.000
366	California	Construct Backbone Trail through Santa Monica National Recreation Area	0.200
367	Massachusetts	Reconstruct Greenfield Road, Montague	2.500
368	North Dakota	Upgrade U.S. Route 52 between Donnybrook and US Route 2	2.400

			[Dollars in Millions]
369	Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th St. Station	8.000
370	Hawaii	Construct Kapaa Bypass	10.000
371	Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.800
372	Hawaii	Replace Sand Island tunnel with bridge	1.000
373	Missouri	Improve safety and traffic flow on Rt. 13 through Clinton	8.000
374	California	Construct improvements to Moorpark/Highway 101 interchange, Bouchard/Highway 101 interchange and associated street improvements, Thousand Oaks	0.368
375	Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches ..	1.800
376	Washington	Construct passenger ferry to serve Southworth-Seattle ..	5.000
377	Hawaii	Construct interchange at junction of proposed North-South road and H-1	20.000
378	South Carolina	Construct I–95/I–26 interchange, Orangeburg Co.	12.000
379	Ohio	Upgrade SR 46 between Mahoning Ave. and Salt Springs Rd., Mahoning and Trumbull Counties	3.520
380	California	Rehabilitate Highway 1 in Guadalupe	0.500
381	Massachusetts ..	Construct Great River Bridge improvements, Westfield	2.000
382	Maine	Studies and planning for extension of I–95	1.500
383	Michigan	Widen Arch St., Negaunee	0.080
384	Texas	Construct Concord Road Widening project, Beaumont	8.500
385	Massachusetts ..	Construct accessibility improvments to Charles Street T Station, Boston	4.000
386	Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.500
387	Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny Co.	0.180
388	Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.700
389	Pennsylvania	Construct Wexford I–79/SR 910 Interchange, Allegheny Co.	1.100
390	Minnesota	Undertake improvements to Hennepin County Bikeway	5.200
391	New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapkowsk Rd. to Trumbull St.)	3.000
392	Texas	Implement 'Hike and Bike' trail program, Houston	8.000
393	Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	8.000
394	Illinois	Planning, engineering and first phase construction of beltway connector, Decatur	10.310
395	Texas	Extend Texas State Highway 154 between US 80W and State Highway 43S	4.900
396	Illinois	Construct bypass of historic stone bridge, Maeystown	0.820
397	Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	2.000
398	Missouri	Upgrade Little Blue Expressway, Jackson Co.	3.000
399	Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	8.000
400	Illinois	Reconstruct Cossitt Ave. in LaGrange	1.485
401	Pennsylvania	Facilitate coordination of transportation systems at intersection of 46th and Market, and enhance access and related measures to area facilities including purchase of vans for reverse commutes, Philadelphia	4.000
402	Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.450
403	Pennsylvania	Construct access road to Hastings Industrial Park, Cambria Co.	6.400
404	Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20.000
405	Washington	Reconstruct I–5 interchange, City of Lacy	1.500
406	Dist. of Col.	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	10.000
407	New Jersey	Upgrade I–78 interchange and West Peddie St. ramps, Newark	6.300

			[Dollars in Millions]
408	Tennessee	Implement ITS technologies, Nashville	2.800
409	Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	1.200
410	North Carolina	Upgrade Highway 55 between US 64 and State Route 1121, Wake and Durham Counties	23.000
411	Virginia	Upgrade Route 501 in Bedford County	1.000
412	Georgia	Construct multi-modal passenger terminal, Atlanta	16.000
413	Virginia	Renovate Greater Richmond Transit transportation facility, Richmond	5.000
414	Michigan	Upgrade Van Dyke Road between M-59 and Utica City limits	3.700
415	Pennsylvania	Design, engineer, ROW acquisition and construct the Luzerne County Community College Road between S.R. 2002 and S.R. 3004 one-mile west of Center Street through S.R. 2008 in the vicinity of Prospect Street and the Luzerne County Community College ...	14.000
416	Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	4.850
417	North Dakota	Upgrade US Rt. 52, Kenmare to Donnybrook	2.800
418	Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	6.000
419	Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott Co.	0.225
420	Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.800
421	Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison Co.	1.500
422	New York	Install advance traffic management system along Cross County Parkway between Saw Mill River Parkway and Hutchinson River Parkway	4.000
423	South Carolina	Construct I–77/SC #S-20-30 interchange, Fairfield Co. ...	7.000
424	Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.500
425	Oregon	Construct I–205/Sunnyside/Sunnybrook interchange and related extrension road, Clackamas Co.	20.000
426	New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	5.000
427	Illinois	Construct Marion Street multi-modal project in Village of Oak Park	2.000
428	Pennsylvania	Upgrade roadway in the Princeton/Cottman I–95 interchange and related improvements, Philadelphia	20.200
429	California	Extend I–10 HOV lanes, Los Angeles	2.940
430	Massachusetts ..	Rehabilitate Union Station in Springfield	16.000
431	California	Upgrade Greenville Rd. and construct railroad underpass, Livermore	6.800
432	Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette	6.000
433	Michigan	Construct improvements to Linden Rd. between Maple Ave. and Pierson Rd., Genessee Co.	1.200
434	Texas	Construct Titus County West Loop, Mount Pleasant	2.500
435	New York	Upgrade Riverside Drive between 97th St. and Tiemann, New York City	1.470
436	Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	11.300
437	Minnesota	Upgrade CSAH 116 north of SCAH 88 in Ely	1.600
438	New York	Rehabilitate Queens Blvd./Sunnyside Yard Bridge, New York City	8.000
439	Oregon	Upgrade I–5, Salem	6.592
440	California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.288
441	Arkansas	Construct US 63 interchange with Washington Ave. and Highway 63B	2.000
442	Virginia	Upgrade Rt. 600 to facilitate access between I–81 and Mount Rogers National Recreation Area	8.000
443	Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny Co.	0.620

[Dollars in Millions]

444	New Jersey	Conduct Route 46 Corridor Improvement Project with of the amount provided, $11,500,000 for the Route 46/ Riverview Drive Interchange reconstruction project, $16,900,000 for the Route 46/Van Houton Avenue reconstruction project, and $4,100,000 for the Route	32.500
445	Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	4.000
446	Michigan	Upgrade Hill Road corridor between I–75 to Dort Highway, Genesee Co.	3.000
447	Louisiana	Upgrade Lapalco Blvd. between Destrehan Ave. and Lapalco Blvd., Jefferson Parish	8.000
448	California	Upgrade South Higuera Street, San Luis Obispo	0.900
449	Rhode Island	Reconstruct Harris Ave., Woonsocket	2.000
450	California	Construct Olympic Training Center Access Road, Chula Vista	5.000
451	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10.000
452	North Carolina	Construct I–540 from east of NC Rt. 50 to east of US Rt. 1 in Wake Co.	13.000
453	Oregon	Upgrade Murray Blvd. including overpass bridge, Millikan to Terman	5.000
454	California	Planning, preliminary engineering and design for Etiwanda Ave./I–10 interchange, San Bernardino Co.	2.000
455	Arkansas	Upgrade US Rt. 412, Mountain Home to Missouri State line	10.000
456	California	Upgrade access road to Mare Island	1.000
457	California	Construct Prunedale Bypass segment of U.S. 101, Monerey Co.	2.200
458	Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	2.362
459	Wisconsin	Upgrade US Rt. 10 between Waupaca to US Rt. 41	8.000
460	Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.200
461	Wisconsin	Construct Eau Claire Bypass project	8.000
462	Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.750
463	New York	Reconstruct Chili Ave. between W. City Line and West Ave., Rochester	1.600
464	West Virginia	Construct I–81 interchange, Martinsburg	5.300
465	Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	5.000
466	Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop Co.	0.400
467	Oregon	Construct bike path improvements between W.D. Street to south parking lot in Island Park and bicycle/pedestrian facility between Island Park path to the Willamalane Senior Center, Springfield	0.100
468	Ohio	Undertake multimodal transportation improvements, Dayton	2.750
469	Massachusetts	Upgrade Rt. 3 between Rt. 128/I–95 to Massachusetts and New Hampshire State Line	8.200
470	Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	1.000
471	California	Construct improvements to Route 101/Lost Hills Road interchange, Calabasas	5.790
472	Florida	Construct John Young Parkway/I–4 interchange	8.000
473	Texas	Reconstruct FM 364 between Humble Road and I–10, Beaumont	4.800
474	Texas	Construct Austin to San Antonio Corridor	9.500
475	Texas	Construct East Loop, Brownsville	1.000
476	Illinois	Upgrade South Lake Shore Driver between 47th and Hayes, Chicago	7.800
477	Alabama	Construct Finley Ave. Extension East project	3.900
478	Tennessee	Implement middle Tennessee alternative transportation system along the Stones River	9.500

			[Dollars in Millions]
479	Hawaii	Construct improvements to H-1 between the Waiawa interchange and the Halawa interchange	2.000
480	New Jersey	Upgrade Industrial Road between Carteret and Woodbridge Township	3.000
481	Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	1.000
482	Hawaii	Construct Kawahihee Bypass	1.000
483	Georgia	Upgrade U.S. Rt. 19 between Albany and Thomaston	5.000
484	Michigan	Upgrade M-15 from I–75 north to the Genesee County line	0.500
485	Georgia	Upgrade Lithonia Industrial Boulevard, DeKalb Co.	0.500
486	Michigan	Upgrade Walton Blvd. between Dixie and Sashabaw, Oakland Co.	2.000
487	Kentucky	Reconstruct Liberty and Todd Roads, Lexington	8.000
488	North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg Co.	16.000
489	Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.200
490	North Carolina	Construct segment of I–74 between Maxton Bypass and NC 710, Robeson Co.	2.000
491	Pennsylvania	Construct enhancements and related measures, including purchase of vans for reverse commutes, to intermodal facility located at intersection of 52nd and Lancaster Ave., Philadelphia	4.000
492	Illinois	Undertake Industrial Transportation Improvement Program in Chicago	4.350
493	Illinois	Resurface S. Chicago Ave. From 71st to 95th Streets, Chicago	1.060
494	Texas	Upgrade US Rt. 59 between US 281 to I–37	16.000
495	Tennessee	Construct Stones River Greenway, Davidson	7.200
496	South Carolina	Construct Calhoun/Clarendon Causeway	10.000
497	Tennessee	Construct U.S. 40 bypass, Madison Co.	2.000
498	Mississippi	Upgrade Land Fill Road, Panola Co.	1.000
499	Illinois	Construct elevated walkway between Centre Station and arena	1.200
500	New Jersey	Construct interchange improvements and flyover ramps at I–80W to Route D23N in Passaic Co.	10.000
501	Illinois	Construct new entrance to Midway Airport Terminal	6.500
502	North Dakota	Construct Jamestown bypass	4.800
503	Illinois	Resurface 95th St. between Western Ave. and Stony Island Blvd., Chicago	3.120
504	Massachusetts	Upgrade Rt. 9/Calvin Coolidge Bridge, Hadley	10.000
505	Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	3.590
506	Tennessee	Upgrade SR 386 between US 31 to the Gallatin Bypass, Sumner Co.	3.440
507	American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island, American Samoa	5.000
508	Ohio	Replace I–280 bridge over Maumee River, Toledo area	24.000
509	Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.268
510	Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	12.000
511	California	Construct State Route 905 between I–805 and the Otay Mesa Border Crossing, San Diego Co.	25.000
512	California	Undertake median improvements along E. 14th St., San Leandro	1.000
513	Virginia	Conduct preliminary engineering on I–73 between Roanoke and Virginia/North Carolina State line	4.000
514	Illinois	Upgrade industrial park road in Village of Sauget	4.500
515	Massachusetts	Construct TeleCom Boulevard with access via Commercial Street and Corporation Way to the west of Malden River and with access via Santilli Highway to the east of the river in Everett, Medord and Malden	7.000
516	Rhode Island	Construct Blackstone River Bikeway	3.455
517	Oregon	Construct intermodal station, Clackamas Co.	0.600

			[Dollars in Millions]
518	Illinois	Rehabilitate Western Springs Arterial Roadway, Cook Co.	0.825
519	California	Implement enhanced traffic access between I–10, area hospitals and southern portion of Loma Linda	2.000
520	Maine	Replace Ridlonville Bridge across Androscoggin River	1.500
521	New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ	5.000
522	Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.500
523	Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.500
524	North Carolina	Construct segment of Raleigh Outer Loop, Wake Co.	2.700
525	North Carolina	Construct segment of new freeway, including right-of-way acquisition, between East of US 401 to I–95, and bridge over Cape Fear River	16.000
526	Kentucky	Construct Newton Pike Extension between West Main St. to South Limestone in Lexington	8.000
527	Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	4.000
528	California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.650
529	Maryland	Upgrade I–95/I–495 interchange at Ritchie Marlboro Rd., Prince Georges	4.800
530	Michigan	Construct arterial connector between US41/M28 and Co. Rd. 480, Marquette	0.500
531	Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning Co.	25.000
532	Illinois	Study for new bridge over Mississippi River with terminus points in St. Clair County and St. Louis, MO.	1.400
533	Michigan	Upgrade Three Mile Road, Grand Traverse	1.000
534	Wisconsin	Construct Abbotsford Bypass	6.000
535	North Carolina	Upgrade US 13/NC11 (including Bethel bypass) in Pitt and Edgecombe	2.000
536	New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Ave.) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station	5.000
537	Iowa	Reconstruct US Highway 218 between 7th and 20th Streets including center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.500
538	Minnesota	Construct grade crossing improvments, Morrison County	1.800
539	California	Upgrade Bristol St., Santa Ana	7.000
540	Illinois	Undertake access improvements to U.S. Rt. 41, Chicago	3.750
541	Illinois	Reconstruct Dixie Highway, Harvey	0.494
542	Minnesota	Upgrade CSAH between TH324 and Snake River	1.200
543	California	Rehabilitate B Street between Foothill Blvd. and Kelly St., Hayward	0.700
544	Illinois	Construct improvements to Pleasant Hill Road, Carbondale	3.500
545	Mississippi	Construct access improvments to various roads, Humphreys Co.	1.000
546	Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	1.000
547	Maryland	Implement city-wide signal control system replacements and improvements in Baltimore	17.700
548	Michigan	Construct road drainage improvements, Suttons Bay Village	0.240
549	West Virginia	Upgrade Route 10 between Logan and Man	50.000
550	California	Construct Gene Autry Way/I–5 Access project, Anaheim	9.000
551	Tennessee	Reconstruct US 79 between Milan and McKenzie	4.000
552	Illinois	Reconstruct Midlothian Turnpike, Robbins	0.288
553	California	Construct connector between I–5 and SR 113 and reconstruct I–5 interchange with Road 102, Woodland	11.500
554	Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	3.600

			[Dollars in Millions]
555	California	Construct Airport Blvd. interchange in Salinas	8.000
556	California	Construct Third Street South Bay Basin Bridge, San Francisco	12.500
557	Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.320
558	Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahasee	4.000
559	Connecticut	Reconstruct I–84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	6.000
560	California	Upgrade Riverside Avenue/I–10 interchange, Rialto	0.925
561	Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.500
562	Pennsylvania	Construct Robinson Town Centre intermodal facility	2.700
563	North Carolina	Construct bridge over Chockoyotte Creek in Halifex Co.	1.800
564	Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.250
565	Hawaii	Construct Waimea Bypass	1.000
566	Oregon	Reconstruct I–5/Beltline Road interchange	3.000
567	Ohio	Construct Intermodal Industrial Park in Wellsville	2.040
568	Ohio	Upgrade Route 82, Strongsville	7.000
569	California	Construct pedestrian promenade, Pismo Beach	0.200
570	Dist. of Col.	Conduct MIS of light rail corridors, D.C.	1.000
571	California	Upgrade I–680 Corridor, Alameda Co.	10.000
572	Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County	2.000
573	Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12.000
574	Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	6.000
575	Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.500
576	Pennsylvania	Construct American Parkway Bridge project in Allentown	4.000
577	Pennsylvania	Replace Grant Street Bridge, New Castle	2.400
578	Illinois	Extend South 74th Street, Belleville	0.500
579	California	Construct Phase 3 of Alameda Street project, Los Angeles	6.000
580	New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.470
581	West Virginia	Upgrade Route 2 in Cabell Co., including the relocation of Route 2 to provide for a connection to I–64 (Merrick Creek Connector)	25.000
582	Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	3.000
583	Illinois	Construct improvements to segment of Town Creek Road, Jackson Co.	1.300
584	Minnesota	Complete construction of Forest Highway 11, Lake Co.	5.000
585	Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	4.900
586	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	10.300
587	Ohio	Replace Jacobs Road Bridge, Mahoning Co.	2.000
588	North Carolina	Make improvements to I–95/SR-1162 interchange in Johnston Co.	3.200
589	Oregon	Rehabilitate Broadway Bridge in Portland	10.000
590	Minnesota	Construct Trunk Highway 169 Causeway, Itasca Co.	8.100
591	Minnesota	Construct Cass County Public Trails Corridors	0.240
592	Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8.000
593	California	Construct bicycle path, Calabasas	0.500
594	Mississippi	Upgrade Hampton Lake Road, Tallahatchie Co.	0.880
595	Michigan	Upgrade M.L. King Drive. Genesee Co.	2.000
596	Michigan	Facilitate access between I–75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	1.000

			[Dollars in Millions]
597	New York	Construct Midtown West Intermodal Ferry Terminal, New York City	5.000
598	Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	4.600
599	Alabama	Upgrade Opoto-Madrid Blvd., Birmingham	1.400
600	Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.600
601	Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	1.294
602	Arkansas	Construct Baseline Road RR grade separation, Little Rock	5.000
603	Louisiana	Construct I–10/Louisiana Ave. interchange	8.000
604	Oregon	Construct regional multimodal transportation center in Albany	10.320
605	Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.500
606	Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	5.100
607	Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	4.000
608	Oregon	Restore the Historic Columbia River Highway including construction of a pedestrian and bicycle path under I–84 at Tanner Creek and restoration of the Tanner Creek and Moffett Creek bridges	2.000
609	New Jersey	Reconstruct intermodal transportation facility on Bergenline Ave., Union City	4.000
610	Tennessee	Upgrade US 231 between SR 268 and Walter Hill, Rutherford	5.100
611	Minnesota	Extend County State Highway 61 extension into Two Harbors	0.800
612	Mississippi	Upgrade roads, Washington Co.	4.410
613	Michigan	Upgrade M-24 from I–75 to the northern Oakland Co. border	0.500
614	Washington	Construct Sequim/Dungeness Valley trail project	1.000
615	California	Construct HOV lane and bicycle lane within the Glendale Blvd. corridor in Los Angeles	16.000
616	Michigan	Upgrade Groveland Mine Road, Dickinson	0.500
617	Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset ..	5.000
618	Texas	Upgrade IH-30 between Dallas and Ft. Worth	29.000
619	Florida	Upgrade U.S. 319 between I–10 and the Florida/George State line	4.000
620	Rhode Island	Construct Rhode Island Greenways and Bikeways projects with of the amount provided $5,700,000 for the Washington Secondary Bikepath, and $2,100,000 for the South County Bikepath Phase 2	7.800
621	Texas	Conduct feasability study on upgrading SH 16 in South Texas.	0.250
622	Virginia	Construct road improvement, trailhead development and related facilities for Haysi to Breaks Interstate Bicycle and Pedestrian Trail between Haysi and Garden Hole area of Breaks Interstate Park	0.250
623	Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	5.400
624	Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	3.000
625	Ohio	Construct Black River Intermodal Center, Lorain	2.400
626	Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny Co.	3.700
627	Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	3.000
628	Georgia	Undertake major arterial enhancements in DeKalb Co. with the amount provides as follows: $7,000,000 for Candler Rd., $7,500,000 for Memorial Highway and $900,000 for Bufford Highway	15.400

			[Dollars in Millions]
629	Minnesota	Construct highway construction between Highway 494 and Carver Co. Rd. 147	4.000
630	California	Construct improvements to Harry Bridges Blvd., Los Angeles	9.100
631	California	Extend Route 46 expressway in San Luis Obispo Co.	8.000
632	Michigan	Upgrade M-84 connector between Tittabawasee Rd. and M-13, Bay and Saginaw Counties	16.180
633	California	Construct I–380 connector between Sneath Lane and San Bruno Ave., San Bruno	2.800
634	Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I–70	9.000
635	Ohio	Construct interchange at SR 11 and King Graves Rd. in Trumball Co.	4.800
636	Tennessee	Construct Franklin Road interchange and bypass	2.000
637	Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	1.000
638	California	Upgrade I–880, Alameda	10.000
639	Maine	Upgrade Route 11	4.000
640	Minnesota	Upgrade 77th St. between I–35W and 24th Ave. to four lanes in Richfield	22.800
641	Rhode Island	Reconstruct Pawtucket Ave. and Wilcott St., Pawtucket	1.500
642	Ohio	Construct grade separations at Fitch Road in Olmsted Falls	5.000
643	New Jersey	Upgrade Market St./Essex St. and Rochelle Ave./Main St. to facilitate access to Routes 17 and 80, Bergen Co.	5.000
644	Alabama	Construct improvements to Ensley Avenue between 20th St. and Warrior Rd., Birmingham	1.000
645	California	Seismic retrofit of Golden Gate Bridge	2.000
646	Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.900
647	Massachusetts	Construct I–95/I–93 interchange, Boston	5.000
648	Minnesota	Upgrade TH 13 between TH 77 and I–494	2.000
649	Indiana	Upgrade Ridge Road between Griffith and Highland	4.400
650	California	Construct bikeways, Santa Maria	0.512
651	Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill Co.	8.000
652	Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	5.000
653	Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.100
654	Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	4.000
655	Illinois	Reconstruct U.S. 6, Harvey	1.660
656	Texas	Construct improvements along US 69 including frontage roads, Jefferson Co.	7.680
657	North Carolina	Relocate US 1 from north of Lakeview to SR 1180, Moore and Lee Counties	7.300
658	Massachusetts	Reconstruct Bates Bridge over Merrimack River	4.000
659	Oregon	Design and engineering for Newberg-Dundee Bypass	0.500
660	Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	1.000
661	Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	7.717
662	Tennessee	Construct SR22 Bypass, Obion Co.	10.000
663	Indiana	Reconstruct US Rt. 231 between junction of State Road 66 to Dubois Co. line	4.500
664	Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.440
665	New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st St. and Fordham Rd., New York City	13.000
666	Massachusetts	Upgrade Spring St. between Bank and Latham Streets, Williamstown	2.000
667	Massachusetts	Construct bikeway between Blackstone and Worcester	8.000

			[Dollars in Millions]
668	Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.700
669	Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Blvd.	9.000
670	California	Upgrade call boxes throughout Santa Barbara County	1.500
671	Missouri	Upgrade Route 6 between I–29 and Route AC, St. Joseph	5.000
672	Tennessee	Upgrade Briley Parkway between McGavock Pike and I–65	9.000
673	Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	8.000
674	Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	20.000
675	Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20.000
676	Pennsylvania	Extend Martin Luther King Busway, Alleghany Co.	2.200
677	Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	2.100
678	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	2.000
679	California	Construct extension of State Route 180 between Rt. 99 and the Hughes/West Diagonal	8.000
680	Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
681	West Virginia	Construct Riverside Expressway, Fairmont	36.000
682	Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	16.300
683	Ohio	Construct Eastern US Rt. 23 bypass of Portsmouth	5.000
684	Texas	Construct highway-rail-marine intermodal project, Corpus Christi	11.000
685	Illinois	Construct Central Ave.-Narragansett Ave. connector, Chicago	8.700
686	Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	2.000
687	Connecticut	Implement Trinity College Area road improvements, Hartford	6.810
688	New Jersey	Construct Collingswood Circle eliminator, Camen	8.000
689	Virginia	Upgrade Virginia Route 10, Surrey Co.	1.000
690	Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.600
691	Connecticut	Replace Windham Road bridge, Windham	2.000
692	Maine	Implement rural ITS	0.250
693	Tennessee	Construct SR22 Bypass, Obion Co.	10.000
694	Ohio	Construct Black River intermodal transportation center	5.600
695	California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	26.000
696	Georgia	Upgrade I–75 between the Crisp/Dooly Co. line to the Florida State line	11.000
697	California	Construct bicycle paths as part of regional system, Agoura Hills	0.100
698	Massachusetts	Construct bicycle and pedestrian facility (The Riverwalk), Peabody	1.440
699	California	Construct I–5 rail grade crossings between I–605 and State Route 91, Los Angeles and Orange Counties	20.120
700	California	Construct tunnel with approaches as part of Devils Slide project in San Mateo Co.	8.000
701	Texas	Construct US Highway 59 railroad crossing overpass in Texarkana	3.500
702	South Carolina	Construct improvements to I–95/SC 38 interchange	9.000
703	Texas	Construct Cleveland Bypass	13.500
704	Illinois	Rehabilitate WPA Streets in Chicago	4.700
705	California	Implement ITS technologies in Employment Center area of City of El Segundo	3.550

			[Dollars in Millions]
706	California	Construct grade-separated bicycle path along Los Angeles River between Fulton Ave. to the vicinity of Sepulveda Blvd. and the Sepulveda Basin Recreation Area, Los Angeles	1.600
707	Michigan	Replace Barton Rd./M-14 interchange, Ann Arbor	1.000
708	Missouri	Upgrade Mo. Rt. 150, Jackson Co.	3.000
709	Michigan	Construct M-24 Corridor from I–69 to southern Lapeer County	4.000
710	Virginia	Upgrade Route 58 from Stuart up Lovers' Leap Mountain towards Carroll Co.	7.000
711	Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.500
712	New York	Rehabilitate Broadway Bridge, New York City	1.470
713	Massachusetts	Implement Phase II of unified signage system, Essex Co.	0.391
714	Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	1.000
715	Alabama	Construct Decatur Southern Bypass	2.000
716	California	Construct new I–95 interchange with Highway 99W, Tehama Co.	2.200
717	New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway which pass through the Northeast Bronx	0.750
718	California	Construct Alameda Corridor East, San Gabriel Valley	2.940
719	Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.600
720	Mississippi	Upgrade Alva-Stage Rd., Montgomery Co.	1.500
721	New York	Upgrade Frederick Douglas Circle, New York City	14.650
722	West Virginia	Construct New River Parkway	6.000
723	Illinois	Upgrade Wood Street between Little Calumet River to 171st St., Dixmore, Harvey, Markham, Hazel Crest	0.990
724	Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	1.120
725	Oregon	Construct South Rivergate rail overcrossing in Portland	13.000
726	Mississippi	Upgrade West County Line Road, City of Jackson	11.000
727	Massachusetts	Implement directional signage program between Worcester CBD and regional airport	0.600
728	California	Upgrade D Street between Grand and Second Streets, Hayward	1.200
729	Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.800
730	Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw Co.	4.000
731	South Carolina	Construct North Charleston Regional Intermodal Center	4.500
732	Ohio	Upgrade SR 7 (Eastern Ave.) to improve traffic flow into Gallipolis, Gallia Co.	2.000
733	California	Modify HOV lanes, Marin Co.	7.000
734	Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.640
735	Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and the airport	2.000
736	Tennessee	Construct greenway and bicycle path corridor, City of White House	3.800
737	Texas	Upgrade Highway 271 between Paris and Pattonville	2.000
738	North Carolina	Upgrade NC 48 in Halifax and Northampton Counties	1.500
739	Connecticut	Revise interchange ramp on to Route 72 northbound from I–84 East in Plainville, Connecticut	3.750
740	California	Improve Mission Boulevard in San Bernardino, California	8.500
741	Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to l.R. 77.	8.000
742	Tennessee	Widen US-321 from Kinzel Springs to Wean Valley Road	9.100
743	New Hampshire	Construct Orford Bridge	3.400
744	Oklahoma	Reconstruct US-70 in Marshall and Bryan Counties	0.200

			[Dollars in Millions]
745	Washington	Widen SR522 from SR-9 to Paradise Lake Road	4.000
746	New York	Improve Cross Westchester Expressway	1.000
747	Pennsylvania	Improve US 22/Canoe Creek Blair County	2.000
748	Missouri	Upgrade US-60 in Carter County, Missouri.	27.000
749	Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.500
750	Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.000
751	Indiana	Conduct railroad relocation study in Muncie	0.060
752	Pennsylvania	Construct highway-transit transfer facility in Lemoyne	2.000
753	Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	39.000
754	Louisiana	Improve US-165 from Alexandria to Monroe	40.000
755	Ohio	Upgrade US-30 from Wooster to Riceland	15.000
756	Washington	Construct Edmonds Crossing Multi-modal transportation project in Edmonds, Washington.	5.000
757	Indiana	Remove and replace Walnut Street in Muncie	2.140
758	Pennsylvania	Improve South Central Business Park in Fulton County	1.000
759	Pennsylvania	Construct exit ramp on I–180 at State Route 2049 in Williamsport	10.500
760	Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1.000
761	Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	2.400
762	Virginia	Construct the Kemper Street Station connector road in Lynchburg	2.000
763	Oklahoma	Reconstruct and widen I–40 Crosstown Bridge and Realignment in downtown Oklahoma City, including demolition of the existing bridge, vehicle approach roads, interchanges, intersections, signalization and supporting structures between I–35 and I–44.	97.050
764	New Mexico	Improve I–25 at Raton Pass	10.000
765	California	Reconstruct La Loma Bridge in Pasadena	3.000
766	New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.100
767	Pennsylvania	Improve PA-8 between Cherry Tree and Rynd Farm	6.400
768	Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.670
770	Alaska	Construct capital improvement to the Alaska Marine Highway and related facilities: $6,000,000 for Seward, $3,000,000 for Ketchikan and $3,000,000 for Hollis	12.000
771	Connecticut	Rehabilitate Route 202 bridge in New Milford, Connecticut	2.700
772	Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	4.000
773	Texas	Conduct major investment study for Outer Loop freeway extension between I–35 West at State Highway 170 and State Highway 199 in Tarrant County	0.500
774	Pennsylvania	Reconfigure US-13/Pennsylvania Turnpike interchange	2.230
775	Washington	Construct Washington Pass visitor facilities on North Cascades Highway	1.200
776	Washington	Improve Huntington Avenue South in Castle Rock	0.750
777	California	Construct Centennial Transportation Corridor	21.000
778	Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	8.560
779	Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	8.000
780	California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	2.000
781	Utah	Widen 106th South from I–15 to Bangerter Highway in South Jordan	5.000
782	Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	1.100
783	Washington	Construct Port of Kalama River Bridge	0.900
784	California	Improve Folsom Boulevard—Highway 50 in the city of Folsom	4.000
785	New Hampshire	Construct the Broad Street Parkway in Nashua	16.300

			[Dollars in Millions]
786	New York	Construct County Road 93 between NYS 27 and NYS 454.	0.515
787	Washington	Improve Clinton Ferry Terminal in Clinton	7.750
788	Illinois	Construct Riverfront pedestrian walkway in Peoria	0.050
789	Colorado	Construct alternative truck route in Montrose	5.600
790	New York	I–87 Noise Abatement Program	10.000
791	New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	3.000
792	California	Install SiliconValley Smart Corridor project along the I–880 corridor	4.860
793	Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	11.040
794	Pennsylvania	Construct Drexel University Infrastructure Research Facility roadway improvements	1.000
795	New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	7.000
796	Michigan	Construct US-131 Cadillac Bypass project	5.000
797	New Hampshire	Reconstruct US-3 Carroll town line 2.1 miles north	2.000
798	Texas	Upgrade State Highway 35 Houston District Brazoria County	12.000
799	Tennessee	Construct US-27 from State Road 61 to Morgan County line	5.500
800	Pennsylvania	Install citywide signalization (SAMI) project in Lebanon	1.000
801	Maryland	Upgrade US-113 north of US-50 to MD-589 in Worcester County, Maryland	24.000
802	Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.200
803	Colorado	Construct I–25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	3.000
804	Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties.	0.300
805	Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	10.000
806	Georgia	Construct noise barriers on the westside of I–185 between Macon Road and Airport Thruway and on I–75 between Mt. Zion Road and Old Dixie Highway in the Atlanta area	1.000
807	Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown ...	5.000
808	Illinois	Constuct Peoria City River Center parking facility in Peoria	4.000
809	Arkansas	Study and construct a multi-modal facility Russellville, Arkansas.	1.000
810	Washington	Design and implement report and environmental study of the I–5 corridor in Everett, Washington	1.000
811	Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	2.000
812	Texas	Widen State Highway 6 from from Senior Road to FM521	12.100
813	South Dakota	Construct Eastern Dakota Expressway (Phase I)	15.790
814	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	9.500
815	Washington	Construct traffic signals on US-2 at Olds Owens Road and 5th Street in Sultan, Washington.	0.257
816	Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	13.000
817	New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	6.640
818	Pennsylvania	Construct I–81 noise abatement program in Dauphin County	0.640
819	Alabama	Construct Crepe Myrtle Trail near Mobile, Alabama	1.600
820	California	Construct SR-78/Rancho Del Oro interchange in Oceanside	5.000
821	New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey.	14.000

			[Dollars in Millions]
822	Pennsylvania	Construct Western Innerloop from PA-26 to State Route 3014	3.600
823	Kansas	Widen US-169 in Miami County	13.500
824	New Hampshire	Construct Hindsale Bridge	3.000
825	Washington	Construct I–5 interchanges in Lewis County	6.650
826	Georgia	Widen Georgia Route 6/US-278 in Polk County	10.888
827	Pennsylvania	Improve access and interchange from I–95 to the international terminal at Philadelphia International Airport	5.000
828	Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	12.800
829	Nevada	Extend I–580 in Washie and Douglas Counties	5.000
830	Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.400
831	Oregon	Repair Port of Hood River Bridge Lift Span project	23.500
832	New York	Improve access to I–84/Dutchess intermodal facility in Dutchess County	3.000
833	Georgia	Conduct a study of an interstate multimodal transportation corridor from Atlanta to Chattanooga	5.000
834	Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.100
835	Michigan	Conduct feasibility study on widening US-12 to three lanes between US-127 and Michigan Highway 50.	0.250
836	Kentucky	Correct rock hazard on US127 in Russell County	0.035
837	New York	Construct new exit 46A on I–90 at Route 170 in North Chili	10.000
838	California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	3.800
839	Missouri	Construct US-412 corridor from Kennett to Hayti, Missouri.	8.000
840	Florida	ITS improvements on US-19 in Pasco County	2.000
841	Florida	Construct I–4 reversible safety lane in Orlando	14.000
842	Connecticut	Improve and realign Route 8 in Winchester	2.020
843	Louisiana	Construct State Highway 3241/State Highway 1088/I–12 interchange in St. Tammany Parish, Louisiana.	10.000
844	Nebraska	Corridor study for Plattsmouth Bridge area to US-75 and Horning Road	0.350
845	Michigan	Construct US-131 Business route/industrial connector in Kalamazoo	2.000
846	Michigan	Reconstruct I–94 between Michigan Route 14 and US-23	14.750
847	California	Ontario International Airport ground access program	10.500
848	Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I–45	10.000
849	Virginia	Construct I–73 from Roanoke to the North Carolina border	8.500
850	Louisiana	Kerner's Ferry Bridge Replacement project	1.000
851	Washington	Widen SR-522 in Snohomish County: $3,650,000 for phase 1 from SR-9 to Lake Road; $1,500,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.200
852	California	Plan and design interchange between I–15 and Sante Fe Road in Barstow, California.	4.000
853	California	Upgrade Ft. Irwin Road from I–15 to Fort Irwin	1.500
854	Nebraska	Construct bridge in Newcastle	4.000
855	Indiana	Conduct rail-highway feasibility project study in Muncie	0.100
856	New Jersey	Replace the Ocean City-Longport bridge in Cape May County, New Jersey.	26.000
857	Kentucky	Construct a segment of the I–66 corridor from Somerset to I–75	10.000
858	Ohio	Improve and widen SR-45 from North of the I–90 interchange to North Bend Road in Ashtabula County, Ohio	7.920
859	Illinois	Construct I–88 interchange at Peace Road in Dekalb	4.300

			[Dollars in Millions]
860	Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia.	10.000
861	Pennsylvania	Widen and improve Route 449 in Potter County	1.000
862	Ohio	Conduct feasibility study for inclusion of US-22 as part of the Interstate System	0.100
863	New Hampshire	Improve the Bridge Street bridge in Plymouth	1.000
864	Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I–10	2.000
865	Louisiana	Construct I–610 noise and safety barrier in the Lake View section of New Orleans, Louisiana.	1.000
866	New York	Conduct North Road Corridor study in Oswego County	1.500
867	Kansas	Construct Diamond interchange at Antioch and I–435	8.400
868	Iowa	Reconstruct I–235 in Polk County	6.900
869	Florida	Construct Port of Palm Beach road access improvements, Palm Beach County, Florida.	21.000
870	Tennessee	Improve the Elizabethon Connector from US-312 to US-19 East	8.450
871	California	Stabilize US-101 at Wilson Creek	1.000
872	Michigan	Improve the I–73 corridor in Jackson and Lenawee Counties	5.000
873	Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	2.500
874	Illinois	Construct Richton Road, Crete	2.000
875	Ohio	Widen Licking-SR-79-06.65 (PID 8314) in Licking County	9.400
876	New York	Improve and reconstruct Commerce Street in York Town	0.280
877	Arkansas	Construct Highway 371 from Magnolia to Prescott	3.000
878	Arkansas	Construct Highway 82 from Hamburg to Montrose	7.000
879	California	Improve SR-91/Green River Road interchange	6.500
880	California	Widen and improve I–5/State Route 126 interchange in Valencia	13.900
881	Pennsylvania	Construct US-30 Bypass from Exton Bypass to PA-10	4.400
882	Illinois	Replace State Route 47 Bridge in Morris	19.000
883	New York	Construct County Road 67 at Long Island Expressway Exit 57 between County Road 17 and	0.700
884	California	Construct I–15/Barton Road West/Anderson Street connection	5.000
885	New York	Reconstruct Route 9 in Plattsburgh	3.354
886	Illinois	Engineering for Peoria to Chicago expressway	5.000
887	Louisiana	Construct Hourma-Thibodaux to I–10 connector from Gramercy to Hourma	3.100
888	Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.900
889	Florida	Purchase and install I–275 traffic management system in Pinellas County, Florida.	1.000
890	Mississippi	Construct I–55 connectors to US-51 in Madison, Mississippi.	3.000
891	Alabama	Construct Anniston Eastern Bypass from I–20 to Fort McClellan in Calhoun County	44.600
892	Connecticut	Realign and extend Hart Street in New Britain	4.000
893	Texas	Construct Spur 10 from SH-36 to US-59	4.000
894	Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	30.000
895	Ohio	Grade separation project at Snow Road Brook Park	3.000
896	Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.550
897	Pennsylvania	Construct Erie Eastside Connector	21.600
898	New York	Reconstruct County Route 24 in Franklin County	2.473
899	Pennsylvania	Construct SR 3019 over Great Trough Creek in Huntingdon County	0.500
900	California	Construct Tulare County roads in Tulare County	9.000
901	Pennsylvania	Widen PA-228 from Criders Corners to State Route 3015	1.200
902	South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	5.000

			[Dollars in Millions]
903	Washington	Construct State Route 305 corridor improvements in Poulsbo, Washington.	3.500
904	Pennsylvania	Improve Lewistown Narrows US 322 in Mifflin and Juniata County	1.000
905	Nevada	Construct the US-395 Carson City Bypass	5.000
906	Illinois	Reconstruct I–74 through Peoria	12.865
907	Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	2.000
908	New York	Construct intermodal transportation hub in Patchogue ..	2.500
909	New York	Upgrade and relocate Utica-Rome Expressway in Oneida, County New York.	20.000
910	Georgia	Conduct a study of a multimodal transportation corridor from Lawrenceville to Marietta	2.400
911	Georgia	I–75 advanced transportation management system in Cobb County	1.700
912	New Hampshire	Berlin Heritage Project from the Everett turnpike to Hudson in Berlin County	0.050
913	Alabama	Engineering, right-of-way acquisition and construction of the Birmingham Northern Beltline in Jefferson County	20.000
914	Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	14.000
915	Maryland	Improve Halfway Boulevard east and west of Exit 5, I–81 in Washignton County	4.000
916	Georgia	Construct Harry S. Truman Parkway	3.550
917	Pennsylvania	Reconstruct the I–81 Davis Street interchange in Lackawanna	8.000
918	Illinois	Widen 143rd Street in Orland Park	8.000
919	Pennsylvania	Conduct study of Ft. Washington transportation improvements, Upper Dublin, PA.	0.500
920	Kansas	Construct grade separations on US36 and US77 in Marysville, Kansas.	4.200
921	Ohio	Relocate Harrison/Belmont US 250	6.000
922	Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	1.000
923	Tennessee	Improve County Road 374 in Montgomery County	5.000
924	Virginia	Conduct feasibility study for the construction I–66 from Lynchburg to the West Virginia border	0.500
925	Florida	Expand Palm Valley Bridge in St. Johns County	3.100
926	Michigan	Construct M-6 Grand Rapids South Beltline in Grand Rapids, Michigan.	28.720
927	Pennsylvania	Reconstruct PA-309 in Eastern Montgomery with $4,000,000 for noise abatement	17.400
928	Colorado	Reconstruct I–225/Iliff Avenue interchange in Aurora	5.500
929	California	Widen US-101 from Windsor to Arata Interchange	1.600
930	New Jersey	Design and construction Belford Ferry Terminal in Belford, New Jersey.	4.600
931	Louisiana	Construct East-West Corridor project in Southwest Louisiana	1.000
932	Kentucky	Construct US-127 Jamestown Bypass	5.800
933	Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I–74)	0.500
934	Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	5.000
935	Arkansas	Construct US-270 East-West Arterial in Hot Springs	9.000
936	New York	Improve Route 31 from Baldwinsville to County Route 57	11.750
937	Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas.	8.000
938	Arkansas	Improve Arkansas State Highway 12 from US-71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.500
939	Texas	Widen State Highway 35 from SH288 in Angleton to FM521	6.900

			[Dollars in Millions]
940	Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	3.000
941	North Carolina	Widen North Carolina Route 24 from Swansboro to US-70 in Onslow and Carteret Counties	4.000
942	North Carolina	Construct US-13 from the Wilson the US-264 Bypass to Goldsboro in Wayne and Wilson Counties	4.500
943	Michigan	Construct Bridge Street bridge project in Southfield	4.200
944	Connecticut	Improve Route 7 utility and landscaping in New Milford	7.200
945	Pennsylvania	Construct access improvements between exits 56 and 57 off I–81 in Lackawanna	1.700
946	New Jersey	Construct grade separation of Route 35 and Tinton falls and extend Shrewsbury Avenue in Monmouth	5.000
947	Washington	Improve I–5/196th Street, Southwest Freeway interchange in Lynnwood, Washington.	4.500
948	Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	11.800
949	New York	Improve Route 281 in Cortland	9.000
950	California	Construct I–15 Galinas interchange in Riverside County	8.500
951	New Hampshire	Construct the Keene bypass	6.150
952	Illinois	Design and construct US-67 corridor from Jacksonville to Beardstown	10.000
953	Virginia	Conduct Williamsburg 2007 transportation study	0.325
954	Mississippi	Widen US-84 from I–55 at Brookhaven to US-49 at Collins	1.250
955	New York	Reconstruct Jackson Avenue in New Windsor, Orange County	2.624
956	Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	12.200
957	Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	15.000
958	Florida	Pedestrian safety initiative on US-19 in Pinellas County	6.800
959	Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington	4.900
960	Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida.	38.000
961	California	Improve the Avenue H overpass in Lancaster County	6.100
962	Pennsylvania	Improve safety on PA-41 from US-30 to PA-926	6.000
963	New Jersey	Consrtuct Route 29/129 bicycle, pedestrian and landscape improvement plan	5.500
964	Idaho	Construct critical interchanges and grade-crossings on US-20 between Idaho Falls and Chester	10.000
965	Louisiana	Expand Perkins Road in Baton Rouge	10.000
966	Pennsylvania	Widen US 30 from Walker Rd to Fayetteville in Franklin County	2.000
967	Wyoming	Construct Jackson-Teton Pathway in Teton County	1.830
968	Utah	Widen 7200 South in Midvale	1.100
969	Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	1.000
970	Arkansas	Upgrade US Route 412, Harrison to Mountain Home, Arkansas	3.550
971	Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	12.000
972	Georgia	Construct Athens to Atlanta Transportation Corridor	8.000
973	California	Widen State Route 29 between Route 281 and Route 175	0.500
974	California	Upgrade US-101 from Eureka to Arcata	1.000
975	Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	3.600
976	Indiana	Improve Southwest Highway from Bloomington to Evansville	30.000
977	Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	8.810
978	Indiana	Construct Hazel Dell Parkway from 96th Street to 146th Street in Carmel	5.500
979	New Jersey	Replace Calhoun Street Bridge in Trenton	1.300

[Dollars in Millions]

980	Utah	Reconstruct US-89 and interchange at 200 North in Kaysville	7.000
981	California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California.	4.500
982	Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	2.000
983	Utah	Extend Main Street from 5600 South to Vine Street in Murray	11.500
984	Pennsylvania	Construct US-30 at PA-772 and PA-41	6.000
985	Illinois	Improve Sugar Grove US30	2.500
986	California	Improve Route 99/Route 120 interchange in Manteca County	8.000
987	Pennsylvania	Widen US-11/15 between Mt. Patrick and McKees Half Falls in Perry County	5.000
988	Ohio	Add lanes and improve intersections on Route 20 in Lake County, Ohio	2.000
989	Pennsylvania	Construct PA-283 North Union Street ramps in Dauphin County	2.450
990	California	Improve and construct I–80 reliever route project; Walters Road and Walters Road Extension Segments	7.400
991	Alabama	Expand US-278 in Cullman County	6.000
992	Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I–90 in Lake County	1.545
993	Oregon	Construct phase I: highway 99 to Biddle Road of the highway 62 corridor solutions project.	1.500
994	New York	Renovate State Route 9 in Phillipstown	3.840
995	Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.500
996	Missouri	Construction US-67/Route 60 interchange in Poplar Bluff, Missouri.	8.000
997	Kansas	Widen US-81 from Minneapolis, Kansas to Nebraska.	27.800
998	California	Widen US-101 from Petaluma Bridge to Novato	33.000
999	Alabama	Construct new I–10 bridge over the Mobile River in Mobile, Alabama.	14.375
1000	Mississippi	Upgrade and widen US-49 in Rankin, Simpson, and Covington Counties	1.250
1001	California	Realign and improve California Route 79 in Riverside County	6.000
1002	New Jersey	Construct East Windsor Bear Brook pathway system	0.360
1003	New York	Construct Hutton Bridge Project	3.000
1004	Ohio	Improve State Route 800 in Monroe County	0.500
1005	Pennsylvania	Improve PA-41 between Delaware State line and PA-926	7.600
1006	New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	2.250
1007	Pennsylvania	Replace Dellville Bridge in Wheatfield	1.000
1008	Florida	Construct I–4/John Young Parkway interchange project in Orlando	13.659
1009	Connecticut	Reconstruct Broad Street in New Britain	3.200
1010	Washington	Widen US-395 in the vicinity of mile post 170 north of Spokane	10.000
1011	New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.700
1012	New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.850
1013	Alaska	Construct Pt. Mackenzie Intermodal Facility	9.000
1014	Maryland	Construct phase 1A of the I–70/I–270/US-340 interchange in Frederick County	15.000
1015	Illinois	Widen and improve US-34 intechange in Aurora	8.000
1016	Florida	A-1-A Beautification project in Daytona, Florida	4.400
1017	Louisiana	Construct I–49 interchange at Caddo Port Road in Shreveport	5.600
1018	Tennessee	Construct Kingsport Highway in Washington County	2.000
1019	New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire—Maine border	2.200
1020	Nebraska	Construct the Antelope Valley Overpass in Lincoln	7.500

			[Dollars in Millions]
1021	Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.500
1022	North Carolina	Construct US-311(I–74) from NC-68 to US-29A-70A	30.500
1023	California	Design and initiation of long term improvements along Highway 199 in Del Norte County, California	0.500
1024	Virginia	Improve Lee Highway Corridor in Fairfax, Virginia.	1.800
1025	Illinois	Improve roads in the Peoria Park District	0.810
1026	California	Construct Overland Drive overcrossing in Temecula	5.000
1027	Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	28.000
1028	Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	1.100
1029	Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	9.100
1030	Pennsylvania	Gettysburg comprehensive road improvement study	4.000
1031	Indiana	Reconstruct Wheeling Avenue in Muncie	1.600
1032	Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	25.000
1033	Louisiana	Upgrade and widen I–10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	12.000
1034	Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes, Louisiana.	7.000
1035	Wisconsin	Construct STH-26/US-41 Interchange in Oshkosh	3.000
1036	Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.500
1037	New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.200
1038	New York	Improve ferry infrastructure in Greenport	1.000
1039	Alaska	Construct Spruce Creek Bridge in Soldotna	0.350
1040	Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59 in Alabama.	7.000
1041	Louisiana	Construct North/South Road/I–10-US-61 connection in the Kenner, Louisiana.	7.000
1042	Texas	Construct FM2234(McHard Road) from SH-35 to Beltway 8 at Monroe Boulevard	6.400
1043	Michigan	Construct M-5 Haggerty Connector	3.200
1044	Kentucky	Ohio River Major Investment Study Project, Kentucky and Indiana	40.100
1045	Ohio	Construct Muskingum-SR-16	8.000
1046	Ohio	Relocate SR-30 for final design of south alternative in Carroll County, Ohio	1.000
1047	Missouri	Upgrade US-63 in Howell County, Missouri.	8.000
1048	California	Widen SR-23 between Moorpark and Thousand Oaks	14.000
1049	Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1050	Washington	Improve I–90/Sunset Way interchange in Issaquah, WA	19.800
1051	New York	Construct Elmira Arterial from Miller to Cedar	3.000
1052	California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda, California.	14.500
1053	Wyoming	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody	10.170
1054	Florida	West Palm Beach Traffic Calming Project on US-1 and Flagur Drive	15.000
1055	Missouri	Construction and upgrade of US-71/I–49 in Newton and McDonald County, Missouri.	33.303
1056	Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	10.000
1057	California	Complete Citraeado Parkway project in San Diego County	3.000
1058	Tennessee	Improve State Route 92 from I–40 to South of Jefferson City	4.550
1059	Washington	Redevelop Port of Anacortes waterfront	0.077
1060	Mississippi	Widen US-98 from Pike County to Foxworth	1.250
1061	New York	Construct US-219 from Route 39 to Route 17	20.000

			[Dollars in Millions]
1062	Michigan	Construct US-27 between St. Johns and Ithaca	8.500
1063	California	Construct highway-rail grade separation for Fairway Drive and Union Pacific track	4.215
1064	Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.680
1065	California	Construct I–10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County, California.	2.000
1066	California	Construct State Route 76 in Northern San Diego.	10.000
1067	Nebraska	Construct NE-35 alternative and modified route expressway in Norfolk and Wayne	4.500
1068	Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	7.000
1069	Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	13.200
1070	Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson, Mississippi.	10.000
1071	Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	12.000
1072	Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	8.205
1073	Virginia	Widen I–64 Bland Boulevard interchange	30.675
1074	Illinois	Improve IL-159 in Edwardsville	4.275
1075	Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	7.000
1076	New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1077	Iowa	IA-192 relation and Avenue G viaduct in Council Bluffs	6.000
1078	Ohio	Upgrade and widen US-24 from I–469 to I–475	23.000
1079	Illinois	Construct crossings over Fox River in Kane County	10.200
1080	Florida	Construct North East Dade Bike Path in North Miami Beach, Florida.	1.600
1081	Pennsylvania	Improve Oxford Valley Road/US-1 interchange in Bucks County	4.000
1082	California	Improve highway access to Humboldt Bay and Harbor Port	0.500
1083	North Carolina	Construct I–85 Greensboro Bypass in Greensboro, North Carolina.	29.500
1084	Pennsylvania	Reconfigure I–81 Exit 2 Ramp in Franklin County	0.700
1085	Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.600
1086	New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	4.000
1087	Ohio	Upgrade I–77/US-250/SR-39 interchange in Tuscarawas County	1.000
1088	Virginia	Enhance Maple Avenue streetscape in Vienna, Virginia	2.700
1089	Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	7.000
1090	New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County, New Jersey.	15.400
1091	New York	Conduct safety study and improve I–90 in Downtown Buffalo	0.400
1092	Utah	Widen SR-36 from I–80 to Mills Junction	3.000
1093	Alabama	Construct the Montgomery Outer Loop from US-80 to I–85 via I–65	17.650
1094	Tennessee	Construct Foothills Parkway from Walland to Weans Valley	11.500
1095	California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	23.000
1096	New York	Conduct feasibility study of new International bridges on the NY/Canada border	0.500
1097	Colorado	Construct C-470/I–70 ramps in Jefferson Co.	6.250
1098	Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County, Virginia.	15.000

			[Dollars in Millions]
1099	Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue, WA	23.500
1100	New Hampshire	Widen I–93 from Salem north	12.100
1101	South Dakota	Replace Meridan Bridge	3.250
1102	Washington	Extend Mill Plain Boulevard in Vancouver	4.000
1103	Colorado	Improve SH-74/JC-73 interchange in Evergreen County	6.250
1104	Tennessee	Improve US-64 in Hardeman and McNairy Counties	5.000
1105	Illinois	Design and construct I–72/MacArthur Boulevard interchange in Springfield	5.500
1106	Pennsylvania	Replace bridge over Shermans Creek in Carroll	1.000
1107	Illinois	Improve IL-113 in Kankakee	7.700
1108	Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County, Pennsylvania	0.550
1109	Louisiana	Construct Causeway Boulevard/Earhart Expressway interchange in Jefferson, Parish, Louisiana	5.000
1110	Pennsylvania	Improve PA 26 in Huntingdon County	1.000
1111	New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.500
1112	Tennessee	Reconstruction of US-414 In Henderson County	5.000
1113	Indiana	Widen 116th Street in Carmel	1.500
1114	Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish, Louisiana.	1.000
1115	Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	6.500
1116	Mississippi	Construct segment 2 and 3 of the Bryam-Clinton Corridor in Hinds County	1.250
1117	Kentucky	Construct Route 259-101 from Brownsville to I–65	1.000
1118	New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren County	1.600
1119	Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish, Louisiana.	5.000
1120	Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida.	1.800
1121	Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	13.500
1122	Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	5.000
1123	Ohio	Construct a new interchange at County Road 80 and I–77 in Dover with $100,000 to preserve or reconstruct the Tourism Information Center	7.100
1124	Pennsylvania	Realign Route 501 in Lebanon County	1.600
1125	Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I–80 to the airport	7.000
1126	New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau County	14.000
1127	Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	1.000
1128	Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky.	2.840
1129	Ohio	Improve and widen SR-91 from SR-43 south to county line/city line in Solon	5.000
1130	Louisiana	Extend I–49 from I–220 to Arkansas State line	4.400
1131	Pennsylvania	West Philadelphia congestion mitigation initiative	0.410
1132	New York	Judd Road Connector in New Hartford and Whitestown, New York	37.300
1133	South Dakota	Construct Eastern Dakota Expressway (Phase II)	31.438
1134	Virginia	Conduct historic restoration of Roanoke Passange Station in Roanoke	0.500
1135	Louisiana	Construct Port of St. Bernard Intermodal facility	2.100
1136	Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	1.250
1137	Indiana	Extend East 56th Street in Lawrence	6.500
1138	Ohio	Improve and construct SR-44/Jackson Street Interchange in Painesville	4.000

			[Dollars in Millions]
1139	Pennsylvania	Widen US-30 from US-222 to PA-340 and from PA-283 to PA-741	12.000
1140	Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.200
1141	California	Construct I–5/Avenida Vista Hermosa interchange in San Clemente	3.000
1142	Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	1.000
1143	Georgia	Improve GA-316 in Gwinnett County	40.900
1144	New York	Construct congestion mitigation project for Brookhaven	5.000
1145	New Hampshire	Construct Chestersfield Bridge	3.000
1146	California	Improve the interchange at Cabo and Nason Street in Moreno Valley	6.000
1147	Missouri	Widen US-63 in Randolph and Boone Counties, Missouri	45.360
1148	New Jersey	Upgrade Garden State Parkway Exit 142	30.000
1149	New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	2.880
1150	New York	Upgrade and improve Albany to Saratoga to Adirondack intermodal transportation corridor	14.000
1151	Oklahoma	Reconstruct US-99/SH377 from Prague to Stroud in Lincoln County	9.000
1152	Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	4.200
1153	Nevada	Widen I–50 between Fallon and Fernley	4.000
1154	South Carolina	Widen and relocate SC-6 in Lexington County	8.000
1155	Kansas	Widen US-54 from Liberal, Kansas southwest to Oklahoma.	8.000
1156	Virginia	Improve East Eldon Street in Herndon	0.500
1157	Michigan	Improve US-31 from Holland to Grand Haven	5.000
1158	Arkansas	Construct turning lanes at US-71/AR-8 intersection in Mena	0.250
1159	California	Widen LaCosta Avenue in Carlsbad	3.000
1160	Alaska	Improve roads in Kotzebue	2.350
1161	New Hampshire	Construct Manchester Airport access road in Manchester	10.700
1162	Texas	Upgrade SH 130 in Caldwell amd Williamson Counties	1.000
1163	South Dakota	Construct Heartland Expressway Phase I	6.505
1164	New York	Design and construct Outer Harbor Bridge in Buffalo. ...	16.260
1165	Pennsylvania	Reconstruct State Route 2001 in Pike County	9.000
1166	Ohio	Construct interchange at I–480 in Independence, Ohio.	6.000
1167	New Mexico	Improve US-70 southwest of Portales	10.000
1168	California	Willits Bypass, Highway 101 in Mendocino County, California	1.000
1169	Florida	Widen US-192 between County Route 532 and I–95 in Brevard and Osceola Counties	25.000
1170	Georgia	Widen US-84 South from US-82 to the Ware County Line in Waycross and Ware Counties	3.200
1171	New Hampshire	Reconstruct bridge over the Connecticut River between Lebanon, NH and White River Junction, VT	3.000
1172	Ohio	Conduct feasibility study for the construction of Muskingum County South 93-22-40 connector	0.700
1173	Georgia	Reconstruct SR-26/US-60 from Bull River to Lazaretto Creek	3.550
1174	Wisconsin	Improve Janesville transportation	4.000
1175	Illinois	Reconstruct US-30 in Joliet	9.000
1176	New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	7.500
1177	Michigan	Construct I–96/Beck Wixom Road interchange	2.600
1178	Pennsylvania	Construct US-322 Conchester Highway between US-1 and PA-452	25.000
1179	New Mexico	Extend Unser Boulevard in Albuquerque	1.000
1180	Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	1.000
1181	Washington	Widen SR-543 from I–5 to International Boundary, Washington.	3.616

			[Dollars in Millions]
1182	New York	Construct congestion mitigation project for Smithtown ..	1.000
1183	Mississippi	Widen MS-15 from Laurel to Louiseville	10.000
1184	Pennsylvania	Construct Abbey Trails in Abington Township	0.500
1185	Mississippi	Construct East Metro Corridor in Rankin County, Mississippi.	3.500
1186	Utah	Construct I–15 interchange at Atkinville	8.000
1187	California	Improve SR-70 from Marysville Bypass to Oroville Freeway	15.000
1188	New Hampshire	Construct Conway bypass from Madison to Bartlett	7.100
1189	New York	Improve the Route 31/I–81 Bridge in Watertown	2.473
1190	Pennsylvania	Relocate PA-113 at Creamery Village in Skippack	3.000
1191	Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.400
1192	Pennsylvania	Construct noise abatement barriers along US-581 from I–83 2 miles west in Cumberland County	0.480
1193	Louisiana	Install computer signal synchronization system in Baton Rouge	6.500
1194	Alabama	Construct US-231/I–10 Freeway Connector from the Alabama border to Dothan	1.350
1195	Michigan	Improve I–94 in Kalamazoo County	5.000
1196	Florida	Construct Englewood Interstate connector from River Road to I–75 in Sarasota and Charlotte Counties	10.000
1197	New York	Conduct scope and design study of Hamilton Street interchange in Erwin.	16.500
1198	Alabama	Extend I–759 in Etowah County	15.000
1199	Pennsylvania	US-209 Marshall's Creek Traffic Relief project in Monroe County	10.000
1200	Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	23.000
1201	Indiana	Construct SR-9 bypass in Greenfield	3.150
1202	Illinois	Construct Alton Bypass from IL-40 to Fosterburg Road	2.500
1203	New York	Replace of Route 92 Limestone Creek Bridge in Manlius	4.000
1204	Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.400
1205	New York	Improve 6th and Columbia Street project in Elmira	0.700
1206	Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan	11.280
1207	Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris Arkansas	0.400
1208	Virginia	Downtown Staunton Streetscape Plan—Phase I in Staunton	0.500
1209	New York	Construct CR-85 from Foster Avenue to CR97 in Suffolk County	0.675
1210	California	Construct interchange between I–15 and Main Street in Hesperia, California	10.000
1211	Pennsylvania	Construct Ardmore Streetscape project	0.500
1212	New York	Reconstruct Route 25/Route 27 intersection in St. Lawrence County	1.000
1213	Connecticut	Relocate and realign Route 72 in Bristol	4.800
1214	Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.600
1215	Virginia	Construct Route 288 in the Richmond Metropolitan Area	22.000
1216	New York	Construct city of Glen Cove waterfront improvements ...	5.000
1217	North Carolina	Upgrade and improve US-19 from Maggie Valley to Cherokee	20.000
1218	New York	Construct Eastern Long Island Scenic Byway in Suffolk County	15.000
1219	Pennsylvania	Widen SR-247 and SR-2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	10.900
1220	Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge, Louisiana	5.400

			[Dollars in Millions]
1221	Pennsylvania	Reconstruct I–95/Street Road interchange in Bucks County	7.500
1222	Mississippi	Widen State Route 24 from Liberty to I–55	1.250
1223	New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	2.000
1224	Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	3.496
1225	New York	Reconstruct Ridge Road Bridge in Orange County	0.160
1226	New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	8.000
1227	Ohio	Improve Alum Creek Drive from I–270 to Frebis Avenue in Franklin County	7.000
1228	Ohio	Construct SR-315 Ohio State University Ramp project in Franklin County	3.000
1229	North Carolina	Construct US-64/264 in Dare County	2.000
1230	New Mexico	Improve US-70 from I–25 to Organ in New Mexico.	25.000
1231	Kentucky	Construct connection between Natcher Bridge and KY-60 east of Owensboro	3.000
1232	California	Widen 5th Street and replace 5th Street bridge in Highland, California	1.000
1233	New Mexico	Reconstruct US-84/US-285 from Santa Fe to Espanola ..	15.000
1234	Iowa	Improve IA-60 Corridor from LeMar to MN State line ...	8.800
1235	Louisiana	Construct Leeville Bridge on LA-1	1.500
1236	Tennessee	Reconstruct US-27 in Morgan County	3.000
1237	Texas	Improve US 82, East-West Freeway between Memphis Avenue and University Avenue	16.400
1238	Alabama	Construction of Eastern Black Warrior River Bridge and right-of-way acquisition and construction of an extension of the Black Warrior Parkway from US-82 to US-43 in Tuscaloosa County	23.000
1239	North Carolina	Construct US-117, the Elizabeth City Bypass in Pasquotank County	4.500
1240	Florida	Construct Cross Seminole Trail connection in Seminole County	1.500
1241	New York	Construct County Road 50 in the vicinity of Windsor Avenue	1.360
1242	Ohio	Construct greenway enhancements in Madison	2.300
1243	Nebraska	Conduct corridor study of NE-35 alternative and modified route in Norfolk, Wayne and Dakota City	1.000
1244	New York	Improve Broadway in North Castle in Westchester County	2.520
1245	Louisiana	Extend Louisiana Highway 42 between US-61 and I–10 in Ascension Parish	8.000
1246	Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	8.000
1247	Utah	Construct underpass at 100th South in Sandy	3.900
1248	Connecticut	Construct Seaview Avenue Corridor project	10.000
1249	New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.800
1250	New York	Construct congestion mitigation project for Riverhead ...	2.500
1251	Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	1.000
1252	Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.250
1253	Washington	Construct 192nd Street from Sr-14 to SE 15th	5.000
1254	Ohio	Construct Licking-Thornwood Connector in Licking County	1.500
1255	Pennsylvania	Improve I–95/PA-413 Interchange in Bucks County	7.500
1256	Florida	Construct US-98/Thomas Drive interchange	15.000
1257	Texas	Widen Meacham Boulevard from I–35W to FM-146 and extend Meacham Boulevard from west of FM-156 to North Main Street	3.500
1258	Utah	Construct Cache Valley Highway in Logan	7.000

			[Dollars in Millions]
1259	Texas	Relocation of Indiana Avenue between 19th street to North Loop 289 and Quaker Avenue intersection	9.600
1260	Kentucky	Reconstruct KY-210 from Hodgenville to Morning Star Road, Larue County	8.000
1261	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	4.112
1262	Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	7.200
1263	New York	Upgrade Chenango County Route 32 in Norwich	1.600
1264	California	Rehabilitate historic train depot in San Bernadino	3.500
1265	Louisiana	Construct the Southern extension of I–49 from Lafayette to the Westbank Expressway	5.500
1266	New York	Replace Kennedy-class ferries, Staten Island	40.000
1267	Florida	Construct South Connector Road and Airport Road interchange in Jacksonville, Florida	9.000
1268	Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.500
1269	California	Widen I–15 from Victorville to Barstow in California	24.000
1270	New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga	3.000
1271	Pennsylvania	Improve PA 56 from I–99 to Somerset County Line in Bedford County	1.000
1272	Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	2.500
1273	Washington	Widen Columbia Center Boulevard in Kennewick	1.610
1274	Indiana	Improve State Road 31 in Columbus	0.500
1275	New York	Construct pedestrian access bridge from Utica Union Station	0.250
1276	Pennsylvania	Improve Route 219 in Clearfield County	1.000
1277	Kentucky	Construct KY-70 from Cave City to Mammoth Cave	2.000
1278	New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	3.200
1279	Washington	Construct Mount Vernon multi-modal transportation facility project in Mount Vernon, Washington	3.500
1280	New Jersey	Construct pedestrian bridge in Washington Township	3.000
1281	Indiana	Install traffic signalization system in Muncie	0.900
1282	New Mexico	Improve 84/285 between Espanola and Hernandez	5.000
1283	Florida	Widen of State Road 44 in Volusia County	2.250
1284	Maryland	Construct improvements a I–270/MD-187 interchange	10.000
1285	Louisiana	Increase capacity of Lake Pontchartrain Causeway	2.000
1286	Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	1.000
1287	Pennsylvania	Improve US 22/PA 866 Intersection in Blair County	2.000
1288	Indiana	Expand 126th Street in Carmel	1.000
1289	Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.100
1290	Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.400
1291	Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I–94 in Maple Grove	15.000
1292	Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	3.000
1293	Mississippi	Widen US-61 from Louisiana State line to Adams County	1.250
1294	California	Construct capital improvements along I–680 corridor	5.000
1295	Arkansas	Study and construct Van Buren intermodal port facility in Van Buren, Arkansas	0.300
1296	New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.240
1297	Iowa	Construct I–29 airport interchange overpass in Sioux City	6.200
1298	Pennsylvania	Construct PA-309 Sumneytown Pike Connector	4.400
1299	Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.350
1300	Washington	Widen SR-527 from 112th SE to 132nd SE in Everett	4.700
1301	Kentucky	Complete I–65 upgrade from Elizabethtown to Tennessee State line	5.000

			[Dollars in Millions]
1302	Illinois	Replace Gaumer Bridge near Alvin	0.900
1303	South Carolina	Construct I–26/US-1 connector in Columbia	12.000
1304	Illinois	Construct Sullivan Road Bridge over the Fox River	10.000
1305	California	Extend State Route 7 in Imperial County	10.000
1306	South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds.	10.000
1307	New York	Construct Erie Canal Preserve I–90 rest stop in Port Byron	3.000
1308	Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.500
1309	Texas	Improve I–35 West from Spur 280 to I–820 in Fort Worth	4.000
1310	Pennsylvania	Construct US-202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	5.000
1311	Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.800
1312	Florida	Widen and realign Eller Drive in Port Everglades, Florida	5.600
1313	Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.600
1314	Florida	Deploy magnetic lane marking system on I–4	0.500
1315	Alaska	Construct the a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	20.000
1316	Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I–12 in Livingston Parish	5.000
1317	New York	Improve Hardscrabble Road from Route 22 to June Road in North Salem	2.880
1318	California	Enhance Fort Bragg and Willitis passenger stations	0.500
1319	New Mexico	Improve Uptown in Bernalillo County	1.500
1320	Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield, Missouri	5.000
1321	North Carolina	Widen US-421 from North Carolina Route 194 to two miles East of US-221	7.400
1322	Kentucky	Construct US-127: $800,000 for the segment between the Albany Bypass and KY-90; $10,375,000 for the segment between the Albany Bypass and Clinton County High School; $40,000 for the segment between KY696 and the Tennessee State line	11.215
1323	Missouri	Upgrade US-71 interchange in Carthage, Missouri	1.000
1324	Ohio	Reconstruct Morgan County 37 in Morgan County	0.500
1325	New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1326	New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.750
1327	Illinois	Construct Orchard Road Bridge over the Fox River	7.000
1328	Pennsylvania	Improve PA-23 Corridor from US-30 Bypass between Lancaster County line and Morgantown	4.000
1329	California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
1330	Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	12.000
1331	Pennsylvania	Improve T-344 Bridge over Mahantango Creek in Snyder County	0.700
1332	Ohio	Complete safety/bicycle path in Madison Township	0.030
1333	New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.500
1334	Kentucky	Widen US-27 from Norwood to Eubank	30.000
1335	California	Extend Highway 41 in Madera County	10.000
1336	New York	Improve and reconstruct Stony Street in York Town	0.350
1337	Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.770
1338	Tennessee	Construct State Route 131 from Gill Road to Bishop Road	2.400

			[Dollars in Millions]
1339	Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	10.000
1340	Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	2.300
1341	Mississippi	Widen State Route 6 from Pontotoc to US-45 at Tupelo in Mississippi	15.000
1342	Kansas	Construct road and rail grade separations in Wichita	35.000
1343	Illinois	Widen US-20 in Freeport	5.100
1344	Minnesota	Construct Mankato South Route in Mankato	7.000
1345	Michigan	Construct interchange at Eastman Avenue/US-10 in Midland	11.000
1346	California	Highway 65 improvement and mitigation project	4.000
1347	Pennsylvania	Improve access to Raystown in Huntingdon County	1.500
1348	Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	4.000
1349	Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	3.400
1350	New York	Rahabilitate Jay Covered Bridge in Essex County	1.000
1351	New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	2.800
1352	Mississippi	Widen MS-45 from Brooksville to US-82 in Mississippi.	4.500
1353	Ohio	Upgrade US-30 in Hancock	15.000
1354	Illinois	Construct an interchange at I–90 and Illinois Route 173 in Rockford	7.500
1355	New York	Construct Route 17-Lowman Crossover in Ashland	4.800
1356	New Jersey	Rehabilitate East Ridgewood Avenue over Route 17 in Bergan County	3.600
1357	Pennsylvania	St. Thomas Signals Hade and Jack Rds US 30 in Franklin County	0.200
1358	New York	Improve Route 9 in Dutchess County	1.560
1359	Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	12.000
1360	Virginia	Complete North Section of Fairfax County Parkway in Fairfax County, Virginia.	10.000
1361	Arkansas	Conduct design study and acquire right of way on US-71 in the vicinity of Fort Chaffee, Fort Smith	5.000
1362	Pennsylvania	Realign Moulstown Road/Route 194/Eisenhower Drive York County	2.000
1363	Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.341
1364	Florida	Construct US17/92 and SR-436 interchange in Orange/Osceola/Seminole County region	2.750
1365	Washington	Construct State Route 7—Elbe rest area and interpretive facility in Pierce County, WA.	0.600
1366	Virginia	Improve the RIC airport connector road in Richmond	3.000
1367	Tennessee	Improve State Road 60 from Waterville to US-64 in Bradley County	1.600
1368	Pennsylvania	Relocate US-219 Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	6.000
1369	Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	1.000
1370	New Jersey	Construct US-22/Chimney Rock Road interchange in Somerset County	23.000
1371	Alaska	Improve Dalton Highway from Fairbanks to Prudhoe Bay	5.000
1372	Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	12.000
1373	Washington	Reconstruct I–21/Keys Road intersection in Yakima	8.640
1374	Pennsylvania	Upgrade 2 sections of US-6 in Tioga County	1.500
1375	Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	12.000
1376	Illinois	Construct Towanda-Barnes Road in Mclean County	7.760
1377	Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.500

			[Dollars in Millions]
1378	Pennsylvania	Reconstruct I–81 Plainfield interchange in Cumberland County	3.520
1379	Kentucky	Reconstruct US-127: $7,500,000 for the segment between Dry Ridge Road and US-231 and US-31; $4,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	11.500
1380	Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	10.320
1381	Arizona	Replace US-93 Hoover Dam Bridge	20.000
1382	Iowa	Conduct study of Port of Des Moines, Des Moines	0.100
1383	Missouri	Bull Shoals Lake Ferry in Taney County, Missouri.	0.697
1384	Pennsylvania	Widen PA-413 in Bucks County	2.000
1385	Mississippi	Construct I–20 interchange at Pirate Cove	1.000
1386	Texas	Complete State Highway 35 in Aransas County	10.000
1387	California	Construct interchange between I–15 and SR-18 in San Bernardino, California.	8.000
1388	Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line.	8.000
1389	Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.200
1390	Pennsylvania	Resurface current 219 bypass at Bradford	6.500
1391	New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.500
1392	Louisiana	Replace ferry in Plaquemines Parish	2.150
1393	New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.455
1394	California	Complete State Route 56 in San Diego	4.000
1395	New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	1.000
1396	California	Construct interchanges for I–10 in Coachella Valley, Riverside County	3.000
1397	South Dakota	Construct US-16 Hell Canyon Bridge and approaches in Custer County	0.441
1398	Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	26.000
1399	Indiana	Construct I–70/Six Points interchange in Marion and Hendricks County	19.950
1400	Wyoming	Reconstruct Cheyenne Area Norris Viaduct	8.000
1401	California	Extend State Route 52 in San Diego	5.000
1402	Kansas	Reconstruct K-7 from Lone Elm Road to Harrison	3.100
1403	Mississippi	Construct US-84 from Eddiceton to Auburn Road	1.250
1404	Florida	Construct County Road 470 Interchange in Lake County	8.000
1405	Virginia	Widen I–81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	6.000
1406	California	Improve and modify the Port of Hueneme Intermodal Corridor—Phase II in Ventura County	22.400
1407	New York	Construct Bay Shore Road SR-231 to SR-27 in Suffolk County	8.000
1408	Alabama	Complete I–59 interchange in Dekalb County	4.000
1409	Michigan	Construct interchange at US-10/Bay City Road in Midland	4.000
1410	Connecticut	Improve Route 4 intersection in Harwinton, Connecticut.	1.800
1411	Colorado	Construct Wadsworth Boulevard improvement project in Arvada	1.000
1412	Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1413	Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County, Pennsylvania.	4.300
1414	Tennessee	Improve State Road 95 from Westover Drive to SR-62 in Roane and Anderson Counties	4.900
1415	New York	FJ&G Rail/Trail Project in Fulton County	0.700
1416	Pennsylvania	Construct Towamencin Township multimodal center	2.900
1417	Michigan	Relocate US-31 from River Road to Naomi Road in Berrian County	18.000
1418	Alaska	Extend West Douglas Road in Goldbelt and Juneau	3.300

			[Dollars in Millions]
1419	Illinois	Construct US-67 in Madison and Jersey Counties	6.800
1420	Idaho	Reconstruct US-95 from Bellgrove to Mica	10.000
1421	Idaho	Construct US-95: Sandcreek Alternate Route in Sandpoint	15.000
1422	Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	3.000
1423	New York	Construct Southern State Parkway ITS between NYS Route 110 and Sagtikos Parkway	4.825
1424	Florida	Widen US-17/92 in Volusia County	1.800
1425	Connecticut	Realign Route 4 intersection in Farmington	2.800
1426	Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to US-90	0.750
1427	Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	1.000
1428	Virginia	Constuct Third Bridge/Tunnel Crossing of Hampton Road	5.000
1429	Washington	Widen Cook Road in Skagit County, Washington.	3.100
1430	Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.540
1431	Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.700
1432	New York	Construct CR-96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1433	Pennsylvania	Construct US-6 Tunkhannock Bypass in Wyoming County	2.400
1434	Alabama	Construct Eastern Shore Trail project in Fairhope, Alabama.	1.355
1435	Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.900
1436	Utah	Construct Phase II of the University Avenue Interchange in Provo	10.000
1437	California	Widen SR-71 from Riverside County to SR-91	13.000
1438	Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill, Arkansas.	16.000
1439	California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California.	20.000
1440	Nebraska	Widen and reconstruct I–680 from Pacific Street to Dodge Street in Douglas County	8.000
1441	Indiana	Lafayette Railroad relocation project in Lafayette, Indiana.	29.400
1442	Florida	Construct pedestrian overpass from Florida National Scenic Trail over I–4	2.500
1443	Michigan	Construct interchange at I–75/North Down River Road	1.500
1444	New York	Construct CR-96 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
1445	Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington, Connecticut	4.640
1446	Connecticut	Widen Route 4 in Torrington	2.800
1447	Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	2.500
1448	Virginia	Construct I–95/State Route 627 interchange in Stafford County	4.000
1449	Colorado	Complete the Powers Boulevard north extension in Colorado Springs	12.000
1450	Ohio	Construct St. Clairsville Bike Path in Belmont County	0.500
1451	South Dakota	Construct Aberdeen Truck bypass	2.576
1452	New York	Conduct extended needs study for the Tappan Zee Bridge	4.000
1453	Washington	Widen SR-99 between 148th Street and King County Line in Lynnwood	3.000
1454	Texas	Construct State Highway 121 from I–30 to US-67 in Cleburne	32.000
1455	Oklahoma	Reconstruct US-70 from Broken Bow to Arkansas State line in McCurtain County	7.500
1456	Georgia	Conduct study of a multimodal transportation corridor along GA-400	25.000
1457	New York	Reconstruct and widen Route 78 from I–90 to Route 15	5.500

			[Dollars in Millions]
1458	Nebraska	Construct South Beltway in Linclon	5.500
1459	Nebraska	Replace US-81 bridge between Yankton, south Dakota and Cedar County, Nebaska	1.500
1460	Florida	Construct Alden Road Improvement Project in Orange County	0.700
1461	California	Improve and widen Forest Hill Road in Placer County ..	7.000
1462	Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	3.550
1463	Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.544
1464	Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	7.000
1465	Illinois	Improve Constitution Avenue in Peoria	3.500
1466	New York	Reconstruct Washington County covered bridge project	1.700
1467	New York	Reconstruct Stoneleigh Avenue in Putnam County	3.920

SEC. 128. WOODROW WILSON MEMORIAL BRIDGE.

Section 407(a) of the National Highway System Designation Act of 1995 (109 Stat. 630–631) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking "(a)" and all that follows through the period at the end of paragraph (1) and inserting the following:

"(a) CONVEYANCES.—

"(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

"(A) GENERAL AUTHORITY.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), upon conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

"(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

"(D) FUNDS ALLOCATED.—No funds made available for the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge under this paragraph.

"(2) CONVEYANCE TO AUTHORITY.—After execution of the agreement under subsection (c), the State of Virginia, State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (3), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge."; and

(3) in paragraph (3), as redesignated by paragraph (1) of this section, by striking "conveyance under paragraph (1)" and inserting "conveyance under this subsection".

SEC. 129. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) is amended by inserting after the third sentence the following: "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted.".

(b) TYPES OF TRAINING.—Section 140(b) is amended—

(1) in the first sentence—

(A) by inserting "and technology" after "construction"; and

(B) by inserting after "programs" the following: ", and to develop and fund summer transportation institutes"; and

(2) in the last sentence by striking "may be available" and inserting "may be utilized".

(c) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train, operators and future operators of heavy equipment in the safe use of such equipment.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

(d) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the State of Pennsylvania to establish and operate an advanced tractor trailer safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this subsection. Such funds shall remain available until expended. The Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

SEC. 130. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a transportation project related to an Olympic event from funds available to carry out 1 or more of sections 144(g)(1) and 160 of title 23, United States Code, and sections 5309 and 5326 of title 49, United States Code, if the project meets the extraordinary needs associated with an international quadrennial Olympic event and if the project is otherwise eligible for assistance under such section.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in planning activities of States, metropolitan planning organizations, and sponsors of transportation projects related to an international quadrennial Olympic event under sections 134 and 135 of title 23, United States Code, and in developing intermodal transportation plans necessary for such projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—The Secretary may provide assistance from funds deducted under section 104(a) of title 23, United States Code, for the development of an Olympic and Paralympic transportation management plan in cooperation with an Olympic and a Paralympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to States and local governments in carrying out transportation projects related to an international quadrennial Olympic event. Such assistance may include planning, capital, and operating assistance.

(2) FEDERAL SHARE.—The Federal share of the costs of projects assisted under this subsection shall not exceed 80 percent. For purposes of determining the

non-Federal share, highway, aviation, and transit projects shall be considered a program of projects.

(f) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.".

SEC. 131. NATIONAL DEFENSE HIGHWAYS.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(b) FUNDING.—The Secretary may make available, from funds appropriated for expenditure on the National Highway System, not to exceed $20,000,000 per fiscal year for each of fiscal years 1998 through 2003 to carry out this section. Such sums shall remain available until expended.

SEC. 132. MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS.

(a) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production of a documentary about infrastructure in cooperation with a not-for-profit national public television station and the National Academy of Engineering which shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the nation.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 1998, 1999, and 2000. Such funds shall remain available until expended.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(b) STUDY OF PARKING FACILITIES ADEQUACY.—

(1) STUDY.—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study shall be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(2) REPORT.—Not later than January 1, 2001, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(3) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1998, 1999, and 2000, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 133. ELIGIBILITY.

(a) AMBASSADOR BRIDGE ACCESS, MICHIGAN.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to

the Interstate System shall be eligible for funds apportioned under sections 104(b)(1) and 104(b)(3) of such title.

(b) CUYAHOGA RIVER BRIDGE, OHIO.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of such title.

(c) CONNECTICUT.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under the section 104(b)(5)(A) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, for construction of the Interstate System to any other program eligible for assistance under chapter 1 of such title. Before making any distribution of the obligation limitation under section 103(c)(4) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 103(c) of this Act to obligate funds available for transfer under this subsection.

(d) SAN FRANCISCO-OAKLAND BAY BRIDGE, CALIFORNIA.—In accordance with section 502 of this Act, a project to reconstruct the Interstate System approach to the western end of the San Francisco-Oakland Bay Bridge and the ramps connecting the bridge to Treasure Island shall be eligible for funds under section 160 of title 23, United States Code, relating to the high-cost Interstate System reconstruction and improvement program.

(e) SOUTHERN CALIFORNIA.—Notwithstanding section 120(l)(1) of title 23, United States Code—

(1) private entity expenditures to construct the SR–91 toll road located in Orange County, California, from SR–55 to the Riverside County line may be credited toward the State matching share for any Federal-aid project beginning construction after the SR–91 toll road was opened to traffic; and

(2) private expenditures for the future SR–125 toll road in San Diego County, California, from SR–905 to San Miguel Road may be credited against the State match share for Federal-aid highway projects beginning after SR–125 is opened to traffic.

(f) INTERNATIONAL BRIDGE, SAULT STE. MARIE, MI.—The International Bridge Authority, or its successor organization, shall be permitted to continue collection of tolls for the maintenance, operation, capital improvements, and future expansions to the International Bridge and its approaches, plaza areas, and associated buildings and structures.

(g) INFORMATION SERVICES.—A food business that would otherwise be eligible to display a mainline business logo on a specific service food sign described in section 2G–5.7(4) of part IIG of the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways under the requirements specified in that section, but for the fact that the business is open 6 days a week, cannot be prohibited from inclusion on such a food sign.

SEC. 134. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

(a) ADVANCED CONSTRUCTION.—Section 115 is amended—

(1) in subsection (b)—

(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

(B) by striking "(1) IN GENERAL.—";

(C) by striking paragraphs (2) and (3); and

(D) by striking "(A) prior" and inserting "(1) prior"; and

(E) by striking "(B) the project" and inserting "(2) the project";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(b) AVAILABILITY OF FUNDS.—Section 118 is amended—

(1) in the subsection heading for subsection (b) by striking "; DISCRETIONARY PROJECTS"; and

(2) by striking subsection (e) and inserting the following:

"(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.".

(c) FEDERAL SHARE PAYABLE.—Section 120 is amended in each of subsections (a) and (b) by striking "shall be" and inserting "shall not exceed".

(d) PAYMENTS TO STATES FOR CONSTRUCTION.—Section 121 is amended—

(1) in subsection (a)—

(A) by striking the second sentence; and

(B) by striking the last sentence and inserting the following: "Such payments may also be made for the value of the materials (1) which have been

stockpiled in the vicinity of such construction in conformity to plans and specifications for the projects, and (2) which are not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to it of the unpaid balance of the Federal share payable on account of such project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

(e) ADVANCES TO STATES.—Section 124 is amended—

(1) by striking "(a)" the first place it appears; and

(2) by striking subsection (b).

(f) DIVERSION.—Section 126, and the item relating to such section in the table of sections for chapter 1, are repealed.

(g) STATE HIGHWAY DEPARTMENT.—Section 302 is amended—

(1) by adding at the end of subsection (a) the following: "Compliance with this provision shall have no effect on the eligibility of costs.";

(2) by striking "(a)"; and

(3) by striking subsection (b).

(h) BRIDGE COMMISSIONS.—Public Law 87–441, relating to bridge commissions created by Congress and Federal approval of membership of such commissions, is repealed.

(i) OTHER AMENDMENTS.—

(1) Section 1023(h)(1) of Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking "the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995" and inserting "September 30, 2003".

(2) Section 127(a) is amended by inserting before the next to the last sentence the following: "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.".

(3) Section 127(a) is amended by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.".

(4) Section 127 is amended by adding at the end the following new subsection:

"(h) MAINE AND NEW HAMPSHIRE.—With respect to Interstate Route 95 in the State of New Hampshire, State laws or regulations in effect on January 1, 1987, shall be applicable for purposes of this section. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, State laws or regulations in effect on October 1, 1995, shall be applicable for purposes of this section.".

(j) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 135. ACCESS OF MOTORCYCLES.

Section 102 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.".

SEC. 136. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION AUTHORIZATION LAWS.

(a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(A) in paragraph (5)(B)(iii)(I)(ff) by inserting before the semicolon ", including a connection to Andrews following the Route 41 Corridor";

(B) in paragraph (9) by inserting after "New York" the following: ", including United States Route 322 between United States Route 220 and I–80";

(C) in paragraph (18)—

(i) by inserting before "Indianapolis, Indiana" the following: "Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along I–69 and from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along I–94 via Marshall, Michigan, thence south to"; and

(ii) by striking "and to include" and inserting the following: "as follows:

"(A) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

"(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

"(ii) run in an East/South direction to United States Route 61 and cross the Mississippi River (in the vicinity of Memphis, Tennessee) to Highway 79, and then follow Highway 79 south to 2 miles west of Altimer, Arkansas, and across the Arkansas River at Lock and Dam Number 4, Arkansas, and then proceed south in the direction of Monticello, Arkansas, and link up with the route proposed in the Corridor 18 Special Issues Study Final Report which would continue to Haynesville, Louisiana.

"(B) In the Lower Rio Grande Valley, the Corridor shall—

"(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via United States Route 77;

"(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

"(iii) include";

(D) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80";

(E) by inserting ", including I–29 between Kansas City and the Canadian border" before the period at the end of paragraph (23); and

(F) by inserting after paragraph (29) the following:

"(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

"(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

"(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

"(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

"(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

"(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

"(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

"(34) The Alameda Corridor East generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernandino.

"(35) Everett-Tacoma FAST Corridor.

"(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

"(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

"(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

"(39) United States Route 63 from Marked Tree, Arkansas, to I–55.".

(2) PROVISIONS APPLICABLE TO CORRIDORS.—Section 1105(e)(5)(A) of such Act is amended—

(A) by inserting after "referred to" the first place it appears the following: "in subsection (c)(1),";

(B) by striking "and" the second place it appears; and

(C) by inserting after "(c)(20)" the following: ", in subsection (c)(36), and in subsection (c)(37)".

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

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

"(B) ROUTES.—

"(i) DESIGNATION.—The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

"(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.";

(C) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i), as inserted by subparagraph (B) of this paragraph; and

(D) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking "(C)" and inserting "(D)".

(b) AMENDMENTS TO SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 146 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2130), relating to lane restrictions, is repealed.

SEC. 137. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

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

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

"(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Transportation plans and projects shall provide due consideration for safety and contiguous routes. Safety considerations shall include the installation and maintenance of audible traffic signals and audible signs at street crossings.";

(4) in subsection (h) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not";

(5) in subsection (h)(3) by striking "when State and local regulations permit,";

(6) in subsection (h)—

(A) by striking "and" at the end of paragraph (3);

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

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

"(4) when State or local regulations permit, electric bicycles; and"; and

(7) by striking subsections (i) and (j) and inserting the following:

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

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

"(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

"(3) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

"(4) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

(b) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) is amended to read as follows:

"(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonably alternate route or such a route exits.".

(c) RAILWAY-HIGHWAY CROSSINGS.—Section 130 is amended by adding at the end the following:

"(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.".

(d) HIGHWAY AND STREET DESIGN STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate, in conjunction with the American Association of State Highway and Transportation Officials, a study to consider proposals to amend the policies of such association relating to highway and street design standards to accommodate bicyclists and pedestrians.

(2) REPORT.—Not later than 2 years after such date of enactment, the Secretary shall transmit to Congress a report on the results of the study with any recommendations on amending the policies referred to in paragraph (1) the Secretary determines appropriate.

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULA.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curricula that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a copy of the curricula.

(3) FUNDING.—From amounts made available under section 210 of this Act, the Secretary may use not to exceed $500,000 for fiscal year 1998 to carry out this subsection.

(f) DESIGN GUIDANCE.—In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel. The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance. The guidance shall be developed within 1 year after the date of the enactment of this Act.

SEC. 138. HAZARD ELIMINATION PROGRAM.

Section 152 is amended—

(1) in subsection (a) by inserting ", bicyclists," after "motorists";

(2) by adding at the end of subsection (a) the following: "In carrying out this section, States shall minimize any negative impact on safety and access for bicyclists and pedestrians.";

(3) in subsection (b) by inserting after "project" the following: "or safety improvement project described in subsection (a)"; and

(4) in subsections (f) and (g) by striking "highway" each place it appears.

SEC. 139. PROJECT ADMINISTRATION.

(a) LIFE CYCLE COST ANALYSIS.—Section 106(e) is amended—

(1) in paragraph (1) by striking "with a cost of $25,000,000 or more";

(2) by adding at the end of paragraph (1) the following: "The program shall be based on the principles contained in section 2 of Executive Order 12893."; and

(3) in paragraph (2) by inserting after "maintenance," the following: "user costs,".

(b) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility company's failure to relocate their facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel utility cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites

and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs they incur when Federal-aid highway and bridge projects under contract to them are delayed by utility company caused delays in utility relocations and any methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study with any recommendations the Comptroller General determines appropriate as a result of the study.

SEC. 140. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

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

(1) in subparagraph (B)(i) by striking ", except to" and all that follows through "services";

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

"(C) SELECTION, PERFORMANCE, AND AUDITS.—

"(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations of title 48, Code of Federal Regulations, apply.

"(ii) PROHIBITION ON STATE RESTRICTIONS.—A State shall not impose any overhead restriction, or salary limitation inconsistent with the Federal Acquisition Regulations, that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

"(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the procedures, cost principles, and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of title 48, Code of Federal Regulations.";

(3) in subparagraph (G)—

(A) by inserting "(i) GENERAL RULE.—" before "Subpargraphs";

(B) by adding at the end the following:

"(ii) STATE OPTION.—Congress has determined that the State opt-out period for the contract administration procedures has expired. States that have complied with or received waivers from the Secretary regarding the requirements of section 307 of the National Highway Designation Act of 1995, as of the date of the enactment of this clause, shall not be subject to the requirements of subparagraph (A).''; and

(C) by indenting clause (i), as designated by subparagraph (A) of this paragraph, and aligning it with clause (ii), as added by subparagraph (B) of this paragraph; and

(4) by adding at the end the following:

"(H) COMPLIANCE.—A State shall comply, with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project, with the qualifications-based selection procedures of the Federal Acquisition Regulations, and with the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption provided by subparagraph (G).''.

SEC. 141. COMMERCIAL MOTOR VEHICLE STUDY.

(a) STUDY.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations currently apply. In conducting the study, the Board shall review current law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to current law and regulations that the Board deems appropriate.

(b) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under subsection (a), the Board shall consider and evaluate the impact of the recommendations described in subsection (a) on the economy, the environment, safety, and service to communities.

(c) CONSULTATION.—In carrying out the study, the Board shall consult the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this section.

(e) RECOMMENDATIONS.—Not later than 6 months after the date of receipt of the report under subsection (d), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the report.

(f) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $250,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

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

SEC. 142. NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY.

(a) ESTABLISHMENT.—There is established an authority to be known as the New York Avenue Transportation Development Authority (hereinafter in this section referred to as "Authority").

(b) MEMBERSHIP.—The Authority shall be composed of 5 members appointed as follows:

(1) 3 individuals appointed by the President.

(2) 2 individuals appointed by the mayor of the District of Columbia.

(c) COMPENSATION.—Members of the Authority may not receive pay, allowances, or benefits by reason of their service on the Authority.

(d) DUTIES.—The Authority shall develop a transportation improvement plan for the Capital Gateway Corridor and vicinity following United States Route 50 from I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland, which shall include—

(1) engineering, pre-design, and design necessary to improve the corridor; and

(2) economic feasibility studies of financing the project, including the feasibility of repaying funds that may be borrowed from the Highway Trust Fund to carry out the project.

(e) CONSIDERATIONS FOR TIP.—In developing the transportation improvement plan, the Authority shall consider—

(1) how a tunnel or other method to re-route interstate traffic from the surface of New York Avenue may improve traffic on and access to the New York Avenue Corridor; and

(2) how to improve access to the National Arboretum.

(f) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Authority shall report to the Congress on any additional legal authorities it needs to carry out the transportation improvement plan.

(g) FUNDING.—The Authority is eligible to receive funds authorized under the National Corridor Planning and Development program established in section 115.

SEC. 143. DEFINITIONS.

Section 101(a) is amended to read as follows:

"(a) DEFINITIONS.—The following definitions apply:

"(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

"(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the

issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. Such term includes—

"(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce);

"(B) resurfacing, restoration, and rehabilitation;

"(C) acquisition of rights-of-way;

"(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(E) elimination of hazards of railway grade crossings;

"(F) elimination of roadside obstacles;

"(G) improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

"(H) capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

"(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States which do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAYS.—The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any one of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAYS.—The term 'Federal lands highways' means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means a forest road or trail under the jurisdiction of the Forest Service.

"(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

"(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

"(11) HIGHWAY.—The term 'highway' includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

"(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

"(13) INDIAN RESERVATION ROADS.—The term 'Indian reservation roads' means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(14) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(e).

"(15) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

"(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

"(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

"(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

"(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

"(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

"(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State highway department and the Secretary as required by section 110(a).

"(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

"(26) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

"(27) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

"(28) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

"(29) STATE.—The term 'State' means any one of the fifty States, the District of Columbia, or Puerto Rico.

"(30) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

"(31) STATE HIGHWAY DEPARTMENT.—The term 'State highway department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(32) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be

served by the project, any of the following activities if such activity has a direct link to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, including removal of graffiti and litter to the extent that such removal is in excess of fiscal year 1997 maintenance levels for removal of graffiti and litter, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and provision of tourist and welcome centers.

"(33) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

"(34) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

TITLE II—HIGHWAY SAFETY

SEC. 201. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 202. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) is amended—

(1) in the fourth sentence by striking "(4)" and inserting "(4) to prevent accidents and"; and

(2) in the eighth sentence by striking "include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and".

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) is amended—

(1) by striking "(b)(1)" and all that follows through paragraph (2) and inserting the following:

"(b) ADMINISTRATION OF STATE PROGRAMS.—";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(C), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (3)"; and

(4) in paragraph (2), as so redesignated, by striking "paragraph (3)(C)" and inserting "paragraph (1)(C)".

(c) APPORTIONMENT OF FUNDS.—The 6th sentence of section 402(c) is amended by inserting "the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and" after "except that".

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The require-

ments of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary of Transportation determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCEEDING.—Section 402(j) is amended to read as follows:

"(j) RULEMAKING PROCEEDING.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

SEC. 203. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403(a)(2)(A) is amended by inserting ", including training in work zone safety management" after "personnel".

SEC. 204. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) IN GENERAL.—Chapter 4 is amended by inserting after section 404 the following:

"§ 405. Occupant protection incentive grants

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the provisions of this section, the Secretary shall make grants under subsections (b) and (c) to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (b) or (c) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the Building Efficient Surface Transportation and Equity Act of 1998.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under subsection (b) or (c) in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(b) GRANT A.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following and, beginning in fiscal year 2001, at least 6 of the following:

"(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

"(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine, or provides for the imposition of penalty points against an individual's driver's license, for a violation of its safety belt use law.

"(4) CHILD SAFETY SEAT LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 4 years of age in the vehicle is not properly secured in a child safety seat.

"(5) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

"(6) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems.

"(7) CHILD PASSENGER PROTECTION LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 10 years of age (and, beginning in fiscal year 2003, a child up to 16 years of age) in the vehicle is not properly restrained.

"(c) GRANT B.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(1) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the years a grant under this subparagraph is received.

"(2) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(d) GRANT AMOUNTS.—The amount of each grant for which a State qualifies under subsection (b) or (c) for a fiscal year shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

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

"(1) CHILD SAFETY SEAT.—The term 'child safety seat' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(3) MULTIPURPOSE PASSENGER VEHICLE.—The term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an occupant protection program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 404 the following:

"405. Occupant protection incentive grants.".

SEC. 205. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410 is amended to read as follows:

"§ 410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) BASIC GRANT ELIGIBILITY.—

"(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

"(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that—

"(i) in the case of an individual who, in any 5-year period beginning after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for ad-

ministering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include a graduated licensing system, the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older, and the issuance of drivers' licenses that are tamper resistant.

"(D) ENFORCEMENT PROGRAM.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

"(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

"(F) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

"(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

"(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers in fatal accidents and, in fiscal year 2000 and in each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

"(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DISCRETIONARY GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make grants to the State for carrying out innovative programs (other than the programs specified in subsection (d)) to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. Such programs may seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

"(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (d) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section, not to exceed 12 percent shall be available for making grants under this subsection.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an alcohol-impaired driving countermeasures program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

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

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.".

SEC. 206. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 is further amended by adding at the end the following new section:

"§ 411. State highway safety data improvements

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

"(1) improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities for national, State, and local highway and traffic safety programs;

"(2) evaluate the effectiveness of efforts to make such improvements;

"(3) link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data; and

"(4) improve State data systems' compatibility with national data systems and those of other States and enhance the Secretary's ability to observe and analyze national trends in crash occurrences, rates, outcomes, and causation.

Such grants may be used by recipient States only to implement such programs.

"(b) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and causation. A State's multiyear highway safety data and traffic records plan described in

subsection (e)(1) shall demonstrate how the model data elements will be incorporated into the State's data systems for the State to be eligible for grants under this section.

"(c) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

"(d) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(2) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(3) in the fifth and sixth fiscal years in which the State receives the grant under this section, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(e) FIRST-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a first-year grant under this section in a fiscal year if the State either—

"(A) demonstrates, to the satisfaction of the Secretary, that the State has—

"(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

"(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the State's highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan, to be approved by the State's highway safety data and traffic records coordinating committee, that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that—

"(I) identifies and prioritizes the State's highway safety data and traffic records needs and goals;

"(II) specifies how the State's incentive funds for the fiscal year will be used to address those needs and goals; and

"(III) identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) a certification that the State's highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

"(A) if the State is eligible for the grant under paragraph (1)(A), $125,000, subject to the availability of appropriations; and

"(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

"(i) the amount appropriated to carry out this section for such fiscal year; by

"(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(f) SUCCEEDING YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in any fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (e) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear plan described in subsection (e)(1)(A)(iii);

"(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

"(C) reports annually on the State's progress in implementing the multiyear plan.

"(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(h) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a highway safety data improvements program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"411. State highway safety data improvements.".

SEC. 207. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is

made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

"(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—

(1) CONFORMING AMENDMENTS.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: ", unless the information is about a revocation or suspension still in effect on the date of the request";

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking "paragraph (2)" and inserting "subsection (a) of this section"; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) FEDERAL AGENCY ACCESS PROVISION.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

(B) by inserting after paragraph (5) the following:

"(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).''; and

(C) by adding at the end the following:

"(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.".

SEC. 208. SAFETY STUDIES.

(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

(c) REPORTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of each study conducted under this section.

(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000, from funds made available by section 210, for conducting each study under this section.

SEC. 209. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Public Works and the Environment of the Senate a report containing the results of the study conducted under this section.

SEC. 210. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $128,200,000 for fiscal year 1998, $150,700,000 for fiscal year 1999, and $195,700,000 for each of fiscal years 2000 through 2003.

(2) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the Federal Highway Administration $12,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and $25,000,000 for each of fiscal years 2000 through 2003.

(3) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $55,000,000 for each of fiscal years 1998 through 2003.

(4) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the Federal Highway Administration $20,000,000 for each of fiscal years 1998 through 2003.

(5) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of such title $9,000,000 for fiscal year 1998 and $20,000,000 for each of fiscal years 1999 through 2003.

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $35,000,000 for fiscal year 1998 and $45,000,000 for each of fiscal years 1999 through 2003.

(7) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of such title $2,500,000 for fiscal year 1998 and $12,000,000 for each of fiscal years 1999 through 2003.

(8) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,300,000 for each of fiscal years 1998 through 2003.

(b) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (5), (6), or (7) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 406, and 410 of title 23, United States Code.

SEC. 211. TRANSPORTATION INJURY RESEARCH.

(a) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the Calspan University of Buffalo Research Center affiliated with the State University of New York at Buffalo.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $2,000,000 per fiscal year shall be available to carry out this subsection.

(b) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development for preventing and minimizing head and spinal cord injuries relating to automobile accidents.

(2) FUNDING.—Of amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F), $500,000 per fiscal year shall be available to carry out this subsection.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 301. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 302. DEFINITIONS.

Section 5302 is amended to read as follows:

"§ 5302. Definitions

"(a) IN GENERAL.—In this chapter, the following definitions apply:

"(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

"(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating a bus;

"(C) remanufacturing a bus;

"(D) overhauling rail rolling stock;

"(E) preventive maintenance;

"(F) leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction; or

"(G) a mass transportation improvement that enhances economic development or incorporates private investment (including commercial and residential development and pedestrian and bicycle access to a mass transportation facility) because the improvement—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

"(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation.

"(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

"(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

"(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest;

"(ii) would frustrate substantially legislative policy and intent; or

"(iii) would damage seriously a person or class without serving an important public interest.

"(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

"(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

"(B) using a fixed catenary system and a right of way usable by other forms of transportation.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

"(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least one State or political subdivision of a State;
"(C) an Indian tribe; and
"(D) a public corporation, board, or commission established under the laws of a State.

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

"(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

"(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in mass transportation in the United States before the date of production of the model; or

"(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

"(10) PREVENTIVE MAINTENANCE.—The term 'preventive maintenance' means a major activity intended to improve or upgrade a transit vehicle or facility or repair or replace a damaged, malfunctioning, overaged, or outmoded transit vehicle or facility system, subsystem, element, or component. Such term does not include any activity of a routine or servicing nature, such as checking and replenishing fluid levels, adjusting settings on otherwise properly operating components, washing and cleaning a transit vehicle or facility, changing tires and wheels, or repairing damage to a vehicle or facility caused by an accident.

"(11) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(12) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(14) TRANSIT.—The term 'transit' means mass transportation.

"(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means with respect to any project or an area to be served by the project, historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities and canals); projects that enhance transit safety and security; landscaping and other scenic beautification and art in and around mass transportation stations, facilities, bus shelters, bridges, and buses; bicycle and pedestrian access to mass transportation, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; projects that enhance access for the disabled to mass transportation; and archaeological planning and research related to mass transportation projects.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

"(17) URBANIZED AREA.—The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) as it applies to section 5307(d)(1)(D) of this title.".

SEC. 303. METROPOLITAN PLANNING.

(a) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 5303(b) is amended to read as follows:

"(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

"(1) CONSIDERATION.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system for all users;

"(C) increase the accessibility and mobility for people and freight;

"(D) protect and enhance the environment, conserve energy, and enhance quality of life;

"(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promote efficient system utilization and operation; and

"(G) preserve and optimize the existing transportation system.

This paragraph shall apply to the development of long-range transportation plans and transportation improvement programs.

"(2) CONVERSION TO GOALS AND OBJECTIVES.—The metropolitan planning organization shall cooperatively determine with the State and mass transportation operators how the considerations listed in paragraph (1) are translated into metropolitan goals and objectives and how they are factored into decision-making.".

(b) COORDINATION.—Section 5303(e) is amended by adding at the end the following:

"(4) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.".

(c) LONG-RANGE TRANSPORTATION PLAN.—Section 5303(f) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (1) by striking "at least shall—" and inserting "shall contain, at a minimum, the following:";

(3) in paragraph (1)(A)—

(A) by striking "identify" and inserting "An identification of"; and

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

(4) by striking paragraph (1)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (1)(C)—

(A) by striking "assess" and inserting "An assessment of"; and

(B) by striking "; and" and inserting a period;

(6) in paragraph (1)(D) by striking "indicate" and inserting "Indicate";

(7) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(8) in paragraph (5) by inserting "transportation" before "plan".

SEC. 304. TRANSPORTATION IMPROVEMENT PROGRAM.

Section 5304 is amended—

(1) in subsection (a) by striking "2 years" and inserting "3 years"; and

(2) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

"(D) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

SEC. 305. TRANSPORTATION MANAGEMENT AREAS.

Section 5305(d)(1) is amended by striking "of the National Highway System" each place it appears and inserting the following: "under the National Highway System and high risk road safety programs,".

SEC. 306. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION.—Section 5307 is amended by striking the section heading and inserting the following:

"§ 5307. Urbanized area formula grants".

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

"5307. Urbanized area formula grants.".

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking "In this section—" and inserting "In this section, the following definitions apply:";

(2) by inserting "ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term" after "(1)"; and

(3) by inserting "DESIGNATED RECIPIENT.—The term" after "(2)".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking ", improvement, and operating costs" and inserting "and improvement costs"; and

(B) by adding at the end the following new sentence: "In an urbanized area with a population of less than 200,000, the Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation.";

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraph (4) as paragraph (3).

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking "the amount by which" and all that follows through the period at the end and inserting "the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.".

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: "To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.".

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

"(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 percent of the funds apportioned to urbanized areas of at least 200,000 population under section 5336 for a fiscal year shall only be available for transit enhancement activities.".

(g) CONFORMING AMENDMENTS.—Section 5307(n) is amended—

(1) by striking "(1)" the first place it appears and all that follows through "(2)"; and

(2) by inserting "5319," after "5318,".

SEC. 307. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 5308, and the item relating to section 5308 in the table of sections for chapter 53, are repealed.

SEC. 308. CAPITAL PROGRAM GRANTS AND LOANS.

(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking "**Discretionary**" and inserting "**Capital program**".

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for chapter 53 is amended by striking "Discretionary" and inserting "Capital program".

(c) GENERAL AUTHORITY.—Section 5309(a) is amended—

(1) by striking paragraph (1)(E) and inserting the following:

"(E) capital projects to modernize existing fixed guideway systems;";

(2) by striking "and" at the end of paragraph (1)(F);

(3) by striking the period at the end of paragraph (1)(G) and inserting "; and"; and

(4) by inserting after paragraph (1)(G) the following:

"(H) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.".

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is repealed.

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

"(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

"(1) IN GENERAL.—The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider existing mass transportation supportive land use policies and future land use patterns and the costs of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density, current transit ridership in the corridor, and cost per new rider;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors the Secretary determines appropriate to carry out this chapter.

"(4) LOCAL FINANCIAL COMMITMENT.—

"(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) STABILITY, RELIABILITY, AND AVAILABILITY OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing for the project, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5) REGULATIONS.—No later than 120 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall issue regulations on how the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment as required under this subsection.

"(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection. In rating the projects, the

Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

"(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8) LIMITATIONS ON APPLICABILITY.—

"(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of the enactment of this subparagraph.".

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) is amended—

(1) in the subsection heading by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding"; and

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting before the first comma "or entering into a full funding grant agreement"; and

(C) by striking "issuance of the letter." and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.".

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

"(m) ALLOCATING AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available by section 5338(b) for grants and loans under this section for each of fiscal years 1998 through 2003—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

"(C) 20 percent shall be available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

"(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(3) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available by paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

"(C) FUNDING FOR BUS TECHNOLOGY PILOT PROGRAM.—Of the funds made available by paragraph (1)(C), 10 percent shall be available in each of fiscal

years 1998 through 2003 to carry out the bus technology pilot program under subsection (o).

"(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

"(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) may receive assistance for a project described in another of those clauses.".

(h) ADVANCE CONSTRUCTION.—Section 5309(n)(2) is amended by striking "in a way" and inserting "in a manner".

(i) CONFORMING AMENDMENTS.—

(1) RELOCATION OF SUBSECTION.—Section 5309 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (o) as subsections (f) through (n), respectively.

(2) CROSS REFERENCES.—Chapter 53 is amended—

(A) in section 5319 by striking "5309(h)" and inserting "5309(g)";

(B) in section 5328(a)(2) by striking "5309(e)(1)–(6) of this title" and inserting "5309(e)"; and

(C) in section 5328(a)(4) by striking "5309(m)(2) of this title" and inserting "5309(o)(1)".

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Sections 5320 and 5328(a)(4) are each amended by striking "full financing" each place it appears and inserting "full funding". The subsection heading for section 5320(e) is amended by striking "FINANCING" and inserting "FUNDING".

(j) BUS TECHNOLOGY PILOT PROGRAM.—Section 5309 is further amended by adding at the end the following:

"(o) BUS TECHNOLOGY PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a pilot program for the testing and deployment of new bus technology, including clean fuel and alternative fuel technology.

"(2) PROJECTS.—Under the pilot program, the Secretary shall carry out projects for testing and deployment of new bus technology, including clean fuel and alternative fuel technology. The Secretary shall select projects for funding under the pilot program that will employ a variety of technologies and will be performed in a variety of geographic areas of the country with populations under 50,000, between 50,000 and 200,000, and over 200,000.

"(3) REPORT.—Not later than April 30, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the pilot program, including a description of the projects carried out, the amounts obligated, and the status of the test and deployment activities undertaken.".

(k) REPORTS.—Section 5309 is further amended by adding at the end the following:

"(p) REPORTS.—

"(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

"(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of the enactment of this Act or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the

Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—The General Accounting Office shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) shall report to Congress on the results of such review by April 30 of each year.".

(l) PROJECT DEFINED.—Section 5309 is further amended by adding at the end the following:

"(q) PROJECT DEFINED.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.".

SEC. 309. DOLLAR VALUE OF MOBILITY IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(m)(1)(C) or section 5309(p) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

(2) REPORT.—Not later than January 1, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study, including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 310. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) SECTION HEADING.—Section 5310 is amended in the section heading by striking "**Grants**" and inserting "**Formula grants**".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting "formula" before "grants".

SEC. 311. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) INTERCITY BUS TRANSPORTATION.—Section 5311 is amended—

(1) in the section heading by striking "**Financial assistance**" and inserting "**Formula grants**"; and

(2) in subsection (f)(1) by striking "10 percent of the amount made available in the fiscal year ending September 30, 1993, and".

(b) CONFORMING AMENDMENT.—The item relating to section 5311 in the table of sections for chapter 53 is amended by striking "Financial assistance" and inserting "Formula grant".

SEC. 312. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in each of subsections (a) and (b) by striking the first parenthetical phrase; and

(2) by adding at the end the following:

"(d) JOINT PARTNERSHIPS FOR DEPLOYMENT OF INNOVATION.—

"(1) CONSORTIUM DEFINED.—In this subsection, the term 'consortium' means one or more public or private organizations located in the United States which provide mass transportation service to the public and one or more businesses, including small and medium sized businesses, incorporated in a State, offering goods or services or willing to offer goods or services to mass transportation operators. It may include as additional members public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GRANTS AND AGREEMENTS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with consortia selected competitively from among public and private partnerships to promote the early deployment of innovation in mass transportation technology, services,

management, or operational practices. Any such grant, contract, or agreement shall provide for the sharing of costs, risks, and rewards of early deployment of innovation. Such grants, contracts, and agreements shall be subject to such terms and conditions as the Secretary prescribes.

"(3) CONSULTATION REQUIREMENT.—This subsection shall be carried out in consultation with the transit industry.

"(4) COST SHARING.—Any consortium that receives a grant or enters into a contract or agreement under this subsection shall provide at least 50 percent of the cost of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to such project.

"(5) PUBLIC NOTICE.—The Secretary shall periodically give public notice of—

"(A) the technical areas for which joint partnerships are solicited under this subsection;

"(B) required qualifications of consortia desiring to participate in such partnerships;

"(C) the method of selection and evaluation criteria to be used in selecting participating consortia and projects under this subsection; and

"(D) the process by which projects will be awarded under this subsection.

"(6) ACCEPTANCE OF REVENUES.—The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this subsection and deposit any revenues accepted into a special account of the Treasury of the United States to be established for purposes of carrying out this subsection.

"(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

"(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. These activities may include—

"(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

"(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

"(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

"(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

"(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

"(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

"(3) FUNDING.—The funds available to carry out this subsection shall include funds paid to the Secretary by any cooperating organization or person and shall be deposited by the Secretary in a special account in the Treasury of the United States to be established for purposes of carrying out this subsection. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this subsection. Reimbursement for services provided under this subsection shall be credited to the appropriation account concerned.".

(b) MASS TRANSPORTATION TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.—

(1) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with eligible consortia to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) ELIGIBILITY CRITERIA.—To be qualified to receive funding under this section, an eligible consortium shall—

(A) be organized for the purpose of designing, developing, and deploying advanced mass transportation technologies that address identified technological impediments in the mass transportation field;

(B) have an established mechanism for designing, developing, and deploying advanced mass transportation technologies as evidenced by participation in a Federal program such as the consortia funded pursuant to Public Law 102–396;

(C) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(D) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes of this section; and

(E) provide for the sharing of costs, risks, and rewards of early deployment of innovation in mass transportation technologies.

(3) GRANT REQUIREMENTS.—Grants, contracts, and agreements under paragraph (1) shall be eligible under and consistent with section 5312 of title 49, United States Code, and shall be subject to such terms and conditions as the Secretary prescribes.

(4) FEDERAL SHARE OF COSTS.—The Federal share of costs for a grant, contract, or agreement with a consortium under this subsection shall not exceed 50 percent of the net project cost.

(5) ELIGIBLE CONSORTIUM DEFINED.—For purposes of this section, the term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States;

(D) Federal laboratories; or

(E) existing consortia funded pursuant to Public Law 103–396.

(6) FUNDING.—

(A) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5338(d).—Of the funds made available by or appropriated under section 5338(d) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(B) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5309(o).—Of the funds made available to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(c) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for a fiscal year to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, $4,850,000 shall be available to carry out the fuel cell powered transit bus program and the intermodal transportation fuel cell bus maintenance facility.

(d) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $5,000,000 per fiscal year shall be available to carry out this subsection.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

(e) INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology in North Orange-South Seminole County, Florida, and in Galveston, Texas.

(2) FUNDING.—Of the amounts made available pursuant to section 5338(d) of title 49, United States Code, for fiscal year 1999, $1,500,000 shall be available to carry out this subsection. Of such sums, $750,000 shall be available for fixed guideway activities in North Orange-South Seminole County, Florida, and $750,000 shall be available for fixed guideway activities in Galveston, Texas.

SEC. 313. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 314. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315 is amended—

(1) in the section heading by striking "**mass transportation**" and inserting "**transit**"; and

(2) in subsection (a)—

(A) by striking "mass transportation" in the first sentence and inserting "transit";

(B) by inserting "and architectural design" before the semicolon at the end of paragraph (5);

(C) by striking "carrying out" in paragraph (7) and inserting "delivering";

(D) by inserting ", construction management, insurance, and risk management" before the semicolon at the end of paragraph (11);

(E) by striking "and" at the end of paragraph (13);

(F) by striking the period at the end of paragraph (14) and inserting "; and"; and

(G) by adding at the end the following:

"(15) innovative finance.".

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking "mass transportation" and inserting "transit".

SEC. 315. UNIVERSITY RESEARCH INSTITUTES.

Section 5316, and the item relating to section 5316 in the table of sections for chapter 53, are repealed.

SEC. 316. TRANSPORTATION CENTERS.

Section 5317, and the item relating to section 5317 in the table of sections for chapter 53, are repealed.

SEC. 317. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,";

(2) by inserting "or organization" after "person";

(3) by inserting ", cooperative agreement, or grant" after "The contract"; and

(4) by inserting "mass transportation" after "and other".

(b) AVAILABILITY OF AMOUNTS.—Section 5318(d) is amended by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,".

SEC. 318. BICYCLE FACILITIES.

Section 5319 is amended by striking "under this section is for 90 percent of the cost of the project" and inserting "made eligible by this section is for 90 percent of the cost of the project; except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent".

SEC. 319. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking "BUYING AND OPERATING BUSES.—" and inserting "CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—".

(b) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

"(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with such Acts.".

(c) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

"(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification made under this subsection if the Secretary is satisfied that the manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.".

(d) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Section 5323 is amended by redesignating subsections

(k) and (l) as subsections (l) and (m) and by inserting after subsection (j) the following:

"(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services and shall be included in the planning for such services.".

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is further amended by adding at the end the following:

"(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).".

(f) REQUIRED PAYMENTS AND ELIGIBLE COSTS.—Section 5323 is further amended by adding at the end the following:

"(o) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—

"(1) REQUIRED PAYMENTS.—Each grant or loan under this chapter for a capital project described in section 5302(a)(1)(G) shall require that a person making an agreement to occupy space in a facility funded under this chapter pay a reasonable share of the costs of the facility through rental payments and other means.

"(2) ELIGIBLE COSTS.—Eligible costs for a capital project described in section 5302(a)(1)(G)—

"(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

"(B) do not include construction of a commercial revenue producing facility or a part of a public facility not related to mass transportation.".

SEC. 320. CONTRACT REQUIREMENTS.

(a) EFFICIENT PROCUREMENT.—Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.".

(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 5325(b), as redesignated by subsection (a)(2), is amended—

(1) by inserting "or requirement" after "A contract"; and

(2) by inserting before the last sentence the following: "When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other government agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.".

SEC. 321. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.";

(2) in paragraph (2)—

(A) by inserting "SELECTION OF TURNKEY PROJECTS.—" after "(2)"; and

(B) by inserting "or an operable segment of a mass transportation system" after "transportation system";

(3) in paragraph (3) by inserting "DEMONSTRATIONS.—" after "(3)"; and

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

"(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

"(1) the manufacturer or supplier is the only source for the item; and

"(2) the price of the item is no more than the price similar customers pay for the item.".

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking "5323(a)(2), (c) and (e), 5324(c), and 5325 of this title" and inserting "5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)".

SEC. 322. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

Section 5327(c)(2) is amended—

(1) by striking "make contracts" and inserting "enter into contracts"; and

(2) by inserting before the period at the end of the first sentence the following: "and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section".

SEC. 323. STUDY ON ALCOHOL AND CONTROLLED SUBSTANCES RANDOM TESTING RATE CALCULATION.

(a) STUDY.—The Secretary shall conduct a study to determine how the alcohol and controlled substances random testing rate under section 5331 of title 49, United States Code, should be calculated.

(b) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the differences in random testing results among employers subject to section 5331 of title 49, United States Code;

(2) the differences in random testing results among employers subject to such section in areas with populations of at least 200,000, in areas with populations less than 200,000, and in other than urbanized areas;

(3) the deterrent effect of random testing; and

(4) the effect of random testing on public safety.

(c) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any proposed changes to the calculation of the random alcohol and controlled substances testing rate.

SEC. 324. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.".

(b) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Section 5334(i) is amended to read as follows:

"(i) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Not later than 180 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall seek public comment on ways to simplify and streamline the administration of the formula program for urbanized areas with populations of less than 200,000 and shall make, to the extent feasible and consistent with statutory requirements, every effort to ease any administrative burdens thereby identified.".

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5334 is amended by inserting "**provisions**" after "**Administrative**".

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting "provisions" after "Administrative".

SEC. 325. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking "REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS" and inserting "NATIONAL TRANSIT DATABASE"; and

(2) in paragraph (1)—

(A) by striking "by uniform categories," and inserting "using uniform categories"; and

(B) by striking "and a uniform system of accounts and records" and inserting "and using a uniform system of accounts".

(b) REPORTS.—Section 5335 is further amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 326. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 is amended—

(1) in the section heading by striking "**block grants**" and inserting "**formula grants**"; and

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATION ON OPERATING ASSISTANCE AND PREVENTIVE MAINTENANCE.—Of the funds apportioned under this section for urbanized areas, such sums as may be necessary shall be available for operating assistance for urbanized areas with populations under 200,000, except that the total amount of such funds made available for such operating assistance and for urbanized areas for preventive maintenance activities that become eligible for capital assistance under section 5307 on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998 may not exceed $400,000,000 for any fiscal year.".

SEC. 327. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

"(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.
"(B) Boston, $38,948,000.
"(C) Chicago/Northwestern Indiana, $78,169,000.
"(D) Cleveland, $9,509,500.
"(E) New Orleans, $1,730,588.
"(F) New York, $176,034,461.
"(G) Northeastern New Jersey, $50,604,653.
"(H) Philadelphia/Southern New Jersey, $58,924,764.
"(I) Pittsburgh, $13,662,463.
"(J) San Francisco, $33,989,571.
"(K) Southwestern Connecticut, $27,755,000.

"(2) The next $74,849,950 shall be apportioned as follows:

"(A) $4,849,950 to the Alaska Railroad for improvements to its passenger operations.

"(B) Of the remaining $70,000,000—

"(i) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A); and

"(ii) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.
"(B) Cleveland, 10.73 percent.
"(C) New Orleans, 5.79 percent.
"(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) The next $140,000,000 shall be apportioned as follows:

"(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(6) The next $100,000,000 shall be apportioned as follows:

"(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(7) Remaining amounts shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 is further amended by adding at the end the following:

"(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

"(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.".

SEC. 328. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

"§ 5338. Authorizations

"(a) FORMULA GRANTS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311—

"(A) $2,697,600,000 for fiscal year 1998;

"(B) $3,213,000,000 for fiscal year 1999; and

"(C) $3,553,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out sections 5307 and 5311—

"(A) $290,000,000 for fiscal year 1998; and

"(B) $68,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this subsection for a fiscal year—

"(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(B) 5.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(C) 92.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

"(b) CAPITAL PROGRAM GRANTS AND LOANS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309:

"(1) $2,197,000,000 for fiscal year 1998.

"(2) $2,412,000,000 for fiscal year 1999.

"(3) $2,613,000,000 for each of fiscal years 2000 through 2003.

"(c) PLANNING.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b) $54,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

"(A) $48,000,000 for fiscal year 1998; and

"(B) $52,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

"(B) 17.28 percent shall be available for State planning under section 5313(b).

"(d) RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 1998 and 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

"(B) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

"(C) not less than $3,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

"(D) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

"(e) UNIVERSITY TRANSPORTATION RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505 $6,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out section 5505 $6,000,000 per fiscal year for fiscal years 1998 and 1999.

"(f) ADMINISTRATION.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund for administrative expenses to carry out section 5334 $52,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated for administrative expenses to carry out section 5334—

"(A) $46,000,000 for fiscal year 1998; and

"(B) $50,000,000 for fiscal year 1999.

"(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b), (c)(1), (d)(1), (e)(1), or (f)(1) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2), (c)(2), (d)(2), (e)(2), or (f)(2) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

"(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A) by striking "5338(g)(1)" and inserting "5338(c)(3)(A)".

(2) In section 5303(h)(1) by striking "–5306" and inserting "and 5305".

(3) In section 5303(h)(4) by striking "5338(g)" and inserting "5338(c)(3)(A)".

(4) In section 5309(f)(4), as redesignated by section 308(i)(1)(B) of this Act, by striking "5338(a)" and inserting "5338(b)".

(5) In section 5310(b) by striking "5338(a)" and inserting "5338(a)(3)(A)".

(6) In section 5311(c) by striking "5338(a)" and inserting "5338(a)(3)(B)".

(7) In section 5313(a)(1) by striking "section 5338(g)(3)" and inserting "sections 5338(d)(3)(B) and 5338(d)(3)(D)".

(8) In section 5313(b)(1) by striking "5338(g)(3)" and inserting "5338(c)(3)(B)".

(9) In section 5314(a)(1) by striking "5338(g)(4)" and inserting "5338(d)(3)(D)".
(10) In section 5318(d) by striking "5338(j)(5)" and inserting "5309(m)(3)(B)".
(11) In section 5333(b) by striking "5338(j)(5)" each place it appears and inserting "5338(b)".
(12) In section 5336(a) by striking "5338(f)" and inserting "5338(a)(3)(C)".
(13) In section 5336(e)(1) by striking "5338(f)" and inserting "5338(a)(3)(C)".

SEC. 329. OBLIGATION CEILING.

(a) CAPITAL PROGRAM GRANTS AND LOANS.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by section 5338(b) of title 49, United States Code, shall not exceed—
(1) $2,000,000,000 in fiscal year 1998;
(2) $2,412,000,000 in fiscal year 1999; and
(3) $2,613,000,000 in each of fiscal years 2000 through 2003.

(b) FORMULA GRANTS, PLANNING, RESEARCH, ADMINISTRATION, AND STUDIES.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsections (a), (c), (d), (e), and (f) of section 5338 of title 49, United States Code, and sections 331 and 332 of this Act shall not exceed—
(1) $2,260,000,000 in fiscal year 1998;
(2) $3,213,000,000 in fiscal year 1999; and
(3) $3,703,000,000 in each of fiscal years 2000 through 2003.

SEC. 330. ACCESS TO JOBS CHALLENGE GRANT PILOT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist States, local governmental authorities, and nonprofit organizations in financing transportation services designed to transport welfare recipients to and from jobs and activities related to their employment. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(b) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider the following:
(1) The percentage of the population in the area to be served that are welfare recipients.
(2) The need for additional services (including bicycling) to transport welfare recipients to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs.
(3) The extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers and the extent to which the applicant demonstrates coordination with the State agency or department that administers the State program funded under part A of title IV of the Social Security Act.
(4) The extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands existing transit networks or hours of service or both.
(5) The extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs.
(6) The extent to which the applicant presents a comprehensive approach to addressing the needs of welfare recipients and identifies long-term financing strategies to support the services under this section.

(c) ELIGIBLE PROJECTS.—The Secretary may make grants under this section for—
(1) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;
(2) promoting the use of transit by workers with nontraditional work schedules;
(3) promoting the use by appropriate agencies of transit vouchers for welfare recipients under specific terms and conditions developed by the Secretary; and
(4) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of the Internal Revenue Code of 1986.

No planning or coordination activities are eligible for assistance under this section.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis. The Secretary shall select not more than 10 demonstration projects for the pilot program, including 6 projects from urbanized areas with populations of at least 200,000, 2 projects from urbanized areas with populations less than 200,000, and 2 projects from other than urbanized areas.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds appropriated to carry out this section. The Federal share of the costs for a project under this section shall not exceed 50 percent of the net project cost. The remainder shall be provided in cash from sources other than revenues from providing mass transportation. Funds appropriated to a Federal department or agency (other than the Department of Transportation) and eligible to be used for transportation may be used toward the nongovernment share payable on a project under this section.

(f) PLANNING REQUIREMENTS.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to grants made under this section. Applications must reflect coordination with and the approval of affected transit grant recipients and the projects financed must be part of a coordinated public transit-human services transportation planning process.

(g) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions of grants made under section 5307 of title 49, United States Code, and such terms and conditions as determined by the Secretary.

(h) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Six months after the date of the enactment of this Act and each 6 months thereafter, the Comptroller General shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study.

(2) DEPARTMENT OF TRANSPORTATION.—The Secretary shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study within 2 years of the date of the enactment of this Act.

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

(1) CAPITAL PROJECT AND URBANIZED AREA.—The terms "capital project" and "urbanized area" have the meaning such terms have under section 5302 of title 49, United States Code.

(2) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term "existing transportation service providers" means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

(3) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) at any time during the 3-year period ending on the date the applicant applies for a grant under this section.

(j) FUNDING.—There is authorized to be appropriated to carry out this section $42,000,000 per fiscal year for fiscal years 1998 through 2003. Such sums shall remain available until expended.

SEC. 331. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of this Act for fiscal year 1998 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 1997 (111 Stat. 2559).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a).

SEC. 332. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.

(a) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Athens Commuter Rail.
(2) Atlanta—Griffin Commuter Rail.
(3) Atlanta—North Line Extension.
(4) Austin—NW/North Central/SE—Airport LRT.
(5) Baltimore—Central LRT Extension to Glen Burnie.

(6) Boston—Massport Airport Intermodal Transit Connector.
(7) Boston—North Shore Blue Line Extension to Beverly.
(8) Charlotte—South Corridor Transitway.
(9) Chicago—Navy Pier-McCormick Place Busway.
(10) Chicago—North Central Upgrade Commuter Rail.
(11) Chicago—Ravenswood Line Extension.
(12) Chicago—Southwest Extension.
(13) Chicago—West Line Expansion.
(14) Cleveland—Akron-Canton Commuter Rail.
(15) Cleveland—Berea Metroline Extension.
(16) Cleveland—Blue Line Extension.
(17) Cleveland—Euclid Corridor Extension.
(18) Cleveland—I–90 Corridor to Ashtabula County.
(19) Cleveland—Waterfront Line Extension.
(20) Dallas—North Central Extension.
(21) Dallas—Ft. Worth RAILTRAN (Phase II).
(22) Denver—East Corridor (Airport).
(23) Denver—Southeast LRT (I–25 between 6th & Lincoln).
(24) Denver—Southwest LRT.
(25) Denver—West Corridor LRT.
(26) East St. Louis-St. Clair County—Mid-America Airport Corridor.
(27) Ft. Lauderdale-West Palm Beach-Miami Tri-County Commuter Rail.
(28) Galveston—Trolley Extension.
(29) Hartford—Griffin Line.
(30) Hollis—Ketchikan Ferry.
(31) Houston—Regional Bus Plan—Phase I.
(32) Kansas City—I–35 Commuter Rail.
(33) Kansas City—Southtown Corridor.
(34) Las Vegas Corridor.
(35) Little Rock—River Rail.
(36) Los Angeles—Metrolink San Bernadino Line.
(37) Los Angeles—MOS–3.
(38) Los Angeles—Metrolink (Union Station-Fullerton).
(39) Louisville—Jefferson County Corridor.
(40) MARC—Commuter Rail Improvements.
(41) Maryland Light Rail Double Track.
(42) Memphis—Medical Center Extension.
(43) Miami—East-West Corridor.
(44) Miami—North 27th Avenue Corridor.
(45) Miami—South Busway Extension.
(46) Milwaukee—East-West Corridor.
(47) Monterey County Commuter Rail.
(48) Nashua, NH—Lowell, MA Commuter Rail.
(49) Nashville—Commuter Rail.
(50) New Orleans—Canal Streetcar.
(51) New York—8th Avenue Subway Connector.
(52) New York—Brooklyn—Staten Island Ferry.
(53) New York—Long Island Railroad East Side Access.
(54) New York—Staten Island Ferry—Whitehall Intermodal Terminal.
(55) New York Susquehanna and Western Commuter Rail.
(56) New Jersey Urban Core.
(57) Norfolk—Virginia Beach Corridor.
(58) Oklahoma City—MAPS Link.
(59) Orange County—Fullerton—Irvine Corridor.
(60) Orlando—I–4 Central Florida Light Rail System.
(61) Philadelphia—Schuykill Valley Metro.
(62) Phoenix—Fixed Guideway.
(63) Colorado—Roaring Fork Valley Rail.
(64) Pittsburgh Airborne Shuttle System.
(65) Pittsburgh—MLK Busway Extension.
(66) Portland—South-North Corridor.
(67) Portland—Westside-Hillsboro Corridor.
(68) Raleigh-Durham—Regional Transit Plan.
(69) Sacramento—Folsom Extension.
(70) Sacramento—Placer County Corridor.
(71) Sacramento—South Corridor.
(72) Salt Lake City—Light Rail (Airport to University of Utah).
(73) Salt Lake City—Ogden-Provo Commuter Rail.

(74) Salt Lake City—South LRT.
(75) San Diego—Mid-Coast LRT Corridor.
(76) San Diego—Mission Valley East Corridor.
(77) San Diego—Oceanside—Escondido Corridor.
(78) San Francisco—BART to San Francisco International Airport Extension.
(79) San Francisco—Bayshore Corridor.
(80) San Jose—Tasman Corridor Light Rail.
(81) San Juan—Tren Urbano.
(82) San Juan—Tren Urbano Extension to Minellas.
(83) Santa Cruz—Fixed Guideway.
(84) Seattle—Southworth High Speed Ferry.
(85) Seattle—Sound Move Corridor.
(86) South Boston—Piers Transitway.
(87) St. Louis—Cross County Corridor.
(88) Stockton—Altamont Commuter Rail.
(89) Tampa Bay—Regional Rail.
(90) Twin Cities—Northstar Commuter Rail (Northtown Hub, Anoka County—St. Cloud).
(91) Twin Cities—Transitways Corridors.
(92) Washington—Richmond Rail Corridor Improvements.
(93) Washington, D.C.—Dulles Corridor Extension.
(94) Washington, D.C.—Largo Extension.
(95) West Trenton Line (West Trenton-Newark).
(96) Westlake—Commuter Rail Link.

(b) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Albuquerque—High Capacity Corridor.
(2) Atlanta—Georgia 400 Multimodal Corridor.
(3) Atlanta—MARTA Extension (S. DeKalb-Lindbergh).
(4) Atlanta—MARTA I–285 Transit Corridor.
(5) Atlanta—MARTA Marietta-Lawrenceville Corridor.
(6) Atlanta—MARTA South DeKalb Comprehensive Transit Program.
(7) Baltimore—Metropolitan Rail Corridor.
(8) Baltimore—People Mover.
(9) Bergen County Cross—County Light Rail.
(10) Birmingham Transit Corridor.
(11) Boston—Urban Ring.
(12) Charleston—Monobeam.
(13) Chicago—Cominsky Park Station.
(14) Chicago—Inner Circumferential Commuter Rail.
(15) Cumberland/Dauphin County Corridor 1 Commuter Rail.
(16) Dallas—DART LRT Extensions.
(17) Dallas—Las Colinas Corridor.
(18) Dayton—Regional Riverfront Corridor.
(19) El Paso—International Fixed Guideway (El Paso-Juarez).
(20) Fremont—South Bay Corridor.
(21) Georgetown Branch (Bethesda-Silver Spring).
(22) Houston—Advanced Transit Program.
(23) Jacksonville—Fixed Guideway Corridor.
(24) Kenosha-Racine—Milwaukee Rail Extension.
(25) Knoxville—Electric Transit.
(26) Lorain—Cleveland Commuter Rail.
(27) Los Angeles—MOS–4 East Side Extension (II).
(28) Los Angeles—MOS–4 San Fernando Valley East-West.
(29) Los Angeles—LOSSAN (Del Mar-San Diego).
(30) Maine High Speed Ferry Service.
(31) Maryland Route 5 Corridor.
(32) Memphis—Regional Rail Plan.
(33) Miami—Kendall Corridor.
(34) Miami—Northeast Corridor.
(35) Miami—Palmetto Metrorail.
(36) New Jersey Trans-Hudson Midtown Corridor.
(37) New Orleans—Airport—CBD Commuter Rail.
(38) New Orleans—Desire Streetcar.
(39) New York—Astoria—East Elmhurst Extension.
(40) New York—Broadway—Lafayette & Bleecker St Transfer.

(41) New York—Brooklyn—Manhattan Access.
(42) New York—Lower Manhattan Access.
(43) New York—Manhattan East Side Link.
(44) New York—Midtown West Intermodal Terminal.
(45) New York—Nassau Hub.
(46) New York—North Shore Railroad.
(47) New York—Queens West Light Rail Link.
(48) New York—St. George's Ferry Intermodal Terminal.
(49) Newburgh—LRT System.
(50) North Front Range Corridor.
(51) Northeast Indianapolis Corridor.
(52) Oakland Airport—BART Connector.
(53) Philadelphia—Broad Street Line Extension.
(54) Philadelphia—Cross County Metro.
(55) Philadelphia—Lower Marion Township.
(56) Pinellas County—Mobility Initiative Project.
(57) Pittsburgh—Stage II Light Rail Reconstruction.
(58) Redlands—San Bernardino Transportation Corridor.
(59) Riverside—Perris rail passenger service.
(60) Salt Lake City—Draper Light Rail Extension.
(61) Salt Lake City—West Jordan Light Rail Extension.
(62) San Francisco—CalTrain Extension to Hollister.
(63) Scranton—Laurel Line Intermodal Corridor.
(64) SEATAC—Personal Rapid Transit.
(65) Toledo—CBD to Zoo.
(66) Union Township Station (Raritan Valley Line).
(67) Washington County Corridor (Hastings-St. Paul).
(68) Washington, D.C.—Georgetown-Ft. Lincoln.
(69) Williamsburg—Newport News-Hampton LRT.
(71) Northeast Ohio—commuter rail.

(c) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(2) FIXED GUIDEWAY AUTHORIZATION.—The project authorized by subsection (a)(3) includes an additional 28 rapid rail cars and project scope changes from amounts authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

(3) INTERMODAL CENTER AUTHORIZATION.—Notwithstanding any other provision of law, the Huntington, West Virginia Intermodal Facility project is eligible for funding under section 5309(m)(1)(C) of title 49, United States Code.

(d) NEW JERSEY URBAN CORE PROJECT.—

(1) ALLOCATIONS.—Section 3031(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended by adding at the end the following:

"(3) ALLOCATIONS.—

"(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

"(B) NEWARK—NEWARK INTERNATIONAL AIRPORT—ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the Newark—Newark International Airport—Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

"(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—Of amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and

construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).".

(2) CONFORMING AMENDMENT.—Section 3031(c) of such Act is amended—

(A) by striking "section 3(i) of the Federal Transit Act (relating to criteria for new starts)" and inserting "section 5309(e) of title 49, United States Code,"; and

(B) by striking "; except" and all that follows through "such element".

(3) ELEMENTS OF NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of such Act is amended—

(A) by inserting after "Secaucus Transfer" the following: "(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)";

(B) by striking ", Newark-Newark International Airport-Elizabeth Transit Link" and inserting the following: "(including a connection from the Vince Lombardi Station to Saddlebrook), Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)"; and

(C) by inserting after "New York Penn Station Concourse," the following: "the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,".

SEC. 333. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(1)(C) for each of fiscal years 1999 and 2000, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

	Project	FY 1999 (in millions)	FY 2000 (in millions)
1.	Albuquerque, NM buses	1.250	1.250
2.	Alexandria, VA bus maintenance facility	1.000	1.000
3.	Alexandria, VA King Street Station access	1.100	0.000
4.	Altoona, PA Metro Transit Authority buses and transit system improvements	0.842	0.842
5.	Altoona, PA Metro Transit Authority Logan Valley Mall Suburban Transfer Center	0.080	0.000
6.	Altoona, PA Metro Transit Authority Transit Center improvements	0.424	0.000
7.	Arkansas Highway and Transit Department buses	0.200	0.000
8.	Armstrong County-Mid County, PA bus facilities and buses	0.150	0.150
9.	Atlanta, GA MARTA buses	9.000	13.500
10.	Austin, TX buses	1.250	1.250
11.	Babylon, NY Intermodal Center	1.250	1.250
12.	Birmingham-Jefferson County, AL buses	1.250	1.250
13.	Boulder/Denver, CO RTD buses	0.625	0.625
14.	Bradford County, Endless Mountain Transportation Authority buses	1.000	0.000
15.	Brookhaven Town, NY elderly and disabled buses and vans	0.225	0.000
16.	Brooklyn-Staten Island, NY Mobility Enhancement buses	0.800	0.000
17.	Broward County, FL buses	1.000	0.000
18.	Buffalo, NY Auditorium Intermodal Center	2.000	2.000
19.	Buffalo, NY Crossroads Intermodal Station	1.000	0.000

	Project	FY 1999 (in millions)	FY 2000 (in millions)
20.	Cambria County, PA bus facilities and buses	0.575	0.575
21.	Centre Area, PA Transportation Authority buses	1.250	1.250
22.	Chambersburg, PA Transit Authority buses	0.300	0.000
23.	Chambersburg, PA Transit Authority Intermodal Center	1.000	0.000
24.	Chatham, GA Downtown Transfer Center, Multimodal Circulator and Southside Transit Center	1.250	1.250
25.	Chester County, PA Paoli Transportation Center	1.000	1.000
26.	Clark County, NV Regional Transportation Commission buses	1.250	1.250
27.	Cleveland, OH Triskett Garage bus maintenance facility	0.625	0.625
28.	Crawford Area, PA Transportation buses	0.500	0.000
29.	Culver City, CA CityBus buses	1.250	1.250
30.	Davis, CA Unitrans transit maintenance facility	0.625	0.625
31.	Dayton, OH Multimodal Transportation Center	0.625	0.625
32.	Daytona, FL Intermodal Center	2.500	2.500
33.	Duluth, MN Transit Authority community circulation vehicles	1.000	1.000
34.	Duluth, MN Transit Authority intelligent transportation systems	0.500	0.500
35.	Duluth, MN Transit Authority Transit Hub	0.500	0.500
36.	Dutchess County, NY Loop System buses	0.521	0.521
37.	East Hampton, NY elderly and disabled buses and vans	0.100	0.000
38.	Erie, PA Metropolitan Transit Authority buses	1.000	1.000
39.	Everett, WA Multimodal Transportation Center	1.950	1.950
40.	Fayette County, PA Intermodal Facilities and buses	1.270	1.270
41.	Fayetteville, AR University of Arkansas Transit System buses	0.500	0.000
42.	Fort Dodge, IA Intermodal Facility (Phase II)	0.885	0.885
43.	Gary, IN Transit Consortium buses	1.250	1.250
44.	Grant County, WA buses and vans	0.600	0.000
45.	Greensboro, NC Multimodal Center	3.340	3.339
46.	Greensboro, NC Transit Authority buses	1.500	1.500
47.	Greensboro, NC Transit Authority small buses and vans	0.321	0.000
48.	Hartford, CT Transportation Access Project	0.800	0.000
49.	Healdsburg, CA Intermodal Facility	1.000	1.000
50.	Honolulu, HI bus facility and buses	2.250	2.250
51.	Hot Springs, AR Transportation Depot and Plaza	0.560	0.560
52.	Humboldt, CA Intermodal Facility	1.000	0.000
53.	Huntington, WV Intermodal Facility	8.000	12.000
54.	Illinois statewide buses and bus-related equipment	6.800	8.200
55.	Indianapolis, IN buses	5.000	5.000
56.	Iowa/Illinois Transit Consortium bus safety and security	1.000	1.000
57.	Ithaca, NY TCAT bus technology improvements	1.250	1.250
58.	Lackawanna County, PA Transit System buses	0.600	0.600
59.	Lakeland, FL Citrus Connection transit vehicles and related equipment	1.250	1.250
60.	Lane County, OR Bus Rapid Transit	4.400	4.400
61.	Lansing, MI CATA bus technology improvements	0.600	0.000
62.	Little Rock, AR Central Arkansas Transit buses	0.300	0.000
63.	Livermore, CA automatic vehicle locator	1.000	1.000
64.	Long Island, NY CNG transit vehicles and facilities	1.250	1.250
65.	Los Angeles County, CA Foothill Transit buses	1.625	1.625
66.	Los Angeles County, CA MTOC buses	1.000	1.000
67.	Los Angeles, CA San Fernando Valley smart shuttle buses	0.300	0.000
68.	Los Angeles, CA Union Station Gateway Intermodal Transit Center	1.250	1.250
69.	Louisiana statewide bus facilities and buses	8.000	12.000
70.	Maryland statewide bus facilities and buses	7.000	11.500
71.	Mercer County, PA buses	0.750	0.000
72.	Miami Beach, FL Electric Shuttle Service	0.750	0.750
73.	Miami-Dade, FL buses	1.750	1.750
74.	Michigan statewide buses	10.000	13.500
75.	Milwaukee County, WI buses	4.000	6.000
76.	Mineola/Hicksville, NY LIRR Intermodal Centers	1.250	1.250
77.	Mobile, AL GM&O Intermodal Facility	0.750	0.000

	Project	FY 1999 (in millions)	FY 2000 (in millions)
78.	Modesto, CA bus maintenance facility	0.625	0.625
79.	Monroe County, PA Transportation Authority buses	1.000	0.000
80.	Monterey, CA Monterey-Salinas buses	0.625	0.625
81.	Morango Basin, CA Transit Authority bus facility	0.650	0.000
82.	New Haven, CT bus facility	2.250	2.250
83.	New Jersey Transit jitney shuttle buses	1.750	1.750
84.	Newark, NJ Morris & Essex Station access and buses	1.250	1.250
85.	Northstar Corridor, MN Intermodal Facilities and buses	6.000	10.000
86.	Norwalk, CA transit facility	0.500	0.500
87.	Norwich, CT buses	2.250	2.250
88.	Ogden, UT Intermodal Center	0.800	0.800
89.	Oklahoma statewide bus facilities and buses	5.000	5.000
90.	Orlando, FL Downtown Intermodal Facility	2.500	2.500
91.	Palm Springs, CA fuel cell buses	1.000	1.000
92.	Perris, CA bus maintenance facility	1.250	1.250
93.	Philadelphia, PA Frankford Transportation Center	5.000	5.000
94.	Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
95.	Portland, OR Tri-Met buses	1.750	1.750
96.	Pritchard, AL bus transfer facility	0.500	0.000
97.	Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
98.	Red Rose, PA Transit Bus Terminal	1.000	0.000
99.	Richmond, VA GRTC bus maintenance facility	1.250	1.250
100.	Riverhead, NY elderly and disabled buses and vans	0.125	0.000
101.	Robinson, PA Towne Center Intermodal Facility	1.500	1.500
102.	Rome, NY Intermodal Center	0.400	0.000
103.	Sacramento, CA CNG buses	1.000	0.000
104.	San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250
105.	San Juan, Puerto Rico Intermodal access	0.600	0.600
106.	Santa Clarita, CA facilities and buses	1.250	1.250
107.	Santa Cruz, CA bus facility	0.625	0.625
108.	Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
109.	Seattle, WA Intermodal Transportation Terminal	1.250	1.250
110.	Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
111.	Smithtown, NY elderly and disabled buses and vans	0.125	0.000
112.	Somerset County, PA bus facilities and buses	0.175	0.175
113.	South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
114.	South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
115.	South Carolina statewide Virtual Transit Enterprise	1.220	1.220
116.	South Dakota statewide bus facilities and buses	1.500	1.500
117.	Southampton, NY elderly and disabled buses and vans	0.125	0.000
118.	Southold, NY elderly and disabled buses and vans	0.100	0.000
119.	Springfield, MA Union Station	1.250	1.250
120.	St. Louis, MO Bi-state Intermodal Center	1.250	1.250
121.	Stapleton, CO Intermodal Center	1.250	1.250
122.	Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
123.	Texas statewide small urban and rural buses	4.000	4.500
124.	Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
125.	Tuscaloosa, AL Intermodal Center	1.000	0.000
126.	Tucson, AZ Intermodal Center	1.250	1.250
127.	Ukiah, CA Transportation Center	0.500	0.000
128.	Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
129.	Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
130.	Utica, NY Union Station	2.100	2.100
131.	Utica and Rome, NY bus facilities and buses	0.500	0.000
132.	Washington County, PA Intermodal Facilities	0.630	0.630
133.	Washington, D.C. Intermodal Transportation Center	2.500	2.500
134.	Washoe County, NV transit improvements	1.250	1.250
135.	Waterbury, CT bus facility	2.250	2.250
136.	West Virginia statewide Intermodal Facility and buses	5.000	5.000
137.	Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
138.	Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
139.	Westchester County, NY DOT articulated buses	1.250	1.250

	Project	FY 1999 (in millions)	FY 2000 (in millions)
140.	Westmoreland County, PA Intermodal Facility	0.200	0.200
141.	Wilkes-Barre, PA Intermodal Facility	1.250	1.250
142.	Williamsport, PA buses	1.200	1.200
143.	Windsor, CA Intermodal Facility	0.750	0.750
144.	Wisconsin statewide bus facilities and buses	8.000	12.000
145.	Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
146.	Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
147.	Lynchburg, VA buses	0.200	0.000
148.	Harrisonburg, VA buses	0.200	0.000
149.	Roanoke, VA buses	0.200	0.000

SEC. 334. PROJECT MANAGEMENT OVERSIGHT.

(a) STUDY.—The Comptroller General shall conduct a study of the Secretary of Transportation's implementation of project management oversight under section 5327 of title 49, United States Code.

(b) CONTENTS.—The study shall include the following:

(1) A listing of the amounts made available under section 5327(c)(1) of title 49, United States Code, for project management oversight in each of fiscal years 1992 through 1997 and a description of the activities funded using such amounts.

(2) A description of the major capital projects subject to project management oversight, including the grant amounts for such projects.

(3) A description of the contracts entered into for project management oversight, including the scope of work and dollar amounts of such contracts.

(4) A determination of whether the project management oversight activities conducted by the Secretary are authorized under section 5327.

(5) A description of any cost savings or program improvements resulting from project management oversight.

(6) Recommendations regarding any changes that would improve the project management oversight function.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 335. PRIVATIZATION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have privatized or contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding privatization or contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 336. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues attendant to transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data, and if unavailable or insufficient, recommend a new data collection regimen and implementation guidelines; and

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety and other factors that the Secretary considers appropriate; and

(2) the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation operators, employee organizations, bicycling organizations, academic and policy analysts, and other interested parties.

(c) REPORT.—Not later than 12 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 337. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the current formula for apportioning funds to urbanized areas accurately reflects the transit needs of the urbanized areas and if not whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 338. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation) that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of the enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

SEC. 339. FINAL ASSEMBLY OF BUSES.

(a) STUDY.—The Comptroller General shall conduct a study to review monitoring by the Federal Transit Administration of preaward and post-delivery audits for compliance with the requirements for final assembly of buses of section 5323(j) of title 49, United States Code.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 401. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 402. STATE GRANTS.

(a) OBJECTIVE AND DEFINITIONS.—Section 31101 is amended—

(1) by striking

"§ 31101. Definitions"

and inserting the following:

"§ 31101. Objective and definitions";

(2) in paragraph (1)(A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by striking "10,000 pounds" and inserting "10,001 pounds, whichever is greater";

(3) in paragraph (1)(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title";

(4) by striking "In this subchapter—" and inserting the following:

"(b) DEFINITIONS.—In this subchapter the following definitions apply:"; and

(5) by inserting after the section heading the following:

"(a) OBJECTIVE.—The objective of this subchapter is to ensure that the Secretary, States, and other political jurisdictions establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

"(1) promoting safe for-hire and private transportation, including transportation of passengers and hazardous materials, to reduce the number and severity of commercial motor vehicle crashes;

"(2) developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including enforcement of State and local traffic safety laws and regulations;

"(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information, and monitoring program effectiveness;

"(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

"(5) advancing promising technologies and encouraging adoption of safe operational practices.".

(b) PERFORMANCE-BASED GRANTS AND HAZARDOUS MATERIALS TRANSPORTATION SAFETY.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting "improving motor carrier safety and" after "programs for"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) in subparagraph (J) by inserting "(1)" after "(c)";

(2) by striking subparagraphs (K), (L), (M), and (N) and inserting the following:

"(K) ensures consistent, effective, and reasonable sanctions;

"(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

"(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

"(N) implements performance-based activities by fiscal year 2003;";

(3) in subparagraph (O)—

(A) by inserting after "activities" the following: "in support of national priorities and performance goals, including";

(B) by striking "to remove" in clause (i) and inserting "activities aimed at removing";

(C) by striking "to provide" in clause (ii) and inserting "activities aimed at providing"; and

(D) by inserting "and" after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;";

(4) by striking subparagraph (P) and inserting the following:

"(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;";

(5) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(6) by adding at the end the following:

"(R) ensures that roadside inspections will be conducted only at a distance that is adequate to protect the safety of drivers and enforcement personnel.".

(d) UNITED STATES GOVERNMENT'S SHARE OF COSTS.—The first sentence of section 31103 is amended by inserting "improve commercial motor vehicle safety and" before "enforce".

(e) AVAILABILITY OF AMOUNTS.—Section 31104(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

"(1) Not more than $78,000,000 for fiscal year 1998.

"(2) Not more than $110,000,000 for fiscal year 1999.

"(3) Not more than $130,000,000 for each of fiscal years 2000 through 2003."

(f) CONFORMING AMENDMENT.—Section 31104(b) is amended by striking "(1)" and by striking paragraph (2).

(g) ALLOCATION CRITERIA AND ELIGIBILITY.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

"(2) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) to reimburse—

"(A) States for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies; and

"(B) local governments and other persons that use trained and qualified officers and employees, for carrying out activities and projects described in subparagraph (A) in coordination with State motor vehicle safety agencies.";

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i);
(4) by redesignating subsection (j) as subsection (h); and
(5) in the first sentence of subsection (h), as so redesignated, by striking ''tolerance''.

(h) CONFORMING AMENDMENT.—The table of sections for chapter 311 is amended by striking the item relating to section 31101 and inserting the following:

''31101. Objective and definitions.''.

SEC. 403. INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 31106 is amended to read as follows:

''§ 31106. Information systems

''(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

''(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities required under this title.

''(2) COORDINATION INTO NETWORK.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

''(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

''(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

''(B) evaluate the safety fitness of motor carriers, commercial motor vehicles, and drivers;

''(C) develop strategies to mitigate safety problems and to measure the effectiveness of such strategies and related programs;

''(D) determine the cost-effectiveness of Federal and State safety and enforcement programs and other countermeasures; and

''(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

''(4) STANDARDS.—To implement this section, the Secretary may prescribe technical and operational standards to ensure—

''(A) uniform, timely, and accurate information collection and reporting by the States and other entities;

''(B) uniform Federal, State, and local policies and procedures; and

''(C) the reliability and availability of the information to the Secretary, States, and others as the Secretary determines appropriate.

''(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

''(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the information systems authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The clearinghouse and repository shall include information on the safety fitness of each motor carrier and registrant and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

''(2) DESIGN.—The program shall link Federal safety information systems with State registration and licensing systems and shall be designed to enable a State to—

''(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the motor carrier or commercial motor vehicle or while the license or registration is in effect; and

''(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

''(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

''(A) comply with the technical and operational standards prescribed by the Secretary under subsection (a)(4); and

''(B) possess or seek authority to impose commercial motor vehicle registration sanctions or operating limitations on the basis of a Federal safety fitness determination.

"(4) FUNDING.—Of the amounts made available under section 31107, not more than $6,000,000 in each of fiscal years 1998 through 2003 may be used to carry out this subsection.

"(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on commercial motor vehicle drivers;

"(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

"(4) developing appropriate strategies and countermeasures to improve driver safety.

"(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

"(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION.—

"(1) AVAILABILITY OF INFORMATION.—The Secretary shall make data collected in systems and through programs under this section available to the public to the maximum extent permissible under the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

"(2) REVIEW OF DATA.—The Secretary shall allow individuals and motor carriers to whom the data pertains to review periodically such data and to request corrections or clarifications.

"(3) STATE AND LOCAL OFFICIALS.—State and local safety and enforcement officials shall have access to data made available under this subsection to the same extent as Federal safety and enforcement officials.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31107 is amended to read as follows:

"§ 31107. Authorization of appropriations for information systems

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

"(1) $7,000,000 for fiscal year 1998;

"(2) $15,000,000 for fiscal year 1999; and

"(3) $20,000,000 for each of fiscal years 2000 through 2003.

The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after "GRANTS" the following: "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS".

(d) CONFORMING AMENDMENTS.—The table of sections for chapter 311 is amended—

(1) by striking

"SUBCHAPTER I—STATE GRANTS"

and inserting

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

(2) by striking the item relating to section 31106 and inserting the following:

"31106. Information systems."; and

(3) by striking the item relating to section 31107 and inserting the following:

"31107. Authorization of appropriations for information systems.".

SEC. 404. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking "section—" and inserting "section, the following definitions apply:";

(2) by inserting after "(1)" the following: "MAXI-CUBE VEHICLE.—The term";

(3) by inserting after "(2)" the following: "TRUCK TRACTOR.—The term";

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

(5) by inserting before paragraph (2), as so redesignated, the following:

"(1) AUTOMOBILE TRANSPORTER.—The term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.".

SEC. 405. INSPECTIONS AND REPORTS.

(a) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 406. EXEMPTIONS AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

"§ 31315. Exemptions and pilot programs

"(a) EXEMPTIONS.—

"(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

"(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if the person fails to comply with the terms and conditions of such exemption or if continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of the enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

"(A) The provisions from which the person requests exemption.

"(B) The time period during which the exemption would apply.

"(C) An analysis of the safety impacts the exemption may cause.

"(D) The specific countermeasures the person would undertake, if the exemption were granted, to ensure an equal or greater level of safety than would be achieved absent the exemption.

"(4) NOTICE AND COMMENT.—

"(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

"(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

"(C) UPON DENYING A REQUEST.—Upon denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial.

"(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a through review of its safety implications, but in no case later than 180 days after the filing date of such request, or the Secretary shall publish in the Federal Register the reason for the delay in decision and an estimate of when the decision will be made.

"(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

"(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the

public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

"(b) PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of the program and the exemptions to be considered and provide notice and an opportunity for public comment before the effective date of any exemptions.

"(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall include, at a minimum, the following elements in each pilot program plan:

"(A) A program scheduled life of not more than 3 years.

"(B) A scientifically valid methodology and study design, including a specific data collection and analysis plan, that identifies appropriate control groups for comparison.

"(C) The fewest participants necessary to yield statistically valid findings.

"(D) Observance of appropriate ethical protocols for the use of human subjects in field experiments.

"(E) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(F) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(G) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

"(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall promptly report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to law or regulation that would enhance motor carrier, vehicle, and driver safety and improve compliance with national safety standards.

"(c) PREEMPTION OF STATE RULES.—During the time period that an exemption or pilot program is in effect under this section, no State shall enforce any law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

"31315. Exemptions and pilot programs.".

(c) CONFORMING AMENDMENT.—Section 31136(e) is amended to read as follows:

"(e) EXEMPTIONS.—The Secretary may grant exemptions from any regulation prescribed under this section in accordance with section 31315.".

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by subsections (a) and (c) of this section shall not apply to or otherwise affect an exemption or waiver in effect on the day before the date of the enactment of this Act under section 31315 or 31136(e) of title 49, United States Code.

SEC. 407. SAFETY REGULATION.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by inserting ", whichever is greater" after "pounds"; and

(2) in subparagraph (B)—

(A) by inserting "or livery" after "taxicab"; and

(B) by striking "6 passengers" and inserting "8 passengers, including the driver,".

(b) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the table of sections for chapter 311, are repealed.

(c) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the table of sections for chapter 311, are repealed.

(d) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) SUBMISSION OF REGULATION.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation immediately after the enactment or issuance.

"(c) REVIEW AND DECISIONS BY SECRETARY.—

"(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

"(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

"(B) is less stringent than such regulation; or

"(C) is additional to or more stringent than such regulation.

"(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

"(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

"(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

"(A) the State law or regulation has no safety benefit;

"(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

"(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

"(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.";

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(e) INSPECTION OF SAFETY EQUIPMENT.—Section 31142(a) is amended by striking "part 393 of title 49, Code of Federal Regulations" and inserting "the regulations issued under section 31136".

(f) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended—

(1) by inserting after "from" the following: "participating in the activities of a voluntary group of States"; and

(2) by striking "that meets" and all that follows through "1984".

(g) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of implementation of the amendments made by subsection (a)(2) of this section.

SEC. 408. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

(a) APPLICABILITY OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS TO INTERSTATE SCHOOL BUS OPERATIONS.—Section 31136 is amended by adding at the end the following:

"(g) APPLICABILITY TO SCHOOL TRANSPORTATION OPERATIONS OF LOCAL EDUCATION AGENCIES.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall issue regulations making the relevant commercial motor carrier safety regulations issued under subsection (a) applicable to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).".

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the status of compliance by private for-hire motor carriers and local educational agencies in meeting the requirements of section 31136 of title 49, United States Code, and any activities of the Secretary or the States to enforce such requirements.

SEC. 409. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the table of sections for chapter 311, are repealed.

SEC. 410. COMMERCIAL VEHICLE OPERATORS.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating" the first 2 places it appears; and

(B) by inserting ", whichever is greater," after "pounds" the first place it appears; and

(2) in subparagraph (C)(ii) by inserting "is" before "transporting" each place it appears.

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

"§ 31302. Driver's license requirement

"An individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license. An individual operating a commercial motor vehicle may have only one driver's license at any time.".

(2) CONFORMING AMENDMENT.—The item relating to section 31302 in the table of sections for chapter 313 is amended to read as follows:

"31302. Driver's license requirement.".

(c) UNIQUE IDENTIFIERS IN CDLS.—

(1) IN GENERAL.—Section 31308(2) is amended by inserting before the semicolon "and each license issued after January 1, 2000, include unique identifiers to minimize fraud and duplication".

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) in subsection (a) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by inserting after the first sentence of subsection (a) the following: "The system shall be coordinated with activities carried out under section 31106.";

(3) by striking subsections (b) and (c);

(4) in subsection (d)(1)—

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

(B) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(C) by adding at the end the following:

"(G) information on all fines, penalties, convictions, and failure to appear for a hearing or trial incurred by the operator with respect to operation of a motor vehicle for a period of not less than 3 years beginning on the date of the imposition of such a fine or penalty or the date of such a conviction or failure to appear.";

(5) by striking subsection (d)(2) and inserting the following:

"(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).";

(6) by striking subsection (e) and inserting the following:

"(e) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with section 31106(e).";

(7) in subsection (f) by striking "If the Secretary establishes an information system under this section, the" and inserting "The";

(8) by striking "shall" in the first sentence of subsection (f) and inserting "may"; and

(9) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(e) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such sections in the table of sections for chapter 313, are repealed.

(f) UPDATING AMENDMENTS.—Section 31314 is amended—

(1) by striking "(2), (5), and (6)" each place it appears in subsections (a) and (b) and inserting "(3), and (5)";

(2) in subsection (c) by striking "(1) Amounts" and all that follows through "(2) Amounts" and inserting "Amounts";

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 411. INTERIM BORDER SAFETY IMPROVEMENT PROGRAM.

(a) PROGRAM.—The Secretary shall carry out a program to improve commercial motor vehicle safety in the vicinity of borders between the United States and Canada and the United States and Mexico.

(b) GRANT AND OTHER AUTHORITY.—The Secretary may expend funds made available to carry out this section—

(1) for making grants to border States, local governments, organizations, and other persons to carry out activities described in subsection (c);

(2) for personnel of the Department of Transportation to conduct such activities; and

(3) for entry into contracts for the conduct of such activities.

(c) USE OF FUNDS.—Activities for which funds may be expended under this section include—

(1) employment by the Department of Transportation or a border State of additional personnel to enforce commercial motor vehicle safety regulations described in subsection (a);

(2) training of personnel to enforce such regulations;

(3) development of data bases and communication systems to improve commercial motor vehicle safety; and

(4) education and outreach initiatives.

(d) CRITERIA.—In selecting activities and projects for funding under this section, the Secretary shall consider current levels of enforcement by border States, cross border traffic patterns (including volume of commercial motor vehicle traffic), location of inspection facilities, and such other factors as the Secretary determines will result in the greatest safety improvement and benefit to border States and the Nation.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share payable under a grant made under this section for—

(A) any activity described in paragraph (2), (3), or (4) of subsection (c) shall be 80 percent; and

(B) any activity described in subsection (c)(1) shall be—

(i) 80 percent for the first 2 years that a State receives a grant under this section for such activity;

(ii) 50 percent for the third and fourth years that a State receives a grant under this section for such activity; and

(iii) 25 percent for the fifth and sixth years that a State receives a grant under this section for such activity.

(2) IN-KIND CONTRIBUTIONS.—In determining the non-Federal costs under paragraph (1), the Secretary shall include in-kind contributions by the grant recipient, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program.

(f) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section for an activity described in subsection (c)(1) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for employment of personnel to enforce commercial motor vehicle safety regulations in the vicinity of the border at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(g) FUNDING.—Of amounts made available to carry out the coordinated border infrastructure and safety program under section 116 of this Act, $20,000,000 for fiscal year 1998 and $15,000,000 for each of fiscal years 1999 through 2003 shall be available to carry out this section.

(h) BORDER STATE DEFINED.—In this section, the term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 412. VEHICLE WEIGHT ENFORCEMENT.

(a) STUDY.—The Secretary shall conduct a study of State laws and regulations pertaining to penalties for violation of State commercial motor vehicle weight laws.

(b) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, a State's ability to penalize shippers and carriers as well as drivers, and shall examine the

effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any legislative recommendations of the Secretary.

(d) FUNDING.—From amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act, the Secretary may use not to exceed $300,000 to carry out this section.

SEC. 413. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the table of sections for chapter 317, are repealed.

SEC. 414. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of the enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and any laws or regulations relating to the safe operation of commercial motor vehicles and to report potentially improper inspections, audits, and enforcement activities.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and shall consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not to exceed $300,000 for each of fiscal years 1998 through 2003 to carry out this section.

SEC. 415. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(4) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(5) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Con-

gress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 416. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—Not later than 1 year after the date of completion of the review under subsection (a), the Secretary shall issue regulations under section 31305 reflecting the results of the review.

SEC. 417. POSTACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing qualified emergency responders and law enforcement officers for conducting postaccident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information and reducing the burdens that employers may encounter in meeting the testing requirements of such section.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under subsection (a) with recommendations regarding the utilization of emergency responders and law enforcement officers in conducting testing described in subsection (a).

SEC. 418. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) IDENTIFICATION OF TECHNOLOGIES.—In identifying technologies pursuant to paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) FUNDING.—The Secretary may use amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act to carry out this subsection.

(b) NONSEDATING ANTIHISTAMINES.—The Secretary shall review available information on the effects of antihistamines on driver fatigue, awareness, and performance and shall consider encouraging the use of nonsedating antihistamines as a means of reducing the adverse effects of the use of other antihistamines by drivers.

SEC. 419. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144 is amended to read as follows:

"§ 31144. Safety fitness of owners and operators

"(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

"(2) periodically update such safety fitness determinations;

"(3) make such safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.

"(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining whether an owner or operator is fit to operate safely commercial motor vehicles. The procedure shall include, at a minimum, the following elements:

"(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

"(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

"(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

"(c) PROHIBITED TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

"(d) REVIEW OF FITNESS DETERMINATIONS.—

"(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.".

(b) CONFORMING AMENDMENT.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

"See section 31144.".

SEC. 420. HAZARDOUS MATERIALS TRANSPORTATION REGULATION AND FARM SERVICE VEHICLES.

(a) EXCEPTIONS.—Section 5117(d)(2) is amended—

(1) by striking "do not prohibit";

(2) in subparagraph (A)—

(A) by inserting "do not prohibit" before "or regulate"; and

(B) by striking "or" the last place it appears;

(3) in subparagraph (B) by inserting "do not prohibit" before "transportation";

(4) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(5) by adding at the end the following:

"(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from a source of supply to a farm, from a farm to another farm, from a field to another field on a farm, or from the farm back to the source of supply.

In granting any exception under subparagraph (C), a State must certify to the Secretary that such exception is in the public interest, the need for such exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.''.

(b) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—Section 5117 is amended by adding at the end the following:

''(f) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—In this section, the term 'agricultural production material' means—

''(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

''(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

''(3) a diluted solution of water and pesticides or fertilizer in a quantity that does not exceed 3,500 gallons.''.

SEC. 421. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

SEC. 422. DOT IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, the Secretary shall develop and submit to Congress a plan for implementing authority (if subsequently provided by law) to—

(1) investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or a regulation or order of the Secretary under such chapter, when violated by shippers, freight forwarders, brokers, consignees, or persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers); and

(2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or an order of the Secretary under chapter 311 or section 31502 of such title to the same extent as a motor carrier or driver who commits such a violation.

(b) CONTENTS OF IMPLEMENTATION PLAN.—In developing the implementation plan, the Secretary, at a minimum, shall consider—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

SEC. 501. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 is amended by striking the section heading and all that follows through the period at the end of subsection (d) and inserting the following:

"§ 106. Project approval and oversight

"(a) IN GENERAL.—

"(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

"(2) PROJECT AGREEMENT.—The Secretary shall act upon the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval.

"(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by the provisions of section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials if a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—

"(A) GENERAL AUTHORITY.—Except as otherwise provided in subsection (d), the Secretary may discharge to the State any of the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System.

"(B) AGREEMENT.—The Secretary and the State shall reach agreement as to the extent the State may assume the Secretary's responsibilities under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-INTERSTATE SYSTEM PROJECTS.—For all projects under this title that are not on the National Highway System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspection of projects. For projects that are on the National Highway System but not on the Interstate System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

"(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title. Any responsibility or obligation of the Secretary under sections 113 and 114 of this title and section 5333 of title 49, United States Code, shall not be affected and may not be discharged under this section, section 133, or section 149.".

(b) REPEAL OF OBSOLETE PROVISIONS.—Sections 105, 110, and 117, and the items relating to such sections in the table of sections for chapter 1, are repealed.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 106 and inserting:

"106. Project approval and oversight.".

SEC. 502. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969, except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as set forth in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the concerned highway project shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of projects may be incorporated into a memorandum of understanding between the Department of Transportation and all other Federal agencies (and, where appropriate, State agencies). In establishing such time period and any time periods for review within such period the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each highway project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969; or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project;

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of projects; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including those required by the National Environmental Policy Act of 1969; except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with those established by the Council on Environmental Quality under the provisions of sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information which has been discovered that could not reasonably have been anticipated when such agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed upon extension to such time period, then the Secretary may close the record. If the Secretary finds after timely compliance with this section, that an environmental issue related to the highway project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, then the Secretary and the head of such agency shall resolve the matter within 30 days of the finding by the Secretary.

(d) ACCEPTANCE OF PURPOSE AND NEED.—For any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 or the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval that requires an analysis of purpose and need, the agency conducting such review with respect to the highway project shall give due consideration to the project purpose and need as defined by the Secretary and the project applicant.

(e) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project or must issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project be subject to the coordinated environmental review process provided for in this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of such State shall be subject to the review process.

(f) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—The Secretary may approve a request by a State to provide funds made available under chapter 1 of title 23, United States Code, to the State for the project subject to the review process established by this section to affected Federal agencies to provide the resources necessary to meet any time limits established by this section. Such requests shall only be approved for the additional amounts that the Secretary determines are necessary for such affected Federal agencies to meet the time limits for environmental review where such time limits are less than the customary time necessary for such review.

(g) FEDERAL AGENCY DEFINED.—For the purposes of this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

(h) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect the applicability of the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(i) STATE ENVIRONMENTAL REVIEW DELEGATION PILOT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Council on Environmental Quality, shall establish and implement a State environmental review pilot demonstration program. Such program shall permit the Secretary, in cooperation with the Council on Environmental Quality, to develop criteria for States to select up to 8 States for participation in the program. A State interested in participation in the program shall submit to the Secretary an application for participation.

(2) DELEGATION OF AUTHORITY.—For each State selected to participate in the pilot program, the Secretary shall delegate and the State shall accept all of the responsibilities for conducting the Federal environmental review process required by the National Environmental Policy Act of 1969 in the manner required if the projects were undertaken by the Secretary.

(3) CERTIFICATION.—A State that is selected to participate in the pilot program shall, prior to assuming any responsibilities for the Secretary under this subsection, submit to the Secretary and the Secretary, in cooperation with the Council on Environmental Quality, shall approve a certification that shall, at a minimum—

(A) be in a form acceptable to the Secretary;

(B) be executed by the Chief Executive Officer of the recipient of assistance under this section (hereinafter in this section referred to as the "certifying officer");

(C) specify that the certifying officer consents to assume the status of a responsible Federal officer under the National Environmental Policy Act of 1969 (and any applicable regulations issued by the Secretary or the Council on Environmental Quality implementing such Act) for the affected project;

(D) accept jurisdiction of the Federal courts for the purpose of enforcement of the State's responsibilities for the project; and

(E) agree that the Secretary's approval of such certification shall constitute the Secretary's responsibilities under the National Environmental

Policy Act of 1969 and any other related provisions of law that the Secretary may specify for the affected project.

(4) OVERSIGHT.—For each State selected to participate in the pilot program, the Secretary shall, in cooperation with the Council on Environmental Quality, conduct quarterly audits in the first year of such participation, and annual audits every year thereafter, to ensure that each selected State is complying with all elements of the certification provided for in this subsection and all requirements delegated pursuant to this subsection.

(5) TERMINATION.—The Secretary, in cooperation with the Council on Environmental Quality, may immediately terminate the participation of any State if the Secretary, in cooperation with the Council on Environmental Quality, finds that such State is not complying with any responsibility or duty set forth in this subsection or that the State's continued participation in the program would result in any adverse impact on the environment.

(6) PERIOD OF APPLICABILITY.—The pilot program shall remain in effect for 3 years. The pilot program shall apply to all projects initiated within such 3-year period, and any such project shall be subject to the provisions of this subsection until the review of the project is completed under this subsection.

(7) REPORT TO CONGRESS.—The Secretary and Council on Environmental Quality shall transmit to Congress annual reports on the pilot program.

SEC. 503. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement and promulgate regulations to integrate such requirement, as appropriate, as part of each analysis undertaken pursuant to the National Environmental Policy Act of 1969 for a project receiving assistance with funds made available under this Act (including any amendments made by this Act).

SEC. 504. FINANCIAL PLAN.

The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of $1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

SEC. 505. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 109 the following:

"§ 110. Uniform transferability of Federal-aid highway funds

"(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

"(b) APPLICATION TO CERTAIN SET-ASIDES.—This section shall not apply to funds subject to the last sentence of section 133(d)(1) and funds subject to sections 104(f) and 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under section 133(d)(3) for fiscal year 1996.

"(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount of the State's apportionment under section 104(b)(2) for fiscal year 1997. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds.".

SEC. 506. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (including the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment). In formulating such criteria, the Secretary shall provide that, if 2 or more applications for a discretionary grant are otherwise equal, then the grant shall be awarded to the application from a State that has a Highway Trust Fund (other than the Mass Transit Account) return of less than 90 percent.

(b) SELECTION PROCESS.—

(1) LIMITATION ON ACCEPTANCE OF APPLICATION.—Before accepting application for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (including the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to such program.

(2) EXPLANATION.—At least 14 days before making a grant under a discretionary program described in paragraph (1), the Secretary shall transmit to the respective committees of the House of Representatives and the Senate having jurisdiction over such program, and shall publish, an explanation of how projects will be selected based on the criteria established for such program under subsection (a).

(c) MINIMUM PROGRAMS.—At a minimum the criteria established under subsection (a) and the process established by subsection (b) shall apply to the following programs:

(1) The high cost Interstate System reconstruction and improvement program.
(2) The research program under title VI of this Act.
(3) The national corridor planning and development program.
(4) The coordinated border infrastructure and safety program.
(5) The construction of ferry boats and ferry terminal facilities.
(6) The scenic byway program.
(7) The discretionary bridge program.
(8) New fixed guideway systems and extensions to existing fixed guideway systems under section 5309 of title 49, United States Code.
(9) Transit research and planning.

SEC. 507. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary shall eliminate any programmatic responsibility of the regional offices of the Federal Highway Administration as part of the Administration's efforts to restructure its field organization, including elimination of regional offices, creation of technical resource centers, and maximum delegation of authority to its State offices.

(b) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan not later than September 30, 1998, and thereafter provide periodic progress reports to such Committees.

(c) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (b) not later than December 31, 1998.

SEC. 508. AUTHORITY FOR CONGRESS TO MAKE MIDCOURSE CORRECTIONS TO THE HIGHWAY AND TRANSIT PROGRAMS.

The Secretary shall not apportion or allocate, prior to August 1, 2001, any funds authorized to be appropriated or made available for fiscal year 2001 under title 23, United States Code (other than sections 125 and 157 and amounts necessary for the administration of the Federal Highway Administration under section 104(a)), title I and VI of this Act (other than section 127(b)), section 31104(a) of title 49, United States Code, section 5338 of title 49, United States Code (other than amounts necessary for the administration of the Federal Transit Administration), and title III of this Act, unless a law has been enacted making midcourse corrections to the Federal-aid highway and transit programs authorized by this Act (including amendments made by this Act) which would, at a minimum—

(1) approve a funding distribution for and any modifications to the high-cost interstate reconstruction and improvement program;

(2) approve a proposed system of performance bonuses to States pursuant to the bonus program established under section 123 of this Act;

(3) approve a cost estimate for States as part of the Appalachian development highway system program;

(4) make any other appropriate programmatic changes and recommendations made to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Environment and Public Works and Banking, Housing, and Urban Affairs of the Senate;

(5) approve projects under the capital program for final design and construction of a new fixed guideway system or extension of an existing fixed guideway system; and

(6) include a certification that such law meets the requirements of this section.

TITLE VI—TRANSPORTATION RESEARCH

SEC. 601. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 602. APPLICABILITY OF TITLE 23.

Funds made available by subparagraphs (F) through (I) of section 127(a)(3) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share payable for a project or activity carried out using such funds shall be determined by the Secretary (unless otherwise expressly provided by this Act) and such funds shall remain available until expended.

SEC. 603. TRANSFERS OF FUNDS.

The Secretary may transfer not to exceed 10 percent of the amounts made available by each of subparagraphs (F) through (I) of section 127(a)(3) of this Act to the amounts made available by any other of such subparagraphs.

Subtitle A—Surface Transportation Research, Technology, and Education

PART I—HIGHWAY RESEARCH

SEC. 611. RESEARCH.

(a) RESEARCH.—Section 307(a) is amended—

(1) in paragraph (1) by striking subparagraph (C); and

(2) by striking paragraph (3) and inserting the following:

"(3) AMOUNTS DEPOSITED BY COOPERATING ORGANIZATIONS AND PERSONS.—There shall be available to the Secretary for carrying out this subsection such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purpose.".

(b) LONG-TERM PAVEMENT PERFORMANCE.—Section 307(b)(2) is amended to read as follows:

"(2) LONG-TERM PAVEMENT PERFORMANCE.—

"(A) IN GENERAL.—As part of the highway research program under subsection (a), the Secretary shall carry out a long-term pavement performance program to continue to completion the long-term pavement performance tests initiated under the strategic highway research program.

"(B) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—In carrying out subparagraph (A), the Secretary shall make grants and enter into cooperative agreements and contracts for the following purposes:

"(i) To continue the monitoring, material-testing, and evaluation of the highway test sections established under the long-term pavement performance program.

"(ii) To carry out analyses of the data collected under the program.

"(iii) To prepare the products required to fulfill the original objectives of the program and to meet future pavement technology needs.".

(c) ADVANCED RESEARCH.—Section 307(b)(4) is amended to read as follows:

"(4) ADVANCED RESEARCH.—

"(A) IN GENERAL.—The highway research program under subsection (a) shall include an advanced research program that addresses longer-term, higher-risk research that shows potential benefits for improving the dura-

bility, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out this program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(B) RESEARCH AREAS.—In carrying out the advanced research program under subparagraph (A), the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(i) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(ii) Diagnostics for evaluation of the condition of bridge and pavement structures to enable assessment of failure risks.

"(iii) Design and construction details for composite structures.

"(iv) Safety technology based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(v) Particulate matter source apportionment, control strategy synthesis evaluation, and model development.

"(vi) Data acquisition techniques for system condition and performance monitoring.

"(vii) Prediction of the response of current and future travelers to new technologies.".

(d) SUPPORTING INFRASTRUCTURE.—Section 307(b)(5) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(e) REPEALS.—Section 307 is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by redesignating subsections (f), (g), and (h) as subsections (c), (d), and (e), respectively.

(f) SEISMIC RESEARCH PROGRAM.—Section 307(c), as so redesignated, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.";

(2) by striking paragraph (4) and inserting the following:

"(4) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall expend not more than $2,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program."; and

(3) by striking paragraph (5).

(g) BIENNIAL REPORT.—Section 307(e), as so redesignated, is amended—

(1) by striking "The Secretary" and inserting "BIENNIAL REPORT.—The Secretary"; and

(2) by inserting after "highway needs" the following: ", as well as the backlog of current highway needs,".

(h) RECYCLED MATERIALS RESEARCH PROGRAM.—Section 307 is further amended by adding at the end the following:

"(f) RECYCLED MATERIALS RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of research to determine—

"(A) the performance of asphalt pavement containing tire-derived carbonous asphalt modifiers under various climate and use conditions; and

"(B) the degree to which asphalt pavement containing tire-derived carbonous asphalt modifiers can be recycled.

"(2) DATE OF COMPLETION.—The Secretary shall complete the research program under this subsection not later than 3 years after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(i) CONFORMING AMENDMENTS.—Chapter 3 is amended—

(1) in the heading to section 307 by striking "and planning"; and

(2) in the table of sections for such chapter by striking the item relating to section 307 and inserting the following:

"307. Research.".

SEC. 612. STATE PLANNING AND RESEARCH.

(a) IN GENERAL.—Chapter 3 is amended by inserting after section 312 the following:

"§ 313. State planning and research

"(a) GENERAL RULE.—Two percent of the sums apportioned for each fiscal year beginning after September 30, 1997, under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

"(1) Engineering and economic surveys and investigations.

"(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including statewide planning under section 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on the engineering standards and construction materials for such systems, including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State for research, development, and technology transfer activities described in subsection (a) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification. Funds used for research provided under this subsection are not subject to an assessment under the Small Business Research and Development Enhancement Act of 1992 (Public Law 102–564).

"(c) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) ADMINISTRATION OF SUMS.—Funds which are subject to subsection (a) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 312 the following:

"313. State planning and research.".

(c) HIGHWAY NOISE RESEARCH CENTER.—

(1) IN GENERAL.—The Secretary, in cooperation with a university with an ongoing program relating to noise control and acoustics research, shall carry out research on methods to reduce highway noise.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this subsection.

SEC. 613. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) ACTIVITIES.—Section 325(a) is amended—

(1) by inserting after "expertise" the following: ", goods, and services";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following:

"(6) gathering and disseminating information on foreign transportation markets and industries.".

(b) FUNDS.—Section 325(c) is amended to read as follows:

"(c) FUNDS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for such purpose with the Secretary of the Treasury. The funds deposited in the special account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional mate-

rials, travel, reception and representation expenses, and salaries and benefits. Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the special account.".

(c) ELIGIBILITY.—Section 325 is amended by adding at the end the following:

"(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 313 for any activity authorized under subsection (a).".

PART II—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

SEC. 621. NATIONAL HIGHWAY INSTITUTE.

Section 321 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

SEC. 622. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVE.

(a) IN GENERAL.—Chapter 3 is further amended by inserting after section 321 the following:

"§ 322. National technology deployment initiative

"(a) IN GENERAL.—The Secretary shall develop and implement a national technology deployment initiative to expand adoption by the surface transportation community of innovative technologies to improve the safety, efficiency, reliability, service life, and sustainability of transportation systems and to reduce environmental impact.

"(b) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities undertaken pursuant to this section with the efforts of the Department to disseminate the results of research sponsored by the Department and to facilitate technology transfer.

"(c) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this section, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, or other transactions with any State or local agency, authority, association, institution, corporation (for-profit or nonprofit), organization, or person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 321 the following:

"322. National technology deployment initiative.".

SEC. 623. EDUCATION AND TRAINING PROGRAMS.

(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—Section 326(a) is amended—

(1) by striking "AUTHORITY" and inserting "LOCAL TECHNICAL ASSISTANCE PROGRAM"; and

(2) by striking "transportation assistance program" and inserting "local technical assistance program".

(b) RESEARCH FELLOWSHIPS.—Section 326 is further amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) RESEARCH FELLOWSHIPS.—

"(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. Such program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.".

(c) CONFORMING AMENDMENTS.—Chapter 3 is amended—

(1) in the heading to section 326 by striking "**program**" and inserting "**programs**"; and

(2) in the table of sections for such chapter by striking the item relating to section 326 and inserting the following:

"326. Education and training programs.".

SEC. 624. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5505. University transportation research

"(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate 10 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) For regional centers, the location of the center within the Federal region to be served.

"(B) The demonstrated research and extension resources available to the recipient to carry out this section.

"(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

"(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

"(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or region-wide continuing education program.

"(G) The strategic plan the recipient proposes to carry out under the grant.

"(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

"(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(2) An education program that includes multidisciplinary course work and participation in research.

"(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title or section 313, 322, or 326(a) of title 23, United States Code.

"(g) PROGRAM COORDINATION.—

"(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually, the Secretary shall review and evaluate programs the grant recipients carry out.

"(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"(i) SPECIAL RULE FOR FISCAL YEARS 1998 and 1999.—

"(1) IN GENERAL.—In carrying out subsections (a) and (b) in fiscal years 1998 and 1999, the Secretary shall make grants to each university transportation center and university research institute that received a grant in fiscal year 1997 under section 5316 or 5317 of this title, as in effect on the day before the date of the enactment of this section.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of this section, grants made pursuant to paragraph (1) in fiscal years 1998 and 1999 shall be subject to the same terms and conditions as the fiscal year 1997 grants referred to in paragraph (1); except that the university research institutes at San Jose State University, North Carolina A&T State University, and the University of South Florida shall each receive $1,000,000 in grants under paragraph (1) in each of fiscal years 1998 and 1999.

"(j) UNIVERSITY RESEARCH INSTITUTES.—Any university research institute that received a grant under section 5316 of this title, as in effect on the day before the date of the enactment of this section, shall be eligible to receive grants made available to university transportation centers under this section.

"(k) APPLICATIONS THAT MAY BE CONSIDERED.—In selecting grant recipients under subsection (b), the Secretary shall consider at a minimum applications submitted by the following:

"(1) Any university transportation center or university research institute described in subsection (i)(1).

"(2) The University of Denver and Mississippi State University.

"(3) The University of Arizona.

"(4) The University of Central Florida.

"(5) Carnegie Mellon and Lehigh Universities.

"(6) University of Southern California and California State University at Long Beach.

"(7) Pace University.

"(8) A consortium of historically black colleges in Alabama.

"(9) Lawson State Community College.

"(10) A consortium consisting of the University of Wisconsin, the University of Illinois, and Purdue University.

"(11) The University of New Hampshire.

"(12) A consortium consisting of George Mason University, along with the University of Virginia and Virginia Tech University.

"(13) The University of Tennessee.

"(14) The Alabama Transportation Institute.

"(15) A consortium consisting of Columbia University, City University of New York, Manhattan College, and New Jersey Institute of Technology.

"(16) Maritime College of the State University of New York.

"(17) University of New Orleans.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

"5505. University transportation research.".

(c) APPALACHIAN TRANSPORTATION INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to Marshall University, West Virginia, on behalf of a consortium which also may include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College to establish and operate an Appalachian Transportation Institute. Such institute shall conduct research, training, technology transfer, and other transportation related activities in the development and enhancement of transportation systems in the Appalachian region, including the Appalachian Development Highway System.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

(d) ITS INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to the University of Minnesota to continue to operate and expand the ITS Institute. The ITS Institute shall continue to conduct research, education, and development activities that focus on transportation management, enhanced safety, human factors, and reduced environmental effects. The ITS Institute shall develop new or expanded programs to address emerging issues of ITS related to transportation policy, intermodalism, sustainable community development, and transportation telematics.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

SEC. 625. FUNDING ALLOCATIONS.

Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(G) of this Act—

(1) not to exceed $8,000,000 per fiscal year shall be available for the National Highway Institute under section 321 of title 23, United States Code;

(2) not to exceed $10,000,000 per fiscal year shall be available for the local technical assistance program under section 326(a) of such title;

(3) not to exceed $2,000,000 per fiscal year shall be available for the Dwight D. Eisenhower Transportation Fellowship Program under section 326(b) of such title;

(4) not to exceed $14,000,000 for each of fiscal years 1998 and 1999 and $19,000,000 for each of fiscal years 2000 through 2003 shall be available for the national technology deployment initiative program under section 322 of such title; and

(5) not to exceed $17,750,000 per fiscal year shall be available for university transportation centers under section 5505 of title 49, United States Code.

PART III—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

SEC. 631. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) by striking the second sentence of subsection (b)(4);

(2) in subsection (c)(1)—

(A) in subparagraph (J) by striking "and" at the end;

(B) in subparagraph (K) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(L) transportation-related variables influencing global competitiveness.";

(3) in subsection (c)(2)—

(A) by striking "national transportation system" in the first sentence and inserting "Nation's transportation systems";

(B) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the Nation's transportation systems under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.);"; and

(C) in subparagraph (C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(4) in subsection (c)(3) by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.), and shall undertake such other reviews as may be requested by the Secretary.";

(5) in subsection (c) by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private businesses, and consumers.";

(6) by redesignating subsections (d), (e), and (f) as subsections (h), (i) and (j), respectively;

(7) by striking subsection (g); and

(8) by inserting after subsection (c) the following:

"(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an intermodal transportation data base. The data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include, at a minimum—

"(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

"(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

"(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

"(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain a national transportation library containing a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geographic data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities to support the programs and activities of the Bureau.";

(9) by striking subsection (i), as so redesignated, and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) INFORMATION OBTAINED UNDER LONG-TERM DATA COLLECTION PROGRAM.—An officer or employee of the Bureau may not—

"(A) make any publication in which the data furnished by an individual or organization under paragraph (c)(2) can be identified;

"(B) use the information furnished under the provisions of subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under subsection (c)(2).

"(2) COPIES OF REPORTS.—No department, bureau, agency, officer, or employee of the United States, except the Director in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under subsection (c)(2) with the Bureau or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to information that permits information concerning an individual or organization to be reasonable inferred by direct or indirect means.

"(3) COLLECTION OF DATA FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule, and on the collection instrument, to inform a respondent requested or required to supply the data or information of the nonstatistical purposes."; and

(10) by adding at the end the following:

"(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) and shall be available for the purpose of reimbursing the Bureau for such expenses.

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)

$31,000,000 for each of fiscal years 1998 through 2003 to carry out this section, except that amounts for activities under subsection (g) may not exceed $500,000 in any fiscal year. Amounts made available under this subsection shall remain available for a period of 3 fiscal years.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

(b) CONFORMING AMENDMENT.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 632. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) USE OF CONCRETE PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) STEEL BRIDGE CONSTRUCTION.—

(A) IN GENERAL.—The Secretary shall make grants for research and construction to improve and demonstrate the use of steel bridge construction.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of construction activities carried out using a grant made under this paragraph shall be 80 percent of the cost of such activities.

(4) USE OF ASPHALT PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using asphalt pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(5) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(6) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to determine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the vehicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(7) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(8) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment through the New Jersey Institute of Technology to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(9) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(10) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the States to continue ITS activities in the Interstate Route I–95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

(11) COMPOSITE MATERIALS.—

(A) IN GENERAL.—The Secretary shall conduct research in the use of composite materials for guardrails and bridge decking.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(F) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(12) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be located in the 2 largest metropolitan areas in the State of Pennsylvania.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of the program carried out under this paragraph shall be 80 percent of the cost of such program.

(13) CORROSION CONTROL AND PREVENTION.—

(A) IN GENERAL.—The Secretary shall make a grant to conduct a study on the costs and benefits of corrosion control and prevention. The study shall be conducted in conjunction with an interdisciplinary team of experts from the fields of metallurgy, chemistry, economics, and others, as appropriate. Not later than September 30, 2001, the Secretary shall submit to Congress a report on the study results, together with any recommendations.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 and 2000 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(14) RECYCLED MATERIALS.—

(A) IN GENERAL.—The Secretary shall make grants to the University of New Hampshire to continue research on the use of recycled materials in the construction of transportation projects.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(15) TRANSLINK.—

(A) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 under section 657(a) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

(16) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—

(A) IN GENERAL.—The Secretary shall continue to carry out section 6016 of the Intermodal Surface Transportation Efficiency Act of 1991. Additional areas of the program under such section shall be asphalt-water interaction studies and asphalt-aggregate thin film behavior studies.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

(17) NATIONAL CENTER FOR TRANSPORTATION MANAGEMENT, RESEARCH, AND DEVELOPMENT.—

(A) IN GENERAL.—The Secretary shall make grants to design, develop, and implement research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce. The grant recipient shall be an institution with a predominantly minority student population, a dedicated graduate degree program in transportation studies, and a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available by section 127(a)(3)(H) of this Act, $1,000,000 shall be available to carry out this paragraph for fiscal year 2000, $1,250,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $1,750,000 for fiscal year 2003.

(18) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—

(A) IN GENERAL.—The Secretary shall make grants to study techniques to evaluate and monitor infrastructure conditions, to improve information systems for infrastructure construction and management, and to study advanced materials and automated processes for constructing and rehabilitating public works facilities. The recipient shall be an institution with a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available for each of fiscal years 2000 through 2003 by section 127(a)(3)(H) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

Subtitle B—Intelligent Transportation Systems

SEC. 651. DEFINITIONS.

As used in this subtitle, the following definitions apply:

(1) INTELLIGENT TRANSPORTATION SYSTEMS; ITS.—The terms "intelligent transportation systems" and "ITS" mean electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector ITS components, as defined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

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

SEC. 652. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing ITS program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the ITS program include—

(1) enhancement of surface transportation efficiency to enable existing facilities to meet a significant portion of future transportation needs and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) enhancement of safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the Nation's surface transportation systems, with a particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting States to attain air quality goals established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.);

(4) accommodation of the needs of all users of the Nation's surface transportation systems, including the operators of commercial vehicles, passenger vehicles, and motorcycles;

(5) improvement of public access to employment, goods, and services;

(6) development of a technology base and necessary standards and protocols for intelligent transportation systems;

(7) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility; and

(8) promotion of the access and use of data collected from projects conducted under the program by public and private organizations.

SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION AND CONSULTATION REQUIREMENTS.—

(1) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the ITS program in cooperation with State and local governments and other public entities, the United States private sector, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(2) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the ITS program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(b) STANDARDS.—

(1) DEVELOPMENT OF NATIONAL ITS ARCHITECTURE.—The Secretary shall develop, implement, and maintain a national ITS architecture and standards and protocols to promote the widespread use and evaluation of ITS technology as a component of the Nation's surface transportation systems.

(2) INTEROPERABILITY AMONG ITS TECHNOLOGIES.—The national ITS architecture shall promote interoperability among ITS technologies implemented throughout the States.

(3) USE OF SERVICES OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this subsection, the Secretary may use the services of standards-setting organizations.

(4) ESTABLISHMENT OF DEDICATED SHORT-RANGE VEHICLE TO WAYSIDE WIRELESS STANDARD.—In carrying out this subsection, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, shall take such actions as may be necessary to secure the necessary spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—The Secretary shall issue guidelines and requirements for the evaluation of field and related operational tests carried out under section 655 of this Act.

(2) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under paragraph (1) shall include provisions to ensure the objectivity and independence of the evaluator and to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to the tests or any other formal evaluation conducted under this subtitle.

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally-sponsored projects under this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity that is not within the Department of Transportation. Any entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Secretary may utilize 1 or more advisory committees in carrying out this subtitle.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee utilized under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App., 86 Stat. 770).

(3) FUNDING.—Funding provided for an advisory committee utilized under this subsection shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the ITS program.

(f) CONFORMITY WITH STANDARDS.—

(1) IN GENERAL.—The Secretary shall ensure that ITS projects carried out using funds made available out of the Highway Trust Fund conform to the national ITS architecture and standards and protocols developed under subsection (b).

(2) EXCEPTION.—Paragraph (1) shall not apply to projects carried out using funds authorized for specific research objectives in the National ITS Program Plan under section 654 of this Act.

(g) LIFE-CYCLE COST ANALYSIS.—The Secretary shall require an analysis of the life-cycle costs of each project carried out using funds made available under this subtitle, and each project authorized in section 656 of this Act, for operations and maintenance of ITS elements, where the total initial capital costs of the such elements exceed $3,000,000.

(h) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for its projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods of procurement.

(2) ITS SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of ITS software.

SEC. 654. NATIONAL ITS PROGRAM PLAN.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle information systems and networks;

(B) specify how specific programs and projects relate to the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of ITS technologies; and

(E) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) IMPLEMENTATION REPORTS.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on implementation of the National ITS Program Plan.

SEC. 655. TECHNICAL ASSISTANCE, PLANNING, RESEARCH, AND OPERATIONAL TESTS.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including ITS, within metropolitan and statewide transportation planning processes.

(c) RESEARCH AND OPERATIONAL TESTS.—The Secretary may provide funding for research and operational tests relating to ITS.

(d) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary may conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle highway systems and roadway safety systems. Such research shall include state-of-the-art systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems (including infrastructure-based systems). Development work shall incorporate human factors research findings.

SEC. 656. ITS DEPLOYMENT.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems.

(b) GOALS.—In accordance with the National ITS Program Plan under section 654 of this Act, the Secretary shall provide incentives for the deployment of integrated applications of intermodal, intelligent transportation infrastructure and system technologies to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—In order to be eligible for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 654 of this Act;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memorandums of understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7);

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols established under section 653(b) of this Act;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time Federal funds are sought;

(5) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills; and

(8) identify the impacts on bicycle and pedestrian transportation and safety and evaluate options to mitigate any adverse impacts on bicycle and pedestrian transportation and safety.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to activities primarily necessary to integrate intelligent transportation infrastructure elements either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(3) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section in a fiscal year—

(A) not more than $15,000,000 may be used for projects in a metropolitan area;

(B) not more than $2,000,000 may be used for a project in a rural area;

(C) not more than $5,000,000 may be used for a commercial vehicle information system and network project; and

(D) not more than $35,000,000 may be used for projects in a State.

(4) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate—

(A) not less than 25 percent of the funds made available to carry out this section to eligible State and local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements, in support of public sector commercial vehicle operations nationwide; and

(B) not less than 10 percent of such funds for other intelligent transportation infrastructure deployment activities outside of metropolitan areas.

SEC. 657. FUNDING ALLOCATIONS.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—

(1) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $75,000,000 per fiscal year shall be available to carry out section 656 of this Act.

(2) USE OF UNALLOCATED AMOUNTS.—In addition to amounts made available by subsection (b), any amounts made available under paragraph (1) and not allocated by the Secretary for carrying out section 656 of this Act may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $100,000,000 per fiscal year shall be available to carry out multi-year research and technology development initiatives under this subtitle (other than projects under section 656 of this Act).

(c) FEDERAL SHARE PAYABLE.—

(1) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—For activities funded with amounts allocated under subsection (a), the Federal share payable from such amounts shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(2) OTHER PROGRAMS.—For activities funded with amounts allocated under subsection (b), unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs of the activities.

(3) LONG-RANGE ACTIVITIES.—For long-range activities undertaken in partnership with private entities for the purposes of section 655(d) of this Act, the Federal share payable from funds allocated under this subtitle on account of such activities shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(4) PARTICIPATION OF OTHER PUBLIC AND PRIVATE SOURCES.—The Secretary shall seek maximum participation in the funding of activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

(d) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to the Pennsylvania Transportation Institute, in conjunction with the Pennsylvania Turnpike Commission, to establish an advanced traffic monitoring and emergency response center at Letterkenny Army Depot in Chambersburg, Pennsylvania. The center shall help develop and coordinate traffic monitoring and ITS systems on the entire Pennsylvania Turnpike system and I–81, coordinate emergency response with State and local governments in the Central Pennsylvania Region, and conduct research.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,667,000 per fiscal year shall be available to carry out this subsection.

SEC. 658. GLOBAL POSITIONING SATELLITE DATA.

(a) MORATORIUM.—Before the last day of the 2-year period beginning on the date of enactment of this Act or the 90th day after a study has been submitted under subsection (c), whichever is later, records produced by global positioning satellite systems shall not be subpoenaed or otherwise used by the Secretary in enforcement cases to verify compliance with hours-of-service requirements for employees of motor carriers.

(b) EXCEPTIONS TO MORATORIUM.—Notwithstanding subsection (a), the Secretary may use such records in a case in which any of the following conditions exist:

(1) Global positioning satellite systems are a motor carrier's primary method of maintaining or verifying records of duty status.

(2) State or Federal safety officials are investigating the cause of a fatal crash involving a motor carrier.

(3) A motor carrier has an unacceptable safety profile as determined by the Secretary and the Secretary gives approval for an examination of the global positioning satellite records.

In carrying out this subsection, the Secretary may seek access to data from an information technology provider only if access to such data cannot be obtained from the motor carrier.

(c) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall contract with an entity that is independent of the Department of Transportation to conduct a study to identify, examine, and evaluate current and future issues and policies related to government access to data produced by electronic systems for motor carriers. The entity shall have demonstrated knowledge about the motor carrier industry, motor carrier safety regulations, and the electronic information industry.

(2) INSPECTOR GENERAL.—The Office of the Inspector General of the Department of Transportation shall approve the statement of work of the entity referred to in paragraph (1) and approve the contract award under paragraph (1). In carrying out its responsibilities under this paragraph, the Office of the Inspector General shall perform such overview and validation or verification of data as may be necessary to ensure that the study to be conducted under paragraph (1) meets the requirements of paragraph (1).

(3) DEADLINE.—The study to be conducted under paragraph (1) shall be completed not later than 2 years after the date of the enactment of this Act. A report containing the results of the study shall be submitted to the Secretary and Congress.

(4) FUNDING.—Of amounts made available under section 127(a)(3)(H), $100,000 for fiscal year 1998, $200,000 for fiscal year 1999, and $200,000 for fiscal year 2000 shall be available to carry out this subsection.

SEC. 659. REPEAL.

Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2189–2195) is repealed.

TITLE VII—TRUTH IN BUDGETING

SEC. 701. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND.

Notwithstanding any other provision of law (except the Line Item Veto Act of 1996), the receipts and disbursements of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 702. APPLICABILITY.

This title shall apply to fiscal years beginning after September 30, 1997.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Recreational Boating Safety Improvement Act of 1998''.

SEC. 802. AMENDMENTS RELATING TO RECREATIONAL BOATING SAFETY PROGRAM.

(a) IN GENERAL.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1)'' and all that follows through the first sentence and inserting the following: ''Except as provided in subsection (c) and subject to such amounts as are provided in appropriations laws, the Secretary may expend for each fiscal year the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).''; and

(B) by striking paragraph (2); and

(2) by striking subsection (c) and inserting the following:

''(c)(1) Of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4))—

''(A) up to two percent is available to the Secretary to pay the costs of investigations, personnel, and activities related to administering State recreational boating safety programs;

''(B) up to two percent is available to the Secretary to ensure compliance with chapter 43 of this title; and

''(C) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote primarily recreational boating safety.

''(2) Amounts made available by this subsection shall remain available until expended.''.

(b) COMPREHENSIVE SURVEYS.—Section 13103(c) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) The Secretary shall use amounts allocated under this subsection to conduct and report to the Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999 and of every fifth year thereafter. The amount expended for each survey may not exceed 50 percent of the amounts allocated under this subsection for the fiscal year in which the survey is conducted.''.

(c) REQUIREMENT TO USE STATE PROGRAM ASSISTANCE FOR CERTAIN PUBLIC ACCESS FACILITIES.—Section 13106 of title 46, United States Code, is amended by adding at the end the following:

''(d)(1) The Secretary shall require that of the amount appropriated for a fiscal year to which this subsection applies that is allocated and distributed under this chapter for State recreational boating safety programs, the amount described in paragraph (2) shall be available only for use pursuant to subsection (b)(4) for public access facilities for transient nontrailerable recreational vessels.

''(2) The amount referred to in paragraph (1) is equal to five percent of the portion of sums appropriated for the fiscal year to carry out this chapter that is in excess of $35,000,000.

''(3) This subsection applies to any fiscal year for which the total amount appropriated to carry out this chapter exceeds $35,000,000.''.

(d) EFFECTIVE DATE.—This section shall take effect October 1, 1998.

TITLE IX—RAILROADS

SEC. 901. HIGH-SPEED RAIL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

''(d) FISCAL YEAR 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(e) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(f) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(g) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).".

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

"(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

"(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;".

SEC. 902. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) AMENDMENT.—Part B of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.
"22301. Light density rail line pilot projects.

"§ 22301. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102(1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.".

(b) TABLE OF CHAPTERS.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 221 the following new item:

"223. LIGHT DENSITY RAIL LINE PILOT PROJECTS ..... 22301".

SEC. 903. MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT.

There are authorized to be appropriated to the Secretary of Transportation $200,000,000, to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express project in the Miami-Orlando-Tampa corridor for capital costs of that project. The Florida Department of Transportation shall deposit funds received under this section into a separate account which shall, to the extent not yet required for the purposes of this section, be invested in United States Treasury securities. Funds authorized under this section shall not be counted in calculating the allocation to the State of Florida under section 111.

SEC. 904. ALASKA RAILROAD.

(a) GRANTS.—The Secretary may make grants to the Alaska Railroad for capital rehabilitation of and improvements to its passenger services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 905. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

There is authorized to be appropriated to carry out section 104(d)(2) of title 23, United States Code, $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 906. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) AMENDMENTS.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by striking sections 501 through 504 and inserting the following new sections:

"SEC. 501. DEFINITIONS.

"For purposes of this title:

"(1)(A) The term 'cost' means the estimated long-term cost to the Government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

"(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

"(i) Loan disbursements.

"(ii) Repayments of principal.

"(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

"(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed, of the following cash flows:

"(i) Estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

"(ii) Estimated payments to the Government, including origination and other fees, penalties, and recoveries.

"(D) Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.

"(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the direct loan or loan guarantee for which the estimate is being made.

"(2) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

"(3) The term 'direct loan obligation' means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

"(4) The term 'intermodal' means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

"(5) The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but

does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

"(6) The term 'loan guarantee commitment' means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

"SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

"(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

"(b) ELIGIBLE PURPOSES.—

"(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

"(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

"(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

"(C) develop or establish new intermodal or railroad facilities.

"(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

"(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

"(1) enhance public safety;

"(2) enhance the environment;

"(3) promote economic development;

"(4) enable United States companies to be more competitive in international markets;

"(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

"(6) preserve rail or intermodal service to small communities or rural areas.

"(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $5,000,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

"(e) RATES OF INTEREST.—

"(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

"(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

"(f) INFRASTRUCTURE PARTNERS.—

"(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

"(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

"(A) the circumstances of the applicant, including the amount of collateral offered;

"(B) the proposed schedule of loan disbursements;

"(C) historical data on the repayment history of similar borrowers;

"(D) consultation with the Congressional Budget Office; and

"(E) any other factors the Secretary considers relevant.

"(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

"(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of de-

fault, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

"(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

"(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

"(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

"(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

"(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

"(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

"(h) CONDITIONS OF ASSISTANCE.—The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

"(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

"(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

"(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

"SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

"(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

"(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

"(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

"(1) the modification is equitable and is in the overall best interests of the United States; and

"(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

"(e) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

"(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

"(g) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Sec-

retary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

"(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

"(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

"(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

"(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

"(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

"(h) RIGHTS OF THE SECRETARY.—

"(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

"(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

"(i) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

"(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

"(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

"(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

"(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

"(l) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.";

(2) by striking sections 505 through 515 (other than 511(c)), 517, and 518;

(3) in section 511(c) by striking "this section" and inserting "section 502";

(4) by moving subsection (c) of section 511 (as amended by paragraph (3) of this section) from section 511 to section 503 (as inserted by paragraph (1) of this section), inserting it after subsection (a), and redesignating it as subsection (b); and

(5) by redesignating section 516 as section 504.

(b) TECHNICAL AND CONFORMING PROVISIONS.—

(1) TABLE OF CONTENTS.—The table of contents of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking the items relating to sections 502 through 518 and inserting the following:

"Sec. 502. Direct loans and loan guarantees.
"Sec. 503. Administration of direct loans and loan guarantees.
"Sec. 504. Employee protection.".

(2) SAVINGS PROVISION.—A transaction entered into under the authority of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) before the date of the enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(3) REPEAL.—Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is repealed.

TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

SEC. 1001. CONDITIONS FOR IMPLEMENTATION OF FUNDING.

(a) PURPOSE.—The purpose of this section is to ensure that all additional spending provided by this Act above the levels assumed for those programs under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999-2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, is fully offset through mandatory and discretionary offsets set forth in this Act.

(b) DUTY IMPOSED ON SECRETARY.—The Secretary of Transportation shall not apportion, allocate, or obligate any funds authorized or provided by this Act unless it contains a section stating that the conditions set forth in subsection (c) have been met.

(c) ENUMERATION OF SPECIFIC CONDITIONS.—The conditions referred to in subsection (b) are that this Act shall contain provisions that offset any increase in outlays from the Highway Trust Fund caused by this Act above the levels assumed for those programs under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999-2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, by reducing mandatory and discretionary spending.

TITLE XI—REVENUES

PURPOSE

The purpose of this legislation, titled the Building Efficient Surface Transportation and Equity Act of 1998 (BESTEA), is to provide the necessary funding and policy framework to ensure that we better address America's transportation needs as we enter the 21st century. This innovative legislation establishes fiscally sound funding levels, focuses Federal resources on national priorities, improves safety, equitably distributes funds among States and metropolitan areas, benefits rural and urban America, enhances the environment, provides flexibility to States and local areas, streamlines program delivery, and advances technology development.

BACKGROUND AND NEED

PROVIDING CRITICAL SURFACE TRANSPORTATION FUNDING

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which authorized the nation's surface transportation laws for a six-year period, expired on September 30, 1997. ISTEA, a milestone in the nation's transportation history, provided the transition from a Federal program based on completion of the Interstate system to a new Federal-State-local partnership focused on

balancing national systems of transportation and State and local empowerment. The reauthorization of ISTEA will shape the direction for surface transportation policy into the 21st century and beyond.

The top priority of the Committee on Transportation and Infrastructure for the 105th Congress has been the timely reauthorization of ISTEA. The Committee held a series of hearings on ISTEA reauthorization last year, focusing on our nation's highway, highway safety and transit needs, the operation of the Federal-aid highway and transit grant programs and the status of the Highway Trust Fund. The outcome of these hearings was a clear message that our nation's transportation needs are not being met and the current funding levels are inadequate to ensure the efficient and safe movement of people, goods and services.

The Department of Transportation's recently released 1997 Condition and Performance Report confirms the significance of America's transportation needs. According to the report, just maintaining highway user costs at 1995 levels and the current state of bridge deficiencies would require $46.1 billion annually. To Implement cost beneficial improvements on highways and eliminate bridge deficiencies would require $79.6 billion annually. Maintaining transit conditions and performance at 1995 levels would require $9.7 billion annually and improving conditions and performance would require $14.2 billion annually. This report underscores the importance of the BESTEA funding levels. BESTEA's investments, together with State and local government investment, will enable our nation's states and localities to make the transportation improvements for our nation to maintain its economic competitiveness and ensure mobility for all our citizens.

BESTEA reauthorizes surface transportation programs through fiscal year 2003. This legislation authorizes a total of $217 billion in contract authority from the Highway Trust Fund—$181 billion for highways and highway safety, and $36 billion for transit. BESTEA is almost exclusively funded from the Highway Trust Fund. The Highway Trust Fund, like other transportation trust funds, is different from most Federal programs because it is user-fee funded and supported by motor fuel and other excise taxes. The Highway Trust Fund was created in 1956 to provide a self-financing mechanism for transportation investments. In 1982, Congress established a Mass Transit Account as part of the Highway Trust Fund to help finance Federal public transit investment. Contract authority is provided from the Trust Fund to enable States and local governments to plan for future transportation projects and manage existing projects. In fiscal year 1997, a total of $23.9 billion in tax revenues and $1.4 billion in interest was deposited in the Highway Trust Fund. With the redirection of the 4.3 cent fuel tax that had been dedicated to deficit reduction, the amounts deposited into the Highway Trust Fund will increase to $33 billion in tax revenues in fiscal year 2000 and nearly $2.2 billion in interest will accrue.

The Subcommittee on Surface Transportation considered and marked up BESTEA on September 10, 1997 and the Committee marked up the bill on September 24, 1997. Prior to ordering the bill reported, however, the Committee suspended further action on

the bill because of concerns that the amount of funding authorized in the legislation exceeded the budget allocation for transportation included in the fiscal year 1998 budget agreement. At that time, the Committee approved H.R. 2516—a short-term extension to ensure Highway Trust Fund resources continued to flow to the States and metropolitan areas until a long-term reauthorization bill with adequate spending could be enacted. The House and Senate subsequently agreed to a short-term extension—The Surface Transportation Extension Act of 1997 (S. 1519)—which passed both houses and was signed into law by the President on December 1, 1997 (P.L. 105–130).

On March 24, 1998, the Committee resumed and completed its markup of BESTEA. It is important to note that the funding levels in BESTEA are fully supported by trust fund revenues and are consistent with the balanced budget agreement. The only reason the funding levels in BESTEA could not be met at the time of the September 24, 1997 markup was due to the budgetary treatment of the Highway Trust Fund and the fact that spending from the Trust Fund is being constrained to mask the size of the deficit. The Committee has long been concerned about using the Trust Fund for such purposes and has for many years supported taking the Highway Trust Fund and other transportation trust funds off budget so that there would be less incentive to use trust fund surpluses to mask the size of the Federal deficit. On April 17, 1996, the House of Representatives passed the Truth in Budgeting Act (H.R. 842) by a vote of 284–143. Identical legislation (H.R. 4) was introduced in the 105th Congress and currently has 247 cosponsors. BESTEA includes the text of H.R. 4 with regard to the Highway Trust Fund and would take the Highway Trust Fund off budget, thereby restoring "trust" to the Trust Fund by ensuring that gas taxes Americans pay and are deposited in the Highway Trust Fund are used for transportation improvements.

FOCUSING ON NATIONAL PRIORITIES

BESTEA builds on ISTEA and strengthens our Federal commitment to the national systems of transportation facilitating interstate travel. It increases funding by an average of 62 percent for the core Interstate and National Highway System. It also increases funding for critically deficient bridges.

BESTEA sets the template for reconstruction of the Interstate system by eliminating the Interstate reimbursement program and replacing it with a high cost Interstate reconstruction program. This program provides a total of $4.89 billion in funding to help States meet extraordinary needs on the Interstate system.

This legislation also establishes a new program to aid in the planning, development and construction of multistate corridors of national significance. This program will help States develop and construct corridors to serve new or emerging national needs and facilitate trade. Recognizing the current and future impact of NAFTA on trade and safety, BESTEA creates a new border infrastructure program to ensure these needs are addressed.

BESTEA also improves the transit formula and capital programs to provide increased resources to transit agencies to meet the transit needs of urban, suburban and rural areas and to focus resources

on transit projects of national and regional significance. BESTEA provides $36.7 billion for Federal transit programs including $35.8 billion from the Mass Transit Account of the Highway Trust Fund and $894 million from the general fund. The increased transit funding is intended to better meet our nation's transit needs, relieve congestion, improve air quality, and ensure mobility for all Americans. Over the six years of BESTEA, the legislation provides more than $20 billion for the Federal transit formula programs including more than $18 billion for the urban program, $1 billion for the rural program, and $491 million for the elderly and individuals with disabilities program. The legislation also includes $15 billion for Federal transit discretionary programs including more than $6 billion for New Starts, $6 billion for fixed guideway modernization and $3 billion for buses and bus facilities.

Because of the significant interest in new transit construction, BESTEA reforms the transit "new starts" project approval process to ensure that only those projects with national or regional significance are funded. The bill also adds new criteria for the Secretary of Transportation to consider in approving projects—including population density, current transit ridership, supportive land use polices, and the extent to which the local financial commitment exceeds the required non-Federal share.

With transportation needs far outweighing available Federal funds, BESTEA seeks to ensure that only projects with national significance and adequate state and local support are built. As a result, BESTEA requires a financial plan for all highway and transit projects over $1 billion.

MAKING AMERICA'S ROADS SAFER

BESTEA reflects an unprecedented commitment to improve safety on America's highways and reduce the 40,000 annual motor vehicle-related deaths. This legislation increases funding for the existing safety programs by more than 39 percent from fiscal year 1997 appropriated levels and creates several new and innovative safety programs that allow States to design their own solutions to highway safety problems.

A total of $5.75 billion is available under this legislation for a new formula program that funds safety improvements to high risk roads with high accident rates. Funding is dedicated to improving safety on these roads and projects are only eligible if safety is their primary purpose. The legislation also provides a total of $570 million for a new border infrastructure and safety improvements program to address safety concerns resulting from increased trade related to the North American Free Trade Agreement (NAFTA).

Funding for hazard mitigation projects and rail-highway crossing projects is increased by 50 percent in BESTEA. BESTEA also provides a total of $109 million for a new occupant protection incentive grant program, which includes a performance-based approach to reward States with high seatbelt-use rates. If also strengthens drunk driving protections by, among other things, providing increased funding for incentive grants and reforming the program to include performance-based factors and to target those drunk drivers who pose the highest risk on the roads.

BESTEA also improves safety for commercial motor vehicles. The motor carrier safety assistance program has been refined to focus on performance-based goals and funding for this program is significantly increased. The program has also been adapted to permit targeted enforcement of trucks entering the United States from Canada and Mexico to ensure that all United States safety standards are met.

DISTRIBUTING FUNDS AMONG THE STATES EQUITABLY

Because of the higher funding levels in BESTEA, the Committee was able to significantly reform the ISTEA highway funding formulas to better balance needs and fairness. BESTEA greatly improves the return to the donor states by creating a true 95 percent minimum allocation—calculated on the basis of all formula programs and the high priority projects—which would ensure States receive at least 95 percent of their percentage contribution to the Highway Trust Fund. H.R. 2400 also makes the formulas more equitable by eliminating historic shares as a formula factor and by no longer taking into account a state's discretionary grants for purposes of calculating minimum allocation.

H.R. 2400 reflects the needs of the donee states through retention of the ISTEA program structure and the needs-based formula factors. It updates the Interstate maintenance formula to reflect the size and scope of the current Interstate system and to better reflect heavy truck traffic. It retains the existing needs-based bridge program formula but reforms it to ensure States are accountable for funds transferred out of the program. BESTEA replaces the existing equity adjustment to the Surface Transportation Program (STP) which brought states up to their historic share and replaces it with a new formula that takes into account needs. It also adjusts the Congestion Mitigation and Air Quality Improvement (CMAQ) program to better reflect State and metropolitan area needs.

BENEFTTING URBAN AND RURAL AMERICA

For urban areas, BESTEA retains and strengthens ISTEA's provisions by increasing funding for urban areas from the STP program, empowering MPOs in urban areas to continue as full partners in transportation decisionmaking and project selection, providing significant additional funding for urban transit systems, and recognizing the need for funding flexibility for small urban areas and giving those areas flexibility to use their funds for capital and operating expenses.

In rural areas, the bill continues and builds upon ISTEA's provisions by providing dedicated funding for rural areas from the STP program and giving States additional flexibility to use some of those funds on rural roads continuing and increasing funding of the off-system bridge set-aside and continuing the partnership between rural and State officials in planning and project selection and exploring ways to further refine that relationship.

PROTECTING AND ENHANCING THE ENVIRONMENT

BESTEA continues and strengthens ISTEA's emphasis on the environment. The legislation significantly increases funding for the CMAQ program while making some minor adjustments to the program's eligibility. Funding for each of fiscal years 2000 through 2003 is 75 percent higher than fiscal year 1997 levels.

The legislation also retains and strengthens the transportation enhancements program by increasing funding and adding new activities as eligible transportation enhancement activities. Like the CMAQ program, funding for the transportation enhancements program for each of fiscal years 2000 through 2003 is 75 percent higher than ISTEA levels. BESTEA also provides special treatment for the transportation enhancements and CMAQ programs limiting transferability out of the programs to 50 percent of any funding above fiscal year 1996 and 1997 funding levels, respectively.

BESTEA also creates a new transit enhancements program to provide dedicated funding for projects to improve the transit experience such as bicycle and pedestrian facilities and art in and around transit stations. In addition, BESTEA enhances the environment by crating a new bus technology pilot program that includes clean fuel technology.

This legislation further enhances the environment and improves the quality of life of our citizens by encouraging the use of alternative modes of transportation such as bicycles and significantly increasing funding for recreational trails.

INCREASING FLEXIBILITY FOR STATES AND LOCAL AREAS

BESTEA builds on the flexibility and local decisionmaking that were the cornerstones of ISTEA by providing true flexibility within all ISTEA formula categories. The legislation enables States and metropolitan areas to meet their programmatic needs by allowing 50 percent transferability within highway program categories while providing core protections for the CMAQ, enhancements and hazard mitigation and rail grade crossing safety programs.

BESTEA also reduces the number rigidity of ISTEA planning factors so that States and metropolitan planning organizations (MPOs) have more flexibility to select projects based on their goals and objectives. While the legislation maintains the importance of the fiscally-constrained transportation improvement program, it provides States and MPOs greater flexibility to identify where additional resources would be spent.

For the transit program, the legislation gives transit authorities and States greater flexibility to spend their transit funds and permits a wilder range of transit maintenance activities.

STREAMLINING PROGRAM DELIVERY

BESTEA improves the delivery of surface transportation programs in several respects. It reforms the project approval process to focus DOT oversight resources on extraordinary projects and on the Interstate system.

This legislation also streamlines the environmental review process for highway projects without altering our nation's environmental law by requiring that all necessary environmental reviews

occur concurrently where practicable within set time periods. It also creates an innovative environmental review pilot program to permit the Federal government to delegate environmental review under the National Environmental Policy Act (NEPA) to a limited number of States for three years.

BESTEA also eliminates the Major Investment Study (MIS) as a stand-alone requirement and integrates the MIS into the NEPA process so that the decision on a locally preferred alternative for a project can be made at one time in the process.

This legislation also provides the template for rewarding States for investment in their transportation infrastructure by directing th development of performance bonuses for States. In addition, BESTEA continues the reinvention of DOT by focusing Federal Highway Administration decisionmaking authority in the States.

ADVANCING TECHNOLOGY DEVELOPMENT

The bill provides over $2.2 billion to ensure America's transportation systems utilize the most up-to-date and innovative technology available. BESTEA authorizes programs that will improve the quality of pavements and structures thus ensuring that roads and bridges built with Federal funds will last longer and be more cost effective. This legislation also continues programs to develop cutting edge technology such as intelligent transportation systems and establishes a bus technology pilot program.

BESTEA of 1998
Budget Authority by Program
($ in billions)

	1998	1999	2000	2001	2002	2003	Total
Federal Highway Administration							
Interstate Maintenance	4.020	4.463	5.006	5.006	5.006	5.006	28.507
National Highway System	4.979	5.521	6.187	6.187	6.187	6.187	35.245
Highway Bridge	3.778	4.194	4.705	4.705	4.705	4.705	26.791
Surface Transportation	5.601	6.219	6.976	6.976	6.976	6.976	39.726
Congestion Mitigation & Air Quality Improvement	1.407	1.562	1.752	1.752	1.752	1.752	9.978
High Risk Road Safety Improvement	0.750	1.000	1.000	1.000	1.000	1.000	5.750
Minimum Allocation	1.135	1.266	1.431	1.431	1.441	1.441	8.145
High Cost Interstate Reconstruction & Improvement	0.265	0.513	0.920	0.923	0.922	1.067	4.610
Appalachian Development Highways	0.250	0.400	0.400	0.400	0.400	0.400	2.250
High Priority Projects	1.026	1.399	1.678	1.678	1.772	1.772	9.324
Highway Research & Technology	0.150	0.185	0.195	0.195	0.195	0.195	1.115
Education, Training, & Technology Deployment	0.050	0.050	0.055	0.055	0.055	0.055	0.320
Technology Innovation & Demonstration	0.044	0.045	0.048	0.048	0.048	0.048	0.280
ITS Research	0.100	0.100	0.100	0.100	0.100	0.100	0.600
ITS Deployment	0.075	0.075	0.075	0.075	0.075	0.075	0.450
Border Infrastructure & Safety	0.070	0.100	0.100	0.100	0.100	0.100	0.570
Corridor Planning & Development	0.050	0.200	0.250	0.250	0.250	0.250	1.250
Highway Use Tax Evasion	0.005	0.010	0.010	0.010	0.010	0.010	0.055
Ferry Boats & Ferry Terminals	0.018	0.018	0.018	0.018	0.018	0.018	0.108
Variable Pricing	0.010	0.014	0.014	0.014	0.014	0.014	0.080
Bureau of Transportation Statistics	0.031	0.031	0.031	0.031	0.031	0.031	0.186
National Scenic Byways	0.030	0.030	0.030	0.030	0.030	0.030	0.180
Indian Reservation Roads	0.194	0.200	0.212	0.212	0.212	0.212	1.242
Park Roads & Parkways	0.085	0.086	0.099	0.099	0.099	0.099	0.568
Forest Highways	0.114	0.130	0.130	0.130	0.130	0.130	0.764
Public Lands	0.058	0.060	0.060	0.060	0.060	0.060	0.358
Recreational Trails	0.030	0.040	0.050	0.050	0.050	0.050	0.270
Other Programs	0.009	0.008	0.008	0.007	0.007	0.007	0.044
Motor Carrier Safety Assistance Program	0.085	0.125	0.150	0.150	0.150	0.150	0.810
Sub-Total	24.417	28.043	31.690	31.692	31.794	31.939	179.575
National Highway Traffic Safety Administration							
402 Highway Safety Programs Grants	0.140	0.171	0.221	0.221	0.221	0.221	1.194
410 Alcohol Traffic Safety Incentive Grants	0.035	0.045	0.045	0.045	0.045	0.045	0.260
405 Occupant Protection Incentive Grants	0.009	0.020	0.020	0.020	0.020	0.020	0.109
406 State Highway Safety Data Grants / NDR	0.005	0.014	0.014	0.014	0.014	0.014	0.076
Highway Safety Research and Development	0.075	0.075	0.075	0.075	0.075	0.075	0.450
Sub-Total	0.264	0.325	0.375	0.375	0.375	0.375	2.089
Federal Transit Administration							
Urban Formula Grants	2.756	3.026	3.277	3.277	3.277	3.277	18.890
Rural Formula Grants	0.160	0.176	0.191	0.191	0.191	0.191	1.100
Elderly and Disabled	0.072	0.079	0.085	0.085	0.085	0.085	0.492
New Starts	0.879	0.965	1.045	1.045	1.045	1.045	6.024
Fixed Guideway Modernization	0.879	0.965	1.045	1.045	1.045	1.045	6.024
Bus Capital	0.439	0.482	0.523	0.523	0.523	0.523	3.012
Planning	0.048	0.052	0.054	0.054	0.054	0.054	0.316
Research	0.044	0.044	0.044	0.044	0.044	0.044	0.264
Access to Jobs	0.042	0.042	0.042	0.042	0.042	0.042	0.252
Administrative Costs	0.046	0.050	0.052	0.052	0.052	0.052	0.304
Sub-Total	5.365	5.881	6.358	6.358	6.358	6.358	36.678
Contract Authority - Highway Trust Fund	29.501	33.918	38.306	38.308	38.410	38.555	217.000
Other Authorizations	0.545	0.331	0.117	0.117	0.117	0.117	1.344
Total - Highway Trust Fund / Gen. Fund	30.046	34.249	38.423	38.425	38.527	38.672	218.342

NOTE: Includes all authorizations from both the Highway Trust Fund and the General Fund for highways, highway safety, and transit.
Total Contract Authority from the Highway Trust Fund is $217 billion.

BESTEA SIX YEAR AVERAGE

(Dollars in Thousands)

STATE	INTERSTATE MAINT.	HIGH COST I-RECONS.	NHS	CMAQ	SAFETY PROGRAM	BRIDGE	STP	ARC	REC TRAILS	METRO PLANNING	HIGH PRIORITY PROJECTS	MINIMUM ALLOCATION	GRAND TOTAL	PERCENTAGE
Alabama	96,370	11,314	127,020	8,149	18,914	76,787	137,030	34,855	853	2,637	30,933	7,381	552,243	2.00%
Alaska	25,662	3,013	70,430	8,149	2,311	13,796	146,446	0	540	1,204	10,000	0	281,551	1.02%
Arizona	89,117	10,462	95,218	22,203	14,595	10,584	110,639	0	766	3,807	7,667	64,424	429,482	1.55%
Arkansas	59,790	7,019	76,520	8,149	12,500	47,037	90,099	0	801	1,204	20,667	35,806	359,591	1.30%
California	415,567	48,786	505,079	316,794	86,170	342,441	635,801	0	2,836	36,504	151,710	0	2,541,688	9.19%
Colorado	69,623	8,174	78,979	35,429	15,687	36,074	80,295	0	752	3,408	9,267	0	337,687	1.22%
Connecticut	48,573	5,714	93,262	44,240	9,046	65,450	63,239	0	532	3,520	20,303	0	353,978	1.28%
Delaware	23,283	1,044	22,719	8,149	2,257	10,691	33,648	0	455	1,204	0	0	103,461	0.37%
Dist. of Col.	23,283	382	29,535	8,149	1,190	26,987	12,331	0	420	1,204	6,667	0	110,128	0.40%
Florida	175,761	20,634	250,269	40,537	42,239	83,059	303,111	0	1,570	14,589	42,967	298,600	1,273,337	4.60%
Georgia	173,815	20,405	194,651	24,349	28,393	70,040	230,738	17,496	1,111	4,674	41,000	162,813	969,485	3.51%
Hawaii	23,283	929	48,090	8,149	2,727	27,998	17,035	0	476	1,204	9,000	0	138,892	0.50%
Idaho	35,293	4,143	39,759	8,149	7,725	11,181	34,680	0	684	1,204	5,833	15,875	164,528	0.59%
Illinois	205,423	24,116	219,797	91,455	36,837	156,042	262,615	0	1,087	12,154	64,833	0	1,074,358	3.89%
Indiana	130,380	15,306	151,601	18,349	22,483	52,130	178,379	0	779	3,860	33,233	66,130	672,632	2.43%
Iowa	63,505	7,455	80,328	8,149	15,642	69,095	80,648	0	656	1,351	17,167	0	343,996	1.24%
Kansas	61,814	7,257	79,631	8,149	16,853	65,459	72,734	0	724	1,460	16,667	0	330,747	1.20%
Kentucky	86,337	10,136	96,355	11,312	15,617	48,357	118,539	45,895	732	1,830	25,167	19,443	479,719	1.73%
Louisiana	81,729	9,595	90,435	8,149	14,819	98,464	110,872	0	958	3,194	32,250	0	450,465	1.63%
Maine	24,857	2,918	25,084	8,149	4,863	28,445	31,449	0	697	1,204	4,333	6,339	138,340	0.50%
Maryland	74,953	8,799	80,288	40,731	14,031	56,689	101,814	7,431	659	5,134	21,500	4,673	416,703	1.51%
Massachusetts	78,509	9,217	89,087	55,213	15,712	192,026	112,767	0	674	6,781	30,667	0	590,651	2.14%
Michigan	137,723	16,168	174,349	46,070	31,547	110,670	209,961	0	1,435	8,332	54,917	81,215	872,386	3.15%
Minnesota	82,717	9,711	107,537	24,281	21,476	36,544	103,988	0	1,156	3,399	32,345	0	423,153	1.53%
Mississippi	56,437	6,625	70,476	8,149	12,785	60,191	80,084	8,131	742	1,204	16,000	9,059	329,884	1.19%
Missouri	125,220	14,700	138,107	15,715	23,633	139,549	157,138	0	904	3,989	43,567	0	662,521	2.40%
Montana	50,992	5,986	53,959	8,149	7,775	20,592	29,989	0	601	1,204	0	0	179,248	0.65%
Nebraska	40,905	4,802	56,821	8,149	11,348	42,041	55,616	0	531	1,204	5,500	0	226,919	0.82%
Nevada	37,391	4,390	38,828	8,149	7,243	10,584	40,481	0	551	1,306	5,000	5,240	159,163	0.58%
New Hampshire	23,283	2,001	27,263	8,149	3,922	21,195	22,953	0	580	1,204	11,667	0	122,218	0.44%
New Jersey	78,266	9,188	117,819	90,224	19,972	231,825	157,871	0	888	9,503	49,417	0	764,973	2.77%
New Mexico	63,800	7,490	59,638	8,149	9,596	12,136	56,991	0	746	1,204	12,500	18,818	251,070	0.91%
New York	161,776	18,992	223,772	167,494	44,886	423,371	310,215	18,030	1,160	20,234	90,233	0	1,480,162	5.35%
North Carolina	114,261	13,414	155,113	16,272	26,006	111,574	187,392	30,745	963	3,602	49,567	72,646	781,576	2.83%
North Dakota	28,429	3,337	43,089	8,149	8,512	10,584	23,573	0	504	1,204	1,667	0	129,049	0.47%
Ohio	195,585	22,973	221,562	66,523	35,078	150,658	266,465	25,400	1,119	9,542	48,733	0	1,043,757	3.77%
Oklahoma	79,711	9,358	100,320	8,149	17,755	71,525	101,990	0	700	1,941	15,383	12,769	419,602	1.52%
Oregon	63,589	7,465	74,538	11,933	14,278	56,128	81,638	0	742	2,036	24,833	0	337,180	1.22%
Pennsylvania	167,188	19,627	215,654	92,191	35,627	427,647	280,354	62,127	1,184	10,331	110,967	0	1,422,897	5.15%
Rhode Island	23,263	1,220	31,239	9,206	2,508	27,099	17,226	0	420	1,204	2,667	0	116,072	0.42%
South Carolina	79,111	9,287	85,092	8,149	14,403	46,084	104,064	2,847	474	2,045	12,500	75,338	439,396	1.59%
South Dakota	33,509	3,934	39,759	8,149	8,484	14,607	24,516	0	744	1,204	10,000	0	144,907	0.52%
Tennessee	117,531	13,798	130,029	15,668	20,234	81,102	154,267	58,486	512	3,179	37,000	831	632,637	2.29%
Texas	333,263	39,124	433,606	76,877	69,129	166,820	471,913	0	810	16,301	74,917	220,986	1,903,745	6.88%
Utah	63,353	7,437	47,760	12,783	8,012	16,104	54,927	0	1,855	1,891	13,333	0	227,456	0.82%
Vermont	23,283	2,145	24,423	8,149	2,613	21,358	19,626	0	659	1,204	2,667	0	106,128	0.38%
Virginia	130,550	15,326	136,302	30,883	22,245	94,966	168,760	12,677	542	5,490	32,333	57,689	707,763	2.56%
Washington	90,536	10,629	105,986	29,629	19,118	105,770	122,927	0	1,143	4,608	34,483	0	524,833	1.90%
West Virginia	42,105	4,943	37,913	8,149	7,161	84,055	49,411	47,129	886	1,204	28,833	0	311,790	1.13%
Wisconsin	76,548	8,987	118,855	19,653	21,493	36,384	131,151	0	658	3,533	27,167	120,750	565,178	2.04%
Wyoming	45,860	5,384	37,487	8,149	4,292	10,584	31,043	0	1,070	1,204	3,333	0	148,408	0.54%
Puerto Rico	23,283	2,247	28,399	8,149	7,522	22,758	7,477	0	580	3,046	2,667	0	106,128	0.38%
Total Program	4,656,618	537,487	5,679,853	1,629,743	939,262	4,253,340	6,488,915	371,250	43,650	240,891	1,456,025	1,356,827	27,653,862	100.00%

BESTEA SIX YEAR AGGREGATE - HIGHWAY FUNDS

(Dollars in Thousands)

STATE	GRAND TOTAL	Pct
Alabama	3,313,459	2.00%
Alaska	1,689,308	1.02%
Arizona	2,576,891	1.55%
Arkansas	2,157,544	1.30%
California	15,250,128	9.19%
Colorado	2,026,124	1.22%
Connecticut	2,123,869	1.28%
Delaware	620,768	0.37%
Dist. of Col.	660,768	0.40%
Florida	7,640,020	4.60%
Georgia	5,816,911	3.51%
Hawaii	833,352	0.50%
Idaho	987,167	0.59%
Illinois	6,446,150	3.89%
Indiana	4,035,794	2.43%
Iowa	2,063,973	1.24%
Kansas	1,984,483	1.20%
Kentucky	2,878,313	1.73%
Louisiana	2,702,787	1.63%
Maine	830,041	0.50%
Maryland	2,500,219	1.51%
Massachusetts	3,543,907	2.14%
Michigan	5,234,318	3.15%
Minnesota	2,538,917	1.53%
Mississippi	1,979,307	1.19%
Missouri	3,975,128	2.40%
Montana	1,075,485	0.65%
Nebraska	1,361,516	0.82%
Nevada	954,980	0.58%
New Hampshire	733,306	0.44%
New Jersey	4,589,841	2.77%
New Mexico	1,506,420	0.91%
New York	8,880,973	5.35%
North Carolina	4,689,454	2.83%
North Dakota	774,294	0.47%
Ohio	6,262,543	3.77%
Oklahoma	2,517,610	1.52%
Oregon	2,023,083	1.22%
Pennsylvania	8,537,383	5.15%
Rhode Island	696,430	0.42%
South Carolina	2,636,376	1.59%
South Dakota	869,439	0.52%
Tennessee	3,795,822	2.29%
Texas	11,422,470	6.88%
Utah	1,364,739	0.82%
Vermont	636,768	0.38%
Virginia	4,246,575	2.56%
Washington	3,148,995	1.90%
West Virginia	1,870,741	1.13%
Wisconsin	3,391,070	2.04%
Wyoming	890,447	0.54%
Puerto Rico	636,768	0.38%
Apportioned	165,923,174	100.00%

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Technical Assistance for House Surface Transportation and Infrastructure

Annual Average

BESTEA (1998 to 2003)
(Dollars in Thousands)

State	$ Comparison			
	ISTEA	BESTEA	Change	% Growth
Alabama	330,307	552,243	221,936	67.2%
Alaska	212,564	281,551	68,988	32.5%
Arizona	255,527	429,482	173,955	68.1%
Arkansas	263,084	359,591	96,506	36.7%
California	1,672,645	2,541,688	869,043	52.0%
Colorado	201,166	337,687	136,521	67.9%
* Connecticut	353,399	353,978	579	0.2%
Delaware	72,873	103,461	30,588	42.0%
Dist. of Col.	92,211	110,128	17,917	19.4%
Florida	763,285	1,273,337	510,051	66.8%
Georgia	538,293	969,485	431,192	80.1%
Hawaii	126,673	138,892	12,219	9.6%
Idaho	125,172	164,528	39,356	31.4%
Illinois	684,218	1,074,358	390,140	57.0%
Indiana	409,053	672,632	263,579	64.4%
Iowa	220,964	343,996	123,032	55.7%
Kansas	210,317	330,747	120,430	57.3%
Kentucky	282,429	479,719	197,290	69.9%
Louisiana	264,360	450,465	186,104	70.4%
Maine	117,841	138,340	20,499	17.4%
Maryland	307,274	416,703	109,429	35.6%
* Massachusetts	830,961	590,651	(240,310)	-28.9%
Michigan	515,698	872,386	356,688	69.2%
Minnesota	281,012	423,153	142,141	50.6%
Mississippi	202,580	329,884	127,305	62.8%
Missouri	404,874	662,521	257,647	63.6%
Montana	161,873	179,248	17,375	10.7%
Nebraska	142,455	226,919	84,465	59.3%
Nevada	117,453	159,163	41,711	35.5%
New Hampshire	88,538	122,218	33,679	38.0%
New Jersey	521,721	764,973	243,252	46.6%
New Mexico	178,644	251,070	72,426	40.5%
New York	1,002,986	1,480,162	477,176	47.6%
North Carolina	479,459	781,576	302,117	63.0%
North Dakota	116,407	129,049	12,642	10.9%
Ohio	656,437	1,043,757	387,320	59.0%
Oklahoma	260,176	419,602	159,425	61.3%
Oregon	213,094	337,180	124,087	58.2%
Pennsylvania	890,935	1,422,897	531,962	59.7%
* Rhode Island	106,168	116,072	9,903	9.3%
South Carolina	232,381	439,396	207,015	89.1%
South Dakota	119,605	144,907	25,302	21.2%
Tennessee	365,874	632,637	266,763	72.9%
Texas	1,169,888	1,903,745	733,857	62.7%
Utah	130,229	227,456	97,227	74.7%
Vermont	79,601	106,128	26,527	33.3%
Virginia	415,589	707,763	292,173	70.3%
Washington	341,531	524,833	183,302	53.7%
West Virginia	210,050	311,790	101,740	48.4%
Wisconsin	351,947	565,178	213,232	60.6%
Wyoming	115,254	148,408	33,154	28.8%
Puerto Rico	82,980	106,128	23,148	27.9%
Total	18,290,053	27,653,862	9,363,810	51.2%

Note: Table above does not include funds for research, administration, or Federal Lands programs
** Growth is low because of inclusion in ISTEA of substantial Interstate Construction and Interstate Substitution Programs for these States as the final payment for completing the Interstate.*
If adjusted, the growth for these States would be: CT, 16%;MA, 41%; and RI, 35%.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title; Table of Contents

Subsection (a) provides that the short title is the Building Efficient Surface Transportation And Equity Act of 1998.

Subsection (b) lists the table of contents.

Sec. 2. Definitions

The term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

The term "Secretary" means the Secretary of Transportation.

Sec. 3. Savings clause

This clause provides, that except as otherwise provided in this Act, an amendment made by this Act shall not affect any funds apportioned or allocated before the date of enactment.

TITLE I.—FEDERAL-AID HIGHWAYS

Sec. 101. Amendments to title 23, United States Code

This section provides, that except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision of law, the reference shall be considered to be made to a section of title 23, United States Code.

Sec. 102. Authorization of appropriations

Subsection (a) provides the authorizations out of the Highway Trust Fund (other than the Mass Transit Account) for the Federal-aid Highways program for fiscal years 1998 through 2003.

Subsection (b) continues the Disadvantaged Business Enterprise (DBE) provisions. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within three years of enacted of this act.

The Committee is aware that recent court decisions have established new standards for review of the constitutionality of programs such as the disadvantaged business enterprise (DBE) provisions enacted in prior surface transportation acts and that the courts are now determining whether the DBE programs comply with those standards. The Committee understands that the Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Section 102(b) of the reported bill makes not changes to these provisions preferring to let the courts resolve these issues. However, the Committee will continue to monitor DOT's administration of this program and gage the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to continue to receive federal funds even if a federal court has entered a final order finding the DBE program to be unconstitutional.

The Committee recognizes the possibility of legal challenges that may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a federal court finding the DBE program to be unconstitutional.

Sec. 103. Obligation ceiling

Subsection (a) sets the annual obligation limitation for the Federal-aid highways program for fiscal years 1998 through 2003.

Subsection (b) lists the programs that are exempt from the annual obligation ceiling for the Federal-aid highway program. These programs are emergency relief, high priority projects and minimum allocation.

Subsection (c) directs the Secretary to distribute the annual obligation authority to the States in the manner specified. All formula and allocated programs share proportionally in the obligation authority.

Subsection (d) directs the Secretary to redistribute, after August 1 of each fiscal year, the obligation authority made available under subsection (c) from States unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Subsection (e) clarifies that the programs contained in chapter 3 of title 23, United States Code and carried out under title VI of this Act are subject to the obligation limitation.

Subsection (f) directs that any funds not normally apportioned to the States that are unavailable in any fiscal year due to the imposition of an obligation limitation be apportioned to the States.

Sec. 104. Apportionments

Subsection (a) allows the Secretary to deduct from sums authorized to be apportioned for expenditures on the Federal-aid highway program for Administrative expenses a sum not to exceed 1 percent of all sums so apportioned for the Federal-aid highway program.

Subsection (b) directs the Secretary to apportion amounts available to the States for the National Highway System, congestion mitigation and air quality improvement program, surface transportation program, high risk road safety improvement program, and Interstate maintenance according to specified formulas.

Subsection (c) extends authority for funding for Operation Lifesaver and the High Speed Rail Corridors grade crossing program. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor program.

Regarding the High Speed Rail Corridors Program established in section 1010 of the Intermodal Surface Transportation Efficiency Act, the Committee would draw attention to an additional corridor

it believes worthy of inclusion. This rail corridor, in Pennsylvania, extends from Philadelphia through Harrisburg to Pittsburgh. It is a logical connecting route between the high speed northeast corridor and points west in Pennsylvania, offering significant mobility and economic benefits. There is a substantial and rapidly growing exchange of passengers between the northeast corridor and this cross-state corridor, particularly on the "Keystone" portion from Philadelphia to Harrisburg. The Committee recommends assistance to this corridor under this section as a prelude to consideration of eligibility for costs related to feasibility studies, design and construction of this corridor for high speed rail.

Subsection (d) directs the Secretary to transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate within 21 days a written statement of his or her reason for not making an apportionment in a timely manner. This section has been included in response to the withholding of apportionments in fiscal year 1997 due to an error in crediting receipts into the Highway Trust Fund. The apportionments were held up for several months and ultimately, a correction was made which redistributed nearly $1 billion in federal-aid highway funds. The withholding was done administratively. This amendment would require notice to the Congress and a statement of the reasons for such withholding before any subsequent withholding of apportionments.

Subsection (e) amends the Metropolitan Planning set-aside to conform to this section.

Subsection (f) directs the Secretary to apportion to the States the sums authorized for the Recreational Trails Program in specific manner.

Subsection (g) makes several corrections to cross references in title 23 to conform to this section.

Subsection (h) provides the table referenced in the NHS apportionment formula.

Subsection (i) requires that up to date data be used for formulas.

Subsection (j) provides the mechanism for adjustments to programs in Fiscal Year 1998 to take into consideration the Surface Transportation Extension Act of 1997, STEA, which provide a partial appropriation of funds from the Highway Trust Fund for Fiscal Year 1998. The STEA requires that the Secretary deduct any funds received under that Act from any apportionments made by this Act for fiscal year 1998. The subsection also requires that the Secretary replenish any unobligated balances of States transferred under the authority of the STEA.

Sec. 105. Interstate Maintenance Program

The Interstate Maintenance Program is amended to restore reconstruction of segments of the Interstate system an eligible activity. It also eliminates the requirement for annual certifications and updates routes eligible for the program.

Sec. 106. National Highway System

Subsection (a) strikes existing provisions for the interim eligibility and approval of the National Highway System made unneces-

sary after its adoption in the National Highway System Designation Act of 1995.

Subsection (b) strikes language for the designation of the National Highway System made unnecessary after its adoption in 1995. The total mileage of National Highway System may not exceed 155,000 miles, except that the Secretary may increase or decrease the mileage by no more than 15 percent.

Subsection (c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Subsection (d) allows the National Highway System to be modified to accommodate changes in the Strategic Highway Network (STRAHNET).

Subsection (e) makes several technical and conforming amendments to section 103(b) of title 23, United States Code.

Subsection (f) makes technical amendments to section 103 of title 23, United States Code.

Subsection (g) states that amendments made by this section shall not affect apportionments made under section 104 of title 23, United States Code, before the date of enactment of this Act.

Subsection (h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Subsection (i) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Subsection (j) designates certain routes as part of the National Highway System.

The Committee encourages the Commonwealth of Virginia to work with Fairfax County, Virginia, to fund right-of-way and preliminary engineering costs associated with the NHS segment for the Fairfax County Parkway. In addition, the Commonwealth should work with the County to ensure that funding for the Fairfax County Parkway does not adversely affect other County projects under the secondary six-year plan.

The Committee encourages the State of Michigan to designate State Route M–6, commonly known as the South Belt Freeway, as the Paul B. Henry Freeway. This designation would acknowledge the contribution that former Congressman Paul B. Henry made to this project and others while serving the Grand Rapids, Michigan, area as a county official, state legislator and U.S. Representative.

The Committee encourages the State of California to designate an appropriate State Route in honor of the late Congressman Walter H. Capps.

There has been strong Federal support for the access road to the Northwest Arkansas Regional Airport, as recently demonstrated with the enactment of section 310(d) of the National Highway System Designation Act of 1995 and the Committee urges the State to advance the project as expeditiously as possible.

The Committee has approved funds under this Act to continue the Lafayette, Indiana Railroad Relocation Project. The Committee encourages the Indiana Department of Transportation to work with

the local sponsors in identifying innovative financing opportunities to complete this project in an expeditious manner.

Sec. 107. Highway Bridge Program

Subsection (a) amends the bridge program apportionment formula to reduce apportionments by taking into account funds transferred from the bridge program to other purposes. This is a reform to help ensure that States do not receive funding to correct bridge deficiencies and then transfer those apportionments to another funding category, and continue to receive annual apportionments to correct such bridges.

Subsection (b) authorizes and directs funding for the discretionary bridge program for 1998 and also for fiscal years 1999 through 2003. Up to 25 percent of the discretionary bridge program funds are required to be spent for the seismic retrofit of bridges.

Although the Golden Gate Bridge in California is on the National Highway System, it has generally been the beneficiary of federal highway assistance only on projects of an extraordinary cost. The seismic retrofit of the Bridge is one such project. The Committee retains its interest in completion of this project and provides funding for the seismic retrofit of the Golden Gate Bridge.

The Committee notes the catastrophic potential for earthquake damage in the multi-state region affected by the New Madrid Fault and commends the States for intending to incorporate existing innovative, effective and economical technologies, such as composite materials, in seismic retrofit projects in order to reduce costs and enhance performance.

The Committee notes the importance of the replacement of the nearly 75-year-old bridge over the Missouri River at Yankton, South Dakota, and encourages the Secretary to consider making funds available under this section.

Subsection (c) extends the off-system bridge set-aside until the year 2003.

Subsection (d) makes certain anti-icing and de-icing compositions used on bridges eligible under the bridge program.

Subsection (e) conforms section 144(n) of title 23, United States Code, to this section.

The Committee has become aware of the need to increase technical knowledge about the environmental effects of paints and coatings used in transportation projects. It is concerned that limitations might be imposed to reduce the use of certain such paints and coating which would potentially have an adverse effect on the transportation infrastructure. The Secretary is encouraged to ensure that the transportation benefits of these paints and coatings be considered as regulatory actions are taken.

Sec. 108. Surface Transportation Program

Subsection (a) clarifies that the Secretary is to implement the surface transportation program.

Subsection (b) makes certain anti-icing and de-icing compositions used on bridges eligible under the surface transportation program.

Subsection (c) makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the surface transportation program.

Subsection (d) makes certain environmental and pollution abatement projects as part of a highway project eligible.

Subsection (e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Subsection (f) changes the program approval process for the Surface Transportation Program from a quarterly to an annual basis.

Subsection (g) extends the current provision requiring the proportional obligation of funds made available for urban areas over the term of the bill.

Subsection (h) encourages the use of youth corps to perform transportation enhancement projects.

Sec. 109. Congestion Mitigation and Air Quality Improvement Program

Subsection (a) clarifies that the Secretary is to implement the congestion mitigation and air quality improvement program (CMAQ).

Subsection (b) makes various changes to the Section 149(b) of title 23 relating to eligible projects. First, it makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the CMAQ program. Second, it codifies currently eligible activities under the CMAQ program. Finally, it allow CMAQ funds to be used for projects that provide capacity to single occupancy vehicles if such projects meet all other CMAQ requirements.

Subsection (c) requires the National Academy of Sciences to conduct a study on the effectiveness of the CMAQ program for improving the air quality in non-attainment areas. The final report shall also include recommendations on modifications to the program.

The Committee recognizes the important security, economic, and environmental benefits that are derived from the increased use of renewable fuels. Therefore, the Committee strongly supports the continued use of renewable fuels as a key component of our nation's transportation policy.

The Committee encourages the use of a variety of transportation approaches to clean air problems. Urban areas should consider this variety of options available to them, such as the use of vehicles that use alternatives fuels (including innovative fuels such as biodiesel) and to use CMAQ funds to support the infrastructure needed for such vehicles.

Sec. 110. High Risk Road Safety Improvement Program

Subsection (a) creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to fifty percent of funds under this program can be transferred to other Federal-aid highway programs.

Subsection (b) includes a conforming amendment to include the title of this section in the table of sections of title 23.

Subsection (c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. The activities of the program should be carried out cooperatively

between the Department of Transportation, States, and other safety organizations.

The Committee is concerned that approximately one-third of highway fatalities are related to roadway hazards, including vehicles leaving the road and hitting trees or utility poles. More than half of these deaths occur on rural roads without such safety features as guardrails, median barriers and adequate shoulders. Emergency medical services are often not readily available. The High Risk Road Safety Program, including the awareness program, will help States focus resources on this problem.

Sec. 111. Minimum allocation

Subsection (a) provides that minimum allocation will be provided for fiscal years 1998, through 2003. It also specifies which programs are subject to the minimum allocation calculation. Finally it specifies that a State will be guaranteed a ninety five percent return in its formula program funds compared to its percentage contribution to the Highway Trust Fund rather than the current ninety percent.

Subsection (b) provides that a State may use funds it receives under the minimum allocation program on any purpose eligible under the surface transportation program.

Subsection (c) makes conforming amendments.

Subsection (d) ensures that no State that is a net donor to the Highway Trust Fund receives a percentage of the total Federal-aid highway program that is less than the percentage it received in the last year of ISTEA.

Subsection (e) ensures that after making all the prior calculations under section 157 of title 23, no State receive a final Highway Trust Fund return of less than ninety percent.

Sec. 112. Appalachian Developing Highway System

Subsection (a) establishes that funds for the Appalachian development highway system (ADHS) shall be allocated to the States based on the latest cost estimate, although no State is to receive less than $1 million. This method of distribution can be adjusted by the Appalachian Regional Commission.

Subsection (b) specifies that funds for the ADHS are contract authority.

Subsection (c) changes the Federal share for reimbursing States that have pre-financed segments of the ADHS from 70 to 80 percent.

Subsection (d) allows the deduction of administrative expenses of the Appalachian Regional Commission associated with the ADHS.

Subsection (e) provides for local consultation before certain ADHS corridors in Ohio can be dedesignated.

Subsection (f) adds Elbert and Hart counties in Georgia to the Appalachian region.

Sec. 113. High Cost Interstate Reconstruction and Improvement Program

Subsection (a) establishes a new program to fund major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost

more than 50% of a State's Federal-aid highway apportionments; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate Maintenance Program; and the funds must be obligated within one year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bear to the total national cost of eligible projects, except that for the years 1998 through 2003 when those funds are to be distributed based on the Interstate Maintenance program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, then the extra funds are apportioned to all States as Interstate Maintenance funds. Projects must be included within the planning process. The Secretary of Transportation is required to report on the expected future needs to reconstruct the Interstate and to recommend methods for apportioning the funds.

The Committee recognizes that some major Interstate highway improvement projects are constructed in stages in order to match available funding and more easily complete a usable segment of highway. The Secretary shall establish criteria to fund projects that need to be constructed in phases if the total project cost meets the funding criteria in this section.

Sec. 114. Recreational Trails Program

This section codifies the Recreational Trails Program authorized in ISTEA as Section 205 of Title 23, which distributes to States a portion of gas tax revenues attributable to non-highway uses for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share for the program is 50 percent of coast. Certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements. The existing ISTEA provision relating to recreational trails is repealed. The Secretary is to encourage the use of youth conservation or service corps in completing appropriate trails projects.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that could be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail use requirement and the Assured Access requirements. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Sec. 115. National Corridor Planning and Developing Program

Subsection (a) establishes the National Corridor Planning and Development Program, the purpose of which is to assist States in planning, developing, and constructing highway corridors.

Subsection (b) establishes that eligible corridors are those designated in law as high priority corridors. In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress as a high priority corridor, allocations to other regional or multistate highway corridors the Sec-

retary determines are likely to improve international or interregional trade, facilitate mobility, or encourage economic growth and development in areas underserved by existing highway infrastructure.

Subsection (c) describes activities that are eligible for funding under the program. These include feasibility studies, design activities, corridor planning, location and routing studies, environmental review, coordination activities, and construction.

Subsection (d) requires that any State receiving funds under this program must develop a corridor development and management plan. The plan must contain certain defined elements.

Subsection (e) specifies that funds for the corridor program are contract authority.

Subsection (f) defines State.

Sec. 116. Coordinated Border Infrastructure and Safety Program

Subsection (a) establishes the coordinated border infrastructure and safety program, the purpose of which is to improve the movement of people and goods across the Nation's land borders.

Subsection (b) identifies eligible uses for funds under the program. They include construction of facilities, operational improvements, modifying regulatory procedures, and international planning and coordination.

Subsection (c) establishes eight criteria that are to be considered by the Secretary when allocating funds for projects.

Subsection (d) requires that a certain amounts of the funds provided for the program be used to construct state motor vehicle safety inspection facilities.

Subsection (e) requires that at least 40 percent of funds are used on projects on the U.S./Canadian border and at least 40 percent of funds are used on projects on the U.S./Mexico border; at least 2 projects on each border shall be located at high volume ports of entry.

Subsection (f) specifies that funds made available for this program are contract authority.

Subsection (g) defines "border region" and "border State."

Sec. 117. Federal Lands Highways Program

Subsection (a) makes several technical corrections related to the Federal share payable section under the Emergency Relief Program. It also enables Federal land managing agencies to pay the non-Federal share of any Federal-aid highway project. Similarly, Federal Land Highways Program funds may be used as the non-Federal share of any Federal-aid project providing access to or within Federal or Indian lands.

Subsection (b) amends title 23 to provide for separate allocations for public lands highways and for forest highways. ISTEA established them as one program with different methods of distribution. The subsection reconstitutes them as separate program and provides for the method of allocating funds. The public land funds are allocated through an administrative formula. The forest highway program is based on statutory formula.

Subsection (c) clarifies what constitutes obligation of funds under the Federal lands highway program.

Subsection (d) revises title 23 to reflect the current public lands program structure and to allow funds to be used for transportation planning. It also requires that only regionally significant transportation projects funded from the Federal lands program are required to be coordinated with the metropolitan planning process.

Subsection (e) authorizes a study of methods to improve access to the John F. Kennedy Center for the Performing Arts.

Subsection (f) provides assistance to the Smithsonian Institution to improve its transportation related activities.

Subsection (g) authorizes the construction of a visitor center.

Subsection (h) authorizes funds for the restoration of a train station.

Sec. 118. National Scenic Byways Program

Subsection (a) establishes a National Scenic Byways Program. To be eligible for the program, a road must be nominated by a State or a Federal land management agency. Funds are available for technical assistance, including planning, development of management plans, and safety improvements. The Federal share is the same as for other Federal-aid highway projects. This program is the continuation of a similar program established by ISTEA.

Subsection (b) codifies the program as Section 162 of title 23 and is inserted in the analysis for Chapter 1.

Subsection (c) creates a national center for the dissemination of information on scenic byways.

It is the intent of the Committee that the Center for the National Scenic Byways Program in Duluth, Minnesota, be staffed by the regional planning agency located in Northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network and provide national leadership in supporting the National Scenic Byway Program.

Sec. 119. Variable Pricing Pilot Program

Subsection (a) establishes a variable pricing pilot program. The Secretary may authorize the creation of up to 15 such pilot projects.

Subsection (b) establishes the overall Federal share at 80 percent, although individual parts of the pilot may have Federal participation of up to 100 percent.

Subsection (c) allows full Federal participation in start-up costs associated with a pilot project. Such costs are only eligible for Federal assistance for three years.

Subsection (d) specifies that revenues generated by such projects must be spent on surface transportation projects under title 23.

Subsection (e) allows up to three pilots to be conducted on the Interstate Highway System.

Subsection (f) requires an analysis of how a pilot project will affect low income drivers.

Subsection (g) requires that the Secretary monitor projects for at least 10 years and prepare biennial reports.

Subsection (h) allows pilot projects to experiment with allowing single occupancy vehicles to use HOV facilities.

Subsection (i) specifies that funds are available for four years.

Subsection (j) specifies that funds for this program are contract authority.

Subsection (k) repeals the congestion pricing program in ISTEA.

Sec. 120. Toll roads, bridges, and tunnels

Subsection (a) amends title 23 to allow a State to use revenues generated through tolls as its non-federal matching share. A State may do so only if it agrees to enter into an agreement with the Secretary to ensure that the State maintains its non-Federal capital expenditures at or above the average for the previous three years. This is a continuation of a program established by ISTEA.

Subsection (b) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. The purpose of the program is to allow up to three facilities to be tolled provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to other purposes. Eligibility and selection criteria are specified.

Subsection (c) amends the current provision that allows tolling of any bridge and on the Interstate to only allow tolling on major Interstate bridges.

Sec. 121. Construction of ferry boats and ferry terminal facilities

This section amends the program created in ISTEA to allow funds to be available until expended.

Sec. 122. Highway use tax evasion project

Subsection (a) amends the program in ISTEA to specify that funds for this program are contract authority.

Subsection (b) requires that funds from this program be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and state excise taxes.

Subsection (c) makes a technical amendment to ISTEA.

Sec. 123. Performance bonus program

Subsection (a) requires the Secretary to develop performance-based criteria for distributing up to 5 percent of Interstate maintenance, bridge program, high risk road safety improvement program, and Surface Transportation Program funds.

Subsection (b) establishes the requirements for the development of the criteria.

Subsection (c) requires a report to Congress on the results of the study.

Sec. 124. Metropolitan planning

Subsection (a) amends section 134(a) of title 23 by adding economic growth and development to the list of reasons it is in the national interest to encourage metropolitan planning.

Subsection (b) sets seven general goals and objectives that may be considered in the planning process. They include supporting economic vitality, increasing safety and security, increasing accessibil-

ity and mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These replace the existing list of nineteen planning factors.

Subsection (c) makes a number of technical changes to the section 134(g) regarding the long range plan. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects will be for illustrative purposes only.

Subsection (d) requires that a transportation improvement plan (TIP) be updated at least every three years. It also allows the metropolitan planning organizations to include projects that it would advance if additional resources were available.

Subsection (e) adds projects undertaken pursuant to the high risk road safety program to the list of projects that must be selected by the State in cooperation with the metropolitan planning organization.

Sec. 125. Statewide planning

Subsection (a) amends section 135 of title 23 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process including supporting economic vitality, increasing safety and security, increasing accessibility and mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Subsection (b) makes certain requirements under Section 135 (d) optional.

Subsection (c) adds freight shippers and freight providers to the list of groups that shall be allowed a reasonable opportunity to comment on the proposed long-range plan.

Subsection (d) adds freight shippers and freight providers to the list groups that shall be allowed a reasonable opportunity to comment on the proposed state transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the state to include projects that it would fund if additional resources were available. Subsection (d) also adds projects undertaken pursuant to the high risk road safety program to the list of projects that must be selected by the State in consultation with affected local officials.

Subsection (e) requires a study on the effectiveness of local planning.

The Committee recognizes that some States have taken steps to enhance the role of local officials in statewide planning for communities of less than 50,000 in population. Local officials in such non-metropolitan areas have expertise and knowledge regarding specific priorities in their areas. Therefore, their participation in the development of the State transportation improvement plan through a process developed with the State is important in meeting the needs of non-metropolitan areas.

The Committee also urges transportation planners to consider the importance of providing adequate transportation infrastructure

for educational facilities and to reflect this importance in the Statewide Plan.

Sec. 126. Roadside safety technologies

Subsection (a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such devices.

Subsection (b) requires the development of a report on the use of movable barrier technologies.

The Secretary's report submitted to Congress in September, 1992 per section 1090 of the Intermodal Surface Transportation Efficiency Act of 1991 provided a Traffic Management Guide and a Traffic Management Plan which references the benefits of a "* * * movable concrete barrier system which enables quick shifts of the entire system to provide positive separation of traffic * * *" and that also enables "quick shifts to provide additional working space during off-peak periods."

The Secretary's study and report should incorporate the successes of technologies which provide positive separation to improve a highway facility's dynamic capacity by creating HOV, contraflow, or reversible lanes for high occupancy vehicles and buses. Such lanes have encouraged people to switch to mass transit or car pools, thereby reducing congestion on general purpose lanes, contributing to reduced peak hour congestion, reduced air pollution and other negative social factors associated with heavily congested highways. In such permanent installations the positive separation systems are moved to open a lane on the non-peak directional traffic side of the roadway. The technology provides time savings to motorists, enhances air quality and safety and the efficient use of limited highway funds.

The National Transportation Safety Board (NTSB) reported in its "Safety Study on Highway Work Zone Safety" (NTSB/SS–92/02) identified the movable concrete barrier system as a current technology which can be used to provide positive separation of traffic during construction and reconstruction work on the Interstate system. (Footnote 13 in the NTSB Safety Study explained: "For the purposes of this study, positive barrier or positive separation of traffic refers to the use of concrete barriers to separate traffic, notably the New Jersey type barrier.) The NTSB study discussed the concern of State transportation officials and highway contractors about operational problems associated with the use of portable concrete median barriers, including movement, storage, and placement of the barriers. "In the past, moving the New Jersey type concrete barriers has been costly and time-consuming. However, current technology has reduced some of the time associated with moving and placing the concrete type barrier. An example is the movable concrete barrier system, which was described in a paper by a highway engineer at the FHWA." (Oliver, Morris B. 1990. Overview of a Movable Concrete Barrier System.) Other benefits ascribed to the use of the concrete movable barrier in construction projects are reductions in construction time and improved quality of the finished project.

The Committee expects that the study and report will provide a means for the States to improve safety during construction and other periods.

Sec. 127. Discretionary program authorizations

Subsection (a) sets the authorizations for the bridge discretionary program, the high cost Interstate reconstruction and improvement program, the coordinated border infrastructure and safety program, the national corridor planning and development program, the ferry boat program, the national scenic byways program, the variable pricing pilot program, various programs authorized in Title VI, and transportation assistance for Olympic cities.

Subsection (b) authorizes the high priority projects program as subsection (j) of section 104 title 23. Funds for this program are exempt from the obligation limitation imposed on the Federal-aid highway program.

Subsection (c) establishes the high priority projects for 1998 through 2003.

Sec. 128. Woodrow Wilson Bridge

This section amends the National Highway System Designation Act to transfer title the Woodrow Wilson Bridge to the Commonwealth of Virginia, the State of Maryland and the District of Columbia.

Sec. 129. Training

Subsection (a) amends section 140(a) of title 23 to allow a state to reserve training positions for persons who receive welfare assistance, except that such placement shall not adversely impact current employees or positions.

Subsection (b) expands the list of eligible activities under the training program.

Subsection (c) and (d) establish training facilities.

Sec. 130. Transportation assistance for Olympic cities

Subsection (a) states the purpose of this section is to assist and support States and local governments with surface and aviation-related transportation issues necessary to host international quadrennial Olympic and Paralympic events in the United States.

Subsection (b) gives the Secretary the authority to give priority to transportation projects related to Olympic events from various discretionary accounts.

Subsection (c) allows the Secretary to participate in State and metropolitan planning activities related to Olympic events.

Subsection (d) allows the Secretary to provide assistance from general operating expenses for the development of an Olympic and Paralympic transportation management plan.

Subsection (e) allows the Secretary to assist States and local governments in carrying out transportation projects related to an international quadrennial Olympics. It also establishes the Federal share at 80 percent.

Subsection (f) establishes the eligibility for a State or local government.

Subsection (g) allows the Secretary to give preference in aviation programs for projects that are Olympics related.

Sec. 131. National defense highways

Subsection (a) allows the Secretary to carry out a project on a highway or a portion of a highway, located outside the United States if the Secretary determines that it is important to national defense.

Subsection (b) makes funds apportioned under the National Highway System for fiscal years 1998 through 2003 to carry out this section.

Sec. 132. Miscellaneous surface transportation program

Subsection (a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness.

Subsection (b) requires a study of parking facilities at commercial truck stops and rest areas that can be used by motor carriers.

Sec. 133. Eligibility

Subsection (a) makes the facilities necessary to connect the Ambassador Bridge in Detroit, Michigan to the Interstate System eligible to receive funds apportioned under the National Highway System and the Surface Transportation Program.

Subsection (b) makes the Cuyahoga River in Ohio eligible to receive funds apportioned under the Congestion Mitigation and Air Quality Improvement Program.

Subsection (c) allow the State of Connecticut flexibility in the use of Interstate Construction fund balances. It also give the State additional obligation authority to use these funds.

Subsection (d) clarifies that approaches to the Bay Bridge are eligible under sec. 160 of title 23.

Subsection (e) clarifies the crediting of the non-Federal share for projects in Southern California.

Subsection (f) permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Subsection (g) makes certain food services eligible to be listed on current logo signs.

The Committee directs that the installation of Type II noise barriers on Interstate Route 75 in Clayton County, Georgia and on Interstate Route 185 in Muscogee County, Georgia is eligible for federal-aid highway funds under the exception to the prohibition on Type II noise barriers in Section 339(b)(2) of the National Highway System Designation Act of 1995 since the developed areas to receive noise abatement had been developed before the construction of these highways.

The Committee wishes to clarify that title 23 currently permits the State of Georgia to construct a welcome center in Cobb County on Interstate 75 that is privately operated and contains information display kiosks, communication and multi-media services and eating areas.

Sec. 134. Fiscal and administrative amendments

Subsection (a) removes three obsolete provisions from title 23. They are a provision related to bond interest on Interstate projects under construction January 1, 1983, a limitation in the repayment of interest on Interstate and National Highway System projects, and a requirement that the Secretary approve an advance construction project for it to be considered complete.

Subsection (b) removes an outdated provision regarding total payments to a State in any fiscal year. In its place, it reinstates a provision that was once in title 23 but which was inadvertently omitted when amended by ISTEA. This reinstated provision permits obligations incurred in prior fiscal years that are released in a current fiscal year to be made available for re-obligation in such current year.

Subsection (c) technically changes the Federal share on certain projects from a strict percentage to a limitation. This will allow for an increased non-Federal share at State option. It does not allow the Secretary to impose a lower match.

Subsection (d) amends title 23 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway more like other Federal programs, including the Transit program, hence giving the States greater flexibility in managing their funds.

Subsection (e) strikes an outdated provision concerning the construction of toll routes necessary to complete the Interstate System. It is no longer needed since the Interstate is complete.

Subsection (f) strikes an outdated provision concerning the use of motor vehicle taxes to fund highway construction projects.

Subsection (g) amends title 23 to clarify that section 302 of such title does not limit reimbursement of eligible indirect costs to State and local governments. This will make the Federal-aid Highway program more in line with other Federal programs thereby reducing an administrative burden caused by requiring States to develop separate accounting systems.

Subsection (h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Subsection (i) makes certain amendments to Section 127 of title 23 pertaining to the operation of certain public transit buses and specialized hauling vehicles, and routes in New Hampshire and Maine.

Subsection (j) requires a study of specialized hauling vehicles.

Sec. 135. Access of motorcycles

This section specifies that no State or local government may restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Sec. 136. Amendments to prior surface transportation authorization laws

Subsection (a) makes certain changes and additions to Section 1105(c) of ISTEA relating to high priority corridors.

This clarifies that all of ISTEA High Priority Corridor 18 and that portion of High Priority Corridor 20 from the vicinity of Carthage, Texas, to Laredo, Texas, at the Mexican border together are part of Interstate Route I–69. It also directs States to erect Interstate Route I–69 signs along segments that are at Interstate standards and connect to existing Interstates and specifically, along U.S. 59 in the Houston area. The National Highway System Designation Act of 1995 designated Corridors 18 and 20 as future Interstates and gave States the authority to erect signs designating them as future Interstates. It is the intent of the Committee that States have the authority to erect signs specifically designating future Interstate Route I–69 along all of Corridor 18 and along the designated portions of Corridor 20.

As the New York State Department of Transportation submits its plans for the development of Route 219, the Federal Highway Administration is encouraged to give consideration as one of the benefits of the project the economic development opportunities that would be afforded the Seneca Indian Nation located at the junction of Route 219 and Route 17. For example, the design and construction of a facility that included a welcome center that provided traveler and tourist information would be a valuable economic development initiative.

Subsection (b) repeals section 146 of the Surface Transportation Assistance Act of 1982.

Sec. 137. Bicycle transportation and pedestrian walkways

Subsection (a) amends section 217 of title 23 to make a number of clarifying changes and to require that bicyclists and pedestrians be included in the planning process and to allow the electric bicycles on trails when State or local regulations permit.

Subsection (b) clarifies the requirements under section 109(n) of title 23 related to the impact on non-motorized transportation of a Federal-aid highway project.

Subsection (c) requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under section 130 of title 23.

Subsection (d) requires a study of design standards for bicycle projects.

Subsection (e) establishes a national bicycle safety education curricula.

Subsection (f) requires the issuance of guidance for accommodating bicycles and pedestrians.

Sec. 138. Hazard Elimination Program

This section requires that hazards to bicyclists are included in the hazardous locations inventory.

Sec. 139. Project administration

Subsection (a) makes some changes to the life cycle cost analysis requirements under title 23 to conform with the Executive Order on Infrastructure Investment.

The Secretary of Transportation shall develop a set of procedures States may utilize as a guideline in conducting an analysis of the life-cycle cost for projects on the National Highway System. The

procedures shall include the principles contained in Executive Order 12893. Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A–94 for all Federal-aid NHS projects. The procedures shall also suggest recommended guidelines for a documented, vigorous maintenance schedule, user costs, and reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project.

Subsection (b) requires a study on procurement practices and project delivery.

Sec. 140. Contracting for engineering and design services

This amendment to section 112 of title 23 clarifies that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds.

Sec. 141. Commercial motor vehicle study

Directs the Transportation Research Board to conduct a study on the current laws, regulations and practices regarding truck sizes and weights and to make recommendations, taking into account impacts on the economy, safety, environment and service to communities.

Sec. 142. New York Avenue Development Authority

This section establishes a New York Avenue Authority to development an improvement plan for the Corridor in the District of Columbia. The authority is eligible to receive funding under the National Corridor Planning and Development program.

Sec. 143. Definitions

This section numbers definitions for Title 23 and then reorders them in alphabetical order.

The term Transportation Enhancement Activities is amended to require a direct link to surface transportation.

TITLE II.—HIGHWAY SAFETY

Sec. 201. Amendments to Title 23, United States Code

This section provides that, except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

Sec. 202. Highway safety programs

Subsection (a) amends the highway safety program to include uniform guidelines that prevent accidents. This subsection also makes a technical and conforming amendment to the highway safety program.

Subsection (b) makes several technical and conforming amendments to section 402(b).

Subsection (c) amends section 402(c) to increase the minimum annual apportionment to Indians (through the Secretary of Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d) amends section 402(i) to allow section 402 grants to be made to Indian tribes in Indian Country. This subsection also defines Indian Country.

Subsection (e) amends section 402(j) to delete rulemaking and requirements and instead direct the States to consider highly effective programs that reduce crashes, injuries, and deaths that have been identified by the Secretary when the States develop their highway safety programs.

Sec. 203. Highway safety research and development

This section amends section 402(a) relating to highway safety research and development to provide additional authority to the Secretary to engage in research focusing on training in work zone safety management.

Sec. 204. Occupant protection incentive grants

This section amends section 405 to add a new occupant protection incentive grants program. The Secretary is authorized to make grants to States that adopt and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

The States that receive a grant in any fiscal year must enter into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures in its two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive an occupant protection incentive grant would be six years, beginning after September 30, 1997.

States that meet the criteria for receipt of a grant would receive grants that would be funded through a declining federal share—75 percent for the first and second years, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years.

A State may establish its eligibility for one or both of two occupant protection grants (A and B) in the fiscal year which the grant is received, by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for grant A, a State must adopt or demonstrate at least five, and beginning in fiscal year 2001 at least 6, of the following: (1) a law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person (other than a child who is secured in a child restraint system) in the front seat of a vehicle (and beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) the State imposes a minimum fine or penalty points against an individual's driver's license for a violation of the State's safety belt use law; (4) a law requiring children up to four years of age to be properly secured in a child safety seat in all appropriate seating positions in all pas-

senger motor vehicles; (5) a Statewide special traffic enforcement program that includes emphasis on publicity for the program; (6) a Statewide comprehensive child occupant protection education program; and (7) a law that a child up to 10 years of age (and beginning in 2003 a child up to 16 years of age) is properly restrained. The Secretary should cooperate with States and other interested parties to develop benchmarks that would assist the Secretary in determining whether a State satisfies the special Traffic Enforcement criterion and child Occupant Protection Education Program criterion. However, these benchmarks are intended to be flexible so that States can design effective programs to meet each State's particular needs.

To establish eligibility for grant B, a State must: (1) demonstrate a Statewide safety belt use rate in both front outboard seating positions in all vehicle types of 80 percent or higher in each of the years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for grants A or B would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402, of title 23, United States Code.

Definitions are provided for "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger vehicle," and "safety belt."

The funding for grants under this section is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribe programs. The Secretary of Interior is authorized to receive funds made available for Indian tribe programs.

Sec. 205. Alcohol-impaired driving countermeasures

This section amends the current section 410 which establishes a new comprehensive drunk and impaired driving countermeasures incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The Secretary is authorized to make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol.

States that receive a grant in any fiscal year must enter into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above its level of expenditures in the two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive a grant for alcohol impaired driving countermeasures would be six years, beginning after September 30, 1997. The Federal share shall be 75 percent in the first and second years, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

A State may establish its eligibility for one or more of two basic alcohol-impaired driving countermeasure grants (A and B) in the fiscal year which the grant is received, by adopting or demonstrating certain criteria, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A, a State must adopt or demonstrate at least 5 of the following: (1) a State law that provides that an individual with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle is deemed to be driving while intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages and preventing persons from making alcoholic beverages available to individuals under age 21; (4) a Statewide program for stopping vehicles on a nondiscriminatory basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the programs; (5) effective sanctions for repeat offenders convicted of driving while under the influence of alcohol; (6) programs to target individuals with high BAC while operating a motor vehicle; (7) programs to reduce driving while under the influence of alcohol by individuals age 21 through 34; and (8) an effective system for increasing the rate of BAC testing in fatal accidents and by the year 2000 achieves a rate of testing equal to or greater than the national average. The Secretary should cooperate with States and other interested parties to develop benchmarks that would assist the Secretary in determining whether a State satisfies the Underage Drinking Program criterion, the Drives with High BAC's criterion, and the Young Adult Drinking Programs criterion. However, these benchmarks are intended to be flexible so that States can design effective programs to meet each State's particular needs.

The Committee believes that a comprehensive effort to deter underage drinking and driving should include imposition of meaningful penalties on those who make alcohol available to drivers under 21 years of age. While States should determine the level of these penalties, the Committee encourages States to adopt penalties that are high enough to deter such behavior. The Committee also encourages the Secretary to consult with States and other interested parties to develop a reasonable and flexible definition of "meaningful penalties."

To establish eligibility for the second basic grant B, a State must adopt or demonstrate to the satisfaction of the Secretary that (1) its percentage of fatally injured drivers with 0.10 percent or greater BAC has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) that percentage has been lower than the average percentage for all States in each of such calendar years.

States that meet the criteria for a basic grant would receive, for each grant, up to 30 percent of their fiscal year 1997 apportionment under section 402.

The Secretary is also authorized to make discretionary grants available to States for carrying out innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. A State is eligible to receive a discretionary grant only if the State is eligible to receive a basic grant A or B under this section. The amounts made available to carry out the discretionary grants may not exceed 12 percent of the total funds available for section 410.

Administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated for this section. Funding made available under this section would be contract authority. The Secretary is authorized to credit certain amounts of state and local expenditures toward the non-Federal share of the project under this section. The Federal share of the cost of the program for Indian tribes may be increased. Amounts made available for the Indian tribe program will be administered through the Secretary of the Interior.

Definitions are provided for "alcohol beverage," "controlled substances," "motor vehicle," and "open alcohol beverage container."

Sec. 206. Highway safety data improvement

This section amends section 406 to add a new State highway safety data improvement incentive grant program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for national, State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data, and to improve the compatibility of State systems with national and other States' data systems. The Secretary, in consultation with States and other appropriate parties, is directed to develop model data elements for States' systems. It should be noted that the language in subsection (b) regarding model data elements and that States' plans should demonstrate how the model data elements will be incorporated is not to be interpreted as requiring that States must immediately adopt uniform data. The Committee realizes that uniform data systems and reporting can be extremely costly and complex for States to achieve, necessitating such changes as modifying or upgrading computer systems to redesigning police reports. This is a long term goal and it is possible that some States may not be able to meet it in the six year authorization period of this bill. The requirement simply applies to steps a State might take in order to move toward the goal.

The States that receive a grant in any fiscal year must enter into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive a grant would be six years, beginning after September 30, 1997. States that meet the criteria for receipt of a grant would receive grants that would be funded through a declining federal share—75 percent for the first and second years and 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years.

A state would be eligible for a first-year grant in a fiscal year if it demonstrates, to the satisfaction of the Secretary, that it has (1) established a highway safety data and traffic records coordinating committee with a multi-disciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of high-

way safety and traffic record databases; (2) completed within the last five years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the highway safety data and traffic records coordinating committee that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year if it provides, to the satisfaction of the Secretary, (1) certification that it has met the requirements of (1) and (2) listed above; and (2) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (3) certification that the highway safety data and traffic records coordinating committee continues to operate and support the multi-year plan.

A State that meets the certain criteria for a first-year grant would receive an amount equal to $125,000, based on available appropriations. A State that meets the additional criteria for a first-year grant would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State would receive less than $225,000, based on available appropriations.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receive a State highway safety data improvement grant if the State, to the Secretary's satisfaction: (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its highway safety data and traffic records coordinating committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of title 23, except that no State shall receive less than $225,000 based on available appropriations.

Administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated. The funding for grants provided under this section is provided with contract authority and the non-Federal share may be provided through credits for state and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribes. The Secretary of the Interior is authorized to receive funds made available for Indian tribe programs.

Sec. 207. National Driver Register

Subsection (a) amends section 30302 ("National Driver Register"), by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions. The Secretary is required to demonstrate that any transfer of these functions will begin only after the Secretary makes a determination that all States are participating in the NDR's "Problem Driver Pointer System", and that the system is functioning properly. Any agreement entered into to transfer these functions shall include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions. The fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions shall not exceed the organization's total cost for performing these functions in that fiscal year.

Subsection (b)(1) amends Section 30305(b) to make technical conforming amendments.

Subsection (b)(2) amends section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to federal departments or agencies that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR over whom the department or agency has such licensing authority. The reports on these individuals transmitted by the federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would reduce a burden on the States and strengthen the NDR's efficiency by allowing federal agencies authorized to receive NDR information to make their requests and receive the information directly from the NDR, instead of through a State. The NDR statute currently requires authorized NDR users, other than chief driver licensing officials and the individuals to whom the information pertains, to submit all NDR inquiries through a State.

Sec. 208. Safety studies

Subsection (a) authorizes the Secretary to conduct a study on the benefit to public safety on the use of blowout-resistant tires on commercial motor vehicles.

Subsection (b) authorizes the Secretary to conduct a study to assess occupant safety in school buses.

Subsection (c) requires the Secretary to report the results of each study to Congress not later than two years after the date of enactment.

Subsection (d) authorizes the Secretary to expend no more than $200,000 to conduct each study.

Sec. 209. Effectiveness of laws establishing maximum blood alcohol concentrations

Subsection (a) directs the Comptroller General to conduct a study to evaluate the effectiveness of State .08 and .02 BAC laws in reducing the number and severity of alcohol-related crashes.

Subsection (b) requires the Comptroller General to report to the Congress within two years the results of the BAC study.

Sec. 210. Authorizations of appropriations

This section provides authorizations for the section 402 program; the section 403 program; the occupant protection, alcohol-impaired driving, and highway safety data incentive grants; and the NDR.

For the NHTSA 402 safety grant program, in fiscal year 1998, $128.2 million is provided; for fiscal year 1999, $150.7 million is provided; for each of fiscal years 2000 through 2003, $195.7 million is provided.

For the FHWA 402 safety grant program, in fiscal year 1998, $12 million is provided; in fiscal year 1999, $20 million is provided; and for each of fiscal years 2000 through 2003, $25 million is provided.

For NHTSA 403 operations and research programs, $55 million is authorized for each of fiscal years 1998 through 2003.

For FHWA 403 operations and research programs, $20 million is authorized for each of fiscal years 1998 through 2003.

For occupant protection incentive grants, in fiscal year 1998, $9 million is provided; in each of fiscal years 1999 through 2003, $20 million is provided.

For alcohol traffic safety incentive grants, in fiscal year 1998, $35 million is provided; in each of fiscal years 1999 through 2003, $45 million is provided.

For state highway safety data grants, in fiscal year 1998, $2.5 million is provided; in each of fiscal years 1999 through 2003, $12 million is provided.

For the National Driver Register, $2.3 million is provided for each of fiscal years 1999 through 2003.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Sec. 211. Transportation injury research

Subsection (a) directs the Secretary to make grants to establish and maintain a center for transportation injury research at the State University of New York at Buffalo. $2 million in each of fiscal years 1998 through 2003 is authorized. This funding shall be used by the CALSPAN University of Buffalo Research Center (CUBRC) to conduct research and testing of in-vehicle systems and infrastructure-based technology to improve emergency notification, crash characterization, dispatching and delivery of medical and other services to crash victims.

The Committee recognizes that one of the keys to reducing the severity of injuries and number of deaths from crashes is to improve the regional communication links between the public and private agencies in the emergency response networks and effectively exploit the emergency capabilities of in-vehicle systems.

The program outlined in this subsection of the bill should consider these emerging capabilities while focusing on applications of new technologies and methods in telemedicine, crash and injury severity estimation to improve response. The intent is to apply a multi-disciplinary systems engineering approach, which considers the driver, vehicle, the infrastructure and the public sector emer-

gency responders. In addition, the focus of the Center's activities in rural western New York highlights the need to address the disproportionately high rate of fatalities associated with rural crashes.

Subsection (b) directs the Secretary to make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development relating to head and spinal cord injuries. $500,000 in each of fiscal year 1999 through 2003 is authorized.

TITLE III.—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 301. Amendments to title 49, United States Code

This section provides that, unless stated otherwise, all references in this title to a section or other provision of law are to title 49 of the United States Code.

Sec. 302. Definitions

This section amends section 5302 of title 49 to expand the definition of "capital project" to include transit-related intelligent transportation systems, preventive maintenance, leasing of equipment or facilities for use in mass transportation under certain circumstances, and certain mass transportation improvements that enhance economic development or incorporate private investment. It also defines preventive maintenance, public transportation, transit, and transit enhancement.

Sec. 303. Metropolitan planning

Subsection (a) amends section 5303(b) of title 49 to repeal the current planning factors and replace them with goals and objectives of the metropolitan planning process. The metropolitan planning organization shall cooperatively determine with the State and mass transit operators how the goals and objectives considered are translated into metropolitan goals and objectives and factored into decision making.

Subsection (b) amends section 5303(f) to allow the metropolitan planning organization to include, for illustrative purposes, additional projects that would be included in the long range transportation plan if reasonable additional resources were available. This subsection also amends section 5303(f) to add freight shippers and providers of freight transportation services to the list of persons metropolitan planning organizations are required to give an opportunity to comment on the long range transportation plan.

Sec. 304. Transportation Improvement Program

This section amends section 5304 of title 49 to require that the transportation improvement program (TIP) be updated at least once every three years. It also provides that the TIP may include, for illustrative purposes, projects that would be included in the plan if reasonable additional resources were available.

Sec. 305. Transportation management areas

This section amends section 5305 of title 49 to add projects under the high risk road safety program to the list of projects selected by the State in consultation with the metropolitan planning organization. This section also makes a technical amendment to section 5305.

Sec. 306. Urbanized area formula grants

Subsection (a) amends section 5307 of title 49 to change the name of the section and to make a conforming amendments to the table of sections.

Subsection (b) makes technical amendments to section 5307(a) of title 49.

Subsection (c) amends section 5307(b)(1) to provide that the Secretary may make grants to finance the operating cost of equipment and facilities only to urbanized areas with populations of less than 200,000. It repeals section 5307(b)(3) because that provision has been moved to section 5302 and repeals section 5307(b)(5) to eliminate the requirement that for section 5307 funds to be available for a highway project under title 23, the funds used for the State or local share of the project must be eligible to finance either a highway or transit project.

This subsection eliminates operating assistance for large urbanized areas, however, the Act also expands the definition of a capital project to include preventive maintenance activities. In allocating capital funds for preventive maintenance, the Committee urges large urbanized areas to consider the impact of the elimination of operating assistance on smaller transit authorities operating within the areas and to consider the particular maintenance needs of those smaller transit authorities.

Subsection (d) amends section 5307(g)(3) of title 49 provide that the maximum interest for projects undertaken in advance of an apportionment may not exceed the most favorable financing terms reasonably available at the time of borrowing.

Subsection (e) amends section 5307(i) of title 49 to direct the Secretary, to the extent practicable, to coordinate federal triennial reviews with any related state or local reviews.

Subsection (f) amends section 5307(k) of title 49 to repeal the requirement for submission of certifications because the provision has been moved to section 5323. It also provides that of funds apportioned each fiscal year to urbanized areas with populations of 200,000 or more under section 5336, at least two percent shall only be for transit enhancement activities.

Subsection (g) makes conforming amendments to section 5307(n) of title 49.

Sec. 307. Mass transit account block grants

This section repeals section 5308 of title 49 which gives the Secretary authority to make grants for capital projects.

Sec. 308. Capital Program grants and loans

Subsection (a) amends section 5309 to change the name of the section.

Subsection (b) makes a conforming amendment to the table of sections.

Subsection (c) amends section 5309(a) of title 49 to clarify that capital projects to modernize existing fixed guideway systems and to replace, rehabilitate and purchase buses and bus related equipment and to construct bus-related facilities are eligible under this section.

Subsection (d) repeals section 5309(c) which requires the Secretary to consider the adverse effect of decreased commuter rail transportation before making a grant to acquire a rail line and the related facilities.

Subsection (e) amends section 5309(e) to clarify the findings the Secretary is required to make before approving a grant or loan for a new fixed guideway system or extension to an existing system and to add new criteria the Secretary must consider in making these findings. The Secretary must evaluate and rate projects before they advance from alternatives analysis to preliminary engineering and from preliminary engineering to final design and construction. The subsection directs the Secretary to issue regulations stating the process for evaluating and rating projects not later than 120 days after the date of the enactment of this Act. This subsection also provides that the Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction and that the Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The requirements of subsection (e) do not apply to projects with a section 5309 share of less than $25 million, to projects financed completely with amounts made available from the Highway Account of the Highway Trust Fund, or to projects under letter or intent or full funding grant agreement as of the date of enactment of this Act. This subsection repeals the subsection (e) exemption for projects located in extreme or severe nonattainment areas and for projects receiving less than one-third of its funding under this section. This subsection also makes technical amendments to section 5309(e).

Subsection (f) amends section 5309(g) to require the Secretary to notify Congress 60 days prior to issuing a letter of intent or full funding grant agreement and to provide a copy of the letter of intent or full funding grant agreement and all evaluations and ratings for the project.

Subsection (g) amends section 5309(m) to provide that funds are available for capital program grants and loans for each of fiscal years 1998 through 2003. Not more than eight percent of the funds made available in each fiscal year for new fixed guideway systems and extensions to existing systems are available for activities other than final design and construction. In the recent past, approximately 80 percent of funds under this section have been allocated for projects in final design or under construction. This section requires that 92 percent of funds under this section be allocated for projects in final design or under construction. Because of the scarcity of federal resources, it is the intent of the Committee to focus resources on projects that are in final design or construction. In addition, the Committee emphasizes the importance of fulfilling the

federal commitment to projects under full funding grant agreement.

This subsection also clarifies that the Secretary shall consider the age of buses, bus fleets, and related equipment and facilities in making grants for buses and related facilities. This subsection also provides funding for the bus testing facility for each of fiscal years 1998 through 2003. This subsection requires that a certain percentage of the funds made available for bus and bus-related facilities be available to carry out the bus technology pilot program and for non-urbanized areas.

Subsection (h) makes a technical amendment to section 5309(n)(2).

Subsection (i) makes conforming amendments to section 5309 and to other sections in Chapter 53 of title 49.

Subsection (j) adds a new subsection (o) to section 5309 to establish a pilot program for the testing and deployment of new bus technology. The Secretary shall select projects that employ a variety of technologies in a variety of geographic areas. Among the technology that this program should focus on is compressed natural gas, liquefied natural gas, biodiesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, clean diesel, or other low emission technologies. No later than April 30, 2000, the Secretary shall submit a report to Congress on the results of the pilot program.

Subsection (k) adds a new subsection (p) to section 5309 which requires that the Secretary and Comptroller General submit certain reports to Congress regarding fixed guideway systems and extensions to existing systems. The Secretary is required to submit an annual report not later than the first Monday in February of each year that includes project evaluations and ratings and funding recommendations. The Secretary is also required to submit by the 31st day of August of each year a supplemental report that describes project evaluations and ratings since the date of the annual report. The Comptroller General is required to submit by the 30th day of April of each year a report that reviews the Secretary's processes and procedures for evaluating, rating, and recommending projects and the Secretary's implementation of such processes and procedures.

Subsection (l) defines the term project with respect to a new fixed guideway system and extension to an existing system.

Sec. 309. Dollar value of mobility improvements

Subsection (a) provides that the Secretary shall not consider the dollar value of mobility improvements as specified in the report required under section 5309(m)(l)(c) or section 5309(p) in evaluating projects, development regulations or for any purpose. The Committee recognizes the importance of considering the broad range of project justification criteria when evaluating projects under section 5309.

Subsection (b) directs the Comptroller General to study the dollar value of mobility improvements and the relationship of mobility improvements to the overall project justification and to report to Congress on the results of the study by not later than January 1, 2000.

Sec. 310. Formula grants and loans for special needs of elderly individuals and individuals with disabilities

Subsection (a) amends section 5310 of title 49 to change the name of the section.

Subsection (b) makes a conforming amendment to the table of sections.

Sec. 311. Formula Program for other than urbanized areas

Subsection (a) amends section 5311 of title 49 to change the name of the section and to make a technical amendment to section 5311(f)(1).

Subsection (b) makes a conforming amendment to the table of sections.

Sec. 312. Research, development, demonstration, and training projects

Subsection (a) makes technical amendments to section 5312(a) and (b) of title 49. It also amends section 5312 to add new subsections (d) and (e) which make eligible under section 5312 joint partnerships for deployment of innovation and international mass transportation activities.

Subsection (b) establishes a Mass Transportation Technology Development and Deployment Program. The Secretary is authorized to make grants or enter into contracts, cooperative agreements or other agreements with eligible consortia to promote the development and early deployment of innovation in mass transportation technology, services, management or operational practices. The section sets forth eligibility criteria and grant requirements for the consortia. It provides funding for fiscal years 1998 through 2003 and a maximum federal share of 50 percent of the net project cost.

The Committee includes funding for this program to continue support for the advanced transportation technology consortia. The Committee expects that the Department of Transportation will take a leadership role in supporting, coordinating, and managing the consortia program among the various federal agencies that may participate in supporting the program.

Subsection (c) provides that of the funds made available each fiscal year under section 5309(o), $4,850,000 shall be provided for the fuel cell transit bus program and maintenance facility. To date, the fuel cell bus program, carried out jointly by the Department of Transportation and the Department of Energy, has successfully produced three 30-foot fuel cell transit buses. Because the Department of Transportation has requested that the fuel cell program include prototype development of 40-foot fuel cell buses, it is necessary to construct a larger maintenance facility than originally planned to accommodate the larger vehicle platforms. In addition, these funds are provided to produce 12 pre-commercial use buses to enable the program's participants to obtain operating experience with the nation's public transit providers. The Committee urges the program participants to work closely with public transit providers to ensure the activities of the program are coordinated with the services offered by the transit providers.

Subsection (d) establishes an Advanced Technology Pilot Project under which the Secretary shall make grants for the development

of low-speed magnetic levitation technology for public transportation. The section provides funding for the program for each of the fiscal years 1998 through 2003. The Federal Transit Administration shall undertake a project through a public-private partnership for an urban low-speed application of magnetic levitation technology which has been developed solely in the United States. Not less than 25 percent of the project costs shall be borne by non-federal entities. The Committee recognizes that fiscal year 1998 funds were appropriated for the Federal Transit Administration to support an application of low speed magnetic levitation technology in Pittsburgh, Pennsylvania through the Allegheny County Port Authority.

Subsection (e) directs the Secretary to make grants for the study, design and demonstration of fixed guideway technology and makes funds available for fiscal year 1999 for these purposes.

One of the purposes of the Galveston, Texas demonstration is to facilitate intermodal connections and communications between bus and rail modes.

Sec. 313. National planning and research programs

This section amends section 5314(a)(2) to increase funding for activities to help transit providers comply with the Americans With Disabilities Act from $2,000,000 to $3,000,000 for each fiscal year

Sec. 314. National Transit Institute

Subsection (a) amends section 5315 to change the name of the section and to expand the list of subjects that may be taught at the National Transit Institute. It also makes technical amendments to section 5315.

Subsection (b) makes a conforming amendment to the table of sections.

Sec. 315. University Research Institutes

This section repeals section 5316 of title 49 because the provision for University Research Institutes has been moved to section 5505 of title 49.

Sec. 316. Transportation centers

This section repeals section 5317 of title 49 because the provision for Transportation Centers has been moved to section 5505 of title 49.

Sec. 317. Bus testing facilities

This section amends sections 5318 (b) and (e) of title 49 to clarify that the Secretary may enter into either a contract or cooperative agreement with or make a grant to a person or organization to operate and maintain the bus testing facility. It also makes technical amendments to section 5318 (b) and (e).

Sec. 318. Bicycle facilities

This section amends section 5319 of title 49 to provide that a grant or portion of a grant made with funds required to be spent on transit enhancement activities that involves providing bicycle access to transit shall be at a federal share of 95 percent.

Sec. 319. General provisions on assistance

Subsection (a) makes a technical amendment to section 5323(d) of title 49.

Subsection (b) amends section 5323(i) to clarify that the incremental cost of vehicle-related equipment necessary for complying with or maintaining compliance with the Clean Air Act shall be reimbursable at a federal share of 90 percent.

Subsection (c) amends section 5323(j)(7) to repeal the requirement for a Buy America Act report that has already been submitted and to provide that the Secretary may allow a manufacturer or supplier to correct an inadvertent or clerical error in a Buy America Act certification after bid opening.

Subsection (d) adds a new subsection (k) which provides that, to the extent feasible, governmental agencies and non-profit organizations that receive assistance from government sources other than the Department of Transportation for non emergency transportation services shall participate and coordinate in the design and deliver of transportation services.

Subsection (e) amends section 5323 of title 49 to add a new subsection (n) to clarify that all required certifications may be consolidated.

Subsection (f) amends section 5323 of title 49 to add a new section (o) which provides that persons occupying space in facilities funded under Chapter 53 of title 49 must pay a reasonable share of the cost of the facility. The subsection also lists the eligible activities under Chapter 53 of title 49 associated with projects that enhance economic development or incorporate private investment. This provision is intended to extend present practices with regard to the required payments and eligible costs of such projects.

Sec. 320. Contract requirements

Subsection (a) makes technical amendments to section 5325.

Subsection (b) amends section 5325(b) as redesignated by subsection (a)(2) to provide that when awarding contracts funded with grants or loans made under chapter 53 of Title 49, grantees shall accept nondisputed audits conducted by other government agencies.

Sec. 321. Special procurements

Subsection (a) amends section 5326(a) of Title 49 to clarify the definition of a turnkey system project.

Subsection (b) makes technical amendments to sections 5326 (c) and (d).

Subsection (c) makes conforming amendments to section 5334(b)(4)

Sec. 322. Project management oversight and review

This section makes a technical amendment to section 5327(c)(2) of title 49. It also amends section 5327(c)(2) to clarify that the Secretary may use amounts available for project management oversight to provide technical assistance to grantees to correct deficiencies identified as part of project management oversight.

Sec. 323. Study on alcohol and controlled substances random testing rate calculation

Subsection (b) directs the Secretary to conduct a study of how the random testing rate for drug and alcohol testing should be calculated.

Subsection (b) states the factors the Secretary should take into account when conducting this study.

Subsection (c) provides that not later than December 31, 1999, the Secretary shall submit a report to Congress on the results of the study and provide recommendations regarding any changes to the random testing rate.

Sec. 324. Administrative procedures

Subsection (a) amends Section 5334(a) of title 49 to authorize the Secretary to collect fees to cover the costs of training and conferences sponsored by the Federal Transit Administration.

Subsection (b) amends section 5334(i) to repeal a statement of authority of the Secretary of Housing and Urban Transportation and to direct the Secretary to seek public comment on ways to streamlines the administration of the formula program for urbanized areas with populations under 200,000 and, to the extent feasible, to ease administrative burdens.

Subsection (c) makes technical amendments to subsection 5334 and to the table of sections for Chapter 53 of title 49.

Sec. 325. Reports and audits

Subsection (a) makes technical amendments to section 5335(a) a title 49.

Subsection (b) amends section 5225(b) to repeal the requirement that the Secretary submit quarterly reports to Congress on the status of grants and obligations. This subsection also amends section 5335(c) to repeal the requirement that the Comptroller General submit biannual needs reports to Congress and makes technical amendments to section 5335.

Sec. 326. Apportionment of appropriations for formula grants

This section makes a technical amendment to section 5336 of title 49. It also amends section 5336(d) to give urbanized areas with populations under 200,000 flexibility to use all of their apportionments for capital or operating expenses. However, it caps at $400 million the total amount per fiscal year that may be used for: (1) operating assistance in urbanized areas with populations under 200,000; and (2) preventive maintenance activities that become eligible for capital assistance under this Act in all urbanized areas.

Sec. 327 Apportionment of appropriations for fixed guideway modernization

Subsection (a) amends section 5337(a) of Title 49 to provide the formula for apportioning funds made available for fixed guideway modernization under section 5309 to Title 49 for fiscal years 1998 through 2003.

Subsection (b) adds a new subsection (e) to section 5337 of Title 49 that describes the method for calculating the number of fixed guideway revenue miles of service and vehicle miles attributed to

each urbanized area for purposes of determining apportionments under this section.

Sec. 328. Authorizations

Subsection (a) amends section 5338 of title 49 to provide authorizations for each of fiscal years 1998 through 2003 for programs under Chapter 53 of title 49.

Subsection (b) makes conforming amendments to Chapter 53 of title 49.

Sec. 329. Obligation ceiling

Subsection (a) provides the obligation ceiling for capital program grants and loans.

Subsection (b) provides the obligation ceiling for formula grants, planning, research, and administration.

Sec. 330. Access to Jobs Challenge Pilot Program

Subsection (a) authorizes the Secretary to make grants to States, local governments, and non-profit organizations to finance services to transport welfare recipients to and from jobs and job-related activities. The Secretary shall coordinate activities under this section with related activities under programs of other federal departments and agencies. In making grants under this section, the Secretary should consider a variety of approaches to transporting current and former welfare recipients to jobs and job-related activities.

Subsection (b) lists the criteria the Secretary shall consider in making grants under this section. In considering the criteria, the Secretary should take into account a variety of factors relevant to determining the size of the welfare population, including the number of welfare recipients in the particular area to be served. The Secretary should also take into account innovative approaches that enable program participants to match available jobs with existing transportation providers.

Subsection (c) provides that capital and operating costs related to transporting welfare recipients to and from jobs and job-related activities, promoting the use of transit by workers with non-traditional work schedules, promoting the use of transit vouchers by the appropriate agencies, and promoting the use of employer-provided transportation are eligible activities under this section. Planning and coordination activities are not eligible.

Subsection (d) directs the Secretary to conduct a national competition and select up to 10 projects for the pilot program, including six projects in urbanized areas with populations of at least 200,000, two projects in urbanized area with populations under 200,00, and two projects in non-urbanized areas.

Subsection (e) provides that the federal share of costs for grants under this section shall not exceed 50 percent of the net project cost, but that a grantee may use funds appropriated to any federal department or agency (other than the Department of Transportation) toward the non-federal share of the project.

Subsection (f) clarifies that the planning requirements of sections 5303, 5304, and 5305 of title 49 apply to grants under this section. This section also provides that the application must reflect coordination with and approval of the affected transit grant recipient and

the projects must be part of a coordinated public transit-human services planning process.

Subsection (g) provides that grants under this section are subject to all terms and conditions of grants made under section 5307 of title 49.

Subsection (h) requires the Comptroller General to conduct semi-annual studies of the access to jobs program. Not later than six months after the enactment of this Act and every six months thereafter the Comptroller General shall submit a report to Congress on the results of these studies. This subsection also directs the Secretary to conduct a study of the access to jobs program and to submit a report to Congress on the results of the study not later than two years after the date of enactment of the Act.

Subsection (i) defines certain terms that apply to this section.

Subsection (j) provides the level of funding authorized to carry out this program.

In developing the Access to Jobs program the Committee urges the Secretary to consider the experience of several successful Access to Jobs programs already underway. The Suburban Joblink has been serving the needs of unemployed Chicago residents for more than 25 years. In coordination with PACE, the local public transit agency, Suburban Joblink provides transportation for current and former welfare recipients who are residents of the inner city to available jobs in the suburbs. Suburban Joblink estimates that for every 1,000 workers employed in suburban manufacturing jobs, $25 million in pay and benefits annually flows back into the inner city.

The State of Wisconsin, recognizing the importance of providing access to jobs, has established an Employment Transportation Program that provides State funds to local agencies around the State in support of capacity building and group transportation solutions (such as expanding transit service, transit route extensions, increased frequency of service, shared ride taxi service expansion and capital investment). Thirty-six applicants, representing 47 counties have paired with planning commissions, transit providers, and local employers to address the gap between existing services and needs.

The Committee is also aware of the successful efforts of the Opportunities program in Illinois which includes public transportation services as part of a comprehensive program to provide welfare recipients with the necessary access to education, training, and placement to become productivity employed. This range of services, offered through community colleges, has assisted over 28,600 people become productively employed.

Sec. 331. Adjustments for the Surface Transportation Extension Act

Subsection (a) directs the Secretary to reduce 1998 apportionments and allocations to account for the six months of funding already apportioned and allocated pursuant to the Surface Transportation Extension Act.

Subsection (b) directs the Secretary to adjust the amounts apportioned to urbanized areas for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a).

Sec. 332. Projects for new fixed guideway systems and extensions to existing systems

Subsection (a) lists the projects that are authorized for final design and construction for fiscal years 1998 through 2003.

Subsection (b) lists the projects that are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003. It is the Committee's intent to reevaluate the status of each of these projects on or before September 30, 2000. At that time, that Committee will consider whether these or any other projects should be authorized for alternatives analysis and preliminary engineering or final design and construction through fiscal year 2003.

Subsection (c) clarifies that projects authorized for final design and construction are also authorized for alternatives analysis and preliminary engineering and clarifies that effect of certain authorizations.

Subsection (d) defines the New Jersey Urban Core project.

The Committee specifically defines the project elements of the following new starts:

New York Susquehanna & Western Rail Line.—The New York Susquehanna & Western Rail Line consists of the restoration to such Line and improvements to the New Jersey Transit Main Line station in Paterson, New Jersey.

Northstar Corridor.—The Northstar Corridor consists of the corridor from St. Cloud, Minnesota, through Sherburne County and Anoka County, to Downtown Minneapolis, Minnesota.

Twin Cities Transitway.—The Twin Cities Transitway consists of the Hiawatha Corridor from Downtown Minneapolis to the Minneapolis-St. Paul International Airport and the Mall of America; the Riverview Corridor from St. Paul Eastside to the Minneapolis-St. Paul International Airport and the Mall of America; and the Northstar Corridor from Downtown Minneapolis to St. Cloud, Minnesota.

Sec. 333. Projects for bus and bus-related facilities

This section makes available a portion of the discretionary bus funds under section 5309(m)(1)(C) for certain bus and bus-facilities projects.

The Committee specifically defines the following bus and bus-related facilities:

Michigan Statewide Bus Facilities and Buses.—It is the Committee's intent that any system specific high priority projects in this section for the state of Michigan are in addition to the funding for Michigan statewide buses and bus facilities provided for in this section.

New Jersey Transit Jitney Shuttle Buses.—The shuttle buses program is designed to serve communities along the following commuter rail lines: Main/Bergen, Morris/Essex and Boonton Lines. This program shall first serve the following communities: South Orange, West Orange, Maplewood, and Montclair, New Jersey. Any remaining funds shall then be available to other communities along the aforementioned rail lines.

Suffolk County, New York Elderly and Disabled Buses.—These elderly and disabled buses are intended to serve a nonprofit disabled veterans organization in Suffolk County, New York.

West Virginia Statewide Intermodal Facility and Buses.—This statewide facility and bus grant includes funding for an intermodal facility in Martinsburg, West Virginia, and replacement buses for the Kanawha Valley Regional Transportation Authority, Charleston, West Virginia, and the Potomac Valley Transit Authority, Petersburg, West Virginia.

Sec. 334. Project management oversight

Subsection (a) requires the Comptroller General to conduct a study of the Secretary's implementation of project management oversight under section 5327 of title 49.

Subsection (b) lists the contents of the study.

Subsection (c) requires that the Comptroller General submit to Congress a report on the results of the study not later than 12 months after the date of enactment of this Act.

Sec. 335. Privatization

Subsection (a) directs the Secretary to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation services on cost, availability and level of services, efficiency, safety, quality of service provided to transit-dependent populations, and employer-employee relations.

Subsection (b) provides the terms of the agreement entered into in subsection (a).

Subsection (c) requires the Secretary to submit to Congress a report on the results of the study not later than 12 months of the date of the agreement.

Sec. 336. School transportation safety

Subsection (a) directs the Secretary to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues related to transporting school children to and from school and school-related activities by various transportation modes.

Subsection (b) provides the terms of the agreement entered into in subsection (a).

Subsection (c) requires the Secretary to submit to Congress a report on the results of the study not later than 12 months of the date of the agreement.

Sec. 337. Urbanized area formula study

Subsection (a) directs the Secretary to conduct a study on whether the current formula for apportioning funds to urbanized areas reflects the transit needs of the urbanized areas.

Subsection (b) requires the Secretary to submit to Congress a report on the results of the study not later than December 31, 1999.

Sec. 338. Coordinated transportation services

This section directs the Comptroller General to conduct a study of Federal departments and agencies other than the Department of

Transportation that receive federal financial assistance for non-emergency transportation services and to make recommendations for enhanced coordination between the Department of Transportation and the other departments and agencies.

Sec. 339. Final assembly of buses

Subsection (a) directs the Comptroller General to review the Federal Transit Administration's monitoring of pre-award and post-delivery audits for compliance with the requirements of final assembly of buses under section 5323(j).

Subsection (b) requires the Comptroller General to report its findings to Congress no later than six months from the date of enactment of this Act.

TITLE IV.—MOTOR CARRIER SAFETY

Sec. 401. Amendments to title 49, United States Code

This section provides that, except as otherwise specifically provided, an amendment or repeal of a section or provision of law in this title shall be a reference to a section or other provision of title 49, United States Code.

Sec. 402. State grants

Subsection (a) amends section 31101 to revise the definition of "commercial motor vehicle" to include vehicles with a gross vehicle weight of at least 10,000 pounds (in addition to the gross vehicle weight rating). The subsection also provides for national objectives for the motor carrier safety grant program, including promoting safety, developing and enforcing effective and cost-beneficial safety regulations, assessing and measuring performance, ensuring adequate training of drivers and enforcement personnel, and advancing new technologies and safety operational practices

Subsection (b) amends section 31102 to include reference to the "improvement" of motor carrier safety and includes references to hazardous materials transportation safety as a part of the state grant programs.

Subsection (c) amends section 31102(b)(1) to make technical changes in the state plans required as a condition of receiving federal motor carrier safety grants. Requirements that the state plan implement performance-based activities by fiscal year 2003, that States establish programs to ensure proper and timely correction of safety violations, and that States ensure roadside inspections are done at a safe distance from the roadway are added.

Subsection (d) amends section 31103 to include a reference to improving commercial vehicle safety, in addition to enforcing regulations, as activities eligible for reimbursement.

Subsection (e) amends section 31104(a) to provide annual authorizations for federal motor carrier safety grants. In fiscal year 1998, $78 million is provided; in fiscal year 1999, $110 million is provided; and in each of fiscal years 2000 through 2003, $130 million is provided.

Subsection (f) amends section 31104(b) to delete an outdated provision.

Subsection (g) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Subsection (h) makes a conforming amendment to the table of sections for chapter 311.

Sec. 403. Information systems

Subsection (a) replaces the current section 31106 to provide greater authority and flexibility to the Secretary in establishing and operating motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities. The Secretary shall work in coordination with the States in developing and maintaining systems which identify and collect data; evaluate the safety fitness of carriers, vehicles, and drivers; develop strategies to mitigate safety problems and measure effectiveness; determine cost-effectiveness of Federal and State safety programs; and adapt, improve and incorporate other information and systems as determined appropriate. The Secretary may prescribe technical and operational standards. The Secretary is directed to include as part of the information systems authorized, a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The Secretary is authorized to establish a program to improve commercial motor vehicle driving safety to enhance the exchange of driver licensing information, provide information to the judicial system on drivers, and develop strategies and countermeasures to improve driver safety. This section includes provisions relating to cooperative agreements, grants and contracts and sets forth the availability of information collected in the systems to States, local officials, and the public.

The current section 31107, an outdated provision, is deleted and replaced with authorizations for the information systems under section 31106. In fiscal year 1998, $7 million is provided; in fiscal year 1999, $15 million is provided; and in each of fiscal years 2000 through 2003, $20 million is provided. Other technical and conforming amendments to title 49 are made.

The Committee commends the Federal Highway Administration for beginning to move to a performance-based approach to motor carrier safety as a means of focusing resources on carriers which present the greatest safety risk. Complete and current information is essential for a performance-based approach to be successful and a November, 1997 General Accounting Office report indicated that some States lack adequate data. The new SafeStat system is designed to better identify program carriers by using on-the-road, performance data. GAO notes that the Office of Motor Carriers of the Federal Highway Administration has taken steps to improve states' data reporting by introducing the Inspection Selection System and other actions. It is intended that the programs and funds

authorized by this section will continue to improve data collection by the States and the Office of Motor Carriers.

Sec. 404. Automobile transporter defined

This section amends section 31111(a) to define "automobile transporter" as any vehicle combination designed and used specifically for the transport of assembled highway vehicles. The purpose of this section is to provide that the transportation of nonmotorized recreational vehicles is regulated in the same manner that the transportation of motorized recreational vehicles is currently regulated.

Sec. 405. Inspections and reports

Subsection (a) amends section 31133(a)(1) to allow the Secretary to make contracts for inspections and investigations.

Subsection (b) amends section 504 to allow a contractor, designated by the Secretary, to make inspections of equipment of a carrier and make inspections of records of carriers.

Sec. 406. Exemptions and pilot programs

Subsection (a) replaces the current waiver authority in section 31315 with a new provision relating to authority and standards for exemptions (to replace waiver authority provided in section 31136(e) and 31315) and pilot programs.

New subsection 31315(a) provides that the Secretary may grant to a person or class of persons a temporary exemption from regulations issued under chapter 313 or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. Exemptions shall be for a 2-year period and may be renewed. An exemption may be revoked if the terms and conditions are not met or if the exemption is not consistent with safety goals. The Secretary shall specify by regulation the procedures for requesting exemptions, but certain minimum requirements are set forth. Requests for exemptions shall be published in the Federal Register and the public shall be given an opportunity to comment. Any exemptions granted shall be published in the Federal Register, along with terms and conditions of the exemption and effective period. Any exemptions denied shall be published in the Federal Register, with the reasons for denial. The Secretary shall act on each exemption request within 180 days or shall publish in the Federal Register why the decision will be delayed and an estimate of when the decision will be made. Terms and conditions of an exemption may be specified and appropriate state compliance and enforcement personnel shall be notified of an exemption provided.

New subsection 31315(b) provides authority to the Secretary to conduct pilot programs to evaluate innovate approaches to motor carrier, vehicle, and driver safety. Pilots may include exemptions from regulations. Proposed pilot programs shall be published in the Federal Register and the public shall be given an opportunity to comment. Certain minimum program elements for pilot programs are specified. The Secretary may revoke participation in or terminate a pilot program. A report shall be issued to Congress at the conclusion of each pilot program.

New subsection 31315(c) provides that, during the time period an exemption or pilot program is in effect, no State shall enforce a law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.

Subsections (b) and (c) make conforming amendments.

Section 344 of the National Highway System Designation Act of 1995 requires the Secretary of Transportation to implement a "Motor Carrier Regulatory Relief and Safety Demonstration Project," the purpose of which is to determine whether certain motor carriers with exemplary safety records can operate safely with alternative safety management plans and be subject to fewer regulations. The pilot still has not been implemented, but the Committee notes that much progress has been made in resolving outstanding issues and urges continued progress to ensure that there is sufficient carrier participation for a valid pilot project.

Sec. 407. Safety regulation

Subsection (a) amends section 31132(1)(A) to include in the definition of commercial motor vehicle those vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to those vehicles which have such a rating). Section 31132(1)(B) is amended to refer to vehicles designed to carry 8 passengers, including the driver.

Subsection (b) deletes section 31134 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel which has completed it responsibilities.

Subsection (c) amends section 31141 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel and its review of State laws and regulations.

Subsection (d) amends section 31141 to delete references to the Commercial Motor Vehicle Safety Regulatory Review Panel and makes conforming and technical changes to the review of State laws and regulations by the Secretary.

Subsections (e) and (f) make technical amendments to section 31142.

The Committee commends the Secretary for recent efforts to eliminate overlapping regulations from different agencies within the Department. One example of such overlap occurs between the National Highway Traffic Safety Administration's manufacturing standards for truck brake tubing, hoses and fittings and the Federal Highway Administration's regulation on brake tubing and hose adequacy. The Committee encourages the Secretary to ensure that efforts to remove this overlap by deleting FHWA regulations do not create a gap in coverage or new safety risks while NHTSA conforms its regulations.

Sec. 408. Improved interstate school safety

Subsection (a) amends section 31136 to provide that federal safety regulations apply to interstate school bus operations by local educational agencies.

Subsection (b) directs the Secretary to submit a report within two years describing the status of compliance and activities of the Secretary or States to enforce the requirements.

Sec. 409. Repeal of certain obsolete miscellaneous authorities

This section repeals subchapter IV (sections 31161 and 31162) which are unnecessary and burdensome provisions.

Sec. 410. Commercial vehicle operators

Subsection (a) amends the definition of commercial motor vehicle in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Subsection (b) amends section 31302 to clarify that an individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license (CDL) and that an operator may have only one driver's license at any time.

Subsection (c) amends section 31308(2) to require that CDLs must include unique identifiers to minimize fraud and duplication.

Subsection (d) amends section 31309 to clarify that the commercial drivers license information system is maintained by the Secretary and shall be maintained in coordination with activities carried out under section 31106. Certain other clarifying and technical amendments are made.

Subsection (e) repeals obsolete state grant programs regarding testing and licensing of commercial vehicle drivers.

Subsection (f) makes technical and conforming amendments to section 31314.

Sec. 411. Interim Border Safety Improvement Program

This section establishes an interim border safety improvement program to improve commercial motor vehicle safety in the vicinity of the borders between the U.S. and Canada and the U.S. and Mexico. The Secretary may expend funds and provide grants to States, local governments, organizations and others for the employment and training of personnel to enforce safety regulations at the border, for the development of data bases and communication systems, and for education and outreach initiatives. The Federal share shall be 80 percent, but, in the case of grants for the employment of additional enforcement personnel, the Federal share shall be 80 percent for the first two years that a State receives a grant, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years. Subsection (g) provides annual authorizations for the program.

Of the funds made available for the coordinated border infrastructure and safety program under section 116 of the bill, $20 million in fiscal year 1998 and $15 million in each of fiscal years 1999 through 2003 shall be available for this program.

Sec. 412. Vehicle weight enforcement

This section directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than two years after enactment.

Sec. 413. Participation in international registration plan and international fuel tax agreement

This section repeals obsolete sections of chapter 317 (sections 31702, 31703, and 31708) relating to a working group and grants to encourage participation in the International Registration Plan and the International Fuel Tax Agreement.

Sec. 414 Telephone hotline for reporting safety violations

Subsection (a) directs the Secretary to establish, for a period of at least two years, a nationwide, toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and other laws and regulations relating to safety.

Subsection (b) provides that information received shall be used in setting priorities for safety audits and other enforcement activities.

Subsection (c) provides that a person reporting a potential violation shall be provided the protections of section 31105.

Subsection (d) provides that up to $300,000 from administrative expenses may be used per fiscal year to carry out this section.

It is emphasized that the telephone hotline authorized in this section is for urgent, emergency situations only and is not intended to be used for routine complaints.

Sec. 415. Insulin treated diabetes mellitus

Subsection (a) directs the Secretary to determine within 18 months whether a safe, practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on such drivers. The Committee notes that this standard is intended to ensure that insulin treated diabetes mellitus individuals be held to a level of safety comparable to that required of other qualified commercial drivers and not to any other higher standard.

Subsection (b) directs the Secretary to compile and evaluate research and other information, to consult with States who have developed and are implementing a screening process, to evaluate the Department's policy and actions to permit individuals with insulin treated diabetes mellitus to operate in other modes of transportation, and to consult with certain groups.

Subsection (c) directs that, if it is determined that a protocol cannot be developed, the Secretary must report to Congress the basis for such determination.

Subsection (d) directs that, if it is determining that a protocol can be developed, the Secretary shall report to Congress on the elements to be included in such a protocol and promptly initiate a rulemaking implementing the protocol.

Sec. 416. Performance-based CDL testing

Subsection (a) directs the Secretary to review the procedures established by State for testing operators of commercial motor vehicles to determine if the system accurately reflects an individual's knowledge and skills as a commercial motor vehicle operator and

to identify methods to improve testing and licensing standards, including the benefits and costs of a graduated licensing system.

Subsection (b) provides that, not later than one year following such review, the Secretary shall issue regulations under section 31305 of title 49 relating to CDLs which reflect the results of the review.

Sec. 417. Postaccident alcohol testing

Subsection (a) directs the Secretary to study the feasibility of utilizing qualified emergency responders and law enforcement officers for conducting postaccident alcohol testing of commercial motor vehicle operators as required under section 31306 of title 49. The study shall also examine whether such emergency responders as fire fighters and paramedics have appropriate training to conduct postaccident alcohol tests and whether conducting these tests would conflict the their other duties.

Subsection (b) directs the Secretary to issue a report to Congress within 18 months on the study conducted and recommendations.

Sec. 418. Driver fatigue

Subsection (a)(1) directs the Secretary, as part of ongoing activities relating to fatigue of commercial motor vehicle operators, to encourage the development of technologies that may aid in reducing fatigue. Subsection (a)(2) sets forth factors to be considered, including the degree to which the technology will be cost efficient, can be used in various climates, and will reduce emissions, conserve energy, and further other transportation goals. Subsection (a)(3) provides that funds made available under subparagraphs (F) through (I) of section 127(a)(3) of the bill may be used to carry out this section.

Subsection (b) directs the Secretary to review potential safety benefits of the use of nonsedating antihistamines by operators of commercial vehicles and to consider encouraging the use of such antihistamines.

Sec. 419. Safety fitness

Subsection (a) amends section 31144 to revise procedures and provisions relating to safety fitness determinations of owners and operators. The Secretary is directed to determine whether owners and operators are fit to safely operate commercial motor vehicles, periodically update determinations, make the determination available to the public, and prescribe by regulation penalties for violations. The Secretary is to maintain by regulation a process to determine fitness.

An owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

In the case of those transporting passengers or hazardous materials, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

With the exception of those transporting passengers or hazardous materials, the Secretary may allow an owner or operator to continue to operate beyond the 61st day if the owner or operator is making a good faith effort to become fit.

The Secretary must review the determination that an owner or operator is unfit not later than 45 days after the unfit owner or operator requests a review, and within 30 days in the case of owners or operators transporting passengers or hazardous materials.

A department, agency, or instrumentality of the U.S. Government may not use to provide any transportation service an owner or operator determined unfit by the Secretary, until the Secretary determines such owner or operator is fit.

Subsection (b) makes a conforming amendment to section 5113 of title 49.

The Committee realizes that accidents can be affected by the type of motor carrier operation and the environment in which the carrier operates. The Secretary should give consideration to such factors in carrying out this section.

Sec. 420. Hazardous materials transportation regulation and farm service vehicles

Subsection (a) amends section 5117(d)(2) of title 49 regarding the transportation of hazardous materials to add a new subparagraph (C) which provides that States are not prohibited from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material. A State must certify that the exception is in the public interest, the need for the exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.

Subsection (b) defines the term "agricultural production material."

Sec. 421. Truck trailer conspicuity

Subsection (a) directs the Secretary to within one year issue a final rule regarding the conspicuity of truck trailers manufactured before December 1, 1993.

Subsection (b) set forth certain factors to be considered in conducting the rulemaking.

The Department is currently considering the question of truck trailer conspicuity and this provision is not intended to interfere with those efforts. These requirements may be incorporated into any rulemaking currently ongoing.

Sec. 422. DOT implementation plan

Subsection (a) directs the Secretary, within 18 months, to develop and submit to Congress a plan for implementing authority to investigate and assess civil or criminal penalties to enforce motor carrier regulations when violated by shippers, freight forwarders, brokers, and consignees.

Subsection (b) outlines minimum elements that must be considered in developing the plan.

TITLE V.—PROGRAMMATIC REFORMS AND STREAMLINING

Sec. 501. Project approval and oversight

Subsection (a) consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the National Highway System (NHS) (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, then a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Subsection (b) repeals sections of title 23 made obsolete by the amendments in subsection (a).

Sec. 502. Environmental streamlining

Subsection (a) requires the establishment of a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency must be conducted concurrently and within cooperatively established time periods.

Subsection (b) describes the elements to be included in the review process. The process provides that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency must be conducted concurrently and within cooperatively established time periods. The time periods to be established are to be consistent with those established by the Council on Environmental Quality in implementing the National Environmental Policy Act (NEPA). Such time periods shall be extended by the Secretary if, upon good cause shown, the Secretary and the Federal agency determine that such extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established.

Subsection (c) describes the dispute resolution process for resolving issues related to a highway construction project. If the review or analysis by a Federal agency is not completed within the time period for review then the Secretary may assume concurrence. If an environmental issue cannot be resolved after timely compliance, then the Secretary and the head of the Federal agency shall resolve the issue.

Subsection (d) directs that the purpose and need for the highway project as defined by the project applicant and the Secretary shall be given due consideration in the preparation of any environmental impact statement pursuant to the National Environmental Policy Act of 1969 or any other environmental review, analysis, opinion,

or issuance of any permit, license or approval that requires an analysis of purpose and need.

Subsection (e) allows States, at their option and by operation of State law, to require State agencies to participate in the coordinated review process, provided that all relevant State agencies are required to participate in the process.

Subsection (f) allows the additional costs associated with Federal agencies complying with this process to be considered eligible project expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

Subsection (g) defines Federal agency as any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

Subsection (h) clarifies that nothing in this section affects judicial reviewability and contains a savings clause.

Subsection (i) directs the Secretary, in consultation with the Council on Environmental Quality, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing the National Environmental Policy Act for highway projects. The pilot program will require each State to provide a certification and submit to regular oversight. The pilot lasts for three years.

Sec. 503. Major investment study integration

This section requires the Secretary to issue new regulations to integrate the Major Investment Study process, which is a requirement in the planning regulations, into the environmental review process for transportation projects. The two processes are currently not integrated although many of their requirements and purposes overlap and are similar.

Sec. 504. Financial plan

This section requires the preparation of a financial plan for any highway or transit project costing over $1 billion and that is proposed to be funded with Federal funds.

Sec. 505. Uniform transferability of Federal-aid highway funds

Subsection (a) creates a new uniform transferability of Federal-aid highway funds in section 110 in title 23. The provision applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds. The section also sets rules for the transferability of certain funds set-aside within the Surface Transportation Program. For funds set-aside for the hazard mitigation and rail-highway grade crossing programs, a State may not transfer a mandatory minimum level. For funds set-aside for transportation enhancements, up to 50 percent of the funds above the level received by a State

in Fiscal Year 1996 are available to be transferred. For funds apportioned for the Congestion Mitigation and Air Quality program, States may transfer up to 50 percent of the increase over its Fiscal Year 1997 apportionment.

Subsection (b) makes a conforming amendment to the table of sections for Title 23.

Sec. 506. Discretionary grant selection criteria and process

This section requires that the Secretary establish and publish the guidelines used for the awarding of discretionary grants and that the Secretary give preference to donor states when considering equal applications for grants. It also requires that the Secretary notify Congress 14 days before awarding a discretionary grant how the project conforms to the published guidelines.

Sec. 507. Elimination of regional office responsibilities

This section requires that the Secretary eliminate programmatic responsibility of regional offices of the Federal Highway Administration as part of the Administration's efforts to restructure its field offices, including elimination of regional offices, creation of technical resources centers and delegation to State offices. The Secretary shall begin implementation of a plan submitted to Congress not later than December 31, 1998.

Sec. 508. Authority for Congress make midcourse corrections at the highway and transit programs

This section directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding distribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

TITLE VI.—TRANSPORTATION RESEARCH

Sec. 601. Amendments to title 23, United States Code

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section of title 23, United States Code.

Sec. 602. Applicability of title 23

This section appropriates contract authority from the Highway Trust Fund for programs in this Title.

Sec. 603. Transfers of funds

This section allows the Secretary to transfer up to 10 percent of the funds made available for the research programs from one research category to any other research category.

SUBTITLE A.—SURFACE TRANSPORTATION RESEARCH, TECHNOLOGY, AND EDUCATION

PART I.—HIGHWAY RESEARCH AND TECHNOLOGY

Sec. 611. Research

Subsection (a) makes technical changes to section 307 of title 23. It moves the Research Fellowships program, to section 326. It also deletes the requirement that research be funded from administrative expenses. It will not be funded directly.

Subsection (B) requires the Secretary to continue research on the long term performance of pavements. This research began with the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Subsection (c) replaces the outdated section 307(3)(B) with a requirement that the Secretary conduct advanced long term highway research. The new section allows the Secretary to make grants to carry out such research and sets out the purposes and scope of the program.

Subsection (d) repeals an outdated reporting requirement.

Subsection (e) repeals outdated provisions and makes conforming changes to section 307.

Subsection (f) makes changes to the existing seismic research program to include all surface transportation modes.

Subsection (g) makes changes to the requirement for a biennial report on the condition of the Nation's highways and bridges to include an estimate of the back-log of needs.

Subsection (h) authorizes a recycled materials research program.

Subsection (i) changes the title of Section 307 to Research.

The Committee also encourages the Secretary to develop a program to study the use of remote sensing and spatial information systems to help reduce the cost and time associated with national transportation infrastructure development and construction and should consult with other federal agencies and universities experienced in these areas.

The Committee believes that a unique opportunity to conduct research exists during the Interstate 15 reconstruction project and other transportation projects in Salt Lake Valley in Utah. The research performed during the reconstruction of Interstate 15 and other projects will provide the country with a detailed analysis of the load capacities of deteriorated bridge structures, seismic retrofitting, new non-destructive evaluation techniques and many other valuable areas of research. The Committee directs the FHWA to work with the Utah Transportation Center in a timely manner to ensure the execution of such research.

Sec. 612. State planning and research

This section creates a new section 313 of title 23 containing the provisions previously contained in section 307(c).

Sec. 613. International Highway Transportation Outreach Program

Subsection (a) expands and broadens the purposes of this program, including the gathering and dissemination of information on foreign transportation markets and industries.

Subsection (b) allows the Secretary to accept funds from cooperating organizations to carry out this program.

Subsection (c) allows the States to use their State planning and research funds to participate in the International program.

PART II.—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

Sec. 621. National Highway Institute

This section repeals section 321(f) that allowed the National Highway Institute to be funded from administrative expenses. The Institute will now be funded directly.

Sec. 622. National Technology Deployment Initiative

Subsection (a) establishes a new national technology deployment initiative as section 322. The initiative's purpose is to increase the use of research results by the transportation community. The initiative is to be conducted in cooperation with interested parties and coordinated with other technology transfer activities.

Subsection (b) conforms the table of sections for Chapter 3 of title 23.

Sec. 623. Education and training programs

Subsection (a) makes a technical amendment to the title of section 326(a).

Subsection (b) deletes section 326(c) that allowed the Local Technical Assistance Program to be funded from administrative expenses. The Program will now be funded directly. The research fellowship programs that were in section 307 are reestablished in section 326(b).

Subsection (b) conforms the table of sections for Chapter 3 of title 23.

The Committee believes that targeting the majority of the Eisenhower fellowships toward students pursuing graduate work in transportation engineering and research is one of the best uses of the limited funds available.

Sec. 624. University transportation research

Subsection (a) establishes the University Transportation Research program in Chapter 55 of Title 49 consolidating the existing University Transportation Centers and University Research Institutes. The program consists of ten centers representing each Federal region and an additional ten centers selected at large. The selection criteria, objectives of the program, and other requirements are established. Any university receiving a grant under this program for FY 1997 will receive grants in FY 1998 and FY 1999. The subsection lists universities and consortia the Secretary shall consider along with other applicants, when selecting grant recipients.

Subsection (b) conforms the table of sections for chapter 55 of Title 49.

Subsection (c) establishes and funds the Appalachian Transportation Institute.

Subsection (d) continues and funds the ITS Institute.

Sec. 625. Funding allocations

The section allocates the funds made available to carryout this Part.

PART III.—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

Sec. 631. Bureau of Transportation Statistics

Subsection (a) makes certain changes to the purposes and authorities of the Bureau of Transportation Statistics and provides funding for the Bureau. It requires the establishment of a national transportation library, an atlas data base, and an intermodal transportation data base. The Bureau is authorized to make research and development grants. Provisions are included ensuring certain proprietary or private information that is gathered by the Bureau in the course of its work is not disclosed. The Bureau is given certain responsibilities under the Government Performance and Results Act of 1993.

Subsection (b) makes conforming amendments to Section 5503 of Title 49.

Sec. 632. Transportation Technology Innovation and Demonstration Program

Subsection (a) establishes a program to develop and demonstrate certain surface transportation technologies.

Subsection (b) defines the contents of the program.

This program includes funding for the Secretary to expand upon a previous study the motor vehicle safety warning system and to begin operational testing. This continues a study authorized by the National Highway System Designation of 1995. The Committee hopes that these tests may provide a cost-effective way for State and local agencies to communicate safety and traffic information to motorists.

This program also includes funding to conduct research into the advance uses of concrete pavement for federal-aid projects. Among the factors the research should consider are methods to identify and disseminate to the concrete pavement industry practices and techniques to extend the lifespan of new or existing concrete pavement, ways to reduce costs, traffic delays and motor inconvenience without compromising performance and enhanced quality control tests to determine whether design and engineering specifications are met.

The Committee encourages the use of recycled materials in transportation projects. The Secretary should continue to work with the States, including the issuance of special procedures if needed, to increase the use of such materials and assist the creation of a viable commercial market.

SUBTITLE B.—INTELLIGENT TRANSPORTATION SYSTEMS

Sec. 651. Definitions

Intelligent Transportation System (ITS), Intelligent Transportation Infrastructure, Secretary, and State are defined.

Sec. 652. Scope of program

Subsection (a) directs the Secretary to conduct a research, development, and deployment program for ITS.

Subsection (b) establishes the goals of the ITS program including enhanced efficiency of the transportation system; enhanced safety; enhancement of the environment; a program that includes all users; improved accessibility; the development of a technology base; improved ability to respond to national emergencies; and the promotion of data sharing.

Sec. 653 General authorities and requirements

Subsection (a) requires the Secretary to conduct the ITS program in a cooperative and consultative manner with public, private and educational organizations.

Subsection (b) requires the establishment of an architecture, standards, and protocols for the development of ITS to ensure that ITS technologies are interoperable.

Subsection (c) requires the Secretary to issue guidelines for the evaluation of ITS projects conducted under section 655.

Subsection (d) establishes a technical clearinghouse of ITS data.

Subsection (e) allows the Secretary to utilize advisory committees when carrying out the ITS program.

Subsection (f) requires that ITS projects carried out with funds from the Highway Trust Fund conform to the national ITS architecture and standards.

Subsection (g) requires life-cycle cost analyses of ITS projects costing over $3 million.

Subsection (h) requires that ITS software conform to certain standards.

Sec. 654. National ITS program plan

Subsection (a) requires that the national ITS program plan be maintained and kept up to date. It also sets the contents of the plan.

Subsection (b) requires biennial reports to Congress on the plan.

Sec. 655. Technical assistance, planning, research, and operational tests

Subsection (a) allows the Secretary to provide technical assistance, training and information to State and local government for ITS projects.

Subsection (b) allows the Secretary to use funds to better integrate ITS into State and metropolitan planning.

Subsection (c) allows the Secretary to use funds to conduct research and test ITS.

Subsection (d) allows the Secretary to use funds to conduct research and demonstrations of integrated vehicle and roadway safety, including infrastructure based, systems.

Sec. 656 ITS deployment

Subsection (a) establishes the ITS deployment program and sets its purposes. The primary purpose is to integrate existing ITS components to ensure they work as systems.

Subsection (b) sets the goals for the program.

Subsection (c) establishes specific requirements that a project must meet to be eligible for funding.

Subsection (d) requires that at least 25 percent of funds be used for commercial vehicle ITS projects and that at least 10 percent be used outside of metropolitan areas. It also sets limits on how much can be spent on certain types of projects.

Sec. 657. Funding allocations

Subsection (a) sets the funding allocation for the ITS Deployment program and allows the use of unallocated funds for other ITS activities.

Subsection (b) sets the funding allocation for ITS research and program support.

Subsection (c) establishes a 50 percent Federal share for the Intelligent Transportation Infrastructure Deployment Incentives program and long-range intelligent vehicle activities. Federal funds from other sources may increase the Federal share to 80 percent. Other ITS activities under this subtitle may be funded at an 80 percent Federal share. The Secretary shall also seek maximum participation of other public and private funding sources.

Subsection (d) establishes an advanced traffic monitoring and response center.

Sec. 658. Global positioning satellite data

Provides for, at minimum, a two year period during which records produced by global positioning satellite systems cannot be used in enforcement proceedings except in certain specific circumstances. The section also directs the Secretary to contract for an independent entity to identify, examine and evaluate current and future issues and policies related to government access to such data. The Office of the Inspector General of the Department shall approve the statement of work and awarding of the contract.

Sec. 659. Repeal

Repeals the ITS programs that were established in the Intermodal Surface Transportation Efficiency Act (ISTEA) as they are superseded by the new programs in this subtitle.

TITLE VII.—TRUTH IN BUDGETING

Sec. 701. Budgetary treatment of Highway Trust Funds

This language tracks the language used to take the Social Security Trust Funds off-budget in Section 13301 of the Budget Enforcement Act of 1990. Specifically, the language provides that all receipts and disbursements shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of: (1) the budget of the United States Government as submitted by the President, (2) the congressional budget (including allocations of budget authority and outlays provided therein), or (3) the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman). All trust fund spending and receipts remain subject to a Balanced Budget constitutional amendment.

This language removes the trust fund from: (1) calculations of the on-budget deficit, (2) congressional budget resolutions, includ-

ing spending allocations provided to committees, and (3) spending points of order under the Budget Act. Spending remains subject to the Line Item Veto Act of 1996.

Sec. 702. Applicability

Provides that this Act becomes effective beginning with the 1998 Fiscal Year.

TITLE VIII.—RECREATIONAL BOATING SAFETY PROGRAM

Sec. 801. Short title

This section states that this title may be cited as the Recreational Boating Safety Improvement Act of 1997.

Sec. 802. Amendments related to Recreational Boating Safety Program

Section 802(a) of this title amends section 13106(a) of title 46, United States Code, to allow the Secretary of Transportation to expend each fiscal year the total amount transferred to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) for State recreational boating safety programs. This section also amends section 13106(c) of title 46 to establish two additional boating safety purposes for which funds are made available to the Secretary from amounts transferred to the Boat Safety Account. These additional purposes are: (1) up to two percent is available to the Secretary for compliance with chapter 43 of title 46, relating to safety standards for recreational vessels and associated equipment; and (2) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote recreational boating safety.

Section 802(b) amends section 13103(c) of title 46 to require the Secretary of Transportation to conduct and report to Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1998, and of every fifth year thereafter. To conduct this survey, the Secretary may not use over 50 percent of the amounts allocated for national boating safety activities of national nonprofit public service organizations under this subsection for the fiscal year in which the survey is conducted.

Subsection (c) of section 802 of this title amends section 13106 of title 46 by adding a requirement for the Secretary of Transportation to make available in each fiscal year five percent of the amount appropriated for State boating safety programs that is in excess of $35 million for public access facilities for transient nontrailerable recreational vessels.

Section 802(d) of this title establishes an effective date for this section of October 1, 1997.

TITLE IX.—RAILROADS

Sec. 901. High speed rail

Subsection (a) authorizes $10 million in each of fiscal years 1997 through 2001 for high speed rail corridor planning activities and $25 million in each of fiscal years 1998 through 2001 for high speed

rail research and development under the Swift Rail Development Act of 1994. Subsection (b) defines high speed rail to include maglev systems.

Sec. 902. Light density rail line pilot projects

Authorizes $25 million for each of fiscal years 1998 through 2003 for grants to states to fund pilot projects for making capital improvements to publicly and privately owned rail line structures on light-density rail lines. The purpose of the pilot projects is to demonstrate the relationship of light density railroad service to the statutory responsibilities of the Secretary of Transportation, including those under Title 23.

Sec. 903. Miami-Orlando-Tampa corridor project

Authorizes a general fund grant of $200 million to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express (FOX) project in the Miami-Orlando-Tampa corridor for capital costs of that project.

The state of Florida is planning a high-speed rail system in the Miami-Orlando-Tampa corridor that calls for a 320-mile system that would operate on dedicated tracks with no rail/highway crossings. Operating speeds would be over 185 miles per hour.

The Committee notes that the state of Florida plans to finance this project with a significant allocation of its own funds and project revenues. In addition, the private sector consortium to which the state has granted a franchise to build and operate the system—known as the Florida Overland Express (FOX)—is contributing $349 million in at-risk capital to the project. In implementing the project, the state of Florida and its private sector partners are planning to invest in excess of $6 billion. The federal grant authorized in this section represents less than 3.5% of project costs. The Committee believes that the project deserves strong support.

Sec. 904. Alaska Railroad

Subsection (a) provides that the Secretary may make grants to the Alaska Railroad for capital rehabilitation and improvement to its passenger service.

Subsection (b) authorizes $5,250,000 to be appropriated for such purposes for each of fiscal years 1998 through 2003.

Sec. 905. Railway highway crossing hazard elimination in high speed rail corridors

Authorizes $5,250,000 for fiscal years 1998 through 2003 to carry out section 104(d)(2) of title 23.

Sec. 906. Railroad rehabilitation and improvement financing

Subsection (a) modifies the existing railroad infrastructure loan program contained in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) to bring the program in line with the Credit Reform Act of 1990. Projects eligible for loan assistance under the program would include acquisition, improvement or rehabilitation of intermodal or rail equipment and facilities, refinancing of debt incurred for the aforementioned purposes, and development or establishment of new intermodal or

railroad facilities. Operating expenses would not be eligible for loan assistance. Subsection (a) also limits the aggregate unpaid principal amounts of obligations under direct loans and loan guarantees to $5 billion at any one time. One billion dollars of this five billion is to be reserved solely for projects primarily benefiting freight railroads other than Class I carriers. In addition, subsection (a) allows the Secretary of Transportation to accept credit risk premiums from non-Federal sources to support loans and loan guarantees made under this section.

Subsection (b) makes technical and conforming changes and includes a savings provision requiring that transaction entered into under Title V of the Regulatory Reform Act of 1976 before the date of enactment of BESTEA shall be administered until completion under its terms prior to the amendments made by BESTEA.

TITLE X.—CONDITIONS FOR IMPLEMENTATION OF FUNDING

Sec. 1001. Conditions for implementation of funding

This section contains language providing that BESTEA funds shall not be made available for apportionment, allocation, or obligation until the appropriate offsets are enacted into law. Specifically, the offsets are to cover the cost of BESTEA above the CBO baseline, after adjustment to remove inflation from the baseline and to correct for the transfer to the trust fund of funding responsibility for several programs currently paid for out of the general fund.

The provision states that the offsets shall be through mandatory and discretionary savings. It does not specify what specific mandatory savings will be enacted nor does it specify levels of discretionary savings. These issues will be resolved in conference with the Senate.

HEARINGS

The Subcommittee on Surface Transportation held six days of hearings during 1997 on the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991.

COMMITTEE CONSIDERATION

On March 24, 1998, the Committee met in open session and ordered reported H.R. 2400, as amended, to authorize funds for Federal-aid highways, highway safety programs, and transit programs and for other purposes, unanimously by recorded vote, a quorum being present.

ROLLCALL VOTES

Clause 2(l)(2)(B) of rule XI requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There was one roll call vote which occurred on a motion by Mr. Petri to order H.R. 2400 reported to the House, with an amendment. The votes were as follows:

AYE: Bachus, Baker, Barcia, Bass, Bateman, Blumenauer, Blunt, Boehlert, Borski, Boswell, Brown, Clement, Clyburn, Cook, Cooksey, Costello, Cummings, Danner, Davis, DeFazio, Duncan, Ehlers, Emerson, Ewing, Filner, Fossella, Fowler, Fox, Franks, Gilchrest, Granger, Holden, Hutchinson, Johnson of Texas, Johnson of Wisconsin, Kelly, Kim, Lahood, Lampson, LaTourette, Lipinski, LoBiondo, McGovern, Mascara, Menendez, Metcalf, Mica, Millender-McDonald, Moran, Nadler, Ney, Norton, Oberstar, Pascrell, Pease, Petri, Pickering, Pitts, Quinn, Rahall, Sandlin, Tauscher, Taylor, Thune, Traficant, Watts, Wise, Young, Shuster.

NAY: None.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, oversight findings and recommendations have been made by the Committee as reflected in this report.

COST OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate will be included in a supplemental report.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office which will be included in a supplemental report.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2400.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office which will be included in a supplemental report.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, committee reports on a bill or joint resolutions of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds the Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES

The Committee will provide an estimate of Federal Mandates pursuant to section 423 of the Unfunded Mandates Reform Act in a supplemental report.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

EXCHANGE OF LETTERS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 25, 1998.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997, as reported from the Committee on Transportation of Infrastructure on March 24, 1998. I believe that the Committee on Resources has a substantial jurisdictional interest in many provisions of this important legislation affecting recreational trails, highways on federal public lands (including national parks, Indian lands and public domain forest lands), a $12.4 million Department of Interior visitors center in West Virginia, the National Scenic Byways Program, various historic preservation/museum projects, projects, to benefit wildlife, highway safety as it applies to Indian country, modifications of procedures under the National Environmental Policy Act, and amendments to recreational boating safety program.

Recognizing that this historic bill is scheduled to be considered by the House of Representatives next week, and noting the strong spirit of cooperation and coordination your staff has shown mine in the development of this bill, I will forego seeking a sequential referral of H.R. 2400 to the Committee on Resources. Waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 2400 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Committee on Transportation and Infrastructure's bill report.

I appreciate your leadership and cooperation on this bill and I look forward to working with you to see that H.R. 2400 is enacted into law soon.

Sincerely,

DON YOUNG, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 25, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 25, 1998, regarding H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1998. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are provisions in the bill that are of jurdictional interest to the Committee on Resources and I agree that by foregoing a sequential referral the Committee on Resources is not waiving its jurisdiction.

I would be pleased to support the representation of your Committee in any conference on H.R. 2400 on matters within the jurisdiction of the Committee on Resources. And, as you have requested, I will include this exchange of letters in the Committee report on the bill. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

With warm personal regards, I am

Sincerely,

BUDG SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, March 25, 1998.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On March 25, 1998, your Committee ordered reported H.R. 2400, the "Building Efficient Surface Transportation and Equity Act of 1998" (BESTEA). Certain provisions of BESTEA fall within the jurisdiction of the Commerce Committee, including provisions related to national air quality standards and the school bus occupant safety study. I appreciate the efforts of your staff to keep my staff apprised of provisions in the bill within the jurisdiction of the Commerce Committee.

Recognizing the need to bring this legislation to the House Floor expeditiously, I will not seek a sequential referral of the bill. However, by agreeing not to seek a sequential referral, this Committee does not waive its jurisdictional interest in matters within the jurisdiction of the Commerce Committee. I would appreciate your support of my effort to seek conferees on all provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I would also appreciate your including this letter as a part of the Transportation and Infrastructure Committee's report on H.R. 2400, and as part of the record during consideration of this bill by the House.

Thank you for your consideration.

Sincerely,

TOM BLILEY, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 25, 1998.

Hon. THOMAS BLILEY,
Chairman, Committee on Commerce, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 25, 1998, regarding H.R. 2400, the Building Efficient Surface Transportation Equity Act of 1998. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are certain provisions in the bill that are of jurisdictional interest to the Committee on Commerce and I agree that by foregoing a sequential referral the Committee on Commerce is not waving its jurisdiction. Be assured that I will support your request to be represented in the conference on those provisions in the jurisdiction of the Commerce Committee.

As you request, I will include this exchange of letters in the Committee report on the bill and in the Record when the bill is on the Floor. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

With warm personal regards, I am

Sincerely,

BUD SHUSTER, *Chairman.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

* * * * * * *

CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.

101. Definitions and declaration of policy.

* * * * * * *

[105. Programs.
[106. Plans, specifications, and estimates.]
106. Project approval and oversight.

* * * * * * *

[110. Project agreements.]
110. Uniform transferability of Federal-aid highway funds.

* * * * * * *

[117. Certification acceptance.]

* * * * * * *

[126. Diversion.]

* * * * * * *

154. High risk road safety improvement program.

* * * * * * *

[160. Reimbursement for segments of the Interstate System constructed without Federal assistance.]
160. High cost Interstate System reconstruction and improvement program.

* * * * * * *

162. National scenic byways program.

§ 101. Definitions and declaration of policy

[(a) As used in this title, unless the context requires otherwise—

[The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

[The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments, locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), resurfacing, restoration, and rehabilitation, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, elimination of roadside obstacles, acquisition of replace-

ment housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas. The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses and also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program.

[The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

[The term "Federal lands highways" means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

[The term "forest road or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources.

[The term "forest development roads and trails" means a forest road or trail under the jurisdiction of the Forest Service.

[The term "forest highway" means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

[The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

[The term "Federal-aid highways" means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

[The term "highway safety improvement project" means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

[The term "Indian reservation roads" means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in

which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

[The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

[The term "park road" means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States.

[The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

[The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

[The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

[The term "public lands development roads and trails" means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

[The term "public lands highways" means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

[The term "public road" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

[The term "rural areas" means all areas of a State not included in urban areas.

[The term "Secretary" means Secretary of Transportation.

[The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

[The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

[The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

[The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

[The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

[The term "National Highway System" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

[The term "Interstate System" means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title.

[The term "operating costs for traffic monitoring, management, and control" includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

[The term "carpool project" means any project to encourage the use of carpools and vanpools, including but not limited to provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

[The term "public authority" means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

[The term "public lands highway" means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

[The term "operational improvement" means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

[The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

[The term "transportation enhancement activities" means, with respect to any project or the area to be served by the project, provision of facilities for pedestrians and bicycles, acquisition of scenic

easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.]

(a) DEFINITIONS.—The following definitions apply:

(1) APPORTIONMENT.—The term "apportionment" includes unexpended apportionments made under prior authorization laws.

(2) CARPOOL PROJECT.—The term "carpool project" means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

(3) CONSTRUCTION.—The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. Such term includes—

(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce);

(B) resurfacing, restoration, and rehabilitation;

(C) acquisition of rights-of-way;

(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

(E) elimination of hazards of railway grade crossings;

(F) elimination of roadside obstacles;

(G) improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

(H) capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

(4) COUNTY.—The term "county" includes corresponding units of government under any other name in States which do not have county organizations and, in those States in which the county government does not have jurisdiction over highways,

any local government unit vested with jurisdiction over local highways.

(5) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

(6) FEDERAL-AID SYSTEM.—The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103.

(7) FEDERAL LANDS HIGHWAYS.—The term "Federal lands highways" means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term "forest development roads and trails" means a forest road or trail under the jurisdiction of the Forest Service.

(9) FOREST HIGHWAY.—The term "forest highway" means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

(10) FOREST ROAD OR TRAIL.—The term "forest road or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

(11) HIGHWAY.—The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term "highway safety improvement project" means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

(13) INDIAN RESERVATION ROADS.—The term "Indian reservation roads" means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

(14) INTERSTATE SYSTEM.—The term "Interstate System" means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(e).

(15) MAINTENANCE.—The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

(16) NATIONAL HIGHWAY SYSTEM.—The term "National Highway System" means the Federal-aid highway system described in section 103(b).

(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term "operating costs for traffic monitoring, management, and control" includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

(18) OPERATIONAL IMPROVEMENT.—The term "operational improvement" means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

(19) PARK ROAD.—The term "park road" means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

(20) PARKWAY.—The term "parkway", as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

(21) PROJECT.—The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

(22) PROJECT AGREEMENT.—The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by section 110(a).

(23) PUBLIC AUTHORITY.—The term "public authority" means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term "public lands development roads and trails" means those roads or trails which the Secretary of the Interior determines

are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

(25) PUBLIC LANDS HIGHWAY.—The term "public lands highway" means any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

(26) PUBLIC ROAD.—The term "public road" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

(27) RURAL AREAS.—The term "rural areas" means all areas of a State not included in urban areas.

(28) SECRETARY.—The term "Secretary" means Secretary of Transportation.

(29) STATE.—The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(30) STATE FUNDS.—The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

(31) STATE HIGHWAY DEPARTMENT.—The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

(32) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term "transportation enhancement activities" means, with respect to any project or the area to be served by the project, any of the following activities if such activity has a direct link to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, including removal of graffiti and litter to the extent that such removal is in excess of fiscal year 1997 maintenance levels for removal of graffiti and litter, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and provision of tourist and welcome centers.

(33) URBAN AREA.—The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as

a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

(34) URBANIZED AREA.—The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

* * * * * * *

§ 102. Program efficiencies

(a) * * *

(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.

[(b)**]** *(c)* ENGINEERING COST REIMBURSEMENT.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.

§ 103. Federal-aid systems

(a) * * *

(b) NATIONAL HIGHWAY SYSTEM.—

(1) * * *

(2) COMPONENTS.—The National Highway System shall consist of the following:

(A) Highways designated as part of the Interstate System under subsection (e) and section 139 of this title.

(B) Other urban and rural principal arterials and highways (including toll facilities) which provide motor vehicle access between such an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. **[**The States, in cooperation with local and regional officials, shall propose to the Secretary arterials and highways for designation to the National Highway System under this paragraph. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134 of this title. The routes on the National Highway System, as shown on the map submitted by the Secretary to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate in 1991, illustrating the National Highway System, shall serve as the basis for the States in proposing arterials and highways for designation

to such system. The Secretary may modify or revise such proposals and submit such modified or revised proposals to Congress for approval in accordance with paragraph (3).]

(C) A strategic highway network which is a network of highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materiels, and equipment in both peace time and war time. Such highways may include highways on and off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States [and be subject to approval by Congress in accordance with paragraph (3)].

(D) Major strategic highway network connectors which are highways that provide motor vehicle access between major military installations and highways which are part of the strategic highway network. Such highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States [and subject to approval by Congress in accordance with paragraph (3)].

[(3) APPROVAL OF DESIGNATIONS.—

[(A) PROPOSED DESIGNATIONS.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a proposed National Highway System with a list and description of highways proposed to be designated to the National Highway System under this subsection and a map showing such proposed designations. In preparing the proposed system, the Secretary shall consult appropriate local officials and shall use the functional reclassification of roads and streets carried out under subsection (c) of section 1006 of the Intermodal Surface Transportation Efficiency Act of 1991.

[(B) APPROVAL OF CONGRESS REQUIRED.—After September 30, 1995, no funds made available for carrying out this title may be apportioned for the National Highway System or the Interstate maintenance program under this title unless a law has been approved designating the National Highway System.

[(C) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent.

[(D) EQUITABLE ALLOCATIONS OF HIGHWAY MILEAGE.—The Secretary shall provide for equitable allocation of highway mileage on the National Highway System among the States.

[(4) INTERIM SYSTEM.—For fiscal years 1992, 1993, 1994, and 1995, highways classified as principal arterials by the States shall be treated as being on the National Highway System for purposes of this title.]

(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent.

[(5)**]** *(4)* DESIGNATION OF NHS.—

(A) BASIC SYSTEM.— The National Highway System as submitted by the Secretary of Transportation on the map entitled "Official Submission, National Highway System, Federal Highway Administration", and dated November 13, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

(B) INTERMODAL CONNECTORS.—The modifications to the National Highway System that consist of highway connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities, as submitted to Congress by the Secretary on the map dated May 24, 1996, are designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

[(6)**]** *(5)* MODIFICATIONS TO NHS.—

(A) IN GENERAL.—**[**Subject to paragraph (7), the**]** *The* Secretary may make modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary *or, in the case of the strategic highway network, that are proposed by the Secretary in consultation with appropriate Federal agencies and the States* if the Secretary determines that each of the modifications—

(i) meets the criteria established for the National Highway System under this title; and

(ii) enhances the national transportation characteristics of the National Highway System.

(B) COOPERATION.—In proposing modifications under this paragraph, a State shall cooperate with local and regional officials. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134.

[(7) TRANSITIONAL RULES FOR INTERMODAL CONNECTORS.—

[(A) REQUIRED SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary and that consist of connectors to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

[(B) COOPERATION.—Paragraph (6)(B) shall apply to modifications proposed by a State under this paragraph.

[(C) ELIGIBILITY.—

[(i) INITIAL APPROVAL BY LAW.—Modifications proposed under subparagraph (A) may take effect only if a law has been enacted approving such modifications.

[(ii) INTERIM ELIGIBILITY.—Notwithstanding clause (i), a project to construct a connector to an intermodal transportation facility described in subparagraph (A) shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that the project is consistent with criteria developed by the Secretary for construction of such connectors.

[(iii) PERIOD OF ELIGIBILITY.—A project which is eligible under clause (ii) for funds apportioned under section 104(b)(1) shall remain eligible for such funds pursuant to clause (ii) only until the date of the enactment of a law described in clause (i).

[(D) MODIFICATIONS AFTER INITIAL APPROVAL.—After the date of the enactment of a law described in subparagraph (C)(i), a modification consisting of a connector to an intermodal transportation facility described in subparagraph (A) may be made in accordance with paragraph (6).]

[(8)] *(6)* CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031–2037) which was not identified on the National Highway System designated by paragraph [(5)] *(4)*.

[(i)] *(7)* ELIGIBLE PROJECTS FOR NHS.—Subject to project approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

[(1)] *(A)* Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

[(2)] *(B)* Operational improvements for segments of such system.

[(3)] *(C)* Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System and construction of a transit project eligible for assistance under chapter 53 of title 49—

[(A)] *(i)* if such highway or transit project is in the same corridor as, and in proximity to, a fully access controlled highway designated to the National Highway System;

[(B)] *(ii)* if the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel; and

[(C)] *(iii)* if the construction or improvements are more cost effective than an improvement to the fully access controlled highway that has benefits comparable to the benefits which will be achieved by the

construction of, or improvements to, the highway not on the National Highway System.

[(4)] *(D)* Highway safety improvements for segments of the National Highway System.

[(5)] *(E)* Transportation planning in accordance with sections 134 and 135.

[(6)] *(F)* Highway research and planning in accordance with section 307.

[(7)] *(G)* Highway-related technology transfer activities.

[(8)] *(H)* Capital and operating costs for traffic monitoring, management, and control facilities and programs.

[(9)] *(I)* Fringe and corridor parking facilities.

[(10)] *(J)* Carpool and vanpool projects.

[(11)] *(K)* Bicycle transportation and pedestrian walkways in accordance with section 217.

[(12)] *(L)* Development and establishment of management systems under section 303.

[(13)] *(M)* In accordance with all applicable Federal law and regulations, participation in wetlands mitigation efforts related to projects funded under this title, which may include participation in wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance and create wetlands; and development of statewide and regional wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes.

* * * * * * *

§ 104. Apportionment

[(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

[(b) On October 1 of each fiscal year except as provided in paragraph (5)(A) of this subsection, the Secretary, after making the de-

duction authorized by subsection (a) of this section and the set asides authorized by subsection (f) of this section and section 307 of this title, shall apportion the remainder of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System for that fiscal year, among the several States in the following manner:

[(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remaining 99 percent apportioned in the same ratio as funds are apportioned under paragraph (3).

[(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment area population of each State bears to the total weighted nonattainment area population of all States. The weighted nonattainment area population shall be calculated by multiplying the population of each area within any State that was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994 by a factor of—

[(A) 1.0 if the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

[(B) 1.1 if the area is classified as a moderate ozone nonattainment area under such subpart;

[(C) 1.2 if the area is classified as a serious ozone nonattainment area under such subpart;

[(D) 1.3 if the area is classified as a severe ozone nonattainment area under such subpart; or

[(E) 1.4 if the area is classified as an extreme ozone nonattainment area under such subpart.

If the area was also classified under subpart 3 of part D of title I of such Act as a nonattainment area for carbon monoxide during any part of fiscal year 1994, for purposes of calculating the weighted nonattainment area population, the weighted nonattainment area population of the area, as determined under the preceding provisions of this paragraph, shall be further multiplied by a factor of 1.2. Notwithstanding any provision of this paragraph, in the case of States with a total 1990 census population of 15,000,000 or greater, the amount apportioned under this paragraph in a fiscal year to all of such States in the aggregate, shall be distributed among such States based on their relative populations; except that none of such States shall be distributed more than 42 percent of the aggregate amount so apportioned to all of such States. Notwithstanding any other provision of this paragraph, each State shall receive a minimum apportionment of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.

[(3) SURFACE TRANSPORTATION PROGRAM.—

[(A) GENERAL RULE.—For the surface transportation program in a manner so that a State's current percentage share of apportionments is equal to the State's 1987–1991 percentage share of apportionments. For purposes of this paragraph—

[(i) a State's current percentage share of apportionments is the State's percentage share of all funds apportioned for a fiscal year under paragraph (1) for the National Highway System, under section 144 for the bridge program, under paragraph (5)(B) for Interstate maintenance, and under this paragraph; and

[(ii) a State's 1987–1991 percentage share of apportionments is the State's percentage share of all apportionments and allocations under this title for fiscal years 1987, 1988, 1989, 1990, and 1991 (except apportionments and allocations for Interstate construction under sections 104(b)(5)(A) and 118, Interstate highway substitute under section 103(e)(4), Federal lands highways under section 202, and emergency relief under section 125, all allocations under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and the portion of allocations under section 157 (relating to minimum allocation) that would be attributable to apportionments made under Interstate construction and Interstate highway substitute programs under sections 104(b)(5)(A) and 103(e)(4), respectively, for such fiscal years if the minimum allocation percentage for such fiscal years had been 90 percent instead of 85 percent).

[(B) CALCULATION RULES.—In calculating a State's percentage share under this paragraph for the purpose of making apportionments for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, each State shall be treated as having received ½ of 1 percent of all funds apportioned for the Interstate construction program under section 104(b)(5)(A) in fiscal years 1987, 1988, 1989, 1990, and 1991. Notwithstanding any other provision of this paragraph, in any fiscal year no State shall receive a percentage of total apportionments and allocations that is less than 70 percent of its percentage of total apportionments and allocations for fiscal years 1987, 1988, 1989, 1990, and 1991, except for those States that receive an apportionment for Interstate construction under paragraph (5)(A) of more than $50,000,000 for fiscal year 1992.

[(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108(b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six

months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

[(5)(A) Except as provided in subparagraph (B)—For the Interstate System for the fiscal years 1960 through 1996:

For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal year 1967 through 1990, in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1996, inclusive, shall be made on October 1 of the year preceding the fiscal year for which authorized.

As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval by the Congress, the Secretary shall use the

Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall

make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991 and 1992. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967. Notwithstanding any other provisions of this subparagraph, the Secretary in making the revised estimate of the cost of completing the then designated Interstate System for the purpose of transmitting it to the Senate and House of Representatives within ten days subsequent to January 2, 1983, or thereafter, shall include only those costs eligible for funds authorized by subsection (b) of section 108 of the Federal-Aid Highway

Act of 1956, as amended, including the amendments made by section 4 of the Federal-Aid Highway Act of 1981. As soon as practicable after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 for fiscal year 1992, and on October 1 of each of fiscal years 1993, 1994, and 1995, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds, and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, subject to the deductions under this section, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, and 1996 shall be as follows: $450,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $800,000,000 for fiscal year 1995, and $500,000,000 for fiscal year 1996. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.

[(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

[55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title and routes on the Interstate System designated under section 139(a) of this title before March 9, 1984, (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title and routes on the Interstate System designated under section 139(a) of this title before March 9, 1984, (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

[(6) For the Federal-aid urban system:

[In the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than one-half of 1 per centum of each year's apportionment.**]**

(a) ADMINISTRATIVE TAKEDOWN.—Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitiga-

tion and air quality improvement program, the high risk road safety program, the high cost Interstate System reconstruction and improvement program, the national corridor planning and development program, the border infrastructure and safety program, and the Federal lands highways program, the Secretary shall deduct a sum, in such amount not to exceed 1 percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid highway program. In making such determination, the Secretary shall take into account the unobligated balance of any sums deducted for such purposes in prior years. The sums so deducted shall remain available until expended. The Secretary may not transfer any of such sums to a Federal entity other than the Federal Highway Administration.

(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the surface transportation program, the congestion mitigation and air quality improvement program, and the high risk road safety program for that fiscal year, among the several States in the following manner:

(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

(A) In the case of a State with an average population density of 20 persons or fewer per square mile, and in the case of a State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

(i) a percentage share of the remaining apportionments equal to the percentage specified for the State in section 104(h)(1) of the Building Efficient Surface Transportation and Equity Act of 1998; or

(ii) a share determined under subparagraph (B).

(B) Subject to subparagraph (A), in the case of any State for which the apportionment is not determined under subparagraph (A)(i), a share of the remaining apportionments determined in accordance with the following formula:

(i) 1/9 of the remaining apportionments in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

(ii) 1/9 of the remaining apportionments in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

(iii) 2/9 of the remaining apportionments in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States for which the

apportionment is not determined under subparagraph (A)(i).

(iv) 2/9 of the remaining apportionments in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

(v) 3/9 of the remaining apportionments in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States for which the apportionment is not determined under subparagraph (A)(i).

(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

(A) FORMULA.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment and maintenance area populations of each State bear to the total weighted nonattainment and maintenance area population of all States.

(B) CALCULATION OF WEIGHTED POPULATION.—Such weighted population shall be calculated by multiplying the population of each area within any State that was a nonattainment or maintenance area as described in subsection 149(b) for ozone, carbon monoxide, or particulate matter by a factor of—

(i) 1.0 if, at the time of the apportionment, the area has been redesignated as an attainment (maintenance) area under section 107(d) of the Clean Air Act;

(ii) 1.1 if, at the time of apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

(iii) 1.2 if, at the time of apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

(iv) 1.3 if, at the time of apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

(v) 1.4 if, at the time of apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

(vi) 1.5 if, at the time of apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

(vii) 1.2. if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in subsection 149(b) of this title for ozone, but is a nonattainment area for carbon monoxide or particulate matter.

(C) ADDITIONAL FACTORS.—If the area was also classified under subpart 3 or 4 of part D of title I of the Clean Air Act as a nonattainment area described in section 149(b) for

carbon monoxide or particulate matter or both, the weighted nonattainment area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2. For an area that is a nonattainment area for both carbon monoxide and for particulate matter and the area's weighted population was determined under clause (vii) of subparagraph (B), the area's weighted population shall be further multiplied by a factor of 1.2. For such areas, the population to which this factor is applied shall be the larger of the carbon monoxide and the particulate matter nonattainment area populations.

(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use annual estimates prepared by the Secretary of Commerce when determining population figures.

(3) SURFACE TRANSPORTATION PROGRAM.—

(A) IN GENERAL.—For the surface transportation program, 2 percent to the State of Alaska for any purpose described in section 133(b) and the remaining 98 percent apportioned as follows:

(i) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

(ii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States; and

(iii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual contributions by all States.

(B) ADJUSTMENT.—The amount of funds which, but for this subparagraph, would be apportioned to each State for each fiscal year under subparagraph (A) shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned or allocated to such State for such fiscal year for Interstate maintenance, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, high risk road safety program, recreational trails program, Appalachian Development Highway System program, and metropolitan planning will ensure that the aggregate of such apportionments to any State that does not contribute to the Highway Trust Fund does not exceed the aggregate of such apportionments to any State that does contribute to the Highway Trust Fund.

(4) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program—

(A) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

(B) ⅓ in the ratio that each State's total public road mileage bears to the total public road mileage of all States; and

(C) ⅓ in the ratio that the total vehicle miles traveled on public roads in each State bear to the total vehicle miles traveled on public roads in all States.

(5) INTERSTATE MAINTENANCE.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

(A) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States;

(B) ⅓ in the ratio that the total vehicle miles traveled on Interstate routes open to traffic in each State bear to the total vehicle miles traveled on such routes in all States; and

(C) ⅓ in the ratio that the total lane miles on such routes in each State bear to the total lane miles on such routes in all States.

* * * * * * *

(d) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—

(1) OPERATION LIFESAVER.—The Secretary shall expend, from administrative funds deducted under subsection (a), [$300,000] *$500,000* for each fiscal year for carrying out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—(A) Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside [$5,000,000] *$5,250,000* of the funds authorized to be appropriated for the surface transportation program for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with the criteria set forth in this paragraph. *Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.*

* * * * * * *

(e) *CERTIFICATION OF APPORTIONMENTS.*—

(1) *IN GENERAL.*—On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder [(other than under subsection (b)(5) of this section)] to each State for such fiscal year, and also the sums which he has deducted for administration [and research] pursuant to subsection (a) of this section. [On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the

State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.] To permit the States to develop adequate plans for the utilization of apportioned sums the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized, except that in the case of the Interstate System the Secretary shall advise each State ninety days prior to the apportionment of such funds.

(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 of title 23, United States Code, on or before the 21st of a fiscal year, then the Secretary shall transmit, on or before such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner.

(f)(1) On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed 1 percent of the remaining funds authorized to be appropriated for expenditure upon programs authorized under this title, for the purpose of carrying out the requirements of section 134 of this title, except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the [Interstate construction and Interstate substitute programs] *recreational trails program*.

* * * * * * *

(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations responsible for carrying out the provisions of section 134 of this title, except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas. These funds shall be matched in accordance with section [120(j) of this title] *120(b)* unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

* * * * * * *

[(h) NATIONAL RECREATIONAL TRAILS FUNDING.—In addition to funds made available from the National Recreational Trails Trust Fund, the Secretary shall obligate, from administrative funds (contract authority) deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.]

(h) RECREATIONAL TRAILS PROGRAM.—

(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the

recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

(A) 50 percent of that amount shall be apportioned equally among eligible States.

(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.

* * * * * * *

(j) HIGH PRIORITY PROJECTS PROGRAM.—

(1) IN GENERAL.—Of amounts made available by section 102(a)(8) of the Building Efficient Surface Transportation and Equity Act of 1998, $1,025,695,000 for fiscal year 1998, $1,398,675,000 for fiscal year 1999, $1,678,410,000 for fiscal year 2000, $1,678,410,000 for fiscal year 2001, $1,771,655,000 for fiscal year 2002, and $1,771,655,000 for fiscal year 2003 shall be available for high priority projects in accordance with this subsection. Such funds shall remain available until expended.

(2) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available by paragraph (1). Of amounts made available by paragraph (1), the Secretary, subject to paragraph (3), shall make available to carry out each project described in section 127(c) of such Act the amount listed for such project in such section. Any amounts made available by this subsection that are not allocated for projects described in section 127(c) shall be available to the Secretary, subject to paragraph (3), to carry out such other high priority projects as the Secretary determines appropriate.

(3) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available by paragraph (1)—

(A) 11 percent of the amount allocated by such section shall be available for obligation beginning in fiscal year 1998;

(B) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

(C) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

(D) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

(E) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

(F) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

(4) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available by paragraph (1) shall be 80 percent of the total cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available by paragraph (1), to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this subsection—

(A) has obligated all funds allocated under this subsection of such Act for such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection and such section 127(c).

(7) NONAPPLICABILITY OF OBLIGATION LIMITATION.—Funds made available by paragraph (1) shall not be subject to any obligation limitation.

[(j)**]** *(k)* The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year.

[§ 105. Programs

[(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

[(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department, such selection shall be made after consultation with appropriate local officials.

[(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

[(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance with the planning process required pursuant to section 134 of this title.

[(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

[(f) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

[(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities, and in approving such programs the Secretary shall give consideration to such projects.

[(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.

[(k) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a program of projects under this section, the State may give priority to high priority segments of corridors identified under section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991. In approving programs of projects under this section, the Secretary may give priority of approval to, and expedite construction of, projects to complete construction of such segments.

[§ 106. Plans, specifications, and estimates

[(a) Except as provided in this section and section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval,

such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

[(b) SPECIAL RULES.—

[(1) 3R PROJECTS ON NHS.—Notwithstanding any other provision of this title, a State highway department may approve, on a project by project basis, plans, specifications, and estimates for projects to resurface, restore, and rehabilitate highways on the National Highway System if the State certifies that all work will meet or exceed the standards approved by the Secretary under section 109(c).

[(2) NON-NHS PROJECTS AND LOW-COST NHS PROJECTS.—Any State may request that the Secretary no longer review and approve plans, specifications, and estimates for any project (including any highway project on the National Highway System with an estimated construction cost of less than $1,000,000 but excluding any other highway project on the National Highway System). After receiving any such notification, the Secretary shall undertake project review only as requested by the State.

[(3) SAFETY CONSIDERATIONS.—Safety considerations for projects subject to this subsection may be met by phase construction consistent with an operative safety management system established in accordance with section 303.

[(c) LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.—Items included in all such estimates for construction engineering for a State for a fiscal year shall not exceed, in the aggregate, 15 percent of the total estimated costs of all projects financed within the boundaries of the State with Federal-aid highway funds in such fiscal year, after excluding from such total estimate costs, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

[(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis.]

§ 106. Project approval and oversight

(a) IN GENERAL.—

(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

(2) PROJECT AGREEMENT.—The Secretary shall act upon the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval.

(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by the provisions of section 109.

(b) PROJECT AGREEMENT.—

(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction.

(2) REPRESENTATIONS OF STATE.—The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials if a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

(1) NHS PROJECTS.—

(A) GENERAL AUTHORITY.—Except as otherwise provided in subsection (d), the Secretary may discharge to the State any of the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System.

(B) AGREEMENT.—The Secretary and the State shall reach agreement as to the extent the State may assume the Secretary's responsibilities under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

(2) NON-INTERSTATE SYSTEM PROJECTS.—For all projects under this title that are not on the National Highway System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspection of projects. For projects that are on the National Highway System but not on the Interstate System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title. Any responsibility or obligation of the Secretary under sections 113 and 114 of this title and section 5333 of title 49, United States Code, shall not be affected and may not be discharged under this section, section 133, or section 149.

[(e)**]** *(g)* LIFE-CYCLE COST ANALYSIS.—

(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of each usable project segment on the National Highway System **[**with a cost of $25,000,000 or more**]**. *The program*

shall be based on the principles contained in section 2 of Executive Order 12893.

(2) ANALYSIS OF THE LIFE-CYCLE COSTS DEFINED.—In this subsection, the term "analysis of the life-cycle costs" means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, *user costs*, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

[(f)] *(h)* VALUE ENGINEERING FOR NHS.—

(1) * * *

* * * * * * *

§ 109. Standards

(a) * * *

* * * * * * *

[(n) The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless such project provides a reasonably alternate route or such a route exists.]

(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonably alternate route or such a route exists.

* * * * * * *

[§ 110. Project agreements

[(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

[(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.]

§ 110. Uniform transferability of Federal-aid highway funds

(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred

to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

(b) APPLICATION TO CERTAIN SET-ASIDES.—This section shall not apply to funds subject to the last sentence of section 133(d)(1) and funds subject to sections 104(f) and 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under section 133(d)(3) for fiscal year 1996.

(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount of the State's apportionment under section 104(b)(2) for fiscal year 1997. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).

* * * * * * *

§ 112. Letting of contracts

(a) * * *

(b) BIDDING REQUIREMENTS.—

(1) * * *

(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

(A) * * *

(B) APPLICABILITY.—

(i) IN A COMPLYING STATE.—If, on the date of the enactment of this paragraph, the services described in subparagraph (A) may be awarded in a State in the manner described in subparagraph (A), subparagraph (A) shall apply in such State beginning on such date of enactment**[**, except to the extent that such State adopts by statute a formal procedure for the procurement of such services**]**.

* * * * * * *

[(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulations of part 31 of title 48, Code of Federal Regulations.**]**

(C) SELECTION, PERFORMANCE, AND AUDITS.—

(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Fed-

eral Acquisition Regulations of title 48, Code of Federal Regulations, apply.

(ii) PROHIBITION ON STATE RESTRICTIONS.—A State shall not impose any overhead restriction, or salary limitation inconsistent with the Federal Acquisition Regulations, that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the procedures, cost principles, and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of title 48, Code of Federal Regulations.

* * * * * * *

(G) STATE OPTION.—

(i) GENERAL RULE.—Subparagraphs (C), (D), (E), and (F) shall take effect 1 year after the date of the enactment of this subparagraph; except that if a State, during such 1-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to the State. If the Secretary determines that the legislature of the State did not convene and adjourn a full regular session during such 1-year period, the Secretary may extend such 1-year period until the adjournment of the next regular session of the legislature.

(ii) STATE OPTION.—Congress has determined that the State opt-out period for the contract administration procedures has expired. States that have complied with or received waivers from the Secretary regarding the requirements of section 307 of the National Highway Designation Act of 1995, as of the date of the enactment of this clause, shall not be subject to the requirements of subparagraph (A).

(H) COMPLIANCE.—A State shall comply, with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project, with the qualifications-based selection procedures of the Federal Acquisition Regulations, and with the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption provided by subparagraph (G).

§ 115. Advance construction

(a) * * *

(b) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROJECTS.—

[(1) IN GENERAL.—**]**

When a State proceeds to construct any project on the National Highway System or the Interstate System without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon approval of application of the State, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned to the State under section 104(b)(1) or 104(b)(5), as the case may be, if—

[(A) prior] *(1) prior* to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

[(B) the project] *(2) the project* conforms to the applicable standards under section 109 of this title.

[(2) BOND INTEREST FOR PROJECTS UNDER CONSTRUCTION ON JANUARY 1, 1983.—For any project under construction on January 1, 1983, on the Interstate System and converted to a regularly funded project after January 1, 1983, for which the proceeds of bonds issued by the State, county, city, or other political subdivision of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such projects.

[(3) BOND INTEREST.—Subject to the provisions of this paragraph, the cost of construction of a project, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State to the extent that the proceeds of such bonds have actually been expended in the construction of such project. In no event shall the amount of interest considered as a cost of construction of a project under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of construction of the project if the project were to be constructed at the time the project is converted to a regularly funded project, over (B) the actual cost of construction of such project (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.

[(c) COMPLETION OF PROJECTS.—In determining the apportionment for any fiscal year under the provisions of section 103(e)(4), 104, 134, 144,, or 307 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.]

[(d)] *(c)* INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may approve an application for a project under this section only if the project is included in the transportation improvement program of the State developed under section 135(f).

* * * * * * *

[§ 117. Certification acceptance

[(a) The Secretary may discharge any of his responsibilities under this title relative to projects under this chapter, except projects on the Interstate System, upon the request of any State, by accepting a certification by the State highway department, or that department, commission, board, or official of any State charged by its laws with the responsibility for highway or other transportation construction, of its performance of such responsibilities, if he finds such projects will be carried out in accordance with State laws, regulations, directives, and standards which will accomplish the policies and objectives contained in or issued pursuant to this title.

[(b) The Secretary may accept projects based on inspections of a type and frequency necessary to ensure the projects are completed in accordance with appropriate standards.

[(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

[(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do.

[(e) Nothing in this section, section 106(b), section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 303 of title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90–284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title.

[(f)(1) In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

[(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109 of this title.

[(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.]

§ 118. Availability of funds

(a) * * *
(b) PERIOD OF AVAILABILITY[; DISCRETIONARY PROJECTS].—
(1) * * *

* * * * * * *

[(e) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.]

(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.

* * * * * * *

§ 119. Interstate maintenance program

(a) The Secretary may approve projects for resurfacing, restoring [and rehabilitating] *rehabilitating, and reconstructing* routes on the Interstate System designated under sections 103 and 139(c) [of this title and], routes on the Interstate System designated before the date of enactment of [this sentence] *the Building Efficient Surface Transportation and Equity Act of 1998* under section 139 (a) and (b) [of this title;], *and any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991;* except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in [subsection (e)] *section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159).* Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section [104(b)(5)(B)] *104(b)(5)* of this title.

[(b) Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate system in accordance with such guidelines. Each State shall certify on January 1st of each year that it has such a program and the Interstate system is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate system in accordance with such program then the next apportionment of funds to such State for the Interstate system shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate system in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such

one year period the amount so withheld shall be reapportioned to all other eligible States.

[(c) ELIGIBLE ACTIVITIES.—Activities authorized in subsection (a) may include the reconstruction of bridges, interchanges, and over crossings along existing Interstate routes, including the acquisition of right-of-way where necessary, but shall not include the construction of new travel lanes other than high occupancy vehicle lanes or auxiliary lanes.]

[(d)] *(b)* TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Upon application by a State (other than the State of Massachusetts) and approval by the Secretary, the Secretary may transfer to the apportionments to such State under section 104(b)(1) or [104(b)(5)(B)] *104(b)(5)* any amount of the funds apportioned to such State for any fiscal year under section 104(b)(5)(A) if such amount does not exceed the Federal share of the costs of construction of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes) included in the most recent interstate cost estimate. Upon transfer of such amount, the construction on which such amount is based on open-to-traffic segments of the Interstate System in such State as included in the latest interstate cost estimate shall be ineligible and shall not be included in future interstate cost estimates approved or adjusted under section 104(b)(5)(A).

[(e) PREVENTIVE MAINTENANCE.—Preventive maintenance activities shall be eligible under this section when a State can demonstrate, through its pavement management system, that such activities are a cost-effective means of extending Interstate pavement life.]

[(f)] *(c)* TRANSFER OF FUNDS FOR SURFACE TRANSPORTATION PROGRAM PROJECTS.—

(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section [104(b)(5)(B)] *104(b)(5)* of this title are in excess of the needs of the State for resurfacing, restoring, or rehabilitating Interstate System routes and the State is adequately maintaining the Interstate System and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under sections 104(b)(1) and 104(b)(3).

(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under sections 104(b)(1) and 104(b)(3) of this title—

(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section [104(b)(5)(B)] *104(b)(5)* which are not obligated at the time of the transfer; and

(B) in any fiscal year thereafter, an amount not to exceed 20 percent of the funds apportioned to the State under section [104(b)(5)(B)] *104(b)(5)* for such fiscal year.

[(g)] *(d)* LIMITATION ON NEW CAPACITY.—Notwithstanding any other provision of this title, the portion of the cost of any project undertaken pursuant to this section that is attributable to the expansion of the capacity of any Interstate highway or bridge, where such new capacity consists of one or more new travel lanes that are

not high-occupancy vehicle lanes or auxiliary lanes, shall not be eligible for funding under this section.

§ 120. Federal share payable

(a) INTERSTATE SYSTEM PROJECTS.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) [shall be] *shall not exceed* 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

(b) OTHER PROJECTS.—Except as otherwise provided in this title, the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) [shall be] *shall not exceed*—

(1) * * *

* * * * * * *

(e) EMERGENCY RELIEF.—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and [(c)] *(b)* of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within [90] *120* days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, ''a comparable facility'' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

* * * * * * *

(j) FUNDS APPROPRIATED TO A FEDERAL LAND MANAGING AGENCY.—Notwithstanding any other provision of law, the funds appropriated to any Federal land managing agency may be used as the non-Federal share payable on account of any Federal-aid highway project the Federal share of which is payable with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program.

(k) FUNDS APPROPRIATED FOR FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding any other provision of law, funds appropriated for carrying out the Federal lands highways program under section 204 may be used as the non-Federal share payable on account of any project that is carried out with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program if the project will provide access to, or be carried out within, Federal or Indian lands.

(l) CREDIT FOR NON-FEDERAL SHARE.—

(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any funds made available to carry out this title (other than the emergency relief program authorized in section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

(2) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

(B) AGREEMENTS.—In receiving a credit for non-Federal capital expenditures under this subsection, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

(3) TREATMENT.—

(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

(ii) shall not subject the agency to any additional Federal design standards, laws, or regulations as a result of providing the non-Federal match other than those to which the agency is already subject.

(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied for a non-Federal share under this subsection, such credit shall be applied equally to all charter States.

§ 121. Payment to States for construction

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. [These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications

for the project. Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity.] *Such payments may also be made for the value of the materials (1) which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the projects, and (2) which are not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.*

[(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

[(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114(a) of this title.

[(d) In making payment pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 106(c), 120, and 130 of this title.]

(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to it of the unpaid balance of the Federal share payable on account of such project.

[(e)] *(c)* Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

* * * * * * *

§ 124. Advances to States

[(a)] If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section

are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

[(b) Notwithstanding subsection (a) of this section, if the Secretary of Transportation determines that any toll bridge, toll tunnel, or approach thereto, which meets the requirements of section 129 of this title is necessary to complete an essential gap in the Interstate System then, upon request of State highway department, the Secretary shall at any time during construction of such bridge, tunnel, or approach and for one year after it is opened to traffic, and subject to the conditions and limitations of such section 129, advance to such State 100 per centum of the cost of construction of such bridge, tunnel, or approach. So much of the amount so advanced that exceeds the Federal share of such construction cost shall be repaid to the United States as follows:

[(1) 50 per centum within one year of the date such bridge, tunnel, or approach is opened to traffic,

[(2) 25 per centum within two years of such date of opening, and

[(3) 25 per centum within three years of such date of opening.

Any advance made to a State under this subsection shall be from the funds apportioned to said State for the Interstate System. So much of any advance made to a State under this subsection required to be repaid shall be repaid with interest at a rate determined by the Secretary. If a State receives any advance under this subsection with respect to any toll bridge, tunnel, or approach thereto, then the provisions of section 103(e)(4) of this title shall not apply to such bridge, tunnel, or approach.]

* * * * * * *

[§ 126. Diversion

[(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Transportation shall promulgate from time to time.

[(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's appor-

tionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104(b) of this title.]

§ 127. Vehicle weight limitations—Interstate System

(a) IN GENERAL.—No funds shall be apportioned in any fiscal year under section 104(b)(1) of this title to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W=500\left(\frac{LN}{N1}+12N+36\right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is (1) thirty-six feet or more, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1989, is 30 feet or more: *Provided,* That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956 except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1989), on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld

from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof, other than vehicles or combinations subject to subsection (d) of this section, which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. *With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.* With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection. With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection. *The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.*

* * * * * * *

(h) MAINE AND NEW HAMPSHIRE.—With respect to Interstate Route 95 in the State of New Hampshire, State laws or regulations in effect on January 1, 1987, shall be applicable for purposes of this section. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, State laws or regulations in effect on October 1, 1995, shall be applicable for purposes of this section.

* * * * * * *

§ 129. Toll roads, bridges, tunnels, and ferries

(a) BASIC PROGRAM.—

(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Notwithstanding section 301 of this title and subject to the provisions of this section, the Secretary shall permit Federal participation in—

(A) * * *

* * * * * * *

(C) reconstruction or replacement of a [toll-free bridge or tunnel] *toll-free major bridge or toll-free tunnel* and conversion of the bridge or tunnel to a toll facility;

* * * * * * *

(c) * * *

* * * * * * *

(3) Such ferry boat or ferry terminal facility shall be publicly [owned.] *owned or operated.*

* * * * * * *

(6) No such ferry shall be [sold, leased, or] *sold or* otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amounts so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title.

* * * * * * *

§ 130. Railway-highway crossings

(a) * * *

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(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.

* * * * * * *

§ 133. Surface transportation program

(a) ESTABLISHMENT.—The Secretary shall establish *and implement* a surface transportation program in accordance with this section.

(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, *sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions* on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.

* * * * * * *

(9) Transportation control measures listed in section 108(f)(1)(A) (other than [clauses (xii) and] *clause* (xvi)) of the Clean Air Act.

* * * * * * *

(12) Environmental restoration and pollution abatement projects, including the retrofit or construction of storm water treatment systems, to address water pollution or environmental degradation caused or contributed to by existing transportation facilities at the time such transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project

shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.

* * * * * * *

(d) ALLOCATIONS OF APPORTIONED FUNDS.—

(1) * * *

* * * * * * *

(3) DIVISION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION AND OTHER AREAS.—

(A) * * *

* * * * * * *

(B) SPECIAL RULE FOR AREAS OF LESS THAN 5,000 POPULATION.—Of the amounts required to be obligated under subparagraph (A)(ii), the State shall obligate in areas of the State (other than urban areas with a population greater than 5,000) an amount which is not less than 110 percent of the amount of funds apportioned to the State for the Federal-aid secondary system for fiscal year 1991. *Notwithstanding subsection (c), up to 15 percent of the amounts required to be obligated under this subparagraph may be obligated on roads functionally classified as minor collectors.*

* * * * * * *

(e) ADMINISTRATION.—

(1) * * *

[(2) CERTIFICATION.—The Governor of each State shall certify before the beginning of each quarter of a fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for surface transportation program projects during such quarter. A State may request adjustment to the obligation amounts later in each of such quarters. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the surface transportation program funds expected to be obligated by the State in such quarter for projects not subject to review by the Secretary under this chapter.**]**

(2) PROGRAM APPROVAL.—Each State shall submit a project agreement for each fiscal year, certifying that the State will meet all the requirements of this section and notifying the Secretary of the amount of obligations needed to administer the surface transportation program. Each State shall request adjustments to the amount of obligations as needed. The Secretary's approval of the project agreement shall be deemed a contractual obligation of the United States for the payment of surface transportation program funds provided under this title.

* * * * * * *

(f) ALLOCATION OF OBLIGATION AUTHORITY.—A State which is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) funds apportioned to it under section 104(b)(3) shall allocate during the **[**6-fiscal year period 1992 through 1997**]** *fiscal years for which funds are made*

available by the Building Efficient Surface Transportation and Equity Act of 1998 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction for use in such area determined by multiplying—

(1) * * *

* * * * * * *

§ 134. Metropolitan planning

(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods *and foster economic growth and development* within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

* * * * * * *

(e) COORDINATION OF [MPO'S] *MPOS*.—

(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

[(f) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

[(1) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

[(2) The consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives.

[(3) The need to relieve congestion and prevent congestion from occurring where it does not yet occur.

[(4) The likely effect of transportation policy decisions on land use and development and the consistency of transpor-

tation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

[(5) The programming of expenditure on transportation enhancement activities as required in section 133.

[(6) The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.

[(7) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

[(8) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

[(9) The transportation needs identified through use of the management systems required by section 303 of this title.

[(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

[(11) Methods to enhance the efficient movement of freight.

[(12) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

[(13) The overall social, economic, energy, and environmental effects of transportation decisions.

[(14) Methods to expand and enhance transit services and to increase the use of such services.

[(15) Capital investments that would result in increased security in transit systems.

[(16) Recreational travel and tourism.]

(f) GOALS AND OBJECTIVES OF PLANNING PROCESS.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(2) increase the safety and security of the transportation system for all users;

(3) increase the accessibility and mobility for people and freight;

(4) protect and enhance the environment, conserve energy, and enhance quality of life;

(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(6) promote efficient system utilization and operation; and

(7) preserve and optimize the existing transportation system. This subsection shall apply to the development of long-range transportation plans and transportation improvement programs.

(g) DEVELOPMENT OF LONG RANGE PLAN.—

(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long range

transportation plan for its metropolitan area in accordance with the requirements of this subsection.

(2) LONG RANGE PLAN.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall**[**, at a minimum**]** *contain, at a minimum, the following*:

(A) **[**Identify**]** *An identification of* transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization **[**shall consider**]** *may consider* factors described in subsection (f) as such factors relate to a 20-year forecast period.

[(B) Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.**]**

(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

* * * * * * *

(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, *freight shippers and providers of freight transportation services,* private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary deems appropriate.

(5) PUBLICATION OF LONG RANGE PLAN.—Each long range *transportation* plan prepared by a metropolitan planning organization shall be—

(i) * * *

* * * * * * *

(h) TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every [2] *3* years and shall be approved by the metropolitan planning organization and the Governor.

(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

(A) * * *

(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing. *The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.*

* * * * * * *

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) * * *

* * * * * * *

(4) SELECTION OF PROJECTS.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System, *under the high risk road safety program,* and pursuant to the bridge and Interstate maintenance programs) or pursuant to chapter 53 of title 49 shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System, *under the high risk road safety program,* or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.

(5) CERTIFICATION.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification

only if [(1)] *(A)* a metropolitan planning organization is complying with the requirements of this section and other applicable requirements of Federal law, and [(2)] *(B)* there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Secretary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 5336 of title 49. If a metropolitan planning organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 5336 of title 49 shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

* * * * * * *

§ 135. Statewide planning

(a) * * *

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[(c) STATE PLANNING PROCESS.—Each State shall undertake a continuous transportation planning process which shall, at a minimum, consider the following:

[(1) The results of the management systems required pursuant to subsection (b).

[(2) Any Federal, State, or local energy use goals, objectives, programs, or requirements.

[(3) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the State.

[(4) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.

[(5) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.

[(6) Any metropolitan area plan developed pursuant to section 134.

[(7) Connectivity between metropolitan areas within the State and with metropolitan areas in other States.

[(8) Recreational travel and tourism.

[(9) Any State plan developed pursuant to the Federal Water Pollution Control Act.

[(10) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

[(11) The overall social, economic, energy, and environmental effects of transportation decisions.

[(12) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

[(13) Methods to expand and enhance transit services and to increase the use of such services.

[(14) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

[(15) The transportation needs identified through use of the management systems required by section 303 of this title.

[(16) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

[(17) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identify those corridors for which action is most needed to prevent destruction or loss.

[(18) Long-range needs of the State transportation system.

[(19) Methods to enhance the efficient movement of commercial motor vehicles.

[(20) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.]

(c) SCOPE OF THE PLANNING PROCESS.—To the extent that a State determines appropriate, the State may consider goals and objectives in the transportation planning process that—

(1) support the economic vitality of the Nation, its States and metropolitan areas, especially by enabling global competitiveness, productivity and efficiency;

(2) increase the safety and security of the transportation system for all users;

(3) increase the accessibility and mobility for people and freight;

(4) protect and enhance the environment, conserve energy, and enhance the quality of life;

(5) enhance the integration and connectivity of the transportation system, across and between modes throughout the State for people and freight;

(6) promote efficient system utilization and operation; and

(7) preserve and optimize the existing transportation system.

(d) ADDITIONAL [REQUIREMENTS] *CONSIDERATIONS*.—Each State in carrying out planning under this section [shall, at a minimum,] *may* consider the following:

(1) * * *

* * * * * * *

(e) LONG-RANGE PLAN.—The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, *freight shippers and providers of freight transportation services,* private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range plan for bicycle transportation and pedestrian walkways for appropriate areas of the State which shall be incorporated into the long-range transportation plan.

(f) TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to metropolitan areas of the State, the program shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. *With respect to nonmetropolitan areas of the State (areas with less than 50,000 population), the program shall be developed by the State, in cooperation with elected officials of affected local governments and elected officials of subdivisions of affected local governments which have jurisdiction over transportation planning, through a process developed by the State which ensures participation by such elected officials.* In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, *freight shippers and providers of freight transportation services,* private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

(2) INCLUDED PROJECTS.—A transportation improvement program for a State developed under this subsection shall include projects within the boundaries of the State which are proposed for funding under this title and chapter 53 of title 49, which are consistent with the long-range plan developed under this section for the State, which are consistent with the metropolitan transportation improvement program, and which in areas designated as nonattainment for ozone or carbon monoxide under the Clean Air Act conform with the applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project. *The program may include, for illustrative purposes, additional projects that would be included in the program if reasonable additional resources were available.* The program shall also reflect the priorities for

programming and expenditures of funds, including transportation enhancements, required by this title.

(3) PROJECT SELECTION FOR AREAS LESS THAN 50,000 POPULATION.—Projects undertaken in areas of less than 50,000 population (excluding projects undertaken on the National Highway System, *under the high risk road safety program*, and pursuant to the bridge and Interstate maintenance programs) shall be selected by the State in cooperation with the affected local officials. Projects undertaken in such areas on the National Highway System, *under the high risk road safety program*, or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in consultation with the affected local officials.

(4) [BIENNIAL] *TRIENNIAL* REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and approved no less frequently than [biennially] *triennially* by the Secretary.

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§ 137. Fringe and corridor parking facilities

(a) * * *

* * * * * * *

(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section [104(b)(5)(B) of this title] *104(b)(5)*, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (A) are located outside of a central business district and within an interstate highway corridor, and (B) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

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§ 139. Additions to Interstate System

(a) Whenever the Secretary determines that a highway on the Federal-aid primary system meets all of the standards of a highway on the Interstate System and that such highway is a logical addition or connection to the Interstate System, he may, upon the affirmative recommendation of the State or States involved, designate such highway as a part of the Interstate System. The mileage of any highway designated as part of the Interstate System under this section shall not be charged against the limitation established by the first sentence of section 103(e) of this title. The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and [104(b)(5)(B) of this title] *104(b)(5)* for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of this sentence.

(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connec-

tion to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (e) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as a future part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as a future part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(e) of this title. The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and [104(b)(5)(B) of this title] *104(b)(5)* for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of this sentence. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a future part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under this section, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System.

(c) The Secretary shall designate those portions of highway segments on the Federal-aid primary system in States which have no Interstate System that are logical components to a system serving the State's principal cities, national defense needs and military installations, and traffic generated by rail, water, and air transportation modes. The designated segments shall have been constructed to the geometric and construction standards adequate for current and probable future traffic demands and the needs of the locality of the segment. The mileage of any highway designated as part of the Interstate System under this subsection shall not be charged against the limitation established by the first sentence of section 103(e)(1) of this title. The designation of a highway under this subsection shall create no Federal financial responsibility with respect to such highway, except that the State involved may use Federal-aid highway funds available to it under sections 104(b)(1) and [104(b)(5)(B) of this title] *104(b)(5)*, for the resurfacing, rehabilita-

tion, restoration, and reconstruction of a highway designated as a route on the Interstate System under this subsection.

§ 140. Nondiscrimination

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. *In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted.* The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction *and technology* training, including skill improvement programs, *and to develop and fund summer transportation institutes*. Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed ½ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be [available] *utilized* to carry out

this subsection upon request of the State highway department to the Secretary.

* * * * * * *

§ 142. Public transportation

(a) * * *

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(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid system for payment from sums apportioned under section 104(b) (other than section [104(b)(5)(A)] *104(b)(5)*) modifications to existing highway facilities on such system necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety.

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§ 144. Highway bridge replacement and rehabilitation program

(a) * * *

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(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate, *sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures* to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate *or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures* to, such structure. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State, except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section. In approving projects (other than projects for bridge structure painting or seismic retrofit or application of such acetate *or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures*) under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.

(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid

system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, *and, if a State transfers funds apportioned to it under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds.* No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection. The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge shall not affect the apportionment of funds under this section.

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(g) SET ASIDES.—

(1) DISCRETIONARY BRIDGE PROGRAM.—

(A) FISCAL YEARS 1992 THROUGH 1997.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, all but $57,000,000 in the case of fiscal year 1992, $68,000,000 in the case of fiscal years 1993 and 1994, and $69,000,000 in the case of fiscal years 1995, 1996, and 1997 shall be apportioned as provided in subsection (e) of this section. $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 shall be at the discretion of the Secretary, and $8,500,000 per fiscal year ($8,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 1039 of the Intermodal Surface Trans-

portation Efficiency Act of 1991, relating to highway timber bridges.

(B) FISCAL YEAR 1998.—The amounts authorized for fiscal year 1998 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. 25 percent of such amount shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

(C) FISCAL YEARS 1999 THROUGH 2003.—The amounts authorized for each of fiscal years 1999 through 2003 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. Not to exceed 25 percent of such amount shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

* * * * * * *

(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987[, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997,] *through 2003,* shall be expended for projects to replace, rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate, *sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures* to highway bridges located on public roads, other than those on a Federal-aid [system] *highway*. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid [system] *highway* when the Secretary determines that such State has inadequate needs to justify such expenditure.

* * * * * * *

(n) OFF-SYSTEM BRIDGE PROGRAM.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid [system] *highway* for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the date of the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.

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§ 149. Congestion mitigation and air quality improvement program

(a) ESTABLISHMENT.—The Secretary shall establish *and implement* a congestion mitigation and air quality improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and—

(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than [clauses (xii) and] *clause* (xvi) of such section), that the project or program is likely to contribute to—

(i) * * *

* * * * * * *

(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors; [or]

(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality [standard.] *standard; or*

(5) if the program or project would have been eligible for funding on or before September 30, 1997, under guidance issued by the Secretary to implement this section.

* * * * * * *

§ 152. Hazard elimination program

(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists, *bicyclists,* and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement. *In carrying out this section, States shall minimize any negative impact on safety and access for bicyclists and pedestrians.*

(b) The Secretary may approve as a project under this section any highway safety improvement project *or safety improvement project described in subsection (a).*

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(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by [highway] safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for [highway] safety improvement projects.

(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement [highway] safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

* * * * * * *

§ 154. High risk road safety improvement program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk road safety improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(4) only for construction and operational improvement projects, and for pavement marking and signing projects, on high risk roads and only if the primary purpose of the project is to improve highway safety on a high risk road.

(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under section 104(b)(4) among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 or a survey established pursuant to section 152(a).

(d) TRANSFERABILITY.—A State may transfer not to exceed 50 percent of the amount of funds apportioned to it under section 104(b)(4) for any fiscal year to the apportionment of such State under section 104(b)(1) or 104(b)(3) or both.

(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

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

(1) HIGH RISK ROAD.—The term "high risk road" means any Federal-aid highway or segment of a Federal-aid highway—

(A) on which a significant number of severe motor vehicle crashes occur; or

(B) which has current, or will likely have, increases in traffic volume that are likely to create a potential for severe crash consequences in a significant number of motor vehicle crashes.

(2) SEVERE CRASH.—The term "severe crash" means a motor vehicle crash in which a fatality or incapacitating injury occurs.

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§ 157. Minimum allocation

(a) GENERAL RULES.—

(1) * * *

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(4) [THEREAFTER] *FISCAL YEARS 1992–1997*.—In [fiscal year 1992 and each fiscal year thereafter] *each of fiscal years 1992 through 1997* on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, surface transportation program, bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

(5) THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year for Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high priority projects program, the high risk road safety improvement program, the recreational trails program, the Appalachian Development Highway System program, and metropolitan planning shall not be less than 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available. In determining allocations under this paragraph, the Secretary shall not take into account the 2 percent set aside under section 104(b)(3)(A).

(b) *AVAILABILITY OF FUNDS*.—Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated for the year authorized plus the three succeeding fiscal years, shall be subject to the provisions of this title 23 and may be

obligated for [Interstate highway substitute, National Highway, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects] *any purpose described in section 133(b).* ½ of the amounts allocated pursuant to subsection (a) after September 30, 1991, shall be subject to section 133(d)(3) of this title. Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section, except where the provision of law establishing such limitation specifically amends or limits the applicability of this sentence. Sums allocated pursuant to this section shall not be considered to be sums allocated for purposes of section 104(b) of the Highway Improvement Act of 1982 and section 4102(c) of the Consolidated Omnibus Budget Reconciliation Act of 1985 and section 105(c) of the Federal-Aid Highway Act of 1987 and section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991 *and section 103(c) of the Building Efficient Surface Transportation and Equity Act of 1998.*

* * * * * * *

(d) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a), any funds which, but for section [154(f) or] 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—In order to carry out this section there is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, such sums as may be necessary for each of the fiscal years ending on or after September 30, 1983.

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) FIRST YEAR.—The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), [104(b)(2), 104(b)(5), and 104(b)(6)] *104(b)(3), and 104(b)(5)* of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) AFTER THE FIRST YEAR.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), [104(b)(2), 104(b)(5), and 104(b)(6)] *104(b)(3), and 104(b)(5)* of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(3) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes

after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraphs (1) and (2) of this subsection in each fiscal year in which such law is in effect.

(b) [PERIOD OF AVAILABILITY;] EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

[(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

[(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1988.—Any funds withheld under this section from apportionment to any State on or before September 30, 1988, shall remain available for apportionment to such State as follows:

[(i) If such funds would have been apportioned under section 104(b)(5)(A) of this title but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

[(ii) If such funds would have been apportioned under section 104(b)(5)(B) of this title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

[(iii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of this title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

[(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1988.—No funds] *No funds* withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to such State.

[(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State makes effective a law which is in compliance with subsection (a), the Secretary shall on the day following the effective date of such law apportion to such State the withheld funds remaining available for apportionment to such State.

[(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

[(A) Funds apportioned under section 104(b)(5)(A) of this title shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are so apportioned.

[(B) Funds apportioned under section 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of this title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

[(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not made effective a law which is in compliance with subsection (a), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of this title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.]

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§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

(a) * * *

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(b) [PERIOD OF AVAILABILITY;] EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

[(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

[(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

[(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

[(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

[(iii) If such funds would have been apportioned under paragraph (1), (3), or (5) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

[(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No] *No* funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

[(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds

withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

[(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

[(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

[(B) Funds which would have been originally apportioned under paragraph (1), (3), or (5)(B) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

[(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).]

* * * * * * *

[§ 160. Reimbursement for segments of the Interstate System constructed without Federal assistance

[(a) GENERAL AUTHORITY.—The Secretary shall allocate to the States in each of fiscal years 1996 and 1997 amounts determined under subsection (b) for reimbursement of their original contributions to construction of segments of the Interstate System which were constructed without Federal financial assistance.

[(b) DETERMINATION OF REIMBURSEMENT AMOUNT.—The amount to be reimbursed to a State in each of fiscal years 1996 and 1997 under this section shall be determined by multiplying the amount made available for carrying out this section for such fiscal year by the reimbursement percentage set forth in the table contained in subsection (c).

[(c) REIMBURSEMENT TABLE.—For purposes of carrying out this section, the reimbursement percentage, the original cost for constructing the Interstate System, and the total reimbursable amount for each State is set forth in the following table:

[States	Original cost in millions	Reimbursement percentage	Reimbursable amount in millions
Alabama	$9	0.50	$147
Alaska		0.50	147
Arizona	20	0.50	147
Arkansas	6	0.50	147
California	298	5.42	1,591
Colorado	23	0.50	147
Connecticut	314	5.71	1,676
Delaware	39	0.71	209
Florida	31	0.56	164
Georgia	46	0.84	246
Hawaii		0.50	147
Idaho	5	0.50	147
Illinois	475	8.62	2,533
Indiana	167	3.03	892
Iowa	5	0.50	147
Kansas	101	1.84	540
Kentucky	32	0.57	169
Louisiana	22	0.50	147
Maine	38	0.69	204
Maryland	154	2.79	820
Massachusetts	283	5.14	1,511
Michigan	228	4.14	1,218
Minnesota	16	0.50	147
Mississippi	6	0.50	147
Missouri	74	1.35	396
Montana	5	0.50	147
Nebraska	1	0.50	147
Nevada	2	0.50	147
New Hampshire	8	0.50	147
New Jersey	353	6.41	1,882
New Mexico	8	0.50	147
New York	929	16.88	4,960
North Carolina	36	0.65	191
North Dakota	3	0.50	147
Ohio	257	4.68	1,374
Oklahoma	91	1.66	486
Oregon	78	1.42	417
Pennsylvania	354	6.43	1,888
Rhode Island	12	0.50	147
South Carolina	4	0.50	147
South Dakota	5	0.50	147
Tennessee	7	0.50	147
Texas	200	3.64	1,069
Utah	6	0.50	147
Vermont	1	0.50	147
Virginia	111	2.01	591
Washington	73	1.32	389
West Virginia	5	0.50	147
Wisconsin	8	0.50	147
Wyoming	9	0.50	147
D.C.	9	0.50	147
TOTALS	$4,967	100.00	$29,384

[(d) TRANSFER OF REIMBURSABLE AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (e) of this section, the Secretary shall transfer amounts allocated to a State pursuant to this section to

the apportionment of such State under section 104(b)(3) for the surface transportation program.

[(e) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of this title shall not apply to ½ of the amounts transferred under subsection (d) to the apportionment of the State for the surface transportation program:

[(1) Subsection (d)(1).

[(2) Subsection (d)(2).

[(3) Subsection (d)(3).

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $2,000,000,000 per fiscal year for each of fiscal years 1996 and 1997 to carryout this section.]

§ 160. High cost Interstate System reconstruction and improvement program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost Interstate System reconstruction and improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

(1) the total cost of the project is greater than the lesser of $200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

(2) the project is a ready-to-commence project;

(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

(4) the applicant agrees to obligate the funds within 1 year of the date the funds are made available.

(c) ALLOCATION OF FUNDS.—Subject to subsection (f)(1), of the funds made available to carry out the program under this section, the Secretary shall allocate—

(1) not less than $165,000,000 for fiscal year 1998, $412,500,000 for fiscal year 1999, and $670,000,000 for each of fiscal years 2000 through 2003 among States in the ratio that the estimated cost of carrying out projects determined by the Secretary to be eligible for funding under subsection (b) in each State bears to the estimated cost of carrying out such projects in all of the States; and

(2) at the discretion of the Secretary, not more than the amounts set forth in section 127(a)(2) for each of fiscal years 1998 through 2003 for projects eligible for assistance under this section to—

(A) meet an extraordinary need for funding; or

(B) help expedite completion of a project of national significance.

(d) UNALLOCATED FUNDS.—

(1) APPORTIONMENT.—If, on August 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary determines that funds authorized to be allocated in such fiscal year for the program under this section will not be allocated in such fiscal year as a result of not enough projects being eligible for assistance under this section, the Secretary shall apportion under section 104(b)(5) such funds among the States for the Interstate maintenance program.

(2) REDISTRIBUTION OF OBLIGATION AUTHORITY.—The Secretary shall also redistribute on such August 1 any obligation authority that is allocated for the fiscal year under section 103(c)(4) of the Building Efficient Surface Transportation and Equity Act of 1998 attributable to the program under this section and that the Secretary determines will not be used before September 30 of such fiscal year among the States (other than a State from which obligation authority for such fiscal year is redistributed under section 103(d) of such Act) in the same ratio as set forth in section 103(c)(5) of such Act.

(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

(f) FUTURE ALLOCATIONS.—

(1) FISCAL YEARS 1998–2003.—For fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, funds to be allocated pursuant to subsection (c)(1) shall be allocated in the same manner as funds apportioned under section 104(b)(5). Such funds shall only be available for projects eligible under subsection (b); except that if a State does not have a project eligible under subsection (b), funds allocated to such State under this paragraph shall be available for any project in such State on a segment of the Interstate System that is open to traffic.

(2) DETERMINATIONS.—The Secretary shall, in cooperation with States and affected metropolitan planning organizations, determine—

(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System; and

(B) a method to allocate funds made available under this section that would—

(i) address the needs identified in subparagraph (A);

(ii) provide a fair and equitable distribution of such funds; and

(iii) allow for States to address any extraordinary needs.

(3) REPORT.—The determination made under paragraph (2) shall be submitted to Congress in a report not later than January 1, 2000.

§ 161. Operation of motor vehicles by intoxicated minors

(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)[(B)] of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)[(B)] of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

* * * * * * *

§ 162. National scenic byways program

(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as "National Scenic Byways" or "All-American Roads". The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

(B) plan, design, and develop a State scenic byways program.

(2) PRIORITY PROJECTS.—In making allocations under this subsection, the Secretary shall give priority to—

(A) eligible projects along highways that are designated as National Scenic Byways or All-American Roads;

(B) eligible projects on State-designated scenic byways that are undertaken to make them eligible for designation as National Scenic Byways or All-American Roads; and

(C) eligible projects that will assist the development of State scenic byways programs.

(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

(1) activities related to planning, design, or development of State scenic byway programs;

(2) development of corridor management plans for scenic byways;

(3) safety improvements to a scenic byway to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway due to such designation;

(4) construction along a scenic byway of facilities for pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities;

(5) improvements to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation;

(6) protection of historical, archaeological, and cultural resources in areas adjacent to scenic byways;

(7) development and provision of tourist information to the public, including interpretive information about scenic byways; and

(8) development and implementation of scenic byways marketing programs.

(d) FEDERAL SHARE.—The Federal share payable on account of any project carried out under this section shall be determined in accordance with section 120(b) of this title. For any scenic byways project along a public road that provides access to or within Federal or Indian lands, a Federal land management agency may use funds authorized for its use as the non-Federal share of the costs of the project.

(e) PROTECTION OF SCENIC INTEGRITY.—

(1) SCENIC INTEGRITY.—The Secretary shall not make an allocation under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

(2) SAVINGS CLAUSE.—The Secretary shall not make any grant, provide technical assistance, or impose any requirement on a State under this section that is inconsistent with the authority of the State provided in this chapter.

Chapter 2.—OTHER HIGHWAYS

Sec.
201. Authorizations.
* * * * * * *
206. Recreational trails program.
* * * * * * *

§ 202. Allocations

(a) * * *

[(b) On October 1 of each fiscal year, the Secretary shall allocate 34 percent of the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities which are proposed by a State which contains at least 3 percent of the total public lands in the Nation. The Secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987, and with respect to these

allocations the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.]

(b) ALLOCATION OF SUMS AUTHORIZED FOR PUBLIC LANDS HIGHWAYS.—

(1) IN GENERAL.—On October 1 of each fiscal year and after making the transfer provided for in section 204(i), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways for transportation projects within the boundaries of those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary from applications for such funds by Federal land managing agencies, Indian tribal governments, and States.

(2) PREFERENCE.—In allocating sums under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land, recreation, or resource management activities that are proposed within the boundaries of a State in which at least 3 percent of the total public lands in the United States are located.

* * * * * * *

(e) FOREST HIGHWAYS.—

(1) ALLOCATION OF FUNDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways as provided in section 134 of the Federal-Aid Highway Act of 1987.

(2) PROJECT SELECTION.—With respect to allocations under this subsection, the Secretary shall give priority to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.

§ 203. Availability of funds

[Funds authorized for,] *(a) IN GENERAL.—Funds authorized for forest highways,* forest development roads and trails, public lands development roads and trails, park road, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or on October 1, of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for *forest highways,* forest

development roads and trails, public lands development roads and trails, park road, parkways, Indian roads and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

(b) TIME OF OBLIGATION.—Notwithstanding any other provision of law, the Secretary's authorization of engineering and related work for a Federal lands highways program project or the Secretary's approval of plans, specifications, and estimates for construction of a Federal lands highways program project shall be deemed to constitute a contractual obligation of the Federal Government for the payment of its contribution to such project.

§ 204. Federal Lands Highways Program

[(a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal lands highways program which shall consist of the public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of this title. The Secretary, in cooperation with the Secretary of the Interior and the Secretary of Agriculture, shall develop appropriate transportation planning procedures and safety, bridge, and pavement management systems for roads funded under the Federal Lands Highway Program. Notwithstanding any other provision of this title, no public lands highway project may be undertaken in any State pursuant to this section unless the State concurs in the selection and planning of the project.**]**

(a) Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to those that apply to Federal-aid highways, there is established a coordinated Federal Lands Highways Program which shall consist of forest highways, public lands highways, park roads and parkways, and Indian reservation roads and bridges. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are consistent with the metropolitan and Statewide planning processes in sections 134 and 135 of this title. The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary. All regionally significant Federal Lands Highway Program projects shall be developed in cooperation with States and metropolitan planning organizations and be included in appropriate Federal Lands Highways Program, State, and metropolitan plans and transportation improvement programs. The approved Federal Lands Highways Program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action thereon. The Secretary and the Secretary of the appropriate Federal land managing agency shall de-

velop appropriate safety, bridge, and pavement management systems for roads funded under the Federal Lands Highways Program.

(b) [Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary or the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe as deemed advisable.] *Funds available for forest highways, public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land managing agency to pay for the cost of transportation planning, research, engineering, and construction thereof. The Secretary and the Secretary of the appropriate Federal land managing agency, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe to carry out this subsection.* In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior. No ceiling on Federal employment shall be applicable to construction or improvement of Indian reservation roads. Funds available for each class of Federal lands highways shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to or provides access to the areas served by the particular class of Federal lands highways. The Secretary of Interior may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized under section 326.

* * * * * * *

(e) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the [Secretary of the Interior] *Secretary of the appropriate Federal land managing agency* shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. Notwithstanding the foregoing, the provisions of section 23 of the "Buy Indian" Act of June 25, 1910 (36 Stat. 891), and the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (88 Stat. 2205) shall apply to all funds administered by the Secretary of the Interior which are appropriated for the construction and improvement of Indian reservation roads.

* * * * * * *

[(i) TRANSFERS TO SECRETARY OF THE INTERIOR.—The Secretary shall transfer to the Secretary of the Interior from the appropriation for public land highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways.]

(i) TRANSFERS TO SECRETARIES OF FEDERAL LAND MANAGING AGENCIES.—The Secretary shall transfer to the appropriate Federal

land managing agency from the appropriation for public lands highways such amounts as may be needed to cover—

(1) necessary administrative costs of such agency in connection with public lands highways; and

(2) the cost to such agency of conducting necessary transportation planning serving Federal lands if funding for such planning is otherwise not provided in this section.

* * * * * * *

§ 206. Recreational trails program

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall administer a national program for the purposes of providing and maintaining recreational trails.

(b) STATEMENT OF INTENT.—Funds made available to carry out the recreational trails program under this section are to be derived from revenues collected through motor fuel taxes from nonhighway users and are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

(c) STATE ELIGIBILITY.—A State shall be eligible to obligate funds apportioned to it under section 104(h) only if—

(1) the Governor of the State has designated the State agency or agencies that will be responsible for administering funds received under this section; and

(2) a recreational trail advisory committee on which both motorized and nonmotorized recreational trail users are fairly represented exists within the State.

(d) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a project under this section shall not exceed 50 percent.

(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute additional Federal funds toward a project's cost if the share attributable to the Secretary does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

(3) ALLOWABLE MATCH FROM FEDERAL PROGRAMS.—The following Federal programs may be used to contribute additional Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

(A) State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

(B) HUD Community Development Block Grants (Public Law 93–383).

(C) Public Works Employment Act of 1976 (Public Law 94–369).

(D) Acts establishing national heritage corridors and areas.

(E) Job Training Partnership Act of 1982 (Public Law 97–300).

(F) National and Community Service Trust Act of 1993 (Public Law 103–82).

(G) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–93).

(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects in a fiscal year if the total Federal share payable for all projects within the State carried out under this section with funds apportioned to the State under section 104(h) for such fiscal year does not exceed 50 percent. For purposes of this paragraph, a project funded under paragraph (2) or (3) of this subsection may not be included in the calculation of the programmatic non-Federal share.

(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State under subsection (e)(1)(A) shall be determined in accordance with section 120(b).

(e) USE OF FUNDS.—

(1) PERMISSIBLE USES.—A State may use funds apportioned to it under section 104(h)—

(A) in an amount not exceeding 7 percent of such funds, for administrative costs of the State;

(B) in an amount not exceeding 5 percent of such funds, for operation of environmental protection education and safety education programs relating to the use of recreational trails;

(C) for development and rehabilitation of urban trail linkages to provide connections to and among neighborhoods and community centers and between trails;

(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

(E) for restoration of areas damaged by usage of recreational trails, including back country terrain;

(F) for development and rehabilitation of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

(K) only as otherwise permissible and where necessary and required by a statewide comprehensive outdoor recre-

ation plan, for construction of new trails crossing Federal lands if such construction is approved by the administering agency of the State and the Federal agency or agencies charged with management of all impacted lands and if such approval is contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(2) USE NOT PERMITTED.—A State may not use funds apportioned to it under section 104(h)—

(A) for condemnation of any kind of interest in property;

(B)(i) for construction of any recreational trail on National Forest System lands for motorized uses unless—

(I) such lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

(ii) for construction of any recreational trail on Bureau of Land Management lands for motorized uses unless—

(I) such lands have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved management plans; or

(C) for upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide funds apportioned to it under section 104(h) to make grants to private individuals, organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the recreational trail advisory committee satisfying the requirements of subsection (c)(2), for uses consistent with this section.

(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraph (7), not less than 30 percent of the funds apportioned to a State in a fiscal year under section 104(h) shall be reserved for uses relating to motorized recreation, and not less than 30

percent of such funds shall be reserved for uses relating to nonmotorized recreation.

(5) ENVIRONMENTAL MITIGATION.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

(B) GUIDANCE.—A recreational trail advisory committee satisfying the requirements of subsection (c)(2) shall issue guidance to a State for the purposes of implementing subparagraph (A).

(6) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend funds apportioned to it under section 104(h) in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes, including those described in subsection (g)(3); or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective with respect to a State until such time as the State has allocated not less than 40 percent of funds apportioned to it under section 104(h) in such manner.

(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory committee satisfying the requirements of subsection (c)(2).

(7) EXEMPTIONS.—

(A) SMALL STATE.—Any State with a total land area of less than 3,500,000 acres and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States shall be exempted from the requirements of paragraph (4) upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(B) STATE RECREATIONAL TRAIL ADVISORY COMMITTEE.—If approved by the State recreational trail advisory committee satisfying the requirements of subsection (c)(2), the State may be exempted from the requirements of paragraph (4).

(8) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to it under section 104(h) may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

(9) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Nothing in this title or any other law shall prevent a project sponsor from offering to donate funds, materials, services, or new right-of-way for the purposes of a

project eligible for assistance. Any funds, or the fair market value of any materials, services, or new right-of-way may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (d). Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited as part of that Federal agency's share under subsection (d)(2).

(10) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of section 303 of title 49 or section 138 of this title.

(f) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this section is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this section diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available funds for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of funds apportioned to a State under section 104(h) on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those funds.

(g) APPLICABILITY OF CHAPTER 1.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1; except that the Federal share payable for a project using such funds shall be determined in accordance with this section and such funds shall remain available until expended.

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

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements of subsection (c).

(2) NONHIGHWAY RECREATIONAL FUEL.—The term "nonhighway recreational fuel" has the meaning such term has under section 9503(c)(6) of the Internal Revenue Code of 1986.

(3) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities (including carriage driving), jogging or similar fitness activities, skating or skateboarding, trail biking, overnight or long-distance backpacking, snowmobiling, aquatic or water activity, or vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail"

designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

(4) MOTORIZED RECREATION.—The term "motorized recreation" means off-road recreation using any motor-powered vehicle, except for motorized wheelchairs.

* * * * * * *

§ 217. Bicycle transportation and pedestrian walkways

(a) * * *

(b) USE OF NATIONAL HIGHWAY SYSTEM FUNDS.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of *pedestrian walkways and* bicycle transportation facilities on land adjacent to any highway on the National Highway System **[**(other than the Interstate System)**]**.

* * * * * * *

(e) BRIDGES.—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway**[**, other than a highway access to which is fully controlled,**]** on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

* * * * * * *

[(g) PLANNING.—Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan to be developed by each metropolitan planning organization and State and incorporated into their comprehensive annual long-range plans in accordance with sections 134 and 135 of this title, respectively. Such plans shall provide due consideration for safety and contiguous routes.**]**

(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Transportation plans and projects shall provide due consideration for safety and contiguous routes. Safety considerations shall include the installation and maintenance of audible traffic signals and audible signs at street crossings.

(h) USE OF MOTORIZED VEHICLES.—**[**No motorized vehicles shall**]** *Motorized vehicles may not* be permitted on trails and pedestrian walkways under this section, except for—

(1) * * *

* * * * * * *

(3) **[**when State and local regulations permit,**]** motorized wheelchairs; **[**and**]**

(4) when State or local regulations permit, electric bicycles; and

[(4)**]** *(5)* such other circumstances as the Secretary deems appropriate.

* * * * * * *

[(i) TRANSPORTATION PURPOSE.—No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

[(j) BICYCLE TRANSPORTATION FACILITY DEFINED.—For purposes of this section, a "bicycle transportation facility" means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.**]**

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

(1) BICYCLE TRANSPORTATION FACILITY.—The term "bicycle transportation facility" means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

(2) ELECTRIC BICYCLE.—The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

(3) PEDESTRIAN.—The term "pedestrian" means any person traveling by foot and any mobility impaired person using a wheelchair.

(4) WHEELCHAIR.—The term "wheelchair" means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.

* * * * * * *

Chapter 3.—GENERAL PROVISIONS

Sec.
301. Freedom from tolls.
* * * * * * *
[307. Research and planning.**]**
307. Research.
* * * * * * *
313. State planning and research.
* * * * * * *
322. National technology deployment initiative.
* * * * * * *
[326. Education and training program.**]**
326. Education and training programs.
* * * * * * *

§ 302. State highway department

[(a)**]** Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit. In meeting the provisions of this subsection, a State may

engage to the extent necessary or desirable, the services of private engineering firms. *Compliance with this provision shall have no effect on the eligibility of costs.*

[(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.]

* * * * * * *

§ 307. Research [and planning]

(a) RESEARCH AND TECHNOLOGY PROGRAM.—

(1) AUTHORITY OF THE SECRETARY.—

(A) * * *

* * * * * * *

[(C) RESEARCH FELLOWSHIPS.—

[(i) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

[(ii) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation engineering and research. Such program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program". Of the funds made available pursuant to paragraph (3) for each fiscal year beginning after September 30, 1991, the Secretary shall expend not less than $2,000,000 per fiscal year to carry out such program.]

* * * * * * *

[(3) FUNDS.—

[(A) IN GENERAL.—The funds necessary to carry out this subsection and subsections (b), (d), and (e) shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes.

[(B) MINIMUM EXPENDITURES ON LONG-TERM RESEARCH PROJECTS.—Not less than 15 percent of the funds made available under this paragraph shall be expended on long-term research projects which are unlikely to be completed within 10 years.]

(3) AMOUNTS DEPOSITED BY COOPERATING ORGANIZATIONS AND PERSONS.—There shall be available to the Secretary for carrying out this subsection such funds as may be deposited by

any cooperating organization or person in a special account of the Treasury of the United States established for such purpose.

* * * * * * *

(b) MANDATORY CONTENTS OF RESEARCH PROGRAM.—

(1) * * *

[(2) SHRP RESULTS.—

[(A) IMPLEMENTATION.—The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program.

[(B) MINIMUM FUNDING.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not less than $12,000,000 in fiscal year 1992, $16,000,000 in fiscal year 1993, and $20,000,000 per fiscal year for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this paragraph.]

(2) LONG-TERM PAVEMENT PERFORMANCE.—

(A) IN GENERAL.—As part of the highway research program under subsection (a), the Secretary shall carry out a long-term pavement performance program to continue to completion the long-term pavement performance tests initiated under the strategic highway research program.

(B) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—In carrying out subparagraph (A), the Secretary shall make grants and enter into cooperative agreements and contracts for the following purposes:

(i) To continue the monitoring, material-testing, and evaluation of the highway test sections established under the long-term pavement performance program.

(ii) To carry out analyses of the data collected under the program.

(iii) To prepare the products required to fulfill the original objectives of the program and to meet future pavement technology needs.

* * * * * * *

[(4) SHORT HAUL PASSENGER TRANSPORTATION SYSTEMS.—The Secretary shall conduct necessary systems research in order to develop a concept for a lightweight, pneumatic tire multiple-unit, battery-powered system, in conjunction with recharging stations at strategic locations. The Secretary shall create a potential systems concept and, as part of the surface transportation research and development plan under subsection (b), make recommendations to Congress by January 15, 1993.]

(4) ADVANCED RESEARCH.—

(A) IN GENERAL.—The highway research program under subsection (a) shall include an advanced research program that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including

bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out this program, the Secretary shall strive to develop partnerships with the public and private sectors.

(B) RESEARCH AREAS.—In carrying out the advanced research program under subparagraph (A), the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

(i) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

(ii) Diagnostics for evaluation of the condition of bridge and pavement structures to enable assessment of failure risks.

(iii) Design and construction details for composite structures.

(iv) Safety technology based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

(v) Particulate matter source apportionment, control strategy synthesis evaluation, and model development.

(vi) Data acquisition techniques for system condition and performance monitoring.

(vii) Prediction of the response of current and future travelers to new technologies.

(5) SUPPORTING INFRASTRUCTURE.—The Secretary shall establish a program to strengthen and expand surface transportation infrastructure research and development. The program shall include the following elements:

(A) * * *

* * * * * * *

[(C) The Secretary shall determine whether or not to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems. The Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992.]

[(D)] *(C)* The Secretary shall undertake or supervise surface transportation infrastructure research to develop—

(i) * * *

* * * * * * *

[(c) STATE PLANNING AND RESEARCH.—

[(1) GENERAL RULE.—2 percent of the sums apportioned for each fiscal year beginning after September 30, 1991, to any State under sections 104 and 144 of this title and for highway projects under section 103(e)(4) of this title shall be available for expenditure by the State highway department, in consultation with the Secretary, only for the following purposes:

[(A) Engineering and economic surveys and investigations.

[(B) The planning of future highway programs and local public transportation systems and for planning for the fi-

nancing thereof, including statewide planning under section 135 of this title.

[(C) Development and implementation of management systems under section 303 of this title.

[(D) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

[(E) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on engineering standards and construction materials for such systems, including evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

[(2) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities described in paragraph (1) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification.

[(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to paragraph (1) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

[(4) ADMINISTRATION OF SUMS.—Funds which are subject to paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

[(d) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

[(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out the program under this subsection.

[(3) PERIOD OF AVAILABILITY.—Funds set aside to carry out this subsection shall remain available for the fiscal year in

which such funds are made available and the three succeeding fiscal years.

[(4) SET ASIDE.—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed ¼ of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 130 of this title. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of ¼ of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.

[(5) ANNUAL REPORT.—The Secretary shall transmit a report annually beginning on January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives which provides information on the progress and research findings the program conducted under this subsection.

[(6) LIMITATION OF REMEDIES.—

[(A) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission arising from activities conducted under or in connection with this subsection. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of such title.

[(B) EXCLUSIVENESS OF REMEDY.—The remedy referred to in subparagraph (A) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

[(C) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this subsection shall be treated as if they are employees of the Federal Government under section 2671 of title 28, United States Code, for purposes of a civil action or proceeding with respect to a claim described in subparagraph (A); and the civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of such title,

or any proceeding under chapter 171 of such title or action against the United States filed pursuant to section 1346(b) of such title, and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

[(D) REMOVAL.—Upon certification by the Attorney General that a civil action or proceeding with respect to a claim described in subparagraph (A) is being brought in a State court, such civil action or proceeding shall be removed from the State court without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subparagraph shall be conclusive.

[(E) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in subparagraph (A) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this subsection, and then from sums made available under section 1304 of title 31, United States Code. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28, United States Code. The Secretary may establish a reserve of funds made available to carry out this subsection for making payments under this paragraph.

[(e) APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall establish and implement in accordance with this subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

[(2) GUIDELINES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

[(A) TECHNOLOGIES.—Guidelines on the selection of both foreign and domestic technologies to be tested.

[(B) TEST LOCATIONS.—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

[(C) DATA.—Guidelines for the scientific collection, evaluation, and dissemination of appropriate test data.

[(3) TECHNOLOGIES.—Technologies which may be tested under this subsection include, but are not limited to—

[(A) accelerated construction materials and procedures;

[(B) environmentally beneficial materials and procedures;

[(C) materials and techniques which provide enhanced serviceability and longevity under adverse climactic, environmental, and load effects;

[(D) technologies which increase the efficiency and productivity of vehicular travel; and

[(E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

[(4) HEATED BRIDGE TECHNOLOGIES.—

[(A) PROJECTS.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

[(B) MINIMUM NUMBER OF BRIDGES.—The number of bridges for which heating equipment is installed under this subsection in a fiscal year shall not be less than 10 bridges.

[(5) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

[(6) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to demonstrate the durability and construction efficiency of high performance blended hydraulic cement.

[(7) THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to thin bonded overlay (including inorganic bonding systems) and surface lamination of pavement, and to assess the feasibility of, and costs and benefits associated with, the repair, rehabilitation, and upgrading of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlay thickness, minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability.

[(8) ALL WEATHER PAVEMENT MARKINGS.—As part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

[(9) TESTING OF HIGHWAY TECHNOLOGIES.—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

[(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

[(11) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

[(12) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

[(13) FUNDING.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 5313(a) of title 49, $35,000,000 for fiscal year 1992 and $41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than $4,000,000 per fiscal year to carry out projects related to heated bridge technologies under paragraph (4), not less than $2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavements under paragraph (7), and not less than $2,000,000 per fiscal year to carry out projects related to all weather pavement markings under paragraph (8). Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.]

[(f)] *(c)* SEISMIC RESEARCH PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.]

(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.

* * * * * * *

[(4) FUNDING.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not more than $2,000,000 per fiscal year in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out this subsection.

[(5) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.]

(4) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall expend not more than $2,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection, of which up to $2,500,000 may be used to

upgrade earthquake simulation facilities as required to carry out the program.

[(g)] *(d)* As used in this section the term "safety" includes, but is not limited to, highway safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

[(h) The Secretary] *(e) BIENNIAL REPORT.—The Secretary* shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in January 1983, and in January of every second year thereafter, estimates of the future highway needs, *as well as the backlog of current highway needs,* of the Nation. The biennial reports required under this subsection shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.

(f) RECYCLED MATERIALS RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a program of research to determine—

(A) the performance of asphalt pavement containing tire-derived carbonous asphalt modifiers under various climate and use conditions; and

(B) the degree to which asphalt pavement containing tire-derived carbonous asphalt modifiers can be recycled.

(2) DATE OF COMPLETION.—The Secretary shall complete the research program under this subsection not later than 3 years after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

* * * * * * *

§ 313. State planning and research

(a) GENERAL RULE.—Two percent of the sums apportioned for each fiscal year beginning after September 30, 1997, under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

(1) Engineering and economic surveys and investigations.

(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including statewide planning under section 135.

(3) Development and implementation of management systems under section 303.

(4) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on the engineering standards and construction materials for such systems, including the evaluation

and accreditation of inspection and testing and the regulation and taxation of their use.

(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State for research, development, and technology transfer activities described in subsection (a) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification. Funds used for research provided under this subsection are not subject to an assessment under the Small Business Research and Development Enhancement Act of 1992 (Public Law 102–564).

(c) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

(d) ADMINISTRATION OF SUMS.—Funds which are subject to subsection (a) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).

* * * * * * *

§ 321. National Highway Institute

(a) * * *

* * * * * * *

[(f) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected under subsection (e) and may be administered by the Secretary as a fund which shall be available until expended.**]**

[(g)**]** *(f)* CONTRACTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.

§ 322. National technology deployment initiative

(a) IN GENERAL.—The Secretary shall develop and implement a national technology deployment initiative to expand adoption by the surface transportation community of innovative technologies to improve the safety, efficiency, reliability, service life, and sustainability of transportation systems and to reduce environmental impact.

(b) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities undertaken pursuant to this section with the efforts of the Department to disseminate the results of research sponsored by the Department and to facilitate technology transfer.

(c) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this section, the Secretary shall give preference

to projects that leverage Federal funds with other significant public or private resources.

(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, or other transactions with any State or local agency, authority, association, institution, corporation (for-profit or nonprofit), organization, or person.

* * * * * * *

§ 325. International highway transportation outreach program

(a) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise, *goods, and services* internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include—

(1) * * *

* * * * * * *

(4) offering those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects if the costs for assistance will be recovered under the terms of each project; **[**and**]**

(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section, and in Greece and Turkey**[**.**]***; and*

(6) gathering and disseminating information on foreign transportation markets and industries.

* * * * * * *

[(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.**]**

(c) FUNDS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for such purpose with the Secretary of the Treasury. The funds deposited in the special account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits. Reimbursements for salaries and benefits

of Department of Transportation employees providing services under this section shall be credited to the special account.

(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 313 for any activity authorized under subsection (a).

§ 326. Education and training [program] *programs*

(a) [AUTHORITY] *LOCAL TECHNICAL ASSISTANCE PROGRAM.*—The Secretary is authorized to carry out a [transportation assistance program] *local technical assistance program* that will provide highway and transportation agencies in (1) urbanized areas of 50,000 to 1,000,000 population, and (2) rural areas, access to modern highway technology.

(b) RESEARCH FELLOWSHIPS.—

(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. Such program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program".

[(b)] *(c)* GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts for education and training, technical assistance, and related support service that will—

(1) * * *

* * * * * * *

[(c) FUNDS.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of $6,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including up to 100 percent for services provided to American Indian tribal governments.]

Chapter 4.—HIGHWAY SAFETY

Sec.
401. Authority of the Secretary.
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405. Occupant protection incentive grants.
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411. State highway safety data improvements.
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§ 402. Highway safety programs

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs

shall be in accordance with uniform guidelines promulgated by the Secretary. Such uniform guidelines shall be expressed in terms of performance criteria. In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, **[**(4)**]** *(4) to prevent accidents and* to reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall **[**include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and**]** provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents. Such uniform guidelines shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance, and bicycle safety. In addition such uniform guidelines shall include, but not be limited to provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

[(b)(1) The Secretary shall not approve any State highway safety program under this section which does not—

[(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program.

[(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines of the Secretary promulgated under this section.

[(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

[(D) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

[(E) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

[(2) The Secretary is authorized to waive the requirement of subparagraph (C) of paragraph (1) of this subsection, in whole or in part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.]

(b) ADMINISTRATION OF STATE PROGRAMS.—

[(3)] *(1)* ADMINISTRATIVE REQUIREMENTS.—The Secretary may not approve a State highway safety program under this section which does not—

(A) * * *

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(C) except as provided in paragraph [(5)] *(3)*, provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

* * * * * * *

[(4)] *(2)* WAIVER.—The Secretary may waive the requirement of paragraph [(3)(C)] *(1)(C)*, in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

[(5)] *(3)* USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photo-radar) by law enforcement officers.

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. Such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment, except that *the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and* the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. The Secretary shall not apportion any funds under the subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approved such program or determines that the State is implementing an approved program, as appropriate. The Secretary

shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

* * * * * * *

[(i) For the purpose of the application of this section on Indian reservations, "State" and "Governor of a State" includes the Secretary of the Interior and "political subdivision of a State" includes an Indian tribe: *Provided,* That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further,* That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.

[(j) RULEMAKING PROCESS.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.]

(i) APPLICATION IN INDIAN COUNTRY.—

(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms "State" and "Governor of a State" include the Secretary of the Interior and the term "political subdivision of a State" includes an Indian tribe. Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary of Transportation de-

termines that application of such provisions would not be practicable.

(2) INDIAN COUNTRY DEFINED.—In this subsection, the term "Indian country" means—

(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(j) RULEMAKING PROCEEDING.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.

* * * * * * *

§ 403. Highway safety research and development

(a) AUTHORITY OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

(2) ADDITIONAL AUTHORITY.—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

(A) training or education of highway safety personnel, *including training in work zone safety management,*

* * * * * * *

§ 405. Occupant protection incentive grants

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the provisions of this section, the Secretary shall make grants under subsections (b) and (c) to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (b) or (c) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such

expenditures in its 2 fiscal years preceding the Building Efficient Surface Transportation and Equity Act of 1998.

(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under subsection (b) or (c) in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

(b) GRANT A.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following and, beginning in fiscal year 2001, at least 6 of the following:

(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine, or provides for the imposition of penalty points against an individual's driver's license, for a violation of its safety belt use law.

(4) CHILD SAFETY SEAT LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 4 years of age in the vehicle is not properly secured in a child safety seat.

(5) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

(6) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems.

(7) CHILD PASSENGER PROTECTION LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle

whenever a child up to 10 years of age (and, beginning in fiscal year 2003, a child up to 16 years of age) in the vehicle is not properly restrained.

(c) GRANT B.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary each of the following:

(1) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the years a grant under this subparagraph is received.

(2) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(d) GRANT AMOUNTS.—The amount of each grant for which a State qualifies under subsection (b) or (c) for a fiscal year shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

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

(1) CHILD SAFETY SEAT.—The term "child safety seat" means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(3) MULTIPURPOSE PASSENGER VEHICLE.—The term "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) PASSENGER CAR.—The term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" means a passenger car or a multipurpose passenger motor vehicle.

(6) SAFETY BELT.—The term "safety belt" means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(g) APPLICABILITY OF CHAPTER 1.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an occupant protection program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) TREATMENT OF TERM "STATE HIGHWAY DEPARTMENT".—In applying provisions of chapter 1 in carrying out this section, the term "State highway department" as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

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[§ 410. Alcohol-impaired driving countermeasures

[(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

[(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

[(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Fed-

eral share payable for any grant under this section shall not exceed—

[(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

[(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

[(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

[(d) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year only if such State provides for 5 or more of the following:

[(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

[(A) when a law enforcement officer has probable cause under State law to believe a person has committed an alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

[(B) the notice of suspension or revocation referred to in subparagraph (A) shall provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

[(C) the State shall provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation;

[(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

[(E) in the case of a person who, in any 5-year period beginning after December 18, 1991, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

[(i) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

[(ii) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

[(F) the suspension and revocation referred to under subparagraph (D) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with subparagraph (B).

[(2)(A) For each of the first three fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

[(B) For each of the last two fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

[(3)(A) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

[(B) A State shall be treated as having met the requirement of this paragraph if—

[(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

[(ii) the State demonstrates to the satisfaction of the Secretary that—

[(I) the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

[(II) the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.

[(4) A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

[(5) An effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

[(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.

[(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol.

[(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.

[(f) SUPPLEMENTAL GRANTS.—

[(1) OPEN CONTAINER LAWS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

[(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

[(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

[(2) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATES.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for the suspension of the registration of, and the return to such State of the license plates for an individual who—

[(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991; or

[(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates on an individual basis to avoid undue hardship to any individual (including any family member of the convicted individual and any co-owner of the motor vehicle) who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result

in unrestricted reinstatement of the registration of the motor vehicle, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

[(3) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

[(4) DRUGGED DRIVING PREVENTION.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and—

[(A) provides for laws concerning drugged driving under which—

[(i) a person shall not drive or be in actual physical control of a motor vehicle while under the influence of alcohol, a controlled substance, a combination of controlled substances, or any combination of alcohol and controlled substances;

[(ii) any person who operates a motor vehicle upon the highways of the State shall be deemed to have given consent to a test or tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in his or her body; and

[(iii) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to believe such person has committed a traffic offense relating to controlled substances use, and such person (I) is determined, on the basis of 1 or more chemical tests, to have been under the influence of controlled substances while operating a motor vehicle, or (II) refuses to submit to such a test as proposed by the officer;

[(B) has in effect a law which provides that—

[(i) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

[(I) a mandatory license suspension for a period of not less than 90 days; and

[(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

[(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

[(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall—

[(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

[(II) have his or her license revoked for not less than 3 years; and

[(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license;

[(C) provides for an effective system, as determined by the Secretary, for—

[(i) the detection of driving under the influence of controlled substances;

[(ii) the administration of a chemical test or tests to any driver who a law enforcement officer has probable cause under State law to believe has committed a traffic offense relating to controlled substances use; and

[(iii) in instances where such probable cause exists, the prosecution of (I) those persons who are determined, on the basis of 1 or more chemical tests, to have been operating a motor vehicle while under the influence of controlled substances and (II) those persons who refuse to submit to such a test as proposed by a law enforcement officer; and

[(D) has in effect 2 of the following programs:

[(i) An effective educational program, as determined by the Secretary, for the prevention of driving under the influence of controlled substances.

[(ii) An effective program, as determined by the Secretary, for training law enforcement officers to detect driving under the influence of controlled substances.

[(iii) An effective program, as determined by the Secretary, for the rehabilitation and treatment of those convicted of driving under the influence of controlled substances.

[(5) BLOOD ALCOHOL CONCENTRATION LEVEL PERCENTAGE.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount

apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and requires that any person with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated in each of the first three fiscal years in which a basic grant is received.

[(6) VIDEO EQUIPMENT FOR DETECTION OF DRUNK AND DRUGGED DRIVERS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment.

[(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

[(h) APPLICABILITY OF CHAPTER 1.—

[(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

[(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

[(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

[(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

[(5) TREATMENT OF TERM "STATE HIGHWAY DEPARTMENT".—In applying provisions of chapter 1 in carrying out this section, the term "State highway department" as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

[(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

[(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" has the meaning such term has under section 158(c) of this title.

[(2) CONTROLLED SUBSTANCES.—The term "controlled substances" has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

[(3) MOTOR VEHICLE.—The term "motor vehicle" has the meaning such term has under section 154(b) of this title.

[(4) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

[(A) which contains any amount of an alcoholic beverage; and

[(B)(i) which is open or has a broken seal, or

[(ii) the contents of which are partially removed.

[(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997, and an additional $500,000 for fiscal year 1997. Amounts made available to carry out this section are authorized to remain available until expended.]

§ 410. Alcohol-impaired driving countermeasures

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

(1) in the first and second fiscal years in which the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

(2) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) BASIC GRANT ELIGIBILITY.—

(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that—

(i) in the case of an individual who, in any 5-year period beginning after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include a graduated licensing system, the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older, and the issuance of drivers' licenses that are tamper resistant.

(D) ENFORCEMENT PROGRAM.—Either—

(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

(F) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers in fatal accidents and, in fiscal year 2000 and in each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

(e) DISCRETIONARY GRANTS.—

(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make grants to the State for carrying out innovative programs (other than the programs specified in subsection (d)) to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. Such programs may seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (d) in such fiscal year.

(3) FUNDING.—Of the amounts made available to carry out this section, not to exceed 12 percent shall be available for making grants under this subsection.

(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(g) APPLICABILITY OF CHAPTER 1.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an alcohol-impaired driving countermeasures program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) TREATMENT OF TERM "STATE HIGHWAY DEPARTMENT".—In applying provisions of chapter 1 in carrying out this section, the term "State highway department" as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

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

(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" has the meaning such term has under section 158(c) of this title.

(2) CONTROLLED SUBSTANCES.—The term "controlled substances" has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

§ 411. State highway safety data improvements

(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

(1) improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities for national, State, and local highway and traffic safety programs;

(2) evaluate the effectiveness of efforts to make such improvements;

(3) link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data; and

(4) improve State data systems' compatibility with national data systems and those of other States and enhance the Secretary's ability to observe and analyze national trends in crash occurrences, rates, outcomes, and causation.

Such grants may be used by recipient States only to implement such programs.

(b) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and causation. A State's multiyear highway safety data and traffic records plan described in subsection (e)(1) shall demonstrate how the model data elements will be incorporated into the State's data systems for the State to be eligible for grants under this section.

(c) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

(d) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

(1) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

(2) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

(3) in the fifth and sixth fiscal years in which the State receives the grant under this section, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

(e) FIRST-YEAR GRANTS.—

(1) ELIGIBILITY.—A State shall be eligible for a first-year grant under this section in a fiscal year if the State either—

(A) demonstrates, to the satisfaction of the Secretary, that the State has—

(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the State's highway safety data and traffic records system; and

(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan, to be approved by the State's highway safety data and traffic records coordinating committee, that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

(B) provides, to the satisfaction of the Secretary—

(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

(ii) a multiyear plan that—

(I) identifies and prioritizes the State's highway safety data and traffic records needs and goals;

(II) specifies how the State's incentive funds for the fiscal year will be used to address those needs and goals; and

(III) identifies performance-based measures by which progress toward those goals will be determined; and

(iii) a certification that the State's highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan described in clause (ii).

(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

(A) if the State is eligible for the grant under paragraph (1)(A), $125,000, subject to the availability of appropriations; and

(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

(i) the amount appropriated to carry out this section for such fiscal year; by

(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

(f) SUCCEEDING YEAR GRANTS.—

(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in any fiscal year succeeding the first fiscal year

in which the State receives a grant under subsection (e) if the State, to the satisfaction of the Secretary—

(A) submits or updates a multiyear plan described in subsection (e)(1)(A)(iii);

(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

(C) reports annually on the State's progress in implementing the multiyear plan.

(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

(A) the amount appropriated to carry out this section for such fiscal year; by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a highway safety data improvements program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) TREATMENT OF TERM "STATE HIGHWAY DEPARTMENT".—In applying provisions of chapter 1 in carrying out this section, the term "State highway department" as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

TITLE II—SPECIAL APPALACHIAN PROGRAMS

PART A—NEW PROGRAMS

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

SEC. 201. (a) * * *

* * * * * * *

(h)(1) When a participating State proceeds to construct a segment of a development highway without the aid of Federal funds, in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with such funds, except insofar as such procedures and requirements limit a State to the construction of projects for which Federal funds have previously been appropriated, the Secretary, upon application by the State and with the approval of the Commission, is authorized to pay to the State the Federal share not to exceed [70] *80* per centum of the costs of the construction of such segment, from any sums appropriated and allocated to such State to carry out this section.

* * * * * * *

(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of fiscal year 1998 and each fiscal year thereafter, or as soon as is practicable thereafter, there shall be deducted, for the expenses of the Appalachian Regional Commission in administering the funds authorized under this section for such year, not to exceed 3.75 percent of the funds made available for such year under subsection (g) of this section.

(j) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Before the State of Ohio may request the dedesignation of corridor B from the Ohio River in Scioto County to the Scioto-Adams County line, corridor B1 from the Kentucky State line to the junction with corridor B at Rosemount, corridor C from the junction with corridor B at Lucasville to State Route 159 at Chillicothe, or corridor D from the Adams County line to the Ohio River in Washington County as segments of the Appalachian development highway system, the State must consult about the proposed dedesignation with local elected officials having jurisdiction over the area in which the segment is located and conduct public hearings on the proposed dedesignation in each county in which any part of the segment is located.

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TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

* * * * * * *

DEFINITION OF APPALACHIAN REGION

SEC. 403. As used in this Act, the term ''Appalachian region'' or ''the region'' means that area of the eastern United States consisting of the following counties (including any political subdivision located within such area):

* * * * * * *

In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattahooga, Cherokee, Dade, Dawson, Douglas, *Elbert,* Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, *Hart,* Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield;

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INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

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TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

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SEC. 1021. FEDERAL SHARE.

* * * * * * *

[(b) CONFORMING AMENDMENTS.—Section 120 of such title is further amended—

[(1) by striking subsections (j), (k), (l), and (m),

[(2) by redesignating subsections (e), (f), (g), (h), (i), and (n) as subsections (d), (e), (f), (g), (h), and (i) respectively, and

[(3) in subsection (d) as so redesignated by striking ''and (c)'' and inserting ''and (b)''.**]**

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SEC. 1023. GROSS VEHICLE WEIGHT RESTRICTION.

(a) * * *

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(h) PUBLIC TRANSIT VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, for the period beginning on October 6, 1992, and ending on **[**the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995**]** *September 30, 2003,* to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus.

* * * * * * *

SEC. 1040. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—The Secretary shall use funds made available [by subsection (e)] to carry out highway use tax evasion projects in accordance with this section. Such funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary. The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this section.

* * * * * * *

[(f) FUNDING.—

[(1) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code; except that the Federal share for projects carried out under this section shall be 100 percent and the sums shall remain available until expended.

[(2) GENERAL FUND.—There are authorized to be appropriated to carry out this section $2,500,000 per fiscal year for each of fiscal years 1992 through 1997. Such sums shall remain available until expended.]

(f) APPLICABILITY OF TITLE 23.—Funds made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out under this section shall be 100 percent and such funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

(g) AUTOMATED FUEL REPORTING SYSTEM.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.

[(g)] *(h)* STATE DEFINED.—For purposes of this section, the term "State" means the 50 States and the District of Columbia.

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SEC. 1064. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) * * *

* * * * * * *

[(c) FUNDING.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $14,000,000 for fiscal year 1992, $17,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996, and $18,000,000 for fiscal year 1997 in carrying out this section. Such sums shall remain available until expended.]

(c) OBLIGATION OF AMOUNTS.—Amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section may be obligated at the discretion of the Secretary. Such sums shall remain available until expended.

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SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) * * *

* * * * * * *

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) * * *

* * * * * * *

(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

(B)(i) * * *

* * * * * * *

(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

(I) in the case of I–73—

(aa) * * *

* * * * * * *

(ff) South Carolina State line to Charleston, South Carolina *including a connection to Andrews following the Route 41 Corridor*; and

* * * * * * *

(9) United States Route 220 and the Appalachian Thruway Corridor from Business 220 in Bedford, Pennsylvania, to the vicinity of Corning, New York, *including United States Route 322 between United States Route 220 and I–80*.

* * * * * * *

(18) Corridor from *Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along I–69 and from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along I–94 via Marshall, Michigan, thence south to* Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Mississippi, Arkansas, Shreveport/Bossier, Louisiana, to Houston, Texas, and to the Lower Rio Grande Valley at the border between the United States and Mexico, [and to include] *as follows:*

(A) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

(ii) run in an East/South direction to United States Route 61 and cross the Mississippi River (in the vicinity of Memphis, Tennessee) to Highway 79, and then follow Highway 79 south to 2 miles west of Altimer, Arkansas, and across the Arkansas River at Lock and Dam Number 4, Arkansas, and then proceed south in the direction of Monticello, Arkansas, and link up with the route proposed in the Corridor 18 Special Issues Study Final Report which would continue to Haynesville, Louisiana.

(B) In the Lower Rio Grande Valley, the Corridor shall—

(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, *and then to Victoria, Texas, via United States Route 77;*

(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

(iii) include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181, including FM511 from United States Route 77 to the Port of Brownsville.

* * * * * * *

(21) United States Route 219 Corridor from Buffalo, New York, to the intersection of ⟦United States Route 17 in the vicinity of Salamanca, New York⟧ *Interstate Route 80*.

* * * * * * *

(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota, *including I–29 between Kansas City and the Canadian border*.

* * * * * * *

(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center

connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

(34) The Alameda Corridor East generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernandino.

(35) Everett-Tacoma FAST Corridor.

(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

(39) United States Route 63 from Marked Tree, Arkansas, to I–55.

* * * * * * *

(e) PROVISIONS APPLICABLE TO CORRIDORS.—

(1) * * *

* * * * * * *

(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—

(A) IN GENERAL.—The portions of the routes referred to *in subsection (c)(1),* in clauses (i), (ii), and (iii) of subsection (c)(5)(B), in subsection (c)(9), [and] in subsections (c)(18) and (c)(20)*, in subsection (c)(36), and in subsection (c)(37)* that are not a part of the Interstate System are designated as future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

(i) * * *

* * * * * * *

[The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I–99.]

(B) ROUTES.—

(i) DESIGNATION.—The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I–99. The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.

[(B)] *(C)* TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as part of the Interstate System by this paragraph and the mileage of such segments shall be treated in the manner described in the last 2 sentences of section 139(a) of title 23, United States Code.

[(C)] *(D)* USE OF FUNDS.—

(i) GENERAL RULE.—Funds apportioned under section 104(b)(5)(A) of title 23, United States Code, may be used on a project to construct a portion of a route referred to in this paragraph to standards set forth in section 109(b) of such title if the State determines that the project for which the funds were originally apportioned is unreasonably delayed or no longer viable.

(ii) LIMITATION.—If funds apportioned under section 104(b)(5)(A) of title 23, United States Code, for completing a segment of the Interstate System are used on a project pursuant to this subparagraph, no interstate construction funds may be made available, after the date of the enactment of this paragraph, for construction of such segment.

* * * * * * *

PART B—NATIONAL RECREATIONAL TRAILS FUND ACT

* * * * * * *

[SEC. 1302. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

[(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing and maintaining recreational trails.

[(b) STATEMENT OF INTENT.—Moneys made available under this part are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act.

[(c) STATE ELIGIBILITY.—

[(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this part, a State shall be eligible to receive moneys under this part only if such State's appli-

cation proposes to use the moneys as provided in subsection (e).

[(2) PERMANENT PROVISION.—On and after the date that is three years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part only if—

[(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

[(B) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this part; and

[(C) the State's application proposes to use moneys received under this part as provided in subsection (e).

[(3) FEDERAL SHARE.—

[(A) PRIOR TO FISCAL YEAR 2001.—Prior to October 1, 2000, the Federal share of the cost of a project under this section shall be 50 percent.

[(B) FISCAL YEAR 2001 AND THEREAFTER.—For fiscal year 2001 and each fiscal year thereafter, a State shall be eligible to receive moneys under this part for a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in that fiscal year.

[(d) ALLOCATION OF MONEYS IN THE FUND.—

[(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

[(A) approving applications of States for moneys under this part;

[(B) paying expenses of the National Recreational Trails Advisory Committee;

[(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this part;

[(D) contracting for services with other land management agencies; and

[(E) if any such funds remain unexpended, research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et al).

[(2) ALLOCATION TO STATES.—

[(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

[(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

[(ii) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use

during the preceding year in each such State, respectively.

[(B) USE OF DATA.—In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

[(3) LIMITATION ON OBLIGATIONS.—The provisions of paragraphs (1) and (2) notwithstanding, the total of all obligations for recreational trails under this section shall not exceed—

[(A) $30,000,000 for fiscal year 1992;
[(B) $30,000,000 for fiscal year 1993;
[(C) $30,000,000 for fiscal year 1994;
[(D) $30,000,000 for fiscal year 1995;
[(E) $30,000,000 for fiscal year 1996; and
[(F) $30,000,000 for fiscal year 1997.

[(e) USE OF ALLOCATED MONEYS.—

[(1) PERMISSIBLE USES.—A State may use moneys received under this part for—

[(A) in an amount not exceeding 7 percent of the amount of moneys received by the State, administrative costs of the State;

[(B) in an amount not exceeding 5 percent of the amount of moneys received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

[(C) development of urban trail linkages near homes and workplaces;

[(D) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

[(E) restoration of areas damaged by usage of recreational trails and back country terrain;

[(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

[(G) provision of features which facilitate the access and use of trails by persons with disabilities;

[(H) acquisition of easements for trails, or for trail corridors identified in a State trail plan;

[(I) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

[(J) construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

[(K) only as otherwise permissible, and where necessary and required by a State Comprehensive Outdoor Recreation plan, construction of new trails crossing Federal lands, where such construction is approved by the administering agency of the State, and the Federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.),

the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

[(2) USE NOT PERMITTED.—A State may not use moneys received under this part for—

[(A) condemnation of any kind of interest in property;

[(B)(i) construction of any recreational trail on National Forest System lands for motorized uses unless such lands—

[(I) have been allocated for uses other than wilderness by an approved Forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

[(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

[(ii) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands—

[(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

[(II) such construction is otherwise consistent with the management direction in such approved management plans; or

[(C) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

[(3) GRANTS.—

[(A) IN GENERAL.—A State may provide moneys received under this part to make grants to private individuals, organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), for uses consistent with this section.

[(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

[(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraphs (7) and (9)(B), not less than 30 percent of the moneys received annually by a State under this part shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to non-motorized recreation.

[(5) ENVIRONMENTAL MITIGATION.—

[(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, recon-

struction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

[(B) GUIDANCE.—A recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) shall issue guidance to a State for the purposes of implementing subparagraph (A).

[(6) DIVERSIFIED TRAIL USE.—

[(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this part in a manner that gives preference to project proposals which—

[(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or

[(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this part in the aforementioned manner.

[(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).

[(7) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

[(8) CONTINUING RECREATIONAL USE.—At the option of each State, moneys made available pursuant to this part may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

[(9) RETURN OF MONEYS NOT EXPENDED.—

[(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

[(B) If approved by the State recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), the State may be exempted from the requirements of paragraph (4).

[(f) COORDINATION OF ACTIVITIES.—

[(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreation trail pursuant to this part is encouraged to cooperate with the State

and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this part diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable laws.

[(2) COOPERATION BY PRIVATE PERSONS.—

[(A) WRITTEN ASSURANCES.—As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

[(B) PUBLIC ACCESS.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

[(g) DEFINITIONS.—For the purposes of this section—

[(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements stated in subsection (c).

[(2) FUND.—The term "Fund" means the National Recreational Trails Trust Fund established by section 9511 of the Internal Revenue Code of 1986.

[(3) NONHIGHWAY RECREATIONAL FUEL.—The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6) of the Internal Revenue Code of 1986.

[(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

[(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

[(6) MOTORIZED RECREATION.—The term "motorized recreation" may not include motorized conveyances used by persons with disabilities, such as self-propelled wheelchairs, at the discretion of each State.]

SEC. 1303. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) * * *

* * * * * * *

(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.

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TITLE III—FEDERAL TRANSIT ACT AMENDMENTS OF 1991

* * * * * * *

SEC. 3031. NEW JERSEY URBAN CORE PROJECT.

(a) CONTRACTUAL COMMITMENTS.—

(1) * * *

* * * * * * *

(3) ALLOCATIONS.—

(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

(B) NEWARK-NEWARK INTERNATIONAL AIRPORT-ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the Newark-Newark International Airport-Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—Of amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).

* * * * * * *

(c) EXEMPTION FROM CERTAIN REQUIREMENTS.—The requirements contained in [section 3(i) of the Federal Transit Act (relating to criteria for new starts)] *section 5309(e) of title 49, United States Code,* shall not apply with respect to the New Jersey Urban Core Project[; except that an alternative analysis and draft environmental impact statement shall be completed with respect to the Hudson River Waterfront element of the project and the Secretary shall approve the recommended locally preferred alternative for such element]. No element of the project shall be subject to the major capital investment policy of the Federal Transit Administration.

(d) ELEMENTS OF URBAN CORE PROJECT.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer *(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)*, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System[, Newark-Newark International Airport-Elizabeth Transit Link] *(including a connection from the Vince Lombardi Station to Saddlebrook), Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)*, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, *the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,* and the equipment needed to operate revenue service associated with improvements made by the project. The project includes elements advanced with 100 percent non-Federal funds.

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TITLE VI—RESEARCH

* * * * * * *

[PART B—INTELLIGENT TRANSPORTATION SYSTEMS

[SEC. 6051. SHORT TITLE.

[This part may be cited as the "Intelligent Transportation Systems Act of 1991".

[SEC. 6052. ESTABLISHMENT AND SCOPE OF PROGRAM.

[(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent transportation systems and promote im-

plementation of such systems as a component of the Nation's surface transportation systems.

[(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

[(1) the widespread implementation of intelligent transportation systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

[(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals established pursuant to the Clean Air Act;

[(3) the enhancement of safe and efficient operation of the Nation's highway systems with a particular emphasis on aspects of systems that will increase safety and identification of aspects of the system that may degrade safety;

[(4) the development and promotion of intelligent transportation systems and an intelligent transportation systems industry in the United States, using authority provided under section 307 of title 23, United States Code;

[(5) the reduction of societal, economic, and environmental costs associated with traffic congestion;

[(6) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging field of technology;

[(7) the development of a technology base for intelligent transportation systems and the establishment of the capability to perform demonstration experiments, using existing national laboratory capabilities where appropriate; and

[(8) the facilitation of the transfer of transportation technology from national laboratories to the private sector.

[SEC. 6053. GENERAL AUTHORITIES AND REQUIREMENTS.

[(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster use of the program as a key component of the Nation's surface transportation systems and strive to transfer federally owned or patented technology to State and local governments and the United States private sector. As appropriate, in carrying out the program under this part, the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

[(b) STANDARDS.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent transportation systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote compatibility among intelligent transportation systems technologies imple-

mented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate.

[(c) EVALUATION GUIDELINES.—The Secretary shall establish guidelines and requirements for the evaluation of field and related operational tests carried out pursuant to section 6055. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall not be subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

[(d) INFORMATION CLEARINGHOUSE.—

[(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this part and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

[(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this part.

[(e) ADVISORY COMMITTEES.—The Secretary may utilize one or more advisory committees in carrying out this part. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the intelligent transportation systems program under this part.

[SEC. 6054. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

[(a) STRATEGIC PLAN.—

[(1) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop, submit to Congress, and commence implementation of a plan for the intelligent transportation systems program.

[(2) SCOPE.—The plan shall—

[(A) specify the goals, objectives, and milestones of the intelligent transportation systems program and how specific projects relate to the goals, objectives, and milestones, including consideration of the 5- 10- and 20-year timeframes for the goals and objectives;

[(B) detail the status of and challenges and nontechnical constraints facing the program;

[(C) establish a course of action necessary to achieve the program's goals and objectives;

[(D) provide for the development of standards and protocols to promote and ensure compatibility in the imple-

mentation of intelligent transportation systems technologies; and

[(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

[(b) INTELLIGENT TRANSPORTATION SYSTEMS.—The Secretary shall develop an automated highway and vehicle prototype from which future fully automated intelligent transportation systems can be developed. Such development shall include research in human factors to ensure the success of the man-machine relationship. The goal of this program is to have the first fully automated roadway or an automated test track in operation by 1997. This system shall accommodate installation of equipment in new and existing motor vehicles.

[(c) IMPLEMENTATION REPORTS.—

[(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on implementation of the plan developed under subsection (a).

[(2) SCOPE OF IMPLEMENTATION REPORTS.—In preparing reports under this subsection, the Secretary shall—

[(A) analyze the possible and actual accomplishments of intelligent transportation systems projects in achieving congestion, safety, environmental, and energy conservation goals and objectives of the program;

[(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or implementation project under the program;

[(C) assess nontechnical problems and constraints identified as a result of each such implementation project; and

[(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the plan developed under subsection (a).

[(d) NONTECHNICAL CONSTRAINTS.—

[(1) REPORT TO CONGRESS.—In cooperation with the Attorney General and the Secretary of Commerce, the Secretary shall prepare and submit, not later than 2 years after the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to implementation of the intelligent transportation systems program.

[(2) SCOPE OF REPORT.—The report shall—

[(A) address antitrust, privacy, educational and staffing needs, patent, liability, standards, and other constraints, barriers, or concerns relating to the intelligent transportation systems program;

[(B) recommend legislative and administrative actions necessary to further the program; and

[(C) address ways to further promote industry and State and local government involvement in the program.

[(3) UPDATE OF REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

[(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.

[SEC. 6055. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE.

[(a) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary may provide planning and technical assistance and information to State and local governments seeking to use and evaluate intelligent transportation systems technologies. In doing so, the Secretary shall assist State and local officials in developing plans for areawide traffic management control centers, necessary laws pertaining to establishment and implementation of such systems, and plans for infrastructure for such systems and in conducting other activities necessary for the intelligent transportation systems program.

[(b) PLANNING GRANTS.—The Secretary may make grants to State and local governments for feasibility and planning studies for development and implementation of intelligent transportation systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

[(c) ELIGIBILITY OF CERTAIN TRAFFIC MANAGEMENT ENTITIES.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted by a State department of transportation for implementation of a traffic management system for a designated corridor is eligible to receive Federal assistance under this part through the State department of transportation.

[(d) OPERATIONAL TESTING PROJECTS.—The Secretary may make grants to non-Federal entities, including State and local governments, universities, and other persons, for operational tests relating to intelligent transportation systems. In deciding which projects to fund under this subsection, the Secretary shall—

[(1) give the highest priority to those projects that—

[(A) will contribute to the goals and objectives specified in plan developed under section 6054; and

[(B) will minimize the relative percentage of Federal contributions (excluding funds apportioned under section 104 of title 23, United States Code) to total project costs;

[(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such systems; and

[(3) require that operational tests utilizing Federal funds under this part have a written evaluation of the intelligent transportation systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed pursuant to section 6053(c).

[(e) AUTHORITY TO USE FUNDS.—Each State and eligible local entity is authorized to use funds provided under this part for implementation purposes in connection with the intelligent transportation systems program.

[SEC. 6056. APPLICATIONS OF TECHNOLOGY.

[(a) ITS CORRIDORS PROGRAM.—The Secretary shall designate transportation corridors in which application of intelligent transportation systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

[(b) PRIORITIES.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for application of intelligent transportation systems in not less than 3 but not more than 10 corridors with the following characteristics:

[(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

[(2) Severe or extreme nonattainment for ozone under the Clean Air Act, as determined by the Administrator of the Environmental Protection Agency.

[(3) A variety of types of transportation facilities, such as highways, bridges, tunnels, and toll and nontoll facilities.

[(4) Inability to significantly expand capacity of existing surface transportation facilities.

[(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

[(6) Complexity of traffic patterns.

[(7) Potential contribution to the implementation of the Secretary's plan developed under section 6054.

[(c) OTHER CORRIDORS AND AREAS.—After the allocation pursuant to subsection (b), the balance of funds made available to carry out this section shall be allocated to eligible State and local entities for application of intelligent transportation systems in corridors and areas where the application of such systems and associated technologies will make a potential contribution to the implementation of the Secretary's plan for the intelligent transportation systems program under section 6054 and demonstrate benefits related to any of the following:

[(1) Improved operational efficiency.

[(2) Reduced regulatory burden.

[(3) Improved commercial productivity.

[(4) Improved safety.

[(5) Enhanced motorist and traveler performance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the characteristics set forth in subsection (b).

[SEC. 6057. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY.

[(a) STUDY.—The Secretary shall conduct a study to evaluate technology which is designed for installation on a commercial motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

[(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on

Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

[SEC. 6058. FUNDING.

[(a) ITS CORRIDORS PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 6056, out of the Highway Trust Fund (other than the Mass Transit Account), $71,000,000 for fiscal year 1992 and $86,000,000 per fiscal year for each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 6056 for fiscal years 1992 and 1993 may be used by the Secretary for carrying out other activities authorized under this part.

[(b) OTHER ITS ACTIVITIES.—There is authorized to be appropriated to the Secretary for carrying out this part (other than section 6056), out of the Highway Trust Fund (other than the Mass Transit Account), $23,000,000 for fiscal year 1992 and $27,000,000 per fiscal year for each of fiscal years 1993 through 1997.

[(c) RESERVATION OF FUNDS.—Of the funds made available pursuant to subsection (a), not less than 5 percent shall only be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 6054.

[(d) FEDERAL SHARE PAYABLE.—The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities. The Secretary shall seek maximum private participation in the funding of such activities.

[(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such funds shall remain available for obligation in accordance with this section. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act.

[(f) OBLIGATION OF FUNDS.—

[(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) on or after the date of the enactment of this subsection and other funds made available on or after that date to carry out specific intelligent transportation systems projects shall be obligated not later than the last day of the fiscal year following the fiscal year for which the funds are made available. Funds made available pursuant to subsections (a) and (b) before such date of enactment shall remain available until expended.

[(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry

out any other project with respect to which funds may be made available under subsection (a) or (b).

[SEC. 6059. DEFINITIONS.

[For the purposes of this part, the following definitions apply:

[ITS.—The term "intelligent transportation systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

[(2) CORRIDOR.—The term "corridor" means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

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

* * * * * * *

SECTION 146 OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

[LANE RESTRICTIONS

[SEC. 146. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to controlled access highways, toll roads, or bridges.]

SECTION 407 OF THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SEC. 407. OWNERSHIP OF BRIDGE.

[(a) CONVEYANCE BY SECRETARY.—

[(1) IN GENERAL.—After execution of the agreement under subsection (c), the Secretary shall convey to the Authority all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.]

(a) CONVEYANCES.—

(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

(A) GENERAL AUTHORITY.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of

Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the project.

(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), upon conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

(D) FUNDS ALLOCATED.—No funds made available for the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge under this paragraph.

(2) CONVEYANCE TO AUTHORITY.—After execution of the agreement under subsection (c), the State of Virginia, State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (3), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.

[(2)**]** *(3)* INTERIM RESPONSIBILITIES.—Until such time as the Project is constructed and operational, the **[**conveyance under paragraph (1)**]** *conveyance under this subsection* shall not—

(A) * * *

* * * * * * *

ACT OF APRIL 27, 1962

AN ACT To provide for the annual audit of bridge commissions and authorities created by Act of Congress, for the filling of vacancies in the membership thereof, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **[**That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing in such manner as prescribed by the Governors of the States concerned and in accordance with generally accepted auditing standards. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files, and all other

papers, documents, or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

[(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficits; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

[(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

[(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

[SEC. 2. (a) Each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall continue in office until the expiration of his present term except as provided under subsection (b) of this section.

[(b)(1) Except as provided in paragraph (2) of this subsection, where provision is made in the Act creating a bridge commission or authority for membership thereon without limitation as to length of term of office, the Secretary of Commerce shall, on or before the expiration of ninety days after the date of this Act, reappoint not more than one-third of the persons who are members of such bridge commission or authority on the date of enactment of this Act as members of such bridge commission or authority for a term of two years from the date of reappointment, reappoint not more than one-third of the members of such bridge commission or authority for a term of four years, and reappoint the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed, and vacancies shall be filled as provided under subsection (c) of this section.

[(2) Notwithstanding any other provision of law, the term of office of each person who is a member of the White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140), on the date of enactment of this Act shall expire on the ninetieth day after such date of enactment. The Secretary of Commerce may thereupon appoint three persons as members of the commis-

sion, one for a term of two years, one for a term of four years, and one for a term of six years. Each person appointed as a member of the commission there after shall be appointed for a term of six years, except that a person appointed to fill a vacancy shall serve only for the unexpired term of his predecessor. Each person appointed under this subsection shall give such bond as may be fixed by the Secretary of Commerce, conditioned upon the faithful performance of all duties required by this Act. The cost of such bonds shall be deemed an operating expense of the commission. The Secretary of Commerce shall designate the member of the commission who shall serve as chairman and the member who shall serve as vice chairman. Vacancies in the commission shall not affect its powers, and shall be filled in the same manner as the original appointments were made. The commission shall have power to establish rules and regulations for the government of its business.

[(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

[(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

[(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

[(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

[SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the Governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made. The Secretary of Commerce shall review such annual reports and audit reports submitted under section 1(b) of this Act and shall make recommendations to the Congress based upon such review, or take such other action as he may consider necessary, to effectuate the intent of the Congress as established by this Act or by the Act under which the individual bridge commission or authority was created.

[SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried out in a manner as may be prescribed or authorized by the laws of the State or States concerned.

Upon such transfer, such bridge commission or authority shall cease to exist.

[SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed:

[Section 11 of the Act approved October 30, 1951 (65 Stat. 699);

[Section 15 of the Act approved July 26, 1956 (70 Stat. 676);

[Section 12 of the Act approved April 12, 1941 (55 Stat. 144).

[(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

[(c) The members of such bridge commissions and authorities shall each be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission or authority, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and of each other member in any one year shall not exceed $2,000. The members of such commissions and authorities shall also be entitled to receive traveling expense allowance of 12 cents a mile for each mile actually traveled on the business of the commission or authority.

[Payments under the provisions of this subsection shall be in lieu of any other payments for salary or expenses authorized for service as a member of any such commission or authority under the provisions of any other Federal law relating to such commission or authority, but nothing in this subsection shall affect any other Federal law with respect to the funds from which any such payments shall be made.

[This subsection shall not apply to any bridge or causeway commission or authority created by an Act of Congress, the entire membership of which is ex officio.

[SEC. 6. The provisions of this Act shall apply only to the following bridge commissions and authority:

[(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747);

[(2) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140);

[(3) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846)

[(4) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695); and

[(5) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

[SEC. 7. If any provision of this Act, or the application of such pro vision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be thereby.]

TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

* * * * * * *

CHAPTER 1—ORGANIZATION

* * * * * * *

§ 111. Bureau of Transportation Statistics

(a) * * *
(b) DIRECTOR.—
(1) * * *

* * * * * * *

(4) TERM.—The term of the Director shall be 4 years. [The term of the first Director to be appointed shall begin on the 180th day after December 18, 1991.] The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

* * * * * * *

(c) RESPONSIBILITIES.—The Director of the Bureau shall be responsible for carrying out the following duties:

(1) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on—

(A) * * *

* * * * * * *

(J) collateral damage to the human and natural environment; [and]

(K) the condition of the transportation system[.]*; and*

(L) transportation-related variables influencing global competitiveness.

(2) IMPLEMENTING LONG-TERM DATA COLLECTION PROGRAM.—Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the [national transportation system] *Nation's transportation systems.* Such program shall—

[(A) be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;]

(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the Nation's transportation systems under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.);

(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and

(C) ensure that data collected under this subsection is controlled for accuracy, *made relevant to the States and metropolitan planning organizations,* and disseminated to the States and other interested parties.

(3) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. *The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.), and shall undertake such other reviews as may be requested by the Secretary.*

* * * * * * *

(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private businesses, and consumers.

(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an intermodal transportation data base. The data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include, at a minimum—

(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain a national transportation library containing a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geographic data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data bases shall be able to support intermodal network analysis.

(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts

with, public and nonprofit private entities to support the programs and activities of the Bureau.

[(d)**]** *(h)* LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) * * *

* * * * * * *

[(e) PROHIBITION ON CERTAIN DISCLOSURES.—Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.**]**

(i) PROHIBITION ON CERTAIN DISCLOSURES.—

(1) INFORMATION OBTAINED UNDER LONG-TERM DATA COLLECTION PROGRAM.—An officer or employee of the Bureau may not—

(A) make any publication in which the data furnished by an individual or organization under paragraph (c)(2) can be identified;

(B) use the information furnished under the provisions of subsection (c)(2) for a nonstatistical purpose; or

(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under subsection (c)(2).

(2) COPIES OF REPORTS.—No department, bureau, agency, officer, or employee of the United States, except the Director in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under subsection (c)(2) with the Bureau or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to information that permits information concerning an individual or organization to be reasonable inferred by direct or indirect means.

(3) COLLECTION OF DATA FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule, and on the collection instrument, to inform a respondent requested or required to supply the data or information of the nonstatistical purposes.

[(f)**]** *(j)* TRANSPORTATION STATISTICS ANNUAL REPORT.—On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

[(g) PERFORMANCE OF FUNCTIONS OF DIRECTOR PENDING CONFIRMATION.—An individual who, on December 18, 1991, is perform-

ing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.]

(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) and shall be available for the purpose of reimbursing the Bureau for such expenses.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $31,000,000 for each of fiscal years 1998 through 2003 to carry out this section, except that amounts for activities under subsection (g) may not exceed $500,000 in any fiscal year. Amounts made available under this subsection shall remain available for a period of 3 fiscal years.

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

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CHAPTER 5—SPECIAL AUTHORITY

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SUBCHAPTER I—DUTIES AND POWERS

* * * * * * *

§ 504. Reports and records

(a) * * *

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(c) The Secretary, or an employee designated by the Secretary *(and, in the case of a motor carrier, a contractor),* may on demand and display of proper credentials—

(1) * * *

* * * * * * *

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

* * * * * * *

CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

* * * * * * *

§ 5113. Unsatisfactory safety rating

[(a) PROHIBITED TRANSPORTATION.—A motor carrier receiving an unsatisfactory safety rating from the Secretary of Transportation has 45 days to improve the rating to conditional or satisfactory. Be-

ginning on the 46th day and until the motor carrier receives a conditional or satisfactory rating, a motor carrier not having received a conditional or satisfactory rating during the 45-day period may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

[(1) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

[(2) to transport more than 15 individuals.

[(b) RATING REVIEW.—The Secretary shall review the factors that resulted in a motor carrier receiving an unsatisfactory rating not later than 30 days after the motor carrier requests a review.

[(c) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that has an unsatisfactory rating from the Secretary—

[(1) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

[(2) to transport more than 15 individuals.

[(d) PUBLIC AVAILABILITY AND UPDATING OF RATINGS.—The Secretary, in consultation with the Interstate Commerce Commission, shall prescribe regulations amending the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and update periodically, the safety ratings of motor carriers that have unsatisfactory ratings from the Secretary.]

See section 31144.

* * * * * * *

§ 5117. Exemptions and exclusions

(a) * * *

* * * * * * *

(d) EXCLUSIONS.—(1) * * *

(2) This chapter and regulations prescribed under this chapter [do not prohibit]—

(A) *do not prohibit* or regulate transportation of a firearm (as defined in section 232 of title 18), or ammunition for a firearm, by an individual for personal use; [or]

(B) *do not prohibit* transportation of a firearm or ammunition in commerce[.]*; or*

(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from a source of supply to a farm, from a farm to another farm, from a field to another field on a farm, or from the farm back to the source of supply.

In granting any exception under subparagraph (C), a State must certify to the Secretary that such exception is in the public interest, the need for such exception, and that the State shall monitor the ex-

ception and take such measures necessary to ensure that safety is not compromised.

* * * * * * *

(f) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—In this section, the term "agricultural production material" means—

(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

(3) a diluted solution of water and pesticides or fertilizer in a quantity that does not exceed 3,500 gallons.

CHAPTER 53—MASS TRANSPORTATION

Sec.
5301. Policies, findings, and purposes.
* * * * * * *
[5307. Block grants.
[5308. Mass Transit Account block grants.]
5307. Urbanized area formula grants.
5309. [Discretionary] *Capital program* grants and loans.
5310. [Grants] *Formula grants* and loans for special needs of elderly individuals and individuals with disabilities.
5311. [Financial assistance] *Formula grant* for other than urbanized areas.
* * * * * * *
5315. National [mass transportation] *transit* institute.
[5316. University research institutes.
[5317. Transportation centers.]
* * * * * * *
5334. Administrative *provisions*.
* * * * * * *

[§ 5302. Definitions

[(a) GENERAL.—In this chapter—

[(1) "capital project" means a project for—

[(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, payments for the capital portions of rail trackage rights agreements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

[(B) rehabilitating a bus that extends the economic life of a bus for at least 5 years;

[(C) remanufacturing a bus that extends the economic life of a bus for at least 8 years; or

[(D) overhauling rail rolling stock.

[(2) "chief executive officer of a State" includes the designee of the chief executive officer.

[(3) "emergency regulation" means a regulation—

[(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

[(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

[(i) would injure seriously an important public interest;

[(ii) would frustrate substantially legislative policy and intent; or

[(iii) would damage seriously a person or class without serving an important public interest.

[(4) "fixed guideway" means a mass transportation facility—

[(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

[(B) using a fixed catenary system and a right of way usable by other forms of transportation.

[(5) "handicapped individual" means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

[(6) "local governmental authority" includes—

[(A) a political subdivision of a State;

[(B) an authority of at least one State or political subdivision of a State;

[(C) an Indian tribe; and

[(D) a public corporation, board, or commission established under the laws of a State.

[(7) "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.

[(8) "net project cost" means the part of a project that reasonably cannot be financed from revenues.

[(9) "new bus model" means a bus model (including a model using alternative fuel)—

[(A) that has not been used in mass transportation in the United States before the date of production of the model; or

[(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

[(10) "regulation" means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

[(11) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

[(12) "urban area" means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth,

decides is appropriate for a local mass transportation system to serve individuals in the locality.

[(13) "urbanized area" means an area—

[(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

[(B) designated an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

[(b) AUTHORITY TO MODIFY "HANDICAPPED INDIVIDUAL".—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) of this section as it applies to section 5307(d)(1)(D) of this title.]

§ 5302. Definitions

(a) IN GENERAL.—In this chapter, the following definitions apply:

(1) CAPITAL PROJECT.—The term "capital project" means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance;

(F) leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction; or

(G) a mass transportation improvement that enhances economic development or incorporates private investment (including commercial and residential development and pedestrian and bicycle access to a mass transportation facility) because the improvement—

(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation.

(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term "chief executive officer of a State" includes the designee of the chief executive officer.

(3) EMERGENCY REGULATION.—The term "emergency regulation" means a regulation—

(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

(i) would injure seriously an important public interest;

(ii) would frustrate substantially legislative policy and intent; or

(iii) would damage seriously a person or class without serving an important public interest.

(4) FIXED GUIDEWAY.—The term "fixed guideway" means a mass transportation facility—

(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

(B) using a fixed catenary system and a right of way usable by other forms of transportation.

(5) HANDICAPPED INDIVIDUAL.—The term "handicapped individual" means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

(6) LOCAL GOVERNMENTAL AUTHORITY.—The term "local governmental authority" includes—

(A) a political subdivision of a State;

(B) an authority of at least one State or political subdivision of a State;

(C) an Indian tribe; and

(D) a public corporation, board, or commission established under the laws of a State.

(7) MASS TRANSPORTATION.—The term "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

(8) NET PROJECT COST.—The term "net project cost" means the part of a project that reasonably cannot be financed from revenues.

(9) NEW BUS MODEL.—The term "new bus model" means a bus model (including a model using alternative fuel)—

(A) that has not been used in mass transportation in the United States before the date of production of the model; or

(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

(10) PREVENTIVE MAINTENANCE.—The term "preventive maintenance" means a major activity intended to improve or upgrade a transit vehicle or facility or repair or replace a damaged, malfunctioning, overaged, or outmoded transit vehicle or facility system, subsystem, element, or component. Such term

does not include any activity of a routine or servicing nature, such as checking and replenishing fluid levels, adjusting settings on otherwise properly operating components, washing and cleaning a transit vehicle or facility, changing tires and wheels, or repairing damage to a vehicle or facility caused by an accident.

(11) PUBLIC TRANSPORTATION.—The term "public transportation" means mass transportation.

(12) REGULATION.—The term "regulation" means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

(13) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(14) TRANSIT.—The term "transit" means mass transportation.

(15) TRANSIT ENHANCEMENT.—The term "transit enhancement" means with respect to any project or an area to be served by the project, historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities and canals); projects that enhance transit safety and security; landscaping and other scenic beautification and art in and around mass transportation stations, facilities, bus shelters, bridges, and buses; bicycle and pedestrian access to mass transportation, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; projects that enhance access for the disabled to mass transportation; and archaeological planning and research related to mass transportation projects.

(16) URBAN AREA.—The term "urban area" means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

(17) URBANIZED AREA.—The term "urbanized area" means an area—

(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

(b) AUTHORITY TO MODIFY "HANDICAPPED INDIVIDUAL".—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) as it applies to section 5307(d)(1)(D) of this title.

§ 5303. Metropolitan planning

(a) * * *

[(b) PLAN AND PROGRAM FACTORS.—In developing plans and programs under this section and sections 5304–5306 of this title, each metropolitan planning organization at least shall consider the following factors:

[(1) preserving existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

[(2) the consistency of transportation planning with United States Government, State, and local energy conservation programs, goals, and objectives.

[(3) the need to relieve congestion and prevent congestion from occurring.

[(4) the likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with short- and long-term land use and development plans.

[(5) programming expenditures on transportation enhancement activities, as required under section 133 of title 23.

[(6) the effects of all transportation projects to be undertaken in the metropolitan area, without regard to whether the projects are publicly financed.

[(7) international border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

[(8) the need for connecting roads in the metropolitan area with roads outside the area.

[(9) the transportation needs identified by using the management systems required by section 303 of title 23.

[(10) preserving rights of way for constructing future transportation projects, including identifying—

[(A) unused rights of way that may be needed for future transportation corridors; and

[(B) corridors where action is needed most to prevent destruction or loss.

[(11) ways to enhance the efficient movement of freight.

[(12) using life-cycle costs in designing and engineering bridges, tunnels, and pavement.

[(13) the overall social, economic, energy, and environmental effects of transportation decisions.

[(14) ways to expand and enhance mass transportation services and to increase usage of those services.

[(15) capital investments that will result in increased security in mass transportation systems.]

(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

(1) CONSIDERATION.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety and security of the transportation system for all users;

(C) increase the accessibility and mobility for people and freight;

(D) protect and enhance the environment, conserve energy, and enhance quality of life;

(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(F) promote efficient system utilization and operation; and

(G) preserve and optimize the existing transportation system.

This paragraph shall apply to the development of long-range transportation plans and transportation improvement programs.

(2) CONVERSION TO GOALS AND OBJECTIVES.—The metropolitan planning organization shall cooperatively determine with the State and mass transportation operators how the considerations listed in paragraph (1) are translated into metropolitan goals and objectives and how they are factored into decision-making.

* * * * * * *

(e) COORDINATION.—(1) * * *

* * * * * * *

(4) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

(f) DEVELOPING LONG-RANGE PLANS.—(1) Each metropolitan planning organization shall prepare and update periodically, according to a schedule the Secretary of Transportation decides is appropriate, a long-range *transportation* plan for its metropolitan area under the requirements of this section. The plan shall be in the form the Secretary considers appropriate and [at least shall—] *shall contain, at a minimum, the following:*

(A) [identify] *An identification of* transportation facilities (including major roadways, mass transportation, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, emphasizing transportation facilities that serve important United States and regional transportation functions[;].

[(B) include a financial plan that—

[(i) demonstrates how the long-range plan can be carried out;

[(ii) indicates resources from public and private sources reasonably expected to be made available to carry out the plan; and

[(iii) recommends innovative financing techniques, including value capture, tolls, and congestion pricing, to finance needed projects and programs;]

(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond

those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(C) [assess] *An assessment of* capital investment and other measures necessary—

(i) to ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, and operations, maintenance, modernization, and rehabilitation of existing and future mass transportation facilities; and

(ii) to use existing transportation facilities most efficiently to relieve vehicular congestion and maximize the mobility of individuals and goods[; and].

(D) [indicate] *Indicate* appropriate proposed transportation enhancement activities.

* * * * * * *

(4) Before approving a long-range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of mass transportation authority employees, *freight shippers and providers of freight transportation services,* private providers of transportation, and other interested parties with a reasonable opportunity to comment on the plan in a way the Secretary of Transportation considers appropriate.

(5) A long-range *transportation* plan shall be—

(A) made readily available for public review; and

(B) submitted for information purposes to the chief executive officer of the State at the time and in the way the Secretary of Transportation establishes.

* * * * * * *

(h) BALANCED AND COMPREHENSIVE PLANNING.—(1) To the extent practicable, the Secretary of Transportation shall ensure that amounts made available under section [5338(g)(1)] *5338(c)(3)(A)* of this title to carry out this section and sections 5304[–5306] *and 5305* of this title are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

(2)(A) The Secretary of Transportation shall apportion 80 percent of the amount made available under section [5338(g)(1)] *5338(c)(3)(A)* of this title to States in a ratio equal to the population in urbanized areas in each State divided by the total population in urbanized areas in all States, as shown by the latest available decennial census. A State may not receive less than .5 percent of the amount apportioned under this subparagraph.

(3)(A) The Secretary of Transportation shall apportion 20 percent of the amount made available under section [5338(g)(1)] *5338(c)(3)(A)* of this title to States to supplement allocations made

under paragraph (2)(B) of this subsection for metropolitan planning organizations.

* * * * * * *

(4) To the maximum extent practicable, the Secretary of Transportation shall ensure that no metropolitan planning organization is allocated less than the amount it received by administrative formula under this section in the fiscal year that ended September 30, 1991. To carry out this subsection, the Secretary may make a proportionate reduction in other amounts made available to carry out section [5338(g)] *5338(c)(3)(A)* of this title.

* * * * * * *

§ 5304. Transportation improvement program

(a) DEVELOPMENT AND UPDATE.—In cooperation with the State and affected mass transportation operators, a metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area. In developing the program, the organization shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every [2] *3* years and shall be approved by the organization and the chief executive officer of the State.

(b) CONTENTS.—A transportation improvement program for a metropolitan area shall include—

(1) * * *

(2) a financial plan that—

(A) demonstrates how the program can be carried out;

(B) indicates resources from public and private sources that reasonably are expected to be made available to carry out the plan; [and]

(C) recommends innovative financing techniques, including value capture, tolls, and congestion pricing, to finance needed projects[.]*; and*

(D) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

* * * * * * *

§ 5305. Transportation management areas

(a) * * *

* * * * * * *

(d) PROJECT SELECTION.—(1)(A) In consultation with the State, the metropolitan planning organization designated for a transportation management area shall select the projects to be carried out in the area with United States Government participation under this chapter or title 23, except projects [of the National Highway System] *under the National Highway System and high risk road safety programs,* or under the Bridge and Interstate Maintenance programs.

(B) In cooperation with the metropolitan planning organization designated for a transportation management area, the State shall select the projects to be carried out in the area [of the National Highway System] *under the National Highway System and high risk road safety programs,* or under the Bridge and Interstate Maintenance programs.

* * * * * * *

[§ 5307. Block grants]

§ 5307. Urbanized area formula grants

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

(1) *ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term* "associated capital maintenance items" means equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used.

(2) *DESIGNATED RECIPIENT.—The term* "designated recipient" means—

(A) * * *

* * * * * * *

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants under this section for capital projects and to finance the planning[, improvement, and operating costs] *and improvement costs* of equipment, facilities, and associated capital maintenance items for use in mass transportation, including the renovation and improvement of historic transportation facilities with related private investment. *In an urbanized area with a population of less than 200,000, the Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation.*

* * * * * * *

[(3) A grant for a capital project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant to leasing arrangements that are more cost effective than acquisition or construction.]

[(4)] *(3)* A project for the reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used, is a capital project for an associated capital maintenance item under this section.

[(5) Amounts under this section are available for a highway project under title 23 only if amounts used for the State or local share of the project are eligible to finance either a highway or mass transportation project.]

* * * * * * *

(g) UNDERTAKING PROJECTS IN ADVANCE.—(1) * * *

* * * * * * *

(3) The cost of carrying out that part of a project includes the amount of interest earned and payable on bonds issued by the recipient to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest allowed under this paragraph may not be more than [the amount by which the estimated cost of carrying out the part (if it would be carried out at the time the part is converted to a regularly financed project) exceeds the actual cost (except interest) of carrying out the part.] *the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.*

* * * * * * *

(i) REVIEWS, AUDITS, AND EVALUATIONS.—(1) * * *

(2) At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (d) of this section and the planning process required under sections 5303–5306 of this title. *To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.*

* * * * * * *

[(k) SUBMISSION OF CERTIFICATIONS.—A certification under subsection (d) of this section and any additional certification required by law to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2) of this title.]

(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 percent of the funds apportioned to urbanized areas of at least 200,000 population under section 5336 for a fiscal year shall only be available for transit enhancement activities.

* * * * * * *

(n) RELATIONSHIP TO OTHER LAWS.—[(1) Section 1001 of title 18 applies to a certificate or submission under this section. The Secretary may end a grant under this section and seek reimbursement, directly or by offsetting amounts available under section 5336 of this title, when a false or fraudulent statement or related act within the meaning of section 1001 is made in connection with a certification or submission.]

[(2)] Sections 5302, 5318, *5319,* 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made under this section.

* * * * * * *

[§ 5308. Mass Transit Account block grants

[(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants under this section to be used only for capital projects (including capital maintenance items).

[(b) APPLICATION OF OTHER SECTIONS.—(1) Sections 5307(a)–(d), (h)–(l), and (n) and 5336(a)–(c), (f), (g), and (j) of this title apply to amounts made available under section 5338(a) of this title to carry out this section.

[(2) Sections 5307(e) and 5336(d) of this title apply to grants under this section.]

§ 5309. [Discretionary] *Capital program* grants and loans

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants and loans under this section to assist State and local governmental authorities in financing—

(A) * * *

* * * * * * *

[(E) transportation projects that enhance urban economic development or incorporate private investment, including commercial and residential development, because the projects—

[(i) enhance the effectiveness of a mass transportation project and are related physically or functionally to that mass transportation project; or

[(ii) establish new or enhanced coordination between mass transportation and other transportation;]

(E) capital projects to modernize existing fixed guideway systems;

(F) mass transportation projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; [and]

(G) the development of corridors to support fixed guideway systems, including protecting rights of way through acquisition, construction of dedicated bus and high occupancy vehicle lanes and park and ride lots, and other nonvehicular capital improvements that the Secretary may decide would result in increased mass transportation usage in the corridor[.]*; and*

(H) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

* * * * * * *

[(c) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—The Secretary of Transportation shall consider the adverse effect of decreased commuter rail transportation when deciding whether to approve a grant or loan under this section to acquire a rail line and all related facilities—

[(1) owned by a rail carrier subject to reorganization under title 11; and

[(2) used to provide commuter rail transportation.]

* * * * * * *

[(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—(1) This subsection applies to a project—

[(A) for which a letter of intent or contract for the complete amount is issued under subsection (g) of this section after April 1, 1987; or

[(B) not in the preliminary engineering, final design, or construction stage on January 1, 1987.

[(2) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

[(A) based on the results of an alternatives analysis and preliminary engineering;

[(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

[(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

[(3) In making a decision under paragraph (2) of this subsection, the Secretary of Transportation shall—

[(A) consider the direct and indirect costs of relevant alternatives;

[(B) account for costs related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

[(C) identify and consider mass transportation supportive existing land use policies and future patterns;

[(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development; and

[(E) consider other factors the Secretary considers appropriate to carry out this chapter.

[(4)(A) The Secretary of Transportation shall issue guidelines on how the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

[(B) The project justification under paragraph (2) of this subsection shall be adjusted to reflect differences in local land, construction, and operating costs.

[(C) The degree of local financial commitment is acceptable only if—

[(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

[(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

[(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

[(D) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

[(i) existing grant commitments;

[(ii) the degree to which financing sources are dedicated to the purposes proposed; and

[(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose.

[(5) A proposed project may advance from alternatives analysis to preliminary engineering only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable chance that the project will continue to meet the requirements at the end of preliminary engineering.

[(6)(A) A new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if—

[(i) the project is located in an extreme or severe nonattainment area and is a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)) required to carry out an approved State Implementation Plan; or

[(ii) assistance provided under this section is less than $25,000,000 or one-third of the total cost of the project or an appropriate program of projects as decided by the Secretary of Transportation.

[(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

[(i) located in a nonattainment area that is not an extreme or severe nonattainment area;

[(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

[(iii) required to carry out the State Implementation Plan.

[(C) This subsection does not apply to a part of a project (including a commuter rail transportation project on an existing right of way) financed completely with amounts for highways made available under part A of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1915).

[(7) A project financed under this subsection shall be carried out through a full financing grant agreement.

[(f) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—(1) Each grant or loan under subsection (a)(5) of this section shall require that a person making an agreement to occupy space in a facility pay a reasonable share of the costs of the facility through rental payments and other means.

[(2) Eligible costs for a project under subsection (a)(5) of this section—

[(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving,

equipment or a facility for an intermodal transfer facility or transportation mall; but

[(B) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation.]

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

(1) IN GENERAL.—The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

(A) based on the results of an alternatives analysis and preliminary engineering;

(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

(A) consider the direct and indirect costs of relevant alternatives;

(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

(C) identify and consider existing mass transportation supportive land use policies and future land use patterns and the costs of urban sprawl;

(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

(E) consider population density, current transit ridership in the corridor, and cost per new rider;

(F) consider the technical capability of the grant recipient to construct the project;

(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

(H) consider other factors the Secretary determines appropriate to carry out this chapter.

(4) LOCAL FINANCIAL COMMITMENT.—

(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

(i) the proposed project plan provides for the availability of contingency amounts the Secretary determines to be reasonable to cover unanticipated cost increases;

(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

(B) STABILITY, RELIABILITY, AND AVAILABILITY OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing for the project, the Secretary shall consider—

(i) existing grant commitments;

(ii) the degree to which financing sources are dedicated to the purposes proposed;

(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

(5) REGULATIONS.—No later than 120 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall issue regulations on how the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment as required under this subsection.

(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

(8) LIMITATIONS ON APPLICABILITY.—

(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway

system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

(i) located in a nonattainment area;

(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

(iii) required to carry out the State Implementation Plan.

(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of the enactment of this subparagraph.

[(g)**]** *(f)* LETTERS OF INTENT, FULL **[**FINANCING**]** *FUNDING* GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—(1)(A) The Secretary of Transportation may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. The amount shall be sufficient to complete at least an operable segment when a letter is issued for a fixed guideway project.

(B) At least **[**30**]** *60* days before issuing a letter under subparagraph (A) of this paragraph *or entering into a full funding grant agreement*, the Secretary of Transportation shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed **[**issuance of the letter.**]** *letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.*

(C) The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31 or an administrative commitment.

(D) An obligation or administrative commitment may be made only when amounts are appropriated.

(2)(A) The Secretary of Transportation may make a **[**full financing**]** *full funding* grant agreement with an applicant. The agreement shall—

(i) * * *

* * * * * * *

(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a [full financing] *full funding* grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

* * * * * * *

(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, [full financing] *full funding* grant agreements, and early systems work agreements may be not more than the greater of the amount authorized under section [5338(a)] *5338(b)* of this title to carry out this section or 50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund (including amounts received from taxes and interest earned that are more than amounts previously obligated), less an amount the Secretary of Transportation reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in [full financing] *full funding* grant agreements and early systems work agreements may be not more than a limitation specified in law.

[(h)] *(g)* GOVERNMENT'S SHARE OF NET PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary of Transportation shall estimate the net project cost. A grant for the project is for 80 percent of the net project cost, unless the grant recipient requests a lower grant percentage. The remainder shall be provided in cash from a source other than amounts of the Government. Transit system amounts that make up the remainder must be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. The remainder for a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

[(i)] *(h)* LOAN TERM REQUIREMENTS.—Except for a loan under subsection (b) of this section, a loan, including a renewal or extension of the loan, may be made, and a security or obligation may be

bought, only if it has a maturity date of not more than 40 years. Interest on a loan may not be less than—

(1) * * *

* * * * * * *

[(j)] *(i)* LOAN PAYMENT FORGIVENESS.—A grant agreement for a capital project may forgive repaying the loan and interest in place of a cash grant for the amount forgiven. The amount is part of the grant and part of the contribution of the Government to the cost of the project.

[(k)] *(j)* LIMITATION ON MAKING LOANS AND GRANTS FOR PROJECTS.—The Secretary of Transportation may not make a loan under this section for a project for which a grant (except a relocation payment grant) is made under this section. However, the Secretary may make a project grant even though real property for the project has been or will be acquired through a loan under subsection (b) of this section.

[(l)] *(k)* FISCAL CAPACITY CONSIDERATIONS.—If the Secretary of Transportation gives priority consideration to financing projects that include more than the non-Government share required under subsection (h) of this section, the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

[(m) ALLOCATING AMOUNTS.—(1) Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997—

[(A) 40 percent is available for rail fixed guideway modernization;

[(B) 40 percent is available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

[(C) 20 percent is available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

[(2) At least 5.5 percent of the amounts available in each fiscal year under paragraph (1)(C) of this subsection is available for areas other than urbanized areas.

[(3) Not later than January 20 of each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

[(4) A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) of this subsection may receive assistance for a project described in another of those clauses.]

(l) ALLOCATING AMOUNTS.—

(1) IN GENERAL.—Of the amounts made available by section 5338(b) for grants and loans under this section for each of fiscal years 1998 through 2003—

(A) 40 percent shall be available for fixed guideway modernization;

(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

(C) 20 percent shall be available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

(3) BUS AND BUS FACILITY GRANTS.—

(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available by paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

(C) FUNDING FOR BUS TECHNOLOGY PILOT PROGRAM.—Of the funds made available by paragraph (1)(C), 10 percent shall be available in each of fiscal years 1998 through 2003 to carry out the bus technology pilot program under subsection (o).

(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) may receive assistance for a project described in another of those clauses.

[(n)**]** *(m)* UNDERTAKING PROJECTS IN ADVANCE.—(1) * * *

(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, **[**in a way**]** *in a manner* satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

* * * * * * *

[(o)**]** *(n)* USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.

(o) BUS TECHNOLOGY PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a pilot program for the testing and deployment of new bus technology, including clean fuel and alternative fuel technology.

(2) PROJECTS.—Under the pilot program, the Secretary shall carry out projects for testing and deployment of new bus technology, including clean fuel and alternative fuel technology. The

Secretary shall select projects for funding under the pilot program that will employ a variety of technologies and will be performed in a variety of geographic areas of the country with populations under 50,000, between 50,000 and 200,000, and over 200,000.

(3) REPORT.—Not later than April 30, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the pilot program, including a description of the projects carried out, the amounts obligated, and the status of the test and deployment activities undertaken.

(p) REPORTS.—

(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

(B) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of the enactment of this Act or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

(3) ANNUAL GAO REVIEW.—the General Accounting Office shall—

(A) conduct an annual review of—

(i) the processes and procedures for evaluating and rating projects and recommending projects; and

(ii) the Secretary's implementation of such processes and procedures; and

(B) shall report to Congress on the results of such review by April 30 of each year.

(q) PROJECT DEFINED.—In this section, the term "project" means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.

§ 5310. [Grants] *Formula grants* and loans for special needs of elderly individuals and individuals with disabilities

(a) * * *

(b) APPORTIONING AND TRANSFERRING AMOUNTS.—The Secretary shall apportion amounts made available under section [5338(a)] *5338(a)(3)(A)* of this title under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State. Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the chief executive officer of the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1) of this title.

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§ 5311. [Financial assistance] *Formula grants* for other than urbanized areas

(a) * * *

* * * * * * *

(c) APPORTIONING AMOUNTS.—The Secretary of Transportation shall apportion amounts made available under section [5338(a)] *5338(a)(3)(B)* of this title so that the chief executive officer of each State receives an amount equal to the total amount apportioned multiplied by a ratio equal to the population of areas other than urbanized areas in a State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent of the following: the latest Government census, the population estimate the Secretary of Commerce prepares after the 4th year after the date the latest census is published, or the population estimate the Secretary of Commerce prepares after the 8th year after the date the latest census is published. The amount may be obligated by the chief executive officer for 2 years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.

* * * * * * *

(f) INTERCITY BUS TRANSPORTATION.—(1) A State shall expend at least [10 percent of the amount made available in the fiscal year ending September 30, 1993, and] 15 percent of the amount made available in each fiscal year after September 30, 1993, to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—

(A) * * *

* * * * * * *

§ 5312. Research, development, demonstration, and training projects

(a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.—The Secretary of Transportation [(or the Secretary of Housing and Urban Development when required by section 5334(i) of this title)] may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the United States Government) for, research, development, and demonstration projects related to urban mass transportation that the Secretary decides will help reduce urban transportation needs, improve mass transportation service, or help mass transportation service meet the total urban transportation needs at a minimum cost. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under another law.

(b) RESEARCH, INVESTIGATIONS, AND TRAINING.—(1) The Secretary of Transportation [(or the Secretary of Housing and Urban Development when required by section 5334(i) of this title)] may make grants to nonprofit institutions of higher learning—

(A) * * *

* * * * * * *

(d) JOINT PARTNERSHIPS FOR DEPLOYMENT OF INNOVATION.—

(1) CONSORTIUM DEFINED.—In this subsection, the term "consortium" means one or more public or private organizations located in the United States which provide mass transportation service to the public and one or more businesses, including small and medium sized businesses, incorporated in a State, offering goods or services or willing to offer goods or services to mass transportation operators. It may include as additional members public or private research organizations located in the United States, or State or local governmental authorities.

(2) GRANTS AND AGREEMENTS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with consortia selected competitively from among public and private partnerships to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. Any such grant, contract, or agreement shall provide for the sharing of costs, risks, and rewards of early deployment of innovation. Such grants, contracts, and agreements shall be subject to such terms and conditions as the Secretary prescribes.

(3) CONSULTATION REQUIREMENT.—This subsection shall be carried out in consultation with the transit industry.

(4) COST SHARING.—Any consortium that receives a grant or enters into a contract or agreement under this subsection shall provide at least 50 percent of the cost of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to such project.

(5) PUBLIC NOTICE.—The Secretary shall periodically give public notice of—

(A) the technical areas for which joint partnerships are solicited under this subsection;

(B) required qualifications of consortia desiring to participate in such partnerships;

(C) the method of selection and evaluation criteria to be used in selecting participating consortia and projects under this subsection; and

(D) the process by which projects will be awarded under this subsection.

(6) ACCEPTANCE OF REVENUES.—The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this subsection and deposit any revenues accepted into a special account of the Treasury of the United States to be established for purposes of carrying out this subsection.

(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. These activities may include—

(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

(3) FUNDING.—The funds available to carry out this subsection shall include funds paid to the Secretary by any cooperating organization or person and shall be deposited by the Secretary in a special account in the Treasury of the United States to be established for purposes of carrying out this subsection. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this subsection. Reimbursement for

services provided under this subsection shall be credited to the appropriation account concerned.

§ 5313. State planning and research programs

(a) COOPERATIVE RESEARCH PROGRAM.—(1) Fifty percent of the amounts made available under [section 5338(g)(3)] *sections 5338(d)(3)(B) and 5338(d)(3)(D)* of this title are available for a mass transportation cooperative research program. The Secretary of Transportation shall establish an independent governing board for the program. The board shall recommend mass transportation research, development, and technology transfer activities the Secretary considers appropriate.

* * * * * * *

(b) STATE PLANNING AND RESEARCH.—(1) Fifty percent of the amounts made available under section [5338(g)(3)] *5338(c)(3)(B)* of this title shall be apportioned to States for grants and contracts consistent with the purposes of sections 5303–5306, 5312, 5315, 5317, and 5322 of this title. The amounts shall be apportioned so that each State receives an amount equal to the population in urbanized areas in the State, divided by the population in urbanized areas in all States, as shown by the latest available decennial census. However, a State must receive at least .5 percent of the amount apportioned under this subsection.

* * * * * * *

§ 5314. National planning and research programs

(a) PROGRAM.—(1) The amounts made available under section [5338(g)(4)] *5338(d)(3)(D)* of this title are available to the Secretary of Transportation for grants and contracts for the purposes of sections 5303–5306, 5312, 5315, 5317, and 5322 of this title, as the Secretary considers appropriate.

(2) Of the amounts made available under paragraph (1) of this subsection, the Secretary shall make available at least [$2,000,000] *$3,000,000* to provide mass transportation-related technical assistance, demonstration programs, research, public education, and other activities the Secretary considers appropriate to help mass transportation providers comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). To the extent practicable, the Secretary shall carry out this paragraph through a contract with a national nonprofit organization serving individuals with disabilities that has a demonstrated capacity to carry out the activities.

* * * * * * *

§ 5315. National [mass transportation] *transit* institute

(a) ESTABLISHMENT AND DUTIES.—The Secretary of Transportation shall make grants to Rutgers University to establish a national [mass transportation] *transit* institute. In cooperation with the Federal Transit Administration, State transportation departments, public mass transportation authorities, and national and international entities, the institute shall develop and conduct training programs of instruction for United States Government, State,

and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid mass transportation work. The programs may include courses in recent developments, techniques, and procedures related to—

(1) * * *

* * * * * * *

(5) engineering *and architectural design*;

(6) procurement strategies for mass transportation systems;

(7) turnkey approaches to [carrying out] *delivering* mass transportation systems;

* * * * * * *

(11) construction*, construction management, insurance, and risk management*;

(12) maintenance;

(13) contract administration; [and]

(14) inspection[.]*; and*

(15) innovative finance.

* * * * * * *

[§ 5316. University research institutes

[(a) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY.—The Secretary of Transportation shall make grants to San Jose State University to establish and operate an institute for national surface transportation policy studies. The institute shall—

[(1) include male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in developing and operating surface transportation programs; and

[(2) conduct research and development activities to analyze ways of improving aspects of developing and operating surface transportation programs of the United States.

[(b) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—The Secretary shall make grants to Northwestern University to establish and operate an institute to study techniques—

[(1) to evaluate and monitor infrastructure conditions;

[(2) to improve information systems for infrastructure construction and management; and

[(3) to study advanced materials and automated processes for constructing and rehabilitating public works facilities.

[(c) URBAN TRANSIT INSTITUTE.—The Secretary shall make grants to North Carolina A. and T. State University through the Institute for Transportation Research and Education, the University of South Florida, and a consortium of Florida A. and M., Florida State University, and Florida International University to establish and operate an interdisciplinary institute to study and disseminate techniques on the diverse transportation problems of urban areas experiencing significant and rapid growth.

[(d) INSTITUTE FOR INTELLIGENT TRANSPORTATION CONCEPTS.—The Secretary shall make grants to the University of Minnesota, Center for Transportation Studies, to establish and operate a national institute for intelligent transportation concepts. The institute shall conduct research and recommend development activities that focus on methods to increase roadway capacity, enhance safety, and

reduce negative environmental effects of transportation facilities by using intelligent transportation systems technologies.

[(e) INSTITUTE FOR TRANSPORTATION RESEARCH AND EDUCATION.—The Secretary shall make grants to the University of North Carolina to conduct research and development and to direct technology transfer and training for State and local transportation authorities to improve the overall surface transportation infrastructure.

[(f) APPLICABILITY OF TITLE 23.—Amounts authorized by section 5338(d) of this title may be obligated in the same way as amounts are apportioned under chapter 1 of title 23.

[§ 5317. Transportation centers

[(a) GRANTS FOR REGIONAL TRANSPORTATION CENTERS.—(1) The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate regional transportation centers in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

[(2) A nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit an application to the Secretary in the way and containing the information the Secretary prescribes. The Secretary shall select each recipient on the basis of the following:

[(A) the regional transportation center is located in a State that is representative of the needs of the Government region for improved transportation and facilities.

[(B) the demonstrated research and extension resources available to the recipient to carry out this subsection.

[(C) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

[(D) the recipient has an established transportation program encompassing several modes of transportation.

[(E) the recipient has a demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research programs.

[(F) the recipient has a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing educational program.

[(G) the projects the recipient proposes to carry out under the grant.

[(3)(A) At each regional transportation center, the following shall be carried out:

[(i) infrastructure research on transportation.

[(ii) research and training on transportation safety and the transportation of passengers and property and the interpretation, publication, and dissemination of the results of the research.

[(B) Each transportation center—

[(i) should carry out research on more than one mode of transportation; and

[(ii) should consider the proportion of amounts for this subsection from amounts available to carry out urban mass transportation projects under this chapter and from the Highway Trust Fund.

[(C) At one of the transportation centers, research may be carried out on the testing of new bus models.

[(4) Before making a grant under this subsection, the Secretary may require the recipient to make an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a regional transportation center and related research activities at a level at least equal to the average level of those expenditures in its 2 fiscal years prior to April 2, 1987.

[(5) A grant under this subsection is for 50 percent of the cost of establishing and operating the regional transportation center and related research activities the recipient carries out.

[(b) GRANTS FOR UNIVERSITY TRANSPORTATION CENTERS.—(1) To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants to Morgan State University to establish a national center for transportation management, research, and development. The center shall give special attention to designing, developing, and carrying out research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

[(2) The Secretary shall make grants to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. The center shall conduct research and development activities that focus on ways to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.

[(3) The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, to modify and rebuild Building Number 500 at Monmouth College. Before making the grant, the Secretary shall receive assurances from Monmouth College that the building will be known and designated as the James and Marlene Howard Transportation Information Center and that transportation-related instruction and research in computer science, electronic engineering, mathematics, and software engineering conducted at the building will be coordinated with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

[(4) The Secretary shall make grants to the University of Arkansas to establish a national rural transportation center. The center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas.

[(5)(A) The Secretary shall make grants to the University of Idaho to establish a National Center for Advanced Transportation Technology. The Center shall be established and operated in partnership with private industry and shall conduct industry-driven research and development activities that focus on transportation-re-

lated manufacturing and engineering processes, materials, and equipment.

[(B) The Secretary shall make grants to the University of Idaho to plan, design, and construct a building in which to conduct the research and development activities of the Center.

[(C) Amounts authorized by section 5338(e)(2) of this title may be obligated in the same way as amounts apportioned under chapter 1 of title 23 (except that the Government share of the cost of the activities conducted under subparagraph (B) of this paragraph is 80 percent and the amounts remain available until expended) and are not subject to an obligational limitation.

[(D) A grant made under this paragraph is not subject to the requirements of this section.

[(c) PROGRAM COORDINATION.—The Secretary shall provide for coordinating research, education, training, and technology transfer activities that grant recipients carry out under this section, the dissemination of the results of the research, and the establishment and operation of a clearinghouse between the centers and the transportation industry. At least annually, the Secretary shall review and evaluate programs the grant recipients carry out. The Secretary may use not more than one percent of amounts made available from Government sources to carry out this section to carry out this subsection.

[(d) OBLIGATION CEILING.—Amounts authorized to carry out this section (except subsection (b)(3)) are subject to obligational limitations established under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1916).

[(e) AMOUNTS AVAILABLE FOR TECHNOLOGY TRANSFER ACTIVITIES.—At least 5 percent of the amounts made available to carry out this section in a fiscal year are available to carry out technology transfer activities.

[(f) ALLOCATION AMONG GOVERNMENT REGIONS.—The Secretary shall allocate amounts available to carry out this section equitably among the Government regions.]

§ 5318. Bus testing facility

(a) * * *

(b) OPERATION AND MAINTENANCE.—The Secretary shall [make a contract with] *enter into a contract or cooperative agreement with, or make a grant to,* a qualified person *or organization* to operate and maintain the facility. The contract, *cooperative agreement, or grant* may provide for the testing of rail cars and other *mass transportation* vehicles at the facility.

* * * * * * *

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall [make a contract with] *enter into a contract or cooperative agreement with, or make a grant to,* the operator of the facility under which the Secretary shall pay 80 percent of the cost of testing a vehicle at the facility from amounts available under section [5338(j)(5)] *5309(m)(3)(B)* of this title. The entity having the vehicle tested shall pay 20 percent of the cost.

(e) REVOLVING LOAN FUND.—The Secretary has a bus testing revolving loan fund consisting of amounts authorized for the fund under section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The Secretary shall make available as repayable advances from the fund to the person operating and maintaining the facility amounts to operate and maintain the facility.

§ 5319. Bicycle facilities

A project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install equipment for transporting bicycles on mass transportation vehicles is a capital project eligible for assistance under sections 5307, 5309, and 5311 of this title. Notwithstanding sections 5307(e), [5309(h)] *5309(g),* and 5311(g) of this title, a grant of the United States Government under this chapter for a project [under this section is for 90 percent of the cost of the project] *made eligible by this section is for 90 percent of the cost of the project; except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent.*

§ 5320. Suspended light rail system technology pilot project

(a) * * *

* * * * * * *

(c) COMPETITION.—(1) The Secretary of Transportation shall conduct a national competition to select a public entity with which to make a full [financing] *funding* grant agreement to construct the project. Not later than April 16, 1992, the Secretary shall select 3 public entities to be finalists in the competition. In conducting the competition and selecting public entities, the Secretary shall consider—

(A) * * *

* * * * * * *

(3) Not later than July 15, 1992, the Secretary shall select from among the 3 finalists a public entity with which to make a full [financing] *funding* grant agreement.

* * * * * * *

(e) FULL [FINANCING] *FUNDING* GRANT AGREEMENT.—Not later than 60 days after carrying out the requirements of subsection (d) of this section, the Secretary shall make a full [financing] *funding* grant agreement under section 5309 of this title with the public entity selected under subsection (c) of this section to construct the project. The agreement shall provide that the system vendor for the project shall finance—

(1) * * *

* * * * * * *

(f) NOTICE TO PROCEED.—Not later than 30 days after making the full [financing] *funding* grant agreement, the Secretary shall issue a notice to proceed with construction.

(g) OPTION NOT TO CONSTRUCT AND REAWARDING THE GRANT.—(1) Not later than 30 days after completing preliminary engineering and design, the selected public entity shall decide whether to proceed to constructing the project. If the entity decides not to proceed—

(A) the Secretary shall not make the full [financing] *funding* grant agreement;

* * * * * * *

§ 5323. General provisions on assistance

(a) * * *

* * * * * * *

(d) [BUYING AND OPERATING BUSES.—] *CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.*—(1) * * *

* * * * * * *

[(i) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—A Government grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Clean Air Act (42 U.S.C. 7401 et seq.) or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is for 90 percent of the net project cost of the equipment that is attributable to complying with those Acts. The Secretary of Transportation, through practicable administrative procedures, may determine the costs attributable to that equipment.]

(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with such Acts.

(j) BUY AMERICA.—(1) * * *

* * * * * * *

[(7) Not later than January 1, 1995, the Secretary of Transportation shall submit to Congress a report on purchases from foreign entities waived under paragraph (2) of this subsection in the fiscal years ending September 30, 1992, and September 30, 1993. The report shall indicate the dollar value of items for which waivers were granted.]

(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification made under this subsection if the Secretary is satisfied that the manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive as-

sistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services and shall be included in the planning for such services.

[(k)] *(l)* APPLICATION OF SECTION 135 OF TITLE 23.—The planning and programming requirements of section 135 of title 23 apply to a grant made under sections 5307–5311 of this title.

[(l)] *(m)* PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary of Transportation shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (j) of this section, and bid specifications requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient.

(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).

(o) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—

(1) REQUIRED PAYMENTS.—Each grant or loan under this chapter for a capital project described in section 5302(a)(1)(G) shall require that a person making an agreement to occupy space in a facility funded under this chapter pay a reasonable share of the costs of the facility through rental payments and other means.

(2) ELIGIBLE COSTS.—Eligible costs for a capital project described in section 5302(a)(1)(G)—

(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

(B) do not include construction of a commercial revenue producing facility or a part of a public facility not related to mass transportation.

* * * * * * *

§ 5325. Contract requirements

(a) * * *

[(b) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may make a contract to expend that assistance to acquire rolling stock—

[(1) based on—

[(A) initial capital costs; or

[(B) performance, standardization, life cycle costs, and other factors; or

[(2) with a party selected through a competitive procurement process.

[(c) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may make a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

[(1) the manufacturer or supplier is the only source for the item; and

[(2) the price of the item is no more than the price similar customers pay for the item.]

[(d)] *(b)* ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—A contract *or requirement* for program management, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which a grant or loan is made under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) or an equivalent qualifications-based requirement of a State. *When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other government agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.* This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.

(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.

§ 5326. Special procurements

(a) TURNKEY SYSTEM PROJECTS.—[(1) In this subsection, "turnkey system project" means a project under which a recipient makes a contract with a seller, firm, or consortium of firms to construct a mass transportation system that meets specific performance criteria and that the seller operates for a period of time.]

(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term "turnkey system project" means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

(2) *SELECTION OF TURNKEY PROJECTS.*—To advance new technologies and lower the cost of a capital project for a new mass

transportation system *or an operable segment of a mass transportation system*, the Secretary of Transportation shall allow solicitation for a turnkey system project to be financed under this chapter to be awarded conditionally before United States Government requirements have been met on the project if the award is made without prejudice to carrying out those requirements. Government financial assistance under this chapter may be made available for the project after the recipient complies with Government requirements.

(3) *DEMONSTRATIONS*.—To develop guidelines applying generally to turnkey system projects, the Secretary may approve at least 2 projects for an initial demonstration phase. The results of the demonstration projects (and other projects using this procurement method on December 18, 1991) shall be considered in developing guidelines to carry out this subsection.

* * * * * * *

[(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs. Not later than March 17, 1992, the Secretary shall—

[(1) make appropriate changes in existing procedures to make the policy stated in this subsection readily practicable for all mass transportation authorities; and

[(2) prescribe guidance that clarifies and carries out the policy.**]**

(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

(1) based on—

(A) initial capital costs; or

(B) performance, standardization, life cycle costs, and other factors; or

(2) with a party selected through a competitive procurement process.

(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

(1) the manufacturer or supplier is the only source for the item; and

(2) the price of the item is no more than the price similar customers pay for the item.

§ 5327. Project management oversight

(a) * * *

* * * * * * *

(c) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—(1) * * *

(2) The Secretary may use amounts available under paragraph (1) of this subsection to [make] *enter into* contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1) *and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section*. Subsections (a), (b), and (e) of this section do not apply to contracts under this paragraph.

* * * * * * *

§ 5328. Project review

(a) SCHEDULE.—(1) * * *

(2) After the draft is circulated and not later than 30 days after the applicant selects a locally preferred alternative, the Secretary shall allow the project to advance to the preliminary engineering stage if the Secretary finds the project is consistent with section [5309(e)(1)–(6) of this title] *5309(e)*.

* * * * * * *

(4) The Secretary shall make a full [financing] *funding* grant agreement under section 5309 of this title for a project not later than 120 days after the project enters the final design stage of construction. The agreement shall provide for a United States Government share of the construction cost at least equal to the Government share estimated in the Secretary's most recent report required under section [5309(m)(2) of this title] *5309(o)(1)* or an update of the report unless the applicant requests otherwise.

* * * * * * *

§ 5333. Labor standards

(a) * * *

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—(1) As a condition of financial assistance under sections 5307–5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and [5338(j)(5)] *5338(b)* of this title, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. The agreement granting the assistance under sections 5307–5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and [5338(j)(5)] *5338(b)* shall specify the arrangements.

* * * * * * *

§ 5334. Administrative *provisions*

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) * * *

* * * * * * *

(8) consent to a modification in an agreement under this chapter; [and]

(9) include in an agreement or instrument under this chapter a covenant or term the Secretary of Transportation considers necessary to carry out this chapter[.]*; and*

(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.

(b) PROCEDURES FOR PRESCRIBING REGULATIONS.—(1) * * *

* * * * * * *

(4) The Secretary of Transportation shall comply with this section (except subsections (h) and (i)) and sections [5323(a)(2), (c) and (e), 5324(c), and 5325 of this title] *5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)* when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.

* * * * * * *

[(i) AUTHORITY OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development shall—

[(1) carry out section 5312(a) and (b)(1) of this title related to—

[(A) urban transportation systems and planned development of urban areas; and

[(B) the role of transportation planning in overall urban planning; and

[(2) advise and assist the Secretary of Transportation in making findings under section 5323(a)(1)(A) of this title.]

(i) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Not later than 180 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall seek public comment on ways to simplify and streamline the administration of the formula program for urbanized areas with populations of less than 200,000 and shall make, to the extent feasible and consistent with statutory requirements, every effort to ease any administrative burdens thereby identified.

* * * * * * *

§ 5335. Reports and audits

(a) [REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS] *NATIONAL TRANSIT DATABASE*.—(1) To help meet the needs of individual mass transportation systems, the United States Government, State and local governments, and the public for information on which to base mass transportation service planning, the Secretary of Transportation shall maintain a reporting system, [by uniform categories,] *using uniform categories* to accumulate mass transportation financial and operating information [and a uniform system of accounts and records] *and using a uniform system of accounts*. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision. The Secretary may request and receive appropriate information from any source.

[(b) QUARTERLY REPORTS.—Not later than 30 days after the last day of each calendar quarter, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on

Banking, Housing, and Urban Affairs and Appropriations of the Senate a report on—

[(1) obligations by State, designated recipient, and applicant made under this chapter during the quarter;

[(2) the balance of unobligated apportionments under this chapter on the last day of the quarter;

[(3) the balance of unobligated amounts under this chapter on the last day of the quarter that the Secretary may expend;

[(4) letters of intent issued during the quarter;

[(5) letters of intent outstanding on the last day of the quarter; and

[(6) grant contracts executed and reimbursement authority established for amounts obligated for each State, designated recipient, and applicant.

[(c) BIENNIAL NEEDS REPORT.—In January 1993, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an evaluation of the extent to which current mass transportation needs are addressed adequately and an estimate of the future mass transportation needs of the United States, including mass transportation needs in rural areas (particularly access to health care facilities). The report shall include—

[(1) an assessment of needs related to rail modernization, guideway modernization, replacing, rehabilitating, and buying buses and related equipment, constructing bus related facilities, and constructing new fixed guideway systems and extensions to existing fixed guideway systems;

[(2) a 5-year projection of maintenance and modernization needs resulting from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems;

[(3) a 5-year projection of the need to invest in the expansion of existing mass transportation systems to meet changing economic, commuter, and residential patterns;

[(4) an estimate of the level of expenditure needed to satisfy the needs identified in clauses (1)–(3) of this paragraph;

[(5) an examination of existing Government, State, local, and private resources that are or reasonably can be expected to be made available to support public mass transportation; and

[(6) the gap between the level of expenditure estimated under clause (4) of this paragraph and the level of resources identified under clause (5) of this paragraph that are available to meet the needs.]

[(d)] *(b)* BIENNIAL TRANSFERABILITY REPORT.—In January 1993, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on carrying out section 5307(b)(5) of this title. The report shall—

(1) identify, by State, the amount of mass transportation money transferred for non-mass transportation purposes under section 5307(b)(5) of this title during the prior fiscal year;

* * * * * * *

§ 5336. Apportionment of appropriations for [block grants] *formula grants*

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount made available or appropriated under section [5338(f)] *5338(a)(3)(C)* of this title—

(1) * * *

* * * * * * *

[(d) OPERATING ASSISTANCE.—(1) The total amount apportioned under this section that may be used for operating assistance may not be more than—

[(A) 80 percent of the total amount apportioned in the fiscal year ending September 30, 1982, under section 5(a)(1)(A), (2)(A), and (3)(A) of the Urban Mass Transportation Act of 1964 to urbanized areas with populations of at least 1,000,000;

[(B) 90 percent of the total amount apportioned in that year under section 5(a)(1)(A), (2)(A), and (3)(A) to urbanized areas with populations of at least 200,000 but not more than 999,999;

[(C) 95 percent of the total amount apportioned in that year under section 5(a)(1)(A), (2)(A), and (3)(A) to urbanized areas with populations of less than 200,000; or

[(D) two-thirds of the total amount apportioned under this section during the first complete year an urbanized area received amounts under this section if the area first became an urbanized area under the 1980 Government census or later.

[(2) Amounts apportioned under paragraph (1) of this subsection shall be increased on October 1 of each year by an amount equal to the amount applicable to each urbanized area under paragraph (1) (except increases under this paragraph), multiplied by the percentage increase in the Consumer Price Index for all-urban consumers published by the Secretary of Labor during the most recent calendar year. However, the increase may not be more than the percentage increase of amounts made available under section 5338(f) of this title in the current fiscal year and amounts made available under section 5338(f) in the prior fiscal year.]

(d) LIMITATION ON OPERATING ASSISTANCE AND PREVENTIVE MAINTENANCE.—Of the funds apportioned under this section for urbanized areas, such sums as may be necessary shall be available for operating assistance for urbanized areas with populations under 200,000, except that the total amount of such funds made available for such operating assistance and for urbanized areas for preventive maintenance activities that become eligible for capital assistance under section 5307 on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998 may not exceed $400,000,000 for any fiscal year.

(e) DATE OF APPORTIONMENT.—The Secretary of Transportation shall—

(1) apportion amounts appropriated under section [5338(f)] *5338(a)(3)(C)* of this title to carry out section 5307 of this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; and

* * * * * * *

§ 5337. Apportionment of appropriations for fixed guideway modernization

[(a) PERCENTAGE DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 of this title for each of the fiscal years ending September 30, 1993–1997, as follows:

[(1) The first $455,000,000 shall be apportioned in the following urbanized areas as follows:

[(A) Baltimore, 1.84 percent.
[(B) Boston, 8.56 percent.
[(C) Chicago/Northwestern Indiana, 17.18 percent.
[(D) Cleveland, 2.09 percent.
[(E) New York, 35.57 percent.
[(F) Northeastern New Jersey, 9.04 percent.
[(G) Philadelphia/Southern New Jersey, 12.41 percent.
[(H) San Francisco, 7.21 percent.
[(I) Southwestern Connecticut, 6.10 percent.

[(2) The next $42,700,000 shall be apportioned in the following urbanized areas as follows:

[(A) New York, 33.2341 percent.
[(B) Northeastern New Jersey, 22.1842 percent.
[(C) Philadelphia/Southern New Jersey, 5.7594 percent.
[(D) San Francisco, 2.7730 percent.
[(E) Pittsburgh, 31.9964 percent.
[(F) New Orleans, 4.0529 percent.

[(3) The next $70,000,000 shall be apportioned as follows:

[(A) 50 percent in the urbanized areas listed in paragraphs (1) and (2) as provided in section 5336(b)(2)(A) of this title.

[(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any other urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot be met adequately with amounts received as provided in section 5336(b)(2)(A).

[(4) Remaining amounts shall be apportioned in each urbanized area eligible for assistance under paragraphs (1)–(3) of this subsection as provided in section 5336(b)(2)(A) of this title.]

(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:

(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

(A) Baltimore, $8,372,000.
(B) Boston, $38,948,000.
(C) Chicago/Northwestern Indiana, $78,169,000.
(D) Cleveland, $9,509,500.
(E) New Orleans, $1,730,588.
(F) New York, $176,034,461.

(G) Northeastern New Jersey, $50,604,653.

(H) Philadelphia/Southern New Jersey, $58,924,764.

(I) Pittsburgh, $13,662,463.

(J) San Francisco, $33,989,571.

(K) Southwestern Connecticut, $27,755,000.

(2) The next $74,849,950 shall be apportioned as follows:

(A) $4,849,950 to the Alaska Railroad for improvements to its passenger operations.

(B) Of the remaining $70,000,000—

(i) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A); and

(ii) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

(A) Pittsburgh, 61.76 percent.

(B) Cleveland, 10.73 percent.

(C) New Orleans, 5.79 percent.

(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(5) The next $140,000,000 shall be apportioned as follows:

(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(6) The next $100,000,000 shall be apportioned as follows:

(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(7) Remaining amounts shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

* * * * * * *

(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.

[§ 5338. Authorizations

[(a) FOR SECTIONS 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, AND 5334(a) and (c) AND SECTION 103(e)(4) OF TITLE 23.—(1) Not more than the following amounts are available from the Mass Transit Account of the Highway Trust Fund for the Secretary of Transportation to carry out sections 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, and 5334(a) and (c) of this title:

[(A) $1,150,000,000 for the fiscal year ending September 30, 1993.

[(B) $1,190,000,000 for the fiscal year ending September 30, 1994.

[(C) $1,150,000,000 for the fiscal year ending September 30, 1995.

[(D) $1,110,000,000 for the fiscal year ending September 30, 1996.

[(E) $1,920,000,000 for the fiscal year ending September 30, 1997.

[(2) In addition to amounts made available under paragraph (1) of this subsection, not more than the following amounts may be appropriated to the Secretary to carry out sections 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, and 5334(a) and (c) of this title and substitute transit projects under section 103(e)(4) of title 23:

[(A) $2,055,000,000 for the fiscal year ending September 30, 1993.

[(B) $1,885,000,000 for the fiscal year ending September 30, 1994.

[(C) $1,925,000,000 for the fiscal year ending September 30, 1995.

[(D) $1,965,000,000 for the fiscal year ending September 30, 1996.

[(E) $2,430,000,000 for the fiscal year ending September 30, 1997.

[(b) SECTION 5309.—(1) Not more than the following amounts are available from the Account for the Secretary to carry out section 5309 of this title:

[(A) $1,725,000,000 for the fiscal year ending September 30, 1993.

[(B) $1,785,000,000 for the fiscal year ending September 30, 1994.

[(C) $1,725,000,000 for the fiscal year ending September 30, 1995.

[(D) $1,665,000,000 for the fiscal year ending September 30, 1996.

[(E) $2,880,000,000 for the fiscal year ending September 30, 1997.

[(2) In addition to amounts made available under paragraph (1) of this subsection, not more than the following amounts may be appropriated to the Secretary to carry out section 5309 of this title:

[(A) $305,000,000 for the fiscal year ending September 30, 1993.

[(B) $265,000,000 for the fiscal year ending September 30, 1994.

[(C) $325,000,000 for the fiscal year ending September 30, 1995.

[(D) $385,000,000 for the fiscal year ending September 30, 1996.

[(E) $20,000,000 for the fiscal year ending September 30, 1997.

[(c) SECTION 5315.—The Secretary shall make available in equal amounts from amounts provided under subsections (f) and (g) of this section not more than $3,000,000 for each of the fiscal years ending September 30, 1993–1997, to carry out section 5315 of this title.

[(d) SECTION 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for each of the fiscal years ending September 30, 1993–1997:

[(1) $250,000 to carry out section 5316(a) of this title.

[(2) $3,000,000 to carry out section 5316(b) of this title.

[(3) $1,000,000 to carry out section 5316(c) of this title.

[(4) $1,000,000 to carry out section 5316(d) of this title.

[(5) $1,000,000 to carry out section 5316(e) of this title.

[(e) SECTION 5317.—(1) Not more than $6,000,000 is available from the Fund (except the Account) for the Secretary for each of the fiscal years ending September 30, 1993–1997, to carry out section 5317 of this title.

[(2) Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for making grants under section 5317(b)(5)(B) of this title:

[(A) $3,000,000 for the fiscal year ending September 30, 1993.

[(B) $2,500,000 for the fiscal year ending September 30, 1994.

[(f) SECTION 5307.—Amounts remaining available each fiscal year under subsection (a)(1) of this section, after allocation under subsections (g)–(i) and (j)(4) of this section, are available under section 5307 of this title.

[(g) PLANNING, PROGRAMMING, AND RESEARCH.—Before apportioning in each fiscal year amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b) of this section is available as follows:

[(1) 45 percent for metropolitan planning activities under section 5303(g) of this title.

[(2) 5 percent to carry out section 5311(b)(2) of this title.

[(3) 20 percent to carry out State programs under section 5313 of this title.

[(4) 30 percent to carry out the national program under section 5314 of this title.

[(h) OTHER SET-ASIDES.—Before apportioning in each fiscal year amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b) of this section—

[(1) not more than .96 percent is available for administrative expenses to carry out section 5334(a) and (c)–(f) of this title;

[(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a) of this title; and

[(3) $7,000,000 is available for section 5317 for each of the fiscal years ending September 30, 1993–1997.

[(i) COMPLETING INTERSTATE TRANSFER TRANSIT PROJECTS.—Of the amounts remaining available each year under subsections (a) and (b) of this section, after allocation under subsections (g) and (h) of this section, not more than $164,843,000 for the fiscal year ending September 30, 1993, is available for substitute transit projects under section 103(e)(4) of title 23.

[(j) LIMITATIONS.—Of the amounts available—

[(1) under subsection (a)(2) of this section, 3.5 percent is available to finance programs and activities, including administrative costs, under section 5310 of this title;

[(2) 1.5 percent of the amounts available to finance research, development, and demonstration projects under section 5312(a) of this title is available to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities;

[(3) not more than 12.5 percent is available for grants to any one State under section 5312(c)(2) of this title;

[(4) 5.5 percent of the amount remaining available each year under subsection (a)(1) of this section, after allocation under subsections (g)–(i) of this section, is available under the formula under section 5311 of this title; and

[(5) under section 5309(m)(1)(C) of this title—

[(A) $2,000,000 is available for the fiscal year ending September 30, 1993;

[(B) the lesser of $2,000,000 or an amount the Secretary determines is necessary for each fiscal year is available for each of the fiscal years ending September 30, 1994–1996; and

[(C) the lesser of $3,000,000 or an amount the Secretary determines is necessary is available for the fiscal year ending September 30, 1997.

[(k) GRANTS AS CONTRACTUAL OBLIGATIONS.—(1) A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b)(1), (c), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

[(2) A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2) or (b)(2) of this section, is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

[(l) EARLY APPROPRIATIONS AND AVAILABILITY OF AMOUNTS.—(1) Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 of this title may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

[(2) Amounts made available or appropriated under subsections (a), (b), (g), (h)(1) and (2), and (j)(4) of this section remain available until expended.

[(3) An amount apportioned under section 5308 of this title—

[(A) remains available for 3 years after the fiscal year in which the amount is apportioned; and

[(B) that is unobligated at the end of the 3-year period shall be added to the amount available for apportionment for the next fiscal year not later than 30 days after the end of the 3-year period.]

§ 5338. Authorizations

(a) FORMULA GRANTS.—

(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311—

(A) $2,697,600,000 for fiscal year 1998;

(B) $3,213,000,000 for fiscal year 1999; and

(C) $3,553,000,000 for each of fiscal years 2000 through 2003.

(2) FROM THE GENERAL FUND.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out sections 5307 and 5311—

(A) $290,000,000 for fiscal year 1998; and

(B) $68,000,000 for fiscal year 1999.

(3) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this subsection for a fiscal year—

(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

(B) 5.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

(C) 92.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

(b) CAPITAL PROGRAM GRANTS AND LOANS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309:

(1) $2,197,000,000 for fiscal year 1998.

(2) $2,412,000,000 for fiscal year 1999.

(3) $2,613,000,000 for each of fiscal years 2000 through 2003.

(c) PLANNING.—

(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b) $54,000,000 for each of fiscal years 2000 through 2003.

(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

(A) $48,000,000 for fiscal year 1998; and

(B) $52,000,000 for fiscal year 1999.

(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

(A) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

(B) 17.28 percent shall be available for State planning under section 5313(b).

(d) RESEARCH.—

(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 2000 through 2003.

(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 1998 and 1999.

(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

(A) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

(B) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

(C) not less than $3,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

(D) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

(e) UNIVERSITY TRANSPORTATION RESEARCH.—

(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505 $6,000,000 for each of fiscal years 2000 through 2003.

(2) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out section 5505 $6,000,000 per fiscal year for fiscal years 1998 and 1999.

(f) ADMINISTRATION.—

(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund for administrative expenses to carry out section 5334 $52,000,000 for each of fiscal years 2000 through 2003.

(2) FROM THE GENERAL FUND.—There is authorized to be appropriated for administrative expenses to carry out section 5334—

(A) $46,000,000 for fiscal year 1998; and

(B) $50,000,000 for fiscal year 1999.

(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b), (c)(1), (d)(1), (e)(1), or (f)(1) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2), (c)(2), (d)(2), (e)(2), or (f)(2) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e) shall remain available until expended.

CHAPTER 55—INTERMODAL TRANSPORTATION

SUBCHAPTER I—GENERAL

Sec.
5501. National Intermodal Transportation System policy.
* * * * * * *
5505. University transportation research.
* * * * * * *

SUBCHAPTER I—GENERAL

* * * * * * *

§ 5503. Office of Intermodalism

(a) * * *

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[(d) INTERMODAL TRANSPORTATION DATA BASE.—(1) The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include information on—

[(A) the volume of property and number of individuals carried in intermodal transportation by relevant classification;

[(B) patterns of movement of property and individuals in intermodal transportation by relevant classification by origin and destination; and

[(C) public and private investment in intermodal transportation facilities and services.

[(2) The Director shall make information from the data base available to the public.]

[(e)] *(d)* RESEARCH.—The Director shall—

(1) coordinate United States Government research on intermodal transportation as provided in the plan developed under section 6009(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2177); and

(2) carry out additional research needs identified by the Director.

[(f)] *(e)* TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations for urban areas having a population of at least 1,000,000 in collecting data related to intermodal transportation to facilitate the collection of the data by States and metropolitan planning organizations.

[(g)] *(f)* ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

* * * * * * *

§ 5505. University transportation research

(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate 10 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

(c) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

(A) For regional centers, the location of the center within the Federal region to be served.

(B) The demonstrated research and extension resources available to the recipient to carry out this section.

(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

(G) The strategic plan the recipient proposes to carry out under the grant.

(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

(2) An education program that includes multidisciplinary course work and participation in research.

(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title or section 313, 322, or 326(a) of title 23, United States Code.

(g) PROGRAM COORDINATION.—

(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

(2) ANNUAL REVIEW AND EVALUATION.—At least annually, the Secretary shall review and evaluate programs the grant recipients carry out.

(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

(i) SPECIAL RULE FOR FISCAL YEARS 1998 and 1999.—

(1) IN GENERAL.—In carrying out subsections (a) and (b) in fiscal years 1998 and 1999, the Secretary shall make grants to each university transportation center and university research institute that received a grant in fiscal year 1997 under section 5316 or 5317 of this title, as in effect on the day before the date of the enactment of this section.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of this section, grants made pursuant to paragraph (1) in fiscal years 1998 and 1999 shall be subject to the same terms and conditions as the fiscal year 1997 grants referred to in paragraph (1); except that the university research institutes at San Jose State University, North Carolina A&T State University, and the University of South Florida shall each receive $1,000,000 in grants under paragraph (1) in each of fiscal years 1998 and 1999.

(j) UNIVERSITY RESEARCH INSTITUTES.—Any university research institute that received a grant under section 5316 of this title, as in effect on the day before the date of the enactment of this section, shall be eligible to receive grants made available to university transportation centers under this section.

(k) APPLICATIONS THAT MAY BE CONSIDERED.—In selecting grant recipients under subsection (b), the Secretary shall consider at a minimum applications submitted by the following:

(1) Any university transportation center or university research institute described in subsection (i)(1).

(2) The University of Denver and Mississippi State University.

(3) The University of Arizona.

(4) The University of Central Florida.

(5) Carnegie Mellon and Lehigh Universities.

(6) University of Southern California and California State University at Long Beach.

(7) Pace University.

(8) A consortium of historically black colleges in Alabama.

(9) Lawson State Community College.

(10) A consortium consisting of the University of Wisconsin, the University of Illinois, and Purdue University.

(11) The University of New Hampshire.

(12) A consortium consisting of George Mason University, along with the University of Virginia and Virginia Tech University.

(13) The University of Tennessee.

(14) The Alabama Transportation Institute.

(15) A consortium consisting of Columbia University, City University of New York, Manhattan College, and New Jersey Institute of Technology.

(16) Maritime College of the State University of New York.

(17) University of New Orleans.

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SUBTITLE V—RAIL PROGRAMS

PART A—SAFETY

CHAPTER		Sec.
201.	GENERAL	20101

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PART B—ASSISTANCE

221.	LOCAL RAIL FREIGHT ASSISTANCE	22101
223.	*LIGHT DENSITY RAIL LINE PILOT PROJECTS*	*22301*

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PART B—ASSISTANCE

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CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

Sec.
22301. Light density rail line pilot projects.

§ 22301. Light density rail line pilot projects

(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102(1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.

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PART D—HIGH-SPEED RAIL

CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

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§ 26104. Authorization of appropriations

(a) * * *

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(d) FISCAL YEAR 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

(e) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

(f) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

(g) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).

[(d)**]** *(h)* FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

§ 26105. Definitions

For purposes of this chapter—

(1) the term "financial assistance" includes grants, contracts, and cooperative agreements;

[(2) the term "high-speed rail" has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976;**]**

(2) the term "high-speed rail" means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;

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SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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PART A—GENERAL

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CHAPTER 303—NATIONAL DRIVER REGISTER

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§ 30302. National Driver Register

(a) * * *

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(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's "Problem Driver Pointer System" (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.

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§ 30305. Access to Register information

(a) * * *

(b) REQUESTS TO OBTAIN INFORMATION.—(1) * * *

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request*, unless the information is about a revocation or suspension still in effect on the date of the request.*

* * * * * * *

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

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(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under **[**paragraph (2)**]** *subsection (a) of this section* to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

[(8)**]** *(9)* A request under this subsection shall be made in the form way the Secretary of Transportation prescribes by regulation.

[(6)**]** *(10)* An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section—

(A) * * *

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(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

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PART B—COMMERCIAL

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

[SUBCHAPTER I—STATE GRANTS]

SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS

Sec.
[31101. Definitions.]
31101. Objective and definitions.

* * * * * * *

[31106. Commercial motor vehicle information system program.
[31107. Truck and bus accident grant program.]
31106. Information systems.
31107. Authorization of appropriations for information systems.

SUBCHAPTER III—SAFETY REGULATION

31131. Purposes and findings.

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[31134. Commercial Motor Vehicle Safety Regulatory Review Panel.]

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[31140. Submission of State laws and regulations for review.]

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[SUBCHAPTER IV—MISCELLANEOUS

[31161. Procedures to ensure timely correction of safety violations.
[31162. Compliance review priority.]

SUBCHAPTER I—STATE GRANTS *AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS*

[§ 31101. Definitions]

§ 31101. Objective and definitions

(a) OBJECTIVE.—The objective of this subchapter is to ensure that the Secretary, States, and other political jurisdictions establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

(1) promoting safe for-hire and private transportation, including transportation of passengers and hazardous materials, to reduce the number and severity of commercial motor vehicle crashes;

(2) developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including enforcement of State and local traffic safety laws and regulations;

(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information, and monitoring program effectiveness;

(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

(5) advancing promising technologies and encouraging adoption of safe operational practices.

[In this subchapter—]

(b) DEFINITIONS.—In this subchapter the following definitions apply:

(1) "commercial motor vehicle" means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating *or gross vehicle weight* of at least [10,000 pounds] *10,001 pounds, whichever is greater*;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title *and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103*.

* * * * * * *

§ 31102. Grants to States

(a) GENERAL AUTHORITY.—Subject to this section and the availability of amounts, the Secretary of Transportation may make grants to States for the development or implementation of programs for *improving motor carrier safety and* the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle safety, *hazardous material transportation safety,* and compatible State regulations, standards, and orders.

(b) STATE PLAN PROCEDURES AND CONTENTS.—(1) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to [adopt and assume responsibility for enforcing] *assume responsibility for improving motor carrier safety and to adopt and enforce* regulations, standards, and orders of the Government on commercial motor vehicle safety, *hazardous material transportation safety,* or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

(A) * * *

* * * * * * *

(J) ensures that activities described in subsection (c)*(1)* of this section, if financed with grants under subsection (a) of this

section, will not diminish the effectiveness of the development and implementation of commercial motor vehicle safety programs described in subsection (a);

[(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

[(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

[(M) ensures participation by the 48 contiguous States in SAFETYNET not later than January 1, 1994;

[(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;]

(K) ensures consistent, effective, and reasonable sanctions;

(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

(N) implements performance-based activities by fiscal year 2003;

(O) provides satisfactory assurances that the State will promote activities *in support of national priorities and performance goals, including—*

(i) [to remove] *activities aimed at removing* impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) [to provide] *activities aimed at removing* an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; *and*

[(iii) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers' licenses; and

[(iv) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material;]

(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;

[(P) provides satisfactory assurances that the State will promote effective—

[(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

[(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous material transportation safety; and]

(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;

(Q) ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31140 and 31146, or regulations issued thereunder[.]*; and*

(R) ensures that roadside inspections will be conducted only at a distance that is adequate to protect the safety of drivers and enforcement personnel.

* * * * * * *

§ 31103. United States Government's share of costs

The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to *improve commercial motor vehicle safety and* enforce commercial motor vehicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)(1)(D) of this title may not be included as part of the share not provided by the United States Government. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

§ 31104. Availability of amounts

[(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), the following amounts are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title:

[(1) not more than $76,000,000 for the fiscal year ending September 30, 1993.

[(2) not more than $80,000,000 for the fiscal year ending September 30, 1994.

[(3) not more than $83,000,000 for the fiscal year ending September 30, 1995.

[(4) not more than $85,000,000 for the fiscal year ending September 30, 1996.

[(5) not more than $90,000,000 for the fiscal year ending September 30, 1997.]

(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

(1) Not more than $78,000,000 for fiscal year 1998.

(2) Not more than $110,000,000 for fiscal year 1999.

(3) Not more than $130,000,000 for each of fiscal years 2000 through 2003.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—[(1)] Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

[(2) Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.]

* * * * * * *

[(f) ALLOCATION CRITERIA.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

[(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

[(2) for public education under subsection (g)(1)(G) of this section.

[(g) SPECIFIC ALLOCATIONS.—(1) Of amounts made available under subsection (a) of this section—

[(A) for each fiscal year beginning after September 30, 1992, the Secretary shall obligate at least $1,500,000 to make grants to States for training inspectors to enforce regulations prescribed by the Secretary related to the transportation of hazardous material by commercial motor vehicles;

[(B) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31106 of this title;

[(C) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31107 of this title;

[(D) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $4,250,000, and for each of the fiscal years ending September 30, 1996, and 1997, the Secretary shall obligate at least $5,000,000, for traffic enforcement activities related to commercial motor vehicle driv-

ers that are carried out in conjunction with an appropriate inspection of a commercial motor vehicle for compliance with Government or State commercial motor vehicle safety regulations;

[(E) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $1,000,000 to increase enforcement of the licensing requirements of chapter 313 of this title by motor carrier safety assistance program officers and employees, including the cost of purchasing equipment for, and conducting, inspections to check the current status of licenses issued under chapter 313;

[(F) for each fiscal year, the Secretary shall obligate at least $500,000 for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to carry out section 31102 of this title and that are beneficial to all jurisdictions; and

[(G) for each fiscal year, the Secretary shall obligate at least $350,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

[(2) The Secretary shall announce publicly amounts obligated under paragraph (1)(F) of this subsection and award those amounts competitively, when practicable, to any eligible State for up to 100 percent of the State costs or to other persons as the Secretary decides.

[(3) In carrying out educational activities referred to in paragraph (1)(G) of this subsection, the Secretary shall consult with appropriate industry representatives.]

(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(2) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) to reimburse—

(A) States for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies; and

(B) local governments and other persons that use trained and qualified officers and employees, for carrying out activities and projects described in subparagraph (A) in coordination with State motor vehicle safety agencies.

[(h)] *(g)* PAYMENT TO STATES FOR COSTS.—Each State shall submit vouchers for costs the State incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

[(i) IMPROVED ALLOCATION FORMULA.—The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

[(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

[(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

[(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.]

[(j)] *(h)* INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying [tolerance] guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

* * * * * * *

[§ 31106. Commercial motor vehicle information system program

[(a) DEFINITION.—In this section, ''commercial motor vehicle'' means a self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property, if the vehicle—

[(1) has a gross vehicle weight rating of at least 10,001 pounds;

[(2) is designed to transport more than 15 passengers, including the driver; or

[(3) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and that material is transported in a quantity requiring placarding under regulations the Secretary prescribes under section 5103.

[(b) INFORMATION SYSTEM.—(1) In cooperation with the States, the Secretary may establish as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system to serve as a clearinghouse and depository of information related to State registration and licensing of commercial motor vehicles and the safety fitness of the commercial motor vehicle registrants. The Secretary shall in-

clude in the system information on the safety fitness of each of the registrants and other information the Secretary considers appropriate, including information on vehicle inspections and out-of-service orders.

[(2) The operation of the information system established under paragraph (1) of this subsection shall be paid for by a schedule of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consulting with the States, a third party that represents the interests of the States.

[(3) The Secretary shall prescribe standards to ensure—

[(A) uniform information collection and reporting by the States necessary to carry out this section; and

[(B) the availability and reliability of the information to the States and the Secretary from the information system.

[(c) DEMONSTRATION PROJECT.—The Secretary shall make grants to States to carry out a project to demonstrate ways of establishing an information system that will link the motor carrier safety information network system of the Department and similar State systems with the motor vehicle registration and licensing systems of the States. The project shall be designed—

[(1) to allow a State when issuing license plates for a commercial motor vehicle to establish through use of the information system the safety fitness of the person seeking to register the vehicle; and

[(2) to decide on types of sanctions that may be imposed on the registrant, or the types of conditions or limitations that may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

[(d) REVIEW OF STATE SYSTEMS.—Not later than December 18, 1992, the Secretary, in cooperation with the States, shall review State motor vehicle registration systems related to license tags for commercial motor vehicles to decide whether those systems can be used in carrying out this section.

[(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

[(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary shall submit a report to Congress on the cost, benefits, and feasibility of the information system established under subsection (b) of this section. If the Secretary decides that the system would be beneficial on a nationwide basis, the Secretary shall include in the report recommendations on legislation to implement a nationwide system.

[(g) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(B) of this title.

[§ 31107. Truck and bus accident grant program

[(a) STATE GRANTS.—The Secretary of Transportation shall make grants to States that agree to adopt or have adopted the recommendations of the National Governors' Association related to police accident reports for truck and bus accidents. The Secretary may make a grant under this section only to assist a State in carrying out those recommendations, including—

[(1) assisting the State in designing appropriate forms;

[(2) drafting instruction manuals;

[(3) training appropriate State and local officers on matters, including training on accident investigation techniques to decide on the probable cause of truck and bus accidents;

[(4) analyzing and evaluating safety information to develop recommended changes to existing safety programs necessary to address more effectively the causes of truck and bus accidents; and

[(5) other activities the Secretary decides are appropriate to carry out this section.

[(b) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate grants made under this section with highway safety programs under section 402 of title 23. The Secretary may require that the information from police reports for truck and bus accidents be included in reports made to the Secretary under the uniform information collection and reporting program under section 402.

[(c) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(C) of this title.]

§ 31106. Information systems

(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities required under this title.

(2) COORDINATION INTO NETWORK.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

(3) DATA ANALYSIS CAPACITY AND PROGRAMS.— The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

(B) evaluate the safety fitness of motor carriers, commercial motor vehicles, and drivers;

(C) develop strategies to mitigate safety problems and to measure the effectiveness of such strategies and related programs;

(D) determine the cost-effectiveness of Federal and State safety and enforcement programs and other countermeasures; and

(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

(4) STANDARDS.—To implement this section, the Secretary may prescribe technical and operational standards to ensure—

(A) uniform, timely, and accurate information collection and reporting by the States and other entities;

(B) uniform Federal, State, and local policies and procedures; and

(C) the reliability and availability of the information to the Secretary, States, and others as the Secretary determines appropriate.

(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the information systems authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The clearinghouse and repository shall include information on the safety fitness of each motor carrier and registrant and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

(2) DESIGN.—The program shall link Federal safety information systems with State registration and licensing systems and shall be designed to enable a State to—

(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the motor carrier or commercial motor vehicle or while the license or registration is in effect; and

(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

(A) comply with the technical and operational standards prescribed by the Secretary under subsection (a)(4); and

(B) possess or seek authority to impose commercial motor vehicle registration sanctions or operating limitations on the basis of a Federal safety fitness determination.

(4) FUNDING.—Of the amounts made available under section 31107, not more than $6,000,000 in each of fiscal years 1998 through 2003 may be used to carry out this subsection.

(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

(2) providing information to the judicial system on commercial motor vehicle drivers;

(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

(4) developing appropriate strategies and countermeasures to improve driver safety.

(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION.—

(1) AVAILABILITY OF INFORMATION.—The Secretary shall make data collected in systems and through programs under this section available to the public to the maximum extent permissible under the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

(2) REVIEW OF DATA.—The Secretary shall allow individuals and motor carriers to whom the data pertains to review periodically such data and to request corrections or clarifications.

(3) STATE AND LOCAL OFFICIALS.—State and local safety and enforcement officials shall have access to data made available under this subsection to the same extent as Federal safety and enforcement officials.

§ 31107. Authorization of appropriations for information systems

(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

(1) $7,000,000 for fiscal year 1998;

(2) $15,000,000 for fiscal year 1999; and

(3) $20,000,000 for each of fiscal years 2000 through 2003.

The amounts made available under this subsection shall remain available until expended.

(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

* * * * * * *

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

§ 31111. Length limitations

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

(1) AUTOMOBILE TRANSPORTER.—The term "automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

[(1)] *(2) MAXI-CUBE VEHICLE.—The term* "maxi-cube vehicle" means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.

[(2)] *(3) TRUCK TRACTOR.—The term* "truck tractor" means—

(A) * * *

* * * * * * *

SUBCHAPTER III—SAFETY REGULATION

* * * * * * *

§ 31132. Definitions

In this subchapter—

(1) "commercial motor vehicle" means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) has a gross vehicle weight rating *or gross vehicle weight* of at least 10,001 pounds, *whichever is greater*;

(B) is designed or used to transport passengers for compensation, but excluding vehicles providing taxicab *or livery* service and having a capacity of not more than [6 passengers] *8 passengers, including the driver,* and not operated on a regular route or between specified places;

* * * * * * *

§ 31133. General powers of the Secretary of Transportation

(a) GENERAL.—In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may—

(1) conduct *and make contracts for* inspections and investigations;

* * * * * * *

[§ 31134. Commercial Motor Vehicle Safety Regulatory Review Panel

[(a) ESTABLISHMENT AND GENERAL DUTY.—The Secretary of Transportation shall establish the Commercial Motor Vehicle Safety Regulatory Review Panel. The Panel shall analyze and review State laws and regulations under sections 31140 and 31141 of this title.

[(b) SPECIFIC DUTIES.—The Panel shall—

[(1) carry out those duties and powers designated to be carried out by the Panel under sections 31140 and 31141 of this title;

[(2) conduct a study to—

[(A) evaluate the need, if any, for additional assistance from the United States Government to the States to enable them to enforce the regulations prescribed by the Secretary under section 31136 of this title; and

[(B) decide on other methods of furthering the purposes of this subchapter; and

[(3) make recommendations to the Secretary based on the results of the study conducted under clause (2) of this subsection.

[(c) COMPOSITION, APPOINTMENT, AND TERMS.—(1) The Panel shall be composed of 15 members as follows:

[(A) the Secretary or the Secretary's delegate.

[(B) 7 individuals appointed by the Secretary from among individuals who represent the interests of States and political subdivisions of States and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives.

[(C) 7 individuals appointed by the Secretary from among individuals who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives.

[(2) The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience related to commercial motor vehicle safety. Half of the appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half from names submitted by the Committee on Transportation and Infrastructure of the House of Representatives. Each of these committees shall submit to the Secretary the names of 20 individuals qualified to serve on the Panel.

[(3) The term of each member of the Panel appointed under paragraph (1)(B) and (C) of this subsection is 7 years.

[(4) A vacancy on the Panel shall be filled in the way the original appointment was made. The vacancy does not affect the Panel's powers.

[(d) CHAIRMAN, QUORUM, MEETINGS, AND PAY.—(1) The Secretary is the Chairman of the Panel.

[(2) Eight members of the Panel are a quorum, but the Panel may establish a lesser number as a quorum to hold hearings, take testimony, and receive evidence.

[(3) The Panel shall meet at the call of the Chairman or a majority of its members.

[(4) Members of the Panel shall serve without pay, except that they shall receive expenses under section 5703 of title 5.

[(e) PERSONNEL, OFFICE SPACE, AND SUPPORT SERVICES.—On request of the Panel, the Secretary shall—

[(1) detail personnel of the Department of Transportation to the Panel as necessary to assist the Panel in carrying out its duties and powers; and

[(2) provide office space, supplies, equipment, and other support services to the Panel as necessary for the Panel to carry out its duties and powers.

[(f) HEARINGS AND OTHER ACTIONS.—To carry out the duties and powers of the Panel under this subchapter, the Panel or any member authorized by the Panel may hold hearings, sit and act at times and places, take testimony, and take other actions the Panel or the member considers advisable. A member of the Panel may administer oaths to witnesses appearing before the Panel or the member.

[(g) TEMPORARY AND INTERMITTENT SERVICES.—Subject to regulations the Panel may prescribe, the Chairman may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5.]

* * * * * * *

§ 31136. United States Government regulations

(a) * * *

* * * * * * *

[(e) WAIVERS.—

[(1) IN GENERAL.—After notice and an opportunity for comment, the Secretary may waive any part of a regulation prescribed under this section as it applies to a person or class of persons, if the Secretary decides that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive the regulations prescribed under this section as they apply to schoolbuses (as defined in section 30125(a) of this title) unless the Secretary decides that making the regulations applicable to schoolbuses is necessary for public safety, considering all laws of the United States and States applicable to schoolbuses. A waiver under this subsection shall be published in the Federal Register, with the reasons for the waiver.

[(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

[(A) IN GENERAL.—Not later than the 270th day following November 28, 1995, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the "program") to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

[(i) if the applicant has a satisfactory safety rating issued by the Secretary or meets criteria established by the Secretary pursuant to subparagraph (J) instead of such rating; and

[(ii) if the applicant and the Secretary enter into an agreement that provides that the applicant while participating in the program—

[(I) shall operate safely;

[(II) shall provide the Secretary with accident and nonconfidential insurance-related information relevant to the safety performance of the applicant and vehicles and drivers of the applicant subject to the program;

[(III) shall use in the program only drivers with good safety records in the preceding 36 months and who maintain such good safety records while in the program; and

[(IV) shall implement such safety management controls as the Secretary (in cooperation with the applicant) determines are necessary to carry out the objectives of this subsection.

[(B) SAFETY MANAGEMENT CONTROLS.—Safety management controls implemented by participants in the program shall be designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section and sections 504 and 31502.

[(C) PAPERWORK BURDEN TO BE MINIMIZED.—The Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the requirements of the program.

[(D) ENCOURAGEMENT OF ADVANCED TECHNOLOGY.—The Secretary shall encourage participants in the program to use such advanced technologies as may be necessary to ensure compliance with the requirements of the program.

[(E) APPROVAL FACTORS.—In approving applicants for participation in the program, the Secretary shall—

[(i) ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles; and

[(ii) ensure participation by qualified applicants, except to the extent limited by resources of the Secretary that are necessary to permit effective monitoring under subparagraph (G).

[(F) MODIFICATIONS TO REFLECT CHANGES IN REGULATIONS.—If there is a material change in the regulations prescribed under this section or section 504 or 31502, the Secretary shall require each participant in the program to modify the safety management controls applicable to such participant, and the agreement provided for in subparagraph (A)(ii), to the extent necessary to reflect the material change.

[(G) MONITORING.—The Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program.

[(H) TERMINATION OF PARTICIPATION.—A participant shall participate in the program until—

[(i) the Secretary finds that—

[(I) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles;

[(II) the participant has failed to comply with the requirements established by the Secretary for participation in the program (including applicable safety management controls); or

[(III) continued participation in the program is not in the public interest; or

[(ii) the participant voluntarily withdraws from the program.

[(I) EMERGENCIES.—The Secretary may suspend or modify participation in the program in case of emergency.

[(J) GUIDELINES.—

[(i) IN GENERAL.—Not later than the 270th day following November 28, 1995, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

[(ii) LIMITATION.—Notwithstanding clause (i), the program shall take effect on or before the 270th day following November 28, 1995. If the rulemaking described in clause (i) is not completed on or before such 270th day, the Secretary shall issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

[(K) ELIGIBLE VEHICLES.—For purposes of this subsection, the term "eligible vehicle" means a commercial motor vehicle with a gross vehicle weight rating of at least 10,001 pounds, but not more than 26,000 pounds, other than a vehicle—

[(i) designed to transport more than 15 passengers, including the driver; or

[(ii) used in transporting material found by the Secretary to be hazardous under section 5103 and transported in a quantity requiring placarding under the regulations issued under such section.

[(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on November 28, 1995. Upon completion of the review, the Secretary shall, after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.]

(e) EXEMPTIONS.—The Secretary may grant exemptions from any regulation prescribed under this section in accordance with section 31315.

* * * * * * *

(g) APPLICABILITY TO SCHOOL TRANSPORTATION OPERATIONS OF LOCAL EDUCATION AGENCIES.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall issue regulations making the relevant commercial motor carrier safety regulations issued under subsection (a) applicable to all interstate school transportation operations by local educational agencies (as

defined in section 14101 of the Elementary and Secondary Education Act of 1965).

* * * * * * *

[§ 31140. Submission of State laws and regulations for review

[(a) GENERAL.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation and the Commercial Motor Vehicle Safety Regulatory Review Panel immediately after the enactment or issuance.

[(b) ADDITIONAL INFORMATION.—As soon as practicable but not later than a date the Panel may establish, a State that submits a State law or regulation under this section to the Panel shall—

[(1) indicate in writing to the Panel whether the law or regulation—

[(A) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

[(B) is less stringent than that regulation; or

[(C) is additional to or more stringent than that regulation; and

[(2) submit to the Panel other information the Panel or the Secretary may require to carry out this subchapter.]

§ 31141. Review and preemption of State laws and regulations

(a) * * *

[(b) ANALYSIS AND DECISIONS BY THE PANEL.—(1) The Commercial Motor Vehicle Safety Regulatory Review Panel annually shall analyze State laws and regulations and decide which of those laws and regulations are related to commercial motor vehicle safety.

[(2) Not later than one year after the date the Secretary prescribes a regulation under section 31136 of this title or one year after the date the Panel decides under paragraph (1) of this subsection that a State law or regulation is related to commercial motor vehicle safety, whichever is later, the Panel shall—

[(A) decide whether the State law or regulation—

[(i) has the same effect as the regulation prescribed by the Secretary;

[(ii) is less stringent than that regulation; or

[(iii) is additional to or more stringent than that regulation;

[(B) decide, for each State law or regulation that the Panel decides is additional to or more stringent than the regulation prescribed by the Secretary, whether—

[(i) the State law or regulation has no safety benefit;

[(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

[(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce; and

[(C) notify the Secretary of the Panel's decisions under this subsection.

[(c) REVIEW AND DECISIONS BY SECRETARY.—(1) The Secretary shall review each State law and regulation on commercial motor vehicle safety. Not later than 18 months after the date the Panel notifies the Secretary of a decision under subsection (b) of this section, the Secretary shall—

[(A) conduct a regulatory proceeding to decide under this subsection whether the State law or regulation may be enforced; and

[(B) prescribe a final regulation.

[(2) If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

[(3) If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

[(4) If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

[(A) the State law or regulation has no safety benefit;

[(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

[(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

[(5)(A) In deciding about a State law or regulation under this subsection, the Secretary shall give great weight to the corresponding decision made by the Panel about that law or regulation under subsection (b) of this section.

[(B) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

(b) SUBMISSION OF REGULATION.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation immediately after the enactment or issuance.

(c) REVIEW AND DECISIONS BY SECRETARY.—

(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

(B) is less stringent than such regulation; or

(C) is additional to or more stringent than such regulation.

(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

(A) the State law or regulation has no safety benefit;

(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

* * * * * * *

[(e) CONSOLIDATING PROCEEDINGS.—The Secretary may consolidate regulatory proceedings under this section if the Secretary decides that the consolidation will not adversely affect a party to a proceeding.]

[(f)] *(e)* WRITTEN NOTICE OF DECISIONS.—Not later than 10 days after making a decision under subsection (c) of this section that a State law or regulation may not be enforced, the Secretary shall give written notice to the State of that decision.

[(g)] *(f)* JUDICIAL REVIEW AND VENUE.—(1) Not later than 60 days after the Secretary makes a decision under subsection (c) of this section, or grants or denies a petition for a waiver under subsection (d) of this section, a person (including a State) adversely affected by the decision, grant, or denial may file a petition for judicial review. The petition may be filed in the court of appeals of the United States for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

* * * * * * *

[(h)] *(g)* INITIATING REVIEW PROCEEDINGS.—To review a State law or regulation on commercial motor vehicle safety under this section, the Secretary may initiate a regulatory proceeding on the Secretary's own initiative or on petition of an interested person (including a State).

§ 31142. Inspection of vehicles

(a) INSPECTION OF SAFETY EQUIPMENT.—On the instruction of an authorized enforcement official of a State or of the United States Government, a commercial motor vehicle is required to pass an inspection of all safety equipment required under [part 393 of title

49, Code of Federal Regulations] *the regulations issued under section 31136.*

* * * * * * *

(c) PREEMPTION.—(1) Except as provided in paragraph (2) of this subsection, this subchapter and section 31102 of this title do not—

(A) * * *

* * * * * * *

(C) prevent a State from *participating in the activities of a voluntary group of States* enforcing a program for inspection of commercial motor vehicles [that meets the requirements for membership in the Commercial Vehicle Safety Alliance, as those requirements were in effect on October 30, 1984]; or

* * * * * * *

[§ 31144. Safety fitness of owners and operators

[(a) PROCEDURE.—(1) The Secretary of Transportation shall prescribe regulations establishing a procedure to decide on the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

[(A) specific initial and continuing requirements to be met by the owners, operators, and persons to prove safety fitness;

[(B) a means of deciding whether the owners, operators, and persons meet the safety fitness requirements under clause (A) of this paragraph; and

[(C) specific time deadlines for action by the Secretary in making fitness decisions.

[(2) Regulations prescribed under this subsection supersede all regulations of the United States Government on safety fitness and safety rating of motor carriers in effect on October 30, 1984.

[(b) FINDINGS AND ACTION ON REGISTRATIONS.—The Secretary shall find that a person seeking to register as a motor carrier is unfit if such person does not meet the safety fitness requirements established under subsection (a) and shall not register such person.]

§ 31144. Safety fitness of owners and operators

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

(2) periodically update such safety fitness determinations;

(3) make such safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining whether an owner or operator is fit to operate safely commercial motor vehicles. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

(c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

(d) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with

those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

* * * * * * *

[SUBCHAPTER IV—MISCELLANEOUS

[§ 31161. Procedures to ensure timely correction of safety violations

[(a) DEFINITION.—Section 31132(1) of this title applies to this section.

[(b) GENERAL.—Not later than August 3, 1991, the Secretary of Transportation shall prescribe regulations establishing procedures to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with money authorized under section 31104 of this title.

[(c) VERIFICATION PROGRAM.—The regulations shall establish a verification program for United States Government inspectors and States participating under section 31102 of this title to ensure that commercial motor vehicles and their operators found in violation of safety requirements have been brought into compliance with those requirements. The regulations shall include—

[(1) a nationwide system for random reinspection of the commercial motor vehicles and their operators that have been declared out-of-service because of those safety violations, with the main purpose of the system being to verify that the violations have been corrected on a timely basis;

[(2) a program of accountability for correcting all safety violations that shall provide that—

[(A) the operator of a commercial motor vehicle for which a safety violation has been noted shall be issued a form prescribed by the Secretary;

[(B) the person making the repairs necessary to correct the violation shall certify on the form the making of repairs and the date, location, and time of the repairs;

[(C) the motor carrier responsible for the commercial motor vehicle or operator shall certify on the form that, based on the carrier's knowledge, the repairs necessary to correct the violation have been made; and

[(D) appropriate State penalties shall be imposed for a false statement on the form or a failure to return the form to the appropriate State entity; and

[(3) a system for ensuring that appropriate State penalties are imposed for failure to correct any of those safety violations.

[§ 31162. Compliance review priority

[If the Secretary of Transportation identifies a pattern of violations of State or local traffic safety laws or regulations or commercial motor vehicle safety regulations, standards, or orders among

drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary or a State representative shall ensure that the motor carrier receives a high priority for review of that carrier's compliance with applicable United States Government and State commercial motor vehicle safety regulations.]

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.
31301. Definitions.
[31302. Limitation on the number of driver's licenses.]
31302. Driver's license requirement.

* * * * * * *

[31312. Grants for testing and ensuring the fitness of operators of commercial motor vehicles.
[31313. Grants for issuing commercial drivers' licenses and complying with State participation requirements.]

* * * * * * *

[31315. Waiver authority.]
31315. Exemptions and pilot programs.

* * * * * * *

§ 31301. Definitions

In this chapter—

(1) * * *

* * * * * * *

(4) "commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating *or gross vehicle weight* of at least 26,001 pounds, *whichever is greater,* or a lesser gross vehicle weight rating *or gross vehicle weight* the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle *is* transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and not otherwise regulated by the Secretary or *is* transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and

* * * * * * *

[§ 31302. Limitation on the number of driver's licenses

[An individual operating a commercial motor vehicle may have only one driver's license at any time, except during the 10-day pe-

riod beginning on the date the individual is issued a driver's license.]

§ 31302. Driver's license requirement

An individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license. An individual operating a commercial motor vehicle may have only one driver's license at any time.

* * * * * * *

§ 31308. Commercial driver's license

After consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers' licenses by the States and for information to be contained on each of the licenses. The standards shall require at a minimum that—

(1) * * *

(2) the license be tamperproof to the maximum extent practicable *and each license issued after January 1, 2000, include unique identifiers to minimize fraud and duplication*; and

* * * * * * *

§ 31309. Commercial driver's license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall [make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section,] *maintain* an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators of commercial motor vehicles. *The system shall be coordinated with activities carried out under section 31106.* The Secretary shall consult with the States in carrying out this section.

[(b) STATE AGREEMENTS.—If the Secretary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.

[(c) ESTABLISHMENT BY SECRETARY.—If the Secretary does not make an agreement under subsection (b) of this section, the Secretary shall establish an information system about the driving status and licensing of operators of commercial motor vehicles as provided in this section.]

[(d)] *(b)* CONTENTS.—(1) At a minimum, the information system under this section shall include for each operator of a commercial motor vehicle—

(A) * * *

* * * * * * *

(E) the dates between which the license is valid; [and]

(F) whether the operator had a commercial motor vehicle driver's license revoked, suspended, or canceled by a State, lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle[.]*; and*

(G) information on all fines, penalties, convictions, and failure to appear for a hearing or trial incurred by the operator with respect to operation of a motor vehicle for a period of not less than 3 years beginning on the date of the imposition of such a fine or penalty or the date of such a conviction or failure to appear.

[(2) Not later than December 31, 1990, the Secretary shall prescribe regulations on minimum uniform standards for a biometric identification system to ensure the identification of operators of commercial motor vehicles.]

(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).

[(e) AVAILABILITY OF INFORMATION.—(1) On request of a State, the Secretary or the operator of the information system, as the case may be, may make available to the State information in the information system under this section.

[(2) On request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to the employee information in the information system about the employee.

[(3) On request of an employer or prospective employer of an employee and after notification to the employee, the Secretary or the operator of the information system, as the case may be, may make available to the employer or prospective employer information in the information system about the employee.

[(4) On the request of the Secretary, the operator of the information system shall make available to the Secretary information about the driving status and licensing of operators of commercial motor vehicles (including information required by subsection (d)(1) of this section).]

(c) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with section 31106(e).

[(f)] *(d)* FEE SYSTEM.—[If the Secretary establishes an information system under this section, the] *The* Secretary [shall] *may* establish a fee system for using the information system. Fees collected under this subsection in a fiscal year shall equal as nearly as possible the costs of operating the information system in that fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (except the Mass Transit Account).

* * * * * * *

[§ 31312. Grants for testing and ensuring the fitness of operators of commercial motor vehicles

[(a) BASIC GRANTS.—(1) The Secretary of Transportation may make a grant to a State under this subsection if the State—

[(A) makes an agreement with the Secretary—

[(i) to adopt and carry out in the fiscal year in which the grant is made a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles under the minimum standards prescribed by the Secretary under section 31305(a) of this title; and

[(ii) to require that operators of commercial motor vehicles have passed written and driving tests that meet the minimum standards; and

[(B) has in effect and enforces in that fiscal year a law providing that an individual with a blood alcohol concentration of at least .10 percent when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

[(2) A State may—

[(A) administer driving tests referred to in paragraph (1) of this subsection and section 31311(a) of this title; or

[(B) make an agreement, approved by the Secretary, for the tests to be administered by a person (including a department, agency, or instrumentality of a local government) that meets minimum standards the Secretary prescribes by regulation if—

[(i) the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of the testing without prior notification; and

[(ii) the State annually conducts at least one onsite inspection of the testing.

[(3) The Secretary shall decide on the amount of a grant in a fiscal year to be made under this subsection to a State eligible to receive the grant in the fiscal year. However—

[(A) a grant to a State under this subsection shall be at least $100,000 in a fiscal year; and

[(B) to the extent each State grant under this subsection is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

[(4) A State receiving a grant under this subsection may use the amounts provided under the grant only to test operators of commercial motor vehicles.

[(5) There is available to the Secretary to carry out this subsection $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

[(b) SUPPLEMENTAL GRANTS.—(1) The Secretary may make a grant under this subsection in a fiscal year to a State eligible to receive a grant under subsection (a) of this section in that fiscal year. A grant made under this subsection shall be used for testing operators of commercial motor vehicles.

[(2) Amounts of grants under this subsection shall be distributed among the States eligible to receive grants under subsection (a) of this section in the fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for the operation of commercial motor vehicles issued, in the prior fiscal year.

[(3) There is available to the Secretary to carry out this subsection $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

[(c) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, for testing operators of commercial motor vehicles will be maintained at a level at least equal to the average level of that expenditure for its last 2 fiscal years before October 27, 1986.

[(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

[(2) Amounts made available to the Secretary under this section remain available until expended.

[(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the Government for payment of the amount of the grant.

[(f) TESTING AND FITNESS PROGRAM STUDIES.—In this section, development of a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles includes studies of—

[(1) the number of vehicles that will need to be tested under the program in a calendar year;

[(2) facilities at which testing of those individuals could be conducted; and

[(3) additional resources (including personnel) that will be necessary to conduct the testing.

[§ 31313. Grants for issuing commercial drivers' licenses and complying with State participation requirements

[(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant under this section to a State in a fiscal year if the State makes an agreement with the Secretary to participate in that fiscal year in the commercial driver's license program established by this chapter and the information system required by section 31309 of this title and to comply with the requirements of section 31311(a) of this title.

[(b) AMOUNTS OF GRANTS.—The Secretary shall decide on the amount of a grant in a fiscal year to be made under this section to a State eligible to receive the grant in the fiscal year. However—

[(1) a grant to a State under this section shall be at least $100,000 in a fiscal year; and

[(2) to the extent each State grant under this section is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

[(c) LIMITATION ON USE.—A State receiving a grant under this section may use the amounts provided under the grant only for

issuing commercial drivers' licenses and complying with the requirements of section 31311(a) of this title.

[(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

[(2) Amounts made available to the Secretary under this section remain available until expended.

[(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the United States Government for payment of the amount of the grant.

[(f) AUTHORIZATION.—There is available to the Secretary to carry out this section $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.]

§ 31314. Withholding amounts for State noncompliance

(a) FIRST FISCAL YEAR.—The Secretary of Transportation shall withhold 5 percent of the amount required to be apportioned to a State under section 104(b)(1), [(2), (5), and (6)] *(3), and (5)* of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) SECOND FISCAL YEAR.—The Secretary shall withhold 10 percent of the amount required to be apportioned to a State under section 104(b)(1), [(2), (5), and (6)] *(3), and (5)* of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(c) AVAILABILITY FOR APPORTIONMENT.—[(1) Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:

[(A) If the amounts would have been apportioned under section 104(b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

[(B) If the amounts would have been apportioned under section 104(b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

[(2) Amounts] *Amounts* withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

[(d) APPORTIONMENT AFTER COMPLIANCE.—(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311(a) of

this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

[(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.]

[(e)] *(d)* LAPSE.—If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311(a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104(b)(5) of title 23, the amounts lapse and are available for projects under section 118(b) of title 23.

[§ 31315. Waiver authority

[After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.]

§ 31315. Exemptions and pilot programs

(a) EXEMPTIONS.—

(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if the person fails to comply with the terms and conditions of such exemption or if continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of the enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.

(B) The time period during which the exemption would apply.

(C) An analysis of the safety impacts the exemption may cause.

(D) The specific countermeasures the person would undertake, if the exemption were granted, to ensure an equal or greater level of safety than would be achieved absent the exemption.

(4) NOTICE AND COMMENT.—

(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

(C) UPON DENYING A REQUEST.—Upon denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial.

(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a through review of its safety implications, but in no case later than 180 days after the filing date of such request, or the Secretary shall publish in the Federal Register the reason for the delay in decision and an estimate of when the decision will be made.

(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the

Federal Register a detailed description of the program and the exemptions to be considered and provide notice and an opportunity for public comment before the effective date of any exemptions.

(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall include, at a minimum, the following elements in each pilot program plan:

(A) A program scheduled life of not more than 3 years.

(B) A scientifically valid methodology and study design, including a specific data collection and analysis plan, that identifies appropriate control groups for comparison.

(C) The fewest participants necessary to yield statistically valid findings.

(D) Observance of appropriate ethical protocols for the use of human subjects in field experiments.

(E) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(F) Adequate countermeasures to protect the health and safety of study participants and the general public.

(G) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall promptly report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to law or regulation that would enhance motor carrier, vehicle, and driver safety and improve compliance with national safety standards.

(c) PREEMPTION OF STATE RULES.—During the time period that an exemption or pilot program is in effect under this section, no State shall enforce any law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.

* * * * * * *

CHAPTER 317—PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

Sec.
31701. Definitions.

[31702. Working group.
[31703. Grants.]

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[31708. Authorization of appropriations.]

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[§ 31702. Working group

[(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Administrators, and the Board of Directors for the International Fuel Tax Agreement, and a representative of the Regional Fuel Tax Agreement.

[(b) PURPOSES.—The purposes of the working group are—

[(1) to propose procedures to resolve disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement, including designating the Secretary or any other person to resolve the disputes; and

[(2) to provide technical assistance to States participating or seeking to participate in the Plan or Agreement.

[(c) CONSULTATION REQUIREMENT.—In carrying out subsection (b) of this section, the working group shall consult with members of the motor carrier industry.

[(d) REPORT.—(1) Not later than December 18, 1993, the working group shall submit a report to—

[(A) the Secretary;

[(B) the Committee on Commerce, Science, and Transportation of the Senate;

[(C) the Committee on Public Works and Transportation of the House of Representatives;

[(D) the Committee on the Judiciary of the House of Representatives;

[(E) the States participating in the International Registration Plan; and

[(F) the States participating in the International Fuel Tax Agreement.

[(2) The report shall contain a detailed statement of the working group's findings and conclusions and its joint recommendations about the matters referred to in subsection (b) of this section. After submitting the report, the working group periodically may review and modify the findings and conclusions and the joint recommendations as appropriate and submit a report containing the modifications to the Secretary and the committees specified in paragraph (1) of this subsection.

[(e) RELATIONSHIP TO OTHER LAWS.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the working group.

[§ 31703. Grants

[(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants to States and appropriate persons to facilitate participation in the International Registration Plan and the International

Fuel Tax Agreement and to make administrative improvements in any other base State fuel use tax agreement in existence as of January 1, 1991. A grant may include amounts for technical assistance, personnel training, travel costs, and technology and equipment associated with the participation.

[(b) CONTRACTUAL OBLIGATION.—Approval by the Secretary of a grant with amounts made available under this section is a contractual obligation of the United States Government for payment of the Government's share of the grant.]

* * * * * * *

[§ 31708. Authorization of appropriations

[(a) GENERAL.—From amounts made available under section 31104 of this title, the Secretary of Transportation shall provide the following amounts for each of the fiscal years ending September 30, 1993-1997:

[(1) $1,000,000 for activities of the working group under section 31702 of this title.

[(2) $5,000,000 for grants under section 31703 of this title.

[(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.]

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SUBTITLE VII—AVIATION PROGRAMS

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PART B—AIRPORT DEVELOPMENT AND NOISE

CHAPTER 471—AIRPORT DEVELOPMENT

* * * * * * *

SUBCHAPTER I—AIRPORT IMPROVEMENT

§ 47102. Definitions

In this subchapter—

(1) * * *

* * * * * * *

(3) "airport development" means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) * * *

* * * * * * *

(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.

* * * * * * *

§ 47115. Discretionary fund

(a) * * *

* * * * * * *

(d) CONSIDERATIONS.—In selecting a project for a grant to preserve and enhance capacity as described in subsection (c)(1) of this section, the Secretary shall consider—

(1) * * *

* * * * * * *

(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; [and]

(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period[.]*; and*

(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.

* * * * * * *

TITLE 46, UNITED STATES CODE

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Subtitle II—Vessels and Seamen

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PART I—STATE BOATING SAFETY PROGRAMS

* * * * * * *

§ 13103. Allocations

(a) * * *

* * * * * * *

(c)*(1)* The Secretary may allocate not more than 5 percent of the amounts available for allocation and distribution in a fiscal year for national boating safety activities of national nonprofit public service organizations.

(2) The Secretary shall use amounts allocated under this subsection to conduct and report to the Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999 and of every fifth year thereafter. The amount expended for each survey may not exceed 50 percent of the amounts allocated under this subsection for the fiscal year in which the survey is conducted.

* * * * * * *

§ 13106. Authorization of contract spending

(a)[(1) Subject to paragraph (2), the Secretary may expend in each fiscal year, subject to amounts as are provided in appropriations laws for liquidation of contract authority, an amount equal to ½ of the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).] *Except as provided in subsection (c) and subject to such amounts as are provided in appropriations laws, the Secretary may expend for each fiscal year the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).* The amount shall be allocated as provided under section 13103 of this title and shall be available for State recreational boating safety programs as provided under the guidelines established under subsection (b) of this section. Amounts authorized to be expended for State recreational boating safety programs shall remain available until expended and are deemed to have been expended only if an amount equal to the total amounts authorized to be expended under this section for the fiscal year in question and all prior fiscal years have been obligated. Amounts previously obligated but released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated amounts and are immediately available for expenditure.

[(2) The Secretary shall use not less than one percent and not more than two percent of the amount appropriated each fiscal year for State recreational boating safety programs under this chapter to pay the costs of investigations, personnel, and activities related to administering those programs.]

* * * * * * *

[(c) An amount equal to one-half of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) is available to the Secretary for expenditures out of the operating expenses account of the Coast Guard for services provided by the Coast Guard for recreational boating safety, including services provided by the Coast Guard Auxiliary. Expenditures for a fiscal year under this subsection shall not exceed expenditures for the fiscal year under subsection (a). Amounts made available by this subsection shall remain available until expended.]

(c)(1) Of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4))—

(A) up to two percent is available to the Secretary to pay the costs of investigations, personnel, and activities related to administering State recreational boating safety programs;

(B) up to two percent is available to the Secretary to ensure compliance with chapter 43 of this title; and

(C) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote primarily recreational boating safety.

(2) Amounts made available by this subsection shall remain available until expended.

(d)(1) The Secretary shall require that of the amount appropriated for a fiscal year to which this subsection applies that is allocated and distributed under this chapter for State recreational boating safety programs, the amount described in paragraph (2) shall be available only for use pursuant to subsection (b)(4) for public access facilities for transient nontrailerable recreational vessels.

(2) The amount referred to in paragraph (1) is equal to five percent of the portion of sums appropriated for the fiscal year to carry out this chapter that is in excess of $35,000,000.

(3) This subsection applies to any fiscal year for which the total amount appropriated to carry out this chapter exceeds $35,000,000.

* * * * * * *

RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

* * * * * * *

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TITLE V—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

[DEFINITIONS

[SEC. 501. As used in this title, the term—

[(1) "applicant" means any railroad, or other person (including a governmental entity) which submits an application to the Secretary for the guarantee of an obligation under which it is an obligor or for a commitment to guarantee such an obligation;

[(2) "equipment" includes any type of new or rebuilt standard gauge locomotive, caboose, or general service railroad freight car the use of which is not limited to any specialized purpose by particular equipment, design, or other features (except as provided in section 803 (a) and (b) of the Powerplant and Industrial Fuel Use Act of 1978). General service railroad freight car includes a boxcar, gondola, open-top or covered hopper car, and flatcar. The Secretary may designate other types of cars as equipment upon a written finding, with reasons therefor, that such designation is consistent with the purposes of this Act;

[(3) "facilities" means—

[(A) track, roadbed, and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, enginehouses, and public improvements used or usable for rail service operations;

[(B) communication and power transmission systems, including electronic, microwave, wireless, communication, and automatic data processing systems, electrical transmission systems, powerplants, power transmission systems, powerplant machinery and equipment, structures, and facilities for the transmission of electricity for use by railroads;

[(C) signals, including signals and interlockers;

[(D) terminal or yard facilities, including trailer-on-flatcar and container-on-flat-car terminals, express or railroad terminal and switching facilities, and services to express companies and railroads and their shippers, including ferries, tugs, carfloats, and related shoreside facilities designed for the transportation of equipment by water; or

[(E) shop or repaid facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving, and expediting the movement of equipment;

[(4) "Fund" means the Railroad Rehabilitation and Improvement Fund established under section 502 of this title;

[(5) "holder" means the obligee or creditor under an obligation, except that when a bank or trust company is acting as agent or trustee for such an obligee or creditor, the term refers to such bank or trust company;

[(6) "obligation" means a bond, note, conditional sale agreement, equipment trust certificate, security agreement, or other obligation issued or granted to finance or refinance equipment or facilities acquisition, construction, rehabilitation, or improvement;

[(7) "obligor" means the debtor under an obligation, including the original obligor and any successor or assignee of such obligor who is approved by the Secretary;

[(8) "restructuring" means any activity (including a consolidation, coordination, merger, or abandonment) which (i) involves rehabilitation, or improvement of a facility or the trans-

fer of a facility, (ii) improves the long-term profitability of any railroad freight system through the achievement of higher average traffic densities or improved asset utilization;

[(9) "consolidation" means the combination of separate rail facilities and the abandonment of the excess facilities, except that such term does not include the combination by a single railroad of multiple tracks into fewer tracks where the tracks do not constitute separate physical and operating lines of railroad; and

[(10) "coordination" means the combination of rail freight traffic flows through the use of joint facilities arrangements or internally that result in a reduction of service on at least one facility and includes arrangements for joint use of tracks or other facilities and the acquisition or sale of assets.

[THE RAIL FUND

[SEC. 502. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States the Railroad Rehabilitation and Improvement Fund. The Fund shall be administered by the Secretary, without the requirement of annual authorizations, in order (1) to secure the payment, when due, of the principal of, any redemption premium on, and any interest on, all Fund anticipation notes and Fund bonds, by a first pledge of and a lien on all revenues payable to and assets held in the Fund, and (2) to carry out the purposes, functions, and powers authorized in this title.

[(b) PURPOSE.—The purpose of the Fund is to provide capital which is necessary to furnish financial assistance to railroads, to the extend of appropriated funds, for facilities maintenance, rehabilitation, improvements, and acquisitions, and such other financial needs as the Secretary approves, in accordance with this title. Money appropriated to the Fund under section 803 (a) and (b) of the Powerplant and Industrial Fuel Use Act of 1978 shall be used to provide financial assistance to railroads for maintenance, rehabilitation, improvement, and acquisition of equipment and facilities which will be used for the rail transportation of coal to regions or States which can use coal in greater quantities as a substitute for imported petroleum.

[(c) GENERAL POWERS.—In order to achieve the objectives and to carry out the purposes of this title, the Secretary may—

[(1) issue and sell securities, including Fund anticipation notes and Fund bonds, as provided for in sections 507 and 508 of this title;

[(2) make and enforce such rules and regulations, and make and perform such contracts, agreements, and commitments, as may be necessary to appropriate to carry out the purposes or provisions of this title;

[(3) prescribe and impose fees and charges for services by the Secretary, pursuant to this title;

[(4) settle, adjust, and compromise, and, with or without consideration or benefit to the Fund, release or waive, in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Secretary or the Fund;

[(5) sue and be sued, complain, and defend, in any State, Federal, or other court;

[(6) acquire, take, hold, own, deal with, and dispose of, any property, including carrier redeemable preference shares as provided for in section 505(d) of this title; and

[(7) determine, in accordance with appropriations, the amounts to be withdrawn from the Fund and the manner in which such withdrawals shall be effected.

[(d) ASSISTANCE FROM OTHER AGENCIES.—The Secretary, with the consent of any department, establishment, or corporate or other instrumentality of the Federal Government, may utilize and act through any such department, establishment, or instrumentality. The Secretary may, with such consent, utilize the information, services, facilities, and personnel of any such department, establishment, or instrumentality, on a reimbursable basis. Each such department, establishment, and instrumentality is authorized to furnish any such assistance to the Secretary upon written request from the Secretary.

[(e) JURISDICTION.—Whenever the Secretary or the Fund is a party to any civil action under this title, such action shall be deemed to arise under the laws of the United States. The district courts of the United States shall have original and removal jurisdiction of any action in which the Secretary or the Fund is a party, without regard to the amount in controversy. No attachment or execution may be issued against the Secretary, the Fund, or any property thereof prior to the entry of final judgment to such effect in any State, Federal, or other court.

[(f) CONTENTS OF FUND.—There shall be deposited in the Fund, subject to utilization pursuant to subsection (i) of this section—

[(1) funds received by the Secretary for deposit in the Fund, representing the proceeds from the issuance and sale by the Secretary to the Secretary of the Treasury of Fund anticipation notes, as provided in section 507 of this title;

[(2) funds as may be hereafter appropriated to the Fund following the submission to the Congress of the Secretary's report, under section 504 of this title, with respect to the perceived needs of the rail industry for facilities rehabilitation and improvement, projected cash shortfalls within the rail industry, and the scope and sources of long-term public sector funding for the Fund;

[(3) funds received by the Secretary for deposit in the Fund, representing the proceeds from the issuance and sale of Fund bonds, as provided in section 508 of this title;

[(4) redeemable preference shares issued by a railroad and purchased by the Secretary on behalf of the Fund and funds received by the Fund representing dividends and redemption payments on such shares, as provided in sections 505(d) and 506 (a) and (b) of this title;

[(5) income and gains realized by the Fund from any investment of excess funds, pursuant to subsection (g) of this section, and the obligations or securities comprising such investments;

[(6) funds as may hereafter be appropriated to the Fund as authorized under section 803 (a) and (b) of the Powerplant and Industrial Fuel Use Act of 1978; and

[(7) any other receipts of the Fund.

[(g) EXCESS FUNDS INVESTMENTS.—If the Secretary determines that the amount of money in the Fund exceeds the amount required for current needs, the Secretary may, subject to sections 508 (g) and (h) of this title, direct the Secretary of the Treasury to invest such amounts as the Secretary deems advisable, for such periods as the Secretary directs, in obligations of, or obligations guaranteed by, the Government of the United States, or in such other governmental or agency obligations or other securities of the United States as the Secretary of the Treasury deems appropriate.

[(h) DEPOSITORY.—The Secretary may deposit moneys of the Fund with any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Secretary of the Treasury deems appropriate.

[(i) USES.—Moneys in the Fund shall be utilized—

[(1) to provide financial assistance to railroads for facilities maintenance, rehabilitation, improvement, and acquisition projects, and for such other financial needs as may be approved by the Secretary pursuant to section 505 of this title,

[(2) to effect the payment, when due, of the principal of, and any interest on, Fund anticipation notes and Fund bonds issued by the Secretary pursuant to sections 507 and 508 of this title,

[(3) to redeem, as contemplated by section 507(c) and section 508(g) of this title, Fund anticipation notes and Fund bonds,

[(4) in such amounts as are provided in appropriation acts, to make payment of all expenses incurred by the Secretary in carrying out his duties with respect to the Fund,

[(5) to make transfers to the general fund of the Treasury, and

[(6) to carry out the purposes of section 803 (a) and (b) of the Powerplant and Industrial Fuel Use Act of 1978.

[CLASSIFICATION AND DESIGNATION OF RAIL LINES

[SEC. 503. (a) TRAFFIC DENSITY ANALYSIS.—Within 90 days after the date of enactment of this Act, each railroad designated by the Commission as a class I railroad shall prepare and submit to the Secretary a full and complete analysis of the rail system operated by it. Such analysis shall indicate the traffic density for the preceding 5 calendar years on each of the main and branch rail lines of the railroad submitting such analysis. The requirements of the two preceding sentences shall not apply to any railroad subject to reorganization pursuant to the Regional Rail Reorganization Act of 1973.

[(b) PRELIMINARY STANDARDS AND DESIGNATIONS.—Within 180 days after the date of enactment of this Act, the Secretary shall develop and publish—

[(1) the preliminary standards for classification, in at least 3 categories, of main and branch rail lines according to the degree to which they are essential to the rail transportation system; and

[(2) the preliminary designations with respect to each main and branch rail line, in accordance with such standards for classification.

The classification of rail lines for the purposes of this subsection shall be based on the level of usage measured in gross-ton-miles, the contribution to the economic viability of the railroad which controls such lines, and the contribution of such lines to the probable economic viability of any other railroads which participate in the traffic originating on such lines. In determining "level of usage" and "probable economic viability", for purposes of such classification, the Secretary shall take into account operational service and other appropriate factors, and he may make reasonable allowance for differences in operation among individual railroads or groups of railroads.

[(c) PUBLIC HEARINGS.—Commencing 30 days after the date of publication of the standards and designations required under subsection (b) of this section, the Office shall conduct public hearings, at representative locations, to solicit comments and receive views on the preliminary standards for classification and on the preliminary designations. The Office shall give notice of the date, time, and place of each such hearing, and such notices shall be designed and placed in such manner that all interested parties will have a full and fair opportunity to be heard.

[(d) REPORT BY OFFICE.—Within 120 days after the date of publication of the standards and designations required under subsection (b) of this section, the Office shall submit a report to the Secretary containing its conclusions and recommendations with respect to such preliminary standards for classification and such preliminary designations. This report shall be based on the record which was developed by the Office during the hearings under subsection (c) of this section, as supplemented by such studies as may be undertaken by the Office.

[(e) FINAL STANDARD AND DESIGNATIONS.—Within 150 days after the date of receipt of the report required under subsection (d) of this section, the Secretary, with the cooperation and assistance of the Office, shall, after giving due consideration to such report, prepare and publish—

[(1) the final standards for classification of main and branch rail lines; and

[(2) the final designations with respect to each main and branch rail line, in accordance with such standards for classification, including findings to support any material change which is made in a final designation from the corresponding preliminary designation.

[CAPITAL NEEDS STUDY

[SEC. 504. (a) DEFERRED MAINTENANCE STATEMENT.—Within 180 days after the date of enactment of this Act, each railroad designated by the Commission as a class I railroad (other than a railroad subject to reorganization pursuant to the Regional Rail Reorganization Act of 1973) shall prepare and submit to the Secretary a full and complete statement (1) of such railroad's deferred maintenance and delayed capital expenditures, as of December 31, 1975, and (2) of the projected amounts of appropriate maintenance to be performed and capital expenditures to be made for such railroad's facilities and equipment, during each of the years from 1976 through 1985. Each railroad shall submit such additional informa-

tion as may be required from it by the Secretary, in connection with his duties under section 503 of this title or under this section, prior to July 1, 1977, including the projected sources of and uses for the funds required by such railroad for such projected program.

[(b) PRELIMINARY FINANCING RECOMMENDATIONS.—Within 540 days after the date of enactment of this Act, the Secretary, after giving due consideration to (1) the final designations under section 503(e) of this title, (2) the information furnished under subsection (a) of this section, and (3) any other relevant information, shall develop, publish, and transmit—

[(A) to the Congress, preliminary recommendations as to the amount and type of carrier equity and other financing to be effected through the Fund, or through any other funding mechanism, recommended by the Secretary, based upon his view of the rail industry's facilities rehabilitation and improvement needs, the projected gross national product, the potential demand for rail service and the types of service capable of meeting that potential demand, the potential revenues and costs (including capital costs associated with those revenues), the demand for rail services for which the railroads could compete on an economic basis, the probable sources of funding for the capital costs of providing those services, and which of those costs must be provided by public financing, as projected through December 31, 1985; and

[(B) to the Congress and to the Secretary of the Treasury, preliminary recommendations as to the means by which the Federal share, if any, of such equity and other financing should be provided.

In preparing such recommendations, the Secretary shall specifically consider and evaluate the public benefits and costs which would result from public ownership of railroad rights-of-way.

[(c) EVALUATION.—Within 90 days after the date of publication of the Secretary's preliminary recommendations under subsection (b) of this section, the Secretary of the Treasury shall publish and transmit to the Secretary and to the Congress his evaluation thereof and any recommendations with respect to the matters referred to in subsection (b)(3)(B) of this section.

[(d) FINAL RECOMMENDATIONS.—Within 90 days after the date of receipt of the evaluation, transmitted under subsection (c) of this section, the Secretary shall, after giving due consideration to such recommendations, prepare and transmit to the Congress his final recommendations with respect to the matters referred to in subsection (b) of this section.

[REHABILITATION AND IMPROVEMENT FINANCING

[SEC. 505. (a) IN GENERAL.—(1) Any railroad may apply to the Secretary, following the date of enactment of this Act and in accordance with regulations promulgated by the Secretary, for financial assistance for facilities rehabilitation and improvement financing and for such other financial assistance as may be approved by the Secretary. Any regulations promulgated by the Secretary pursuant to this section shall include specific and detailed standards in accordance with which the Secretary shall conduct the evalua-

tions and make the determinations required in subsection (b)(2) of this section.

[(2) An employee or employee-shipper group may apply to the Secretary for financial assistance pursuant to subsection (b)(3) of this section.

[(3)(A) A financially responsible person may apply to the Secretary for financial assistance from funds made available pursuant to section 509(b)(2) of this title.

[(B) For purposes of this paragraph, the term "financially responsible person" means a person who (i) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired, and (ii) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years. Such term includes a governmental authority but does not include a class I or class II rail carrier.

[(b) APPLICATION AND DETERMINATION.—(1) Each application for facilities rehabilitation and improvement financing shall set forth—

[(A) a description of the proposed facilities rehabilitation and improvement project for which such railroad is seeking financial assistance, and of the current physical condition of such facilities;

[(B) the classification of each main and branch rail line included in such project, as determined in accordance with the final standards and designations under section 503(e) of this title;

[(C) the track standard under which each such line has been and is being operated and the reasons therefor, and the safety standards and signal requirements necessary under such a standard to prevent loss of life and serious accident or injury at grade crossings;

[(D) the track standard necessary, in the judgment of such railroad, to provide reliable and competitive freight service (and passenger service, where applicable) over each such line, together with such railroad's recommendations as to (i) the most economical method of improving the physical condition of each such line to meet such track standard, (ii) the cost of providing adequate safety standards and signals, and (iii) an economic analysis of the cost of such improvements in condition and in safety standards and signals;

[(E) such railroad's estimate as to the cost of labor and materials, and the date of completion, and its opinion as to the priority to be accorded such portions of the proposed project as are reasonably divisible;

[(F) the amount and kind of Federal financial assistance required by such railroad in order to complete the proposed project; and

[(G) such other information as the Secretary shall by regulation require to assist him in evaluating such application in accordance with this section or for carrying out the purposes of this title.

[(2) The Secretary shall act upon each such application within 6 months after the date on which all required information is received, except as otherwise provided in subsection (a)(2) of this section. The Secretary may approve any such application if he deter-

mines that providing the requested financial assistance is in the public interest. When making such a determination, the Secretary shall evaluate and consider in the following order of priority (A) the availability of funds from other sources at a cost which is reasonable under principles of prudent railroad financial management in light of the railroad's projected rate of return for the project to be financed and the railroad's rate of return on total capital (represented by the ratio which such carrier's net income, including interest on a long-term debt, bore to the sum of average shareholder's equity, long-term debt, and accumulated deferred income tax for fiscal year 1975) as determined in accordance with the uniform system of accounts promulgated by the Commission, (B) the interest of the public in supplementing such other funds as may be available in order to increase the total amount of funds available for railroad financing, and (C) the public benefits, including any significant railroad restructuring, to be realized from the project to be financed in relation to the public costs of such financing and whether the proposed project will return public benefits sufficient to justify such public costs. Except as provided in the last sentence of this paragraph, the Secretary, in determining the extent to which a project will provide public benefits, shall give the highest priority to projects which will enhance the ability of the applicant carrier or other carriers to provide essential freight services. With respect to funds appropriated for financial assistance under this section which were authorized pursuant to section 803 (a) and (b) of the Powerplant and Industrial Fuel Use Act of 1978, applications for such funds for the purpose of coal transportation shall be deemed to be for the provision of essential freight services. The Secretary, in granting financial assistance to any applicant, shall assign the highest priority, among applications for assistance which would return equal public benefits, to applications for assistance for providing safety improvements and signals, including underpasses or overpasses at railroad crossings at which injury or loss of life has frequently occurred or is likely to occur. The Secretary shall assign the highest priorities (i) to those meritorious applications of carriers operating under section 77 of the Bankruptcy Act unable to generate such funds in the private sector and (ii) to those meritorious applications for funds to provide for the restructuring of rail freight facilities and systems which handle more than two million rail cars annually, which are located in more than one State, and which are separated by the Mississippi River.

[(3) The Secretary may approve applications to provide financial assistance to any employee or employee-shipper ownership group formed pursuant to a plan for the purchase or rehabilitation of a line or lines of railroad or of rail facilities which are considered to be in the public interest. The Secretary shall not use more than 20 percent of the total funds available under this section for such financial assistance. In considering the allocation of available funds and priority of eligible projects under this subsection, the Secretary shall consider the availability of viable alternatives to the ownership or rehabilitation by the eligible employee-shipper group for the continuation of rail service. Projects with no such alternative shall receive highest priority.

[(c) FINANCING AGREEMENT.—Upon the approval of an application for financial assistance under this section, the Secretary shall promptly enter into an agreement with such railroad to provide financing in such amounts and at such times as is sufficient, in the judgment of the Secretary, to meet the reasonable cost, in whole or in part, of the facilities rehabilitation and improvement project which has been approved, in whole or in part. Each such agreement shall include such terms and conditions as are necessary or appropriate, in the judgment of the Secretary, to assure that the financing will be used only in the manner, and for the purposes, approved by the Secretary.

[(d) AUTHORIZATION.—(1) In the case of a railroad other than a railroad in reorganization under section 77 of the Bankruptcy Act, financing pursuant to this section shall be in the form of purchase by the Secretary of redeemable preference shares at par. Such shares shall be specifically issued for such purpose in accordance with the terms and conditions set forth in section 506 of this title.

[(2)(A) In the case of a railroad in reorganization under section 77 of the Bankruptcy Act, the Secretary, in order to provide financing pursuant to this section, may agree to purchase redeemable preference shares of such railroad at par as part of a plan of reorganization of such railroad approved by the court having jurisdiction over the reorganization of such railroad. Such shares shall be specifically issued in accordance with the terms and conditions set forth in section 506 of this title.

[(B) The Secretary, in order to provide financing pursuant to this section, may also purchase certificates issued under section 77(c)(3) of the Bankruptcy Act by a trustee of a railroad in reorganization and approved by the reorganization court, under such terms and conditions as may be approved by the Secretary and the reorganization court. In purchasing such trustee certificates or at any time thereafter, the Secretary may agree with the trustee of such railroad in reorganization, subject to the approval of the reorganization court, to exchange such certificates for redeemable preference shares issued, in accordance with the terms and conditions set forth in section 506 of this title, in connection with a plan of reorganization approved by the reorganization court. Except as provided in subparagraph (C) of this paragraph, no certificate shall be purchased under this section unless and until the Secretary makes a finding in writing that—

[(i) such certificates cannot otherwise be sold at a reasonable rate of interest;

[(ii) the project to be financed can reasonably be expected to be maintained as part of a financially self-sustaining railroad system; and

[(iii) the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

[(C) The Secretary may purchase certificates under this section without making the finding referred to in clause (iii) of subparagraph (B) only if such certificates are senior in rights to all outstanding capital stock, common and preferred, of the debtor corporation, and all unsecured debt incurred before the date of commencement of railroad reorganization proceedings pursuant to sec-

tion 77 of the Bankruptcy Act, but subordinate to all senior debt of the debtor corporation whenever such senior debt is incurred. As used in this subparagraph, the term "senior debt" means—

[(i) all costs of administration, incurred or to be incurred by a trustee, and secured debts assumed by a trustee, in connection with the reorganization proceedings and the operation of a debtor's business by a trustee during the pendency of such proceedings; and

[(ii) all secured debt incurred before the date of commencement of railroad reorganization proceedings pursuant to section 77 of the Bankruptcy Act and determined by the court to be a proper claim against the estate and an obligation of the debtor corporation.

[(3) In the case of a Government authority that applies for financial assistance from funds made available pursuant to section 509(b)(2) for the purchase or rehabilitation of railroad lines purchased under section 10910 of title 49, United States Code, financing pursuant to this section shall be in the form of purchase by the Secretary of bonds or other debt obligations issued for such purpose by such Government authority.

[(4) The total par value of the redeemable preference shares and the amount of trustee certificates, bonds, and other debt obligations which the Secretary may purchase from the proceeds received from the issuance and sale of Fund anticipation notes shall not exceed $1,400,000,000.

[(e) FUTURE PURCHASES OF REDEEMABLE PREFERENCE SHARES.—The total par value of the redeemable preference shares which the Secretary may, after September 30, 1985, make commitments to purchase under this title shall be determined by the Congress following the receipt by the Congress of the Secretary's recommendations as to the scope and sources of funding of the Fund or any recommended alternative financing mechanism, as submitted pursuant to section 504 of this title, except that—

[(1) the amount of the Secretary's investment in redeemable preference shares in any fiscal year (out of proceeds other than those derived through the issuance and sale of Fund anticipation notes) shall not, when added to the amount of his prior investment in such shares, exceed 200 percent of the aggregate principal amount of the Fund bonds which (A) have been issued by the Secretary prior to such fiscal year, and (B) are projected to be issued by the Secretary through the end of such fiscal year; and

[(2) neither redemptions of Fund bonds nor their payment at scheduled maturity shall have any bearing on the limitation in paragraph (1) of this subsection.

[(f) REHABILITATION FOR COMMON CARRIER SERVICE.—(1) Notwithstanding subsections (a) through (e) of this section (other than subsection (d)(3)), the Secretary shall immediately purchase redeemable preference shares or trustee certificates convertible to redeemable preference shares under this section as necessary to facilitate the rehabilitation and improvement of Milwaukee Railroad property that has been sold or transferred to another person or retained by the restructured Milwaukee Railroad and that will be used for common carrier rail service.

[(2) The Secretary may not take any action under this subsection—

[(A) prior to (i) the occurrence of an event described in section 22(b) of the Milwaukee Railroad Restructuring Act, or (ii) April 1, 1980, whichever first occurs; or

[(B) after April 1, 1981.

[(3) Funds received from purchases by the Secretary pursuant to this subsection may not be used for the rehabilitation and improvement of any line of railroad which carried less than an average of 3,000,000 gross tons of freight per mile per year during the previous three-year period.

[(g) LIMITATION.—Not more than 50 percent of the funds made available at any time for the purchase of redeemable preference shares and trustee certificates under this section may be used for the rehabilitation and improvement of the facilities of any single railroad undergoing restructuring.

[(h) PURCHASE OF ESSENTIAL PROPERTIES FOR COMMON CARRIER SERVICE.—(1) Notwithstanding subsections (a) through (g) of this section (other than subsections (b)(2) and (d)(3)), the Secretary shall, upon application of a noncarrier entity—

[(A) purchase, from funds available on May 1, 1980, not less than $38,000,000 in redeemable preference shares, bonds, or trustee certificates convertible to redeemable preference shares under this section as necessary for the purchase, lease, or rehabilitation of properties of the Rock Island Railroad by responsible noncarrier entities to be used for common carrier rail service; and

[(B) purchase not more than $27,000,000 in redeemable preference shares or trustee certificates convertible to redeemable preference shares under this section as necessary for the purchase of properties of the Milwaukee Railroad by responsible noncarrier entities to be used for common carrier rail service, to the extent that the Secretary determines that funds are available.

[(2) Preference shares, bonds, and trustee certificates purchased under this subsection shall be purchased under terms and conditions that insure that the applicant will be financially capable of making the requisite dividend or interest and redemption or principal payments without impairing its financial resources, and the Secretary shall insure that all assistance provided under this subsection is likely to be repaid or can be secured.

[(3)(A)(i) For purposes of this subsection, a responsible noncarrier entity may include an association composed of representatives of national railway labor organizations, employee coalitions, shippers, or any combination thereof, and States or State organizations, which wish to acquire, lease, or rehabilitate properties of the Rock Island Railroad or the Milwaukee Railroad pursuant to a feasible employee, employee-shipper, or State ownership plan. A responsible noncarrier entity may also include any railroad that wishes to contribute any of its properties under common ownership with the property being acquired by the association.

[(ii) Any ownership plan described in clause (i) of this subparagraph shall be submitted to the Secretary no later than August 20, 1980, or such later date as the Secretary considers appropriate.

[(B) For purposes of this subsection, the return on redeemable preference shares shall be the minimum established pursuant to section 506(a)(3) of this title.

[(4) This subsection shall apply to (A) purchase offers submitted to the Trustee of the Rock Island Railroad Estate and filed with the Commission prior to September 15, 1980 (or such other time as the Secretary considers appropriate), and (B) purchase applications filed with the Commission prior to September 15, 1980 (or such other time as the Secretary considers appropriate) and approved by the court having jurisdiction over the reorganization of the Rock Island Railroad or the Milwaukee Railroad, as the case may be, and by the Commission.

[(5) Financial assistance made available under paragraph (1)(B) of this subsection may be used to purchase, for purposes of rail banking, properties of the Milwaukee Railroad located in the State of Montana with respect to which an interest in future rail common carrier operations has been evidenced.

[(6) Applications for rail banking shall be treated equally with other applications for transaction assistance.

[REDEEMABLE PREFERENCE SHARES

[SEC. 506. (a) CHARACTERISTICS.—The redeemable preference shares acquired by the Secretary pursuant to section 505(d) of this title are securities which are issued by a railroad employee or employer-shipper group for the purpose of obtaining financing under this title. Each such redeemable preference share—

[(1) shall be nonvoting and shall have a par value of $10,000;

[(2) shall be senior in right (i) to all common stock of the issuing railroad employee or employee-shipper group, whenever issued, except that the Secretary may make any such redeemable preference share subordinate to any common stock which was issued as a result of an exchange for securities which were senior in right to common stock, if (I) such exchange took place pursuant to a court-approved reorganization plan under section 77 of the Bankruptcy Act (11 U.S.C. 205), and (II) the railroad employee or employer-shipper group subject to such reorganization plan was in reorganization under such section 77 prior to the date of enactment of this Act, (ii) to any previously issued preferred stock where such seniority does not mitigate any rights of the holders of such stock accorded by the terms and conditions of such stock, and (iii) to any subsequently issued preferred stock, with respect to dividend and redemption payments and in case of liquidation or dissolution of such railroad employee or employer-shipper group, but shall be otherwise subordinate in such matters to any of such railroad's employee or employee-shipper group's previously issued and outstanding securities which rank ahead of its common stock and shall be subordinate to all securities other than common stock (except in those cases in which the Secretary has provided for subordination pursuant to clause (i) of this paragraph) which is received in exchange as a part of a court approved reorganization plan under section 77 of the Bankruptcy Act (11 U.S.C. 205) approved after the date of en-

actment of this sentence for previously incurred senior debt or previously issued and outstanding securities which ranked ahead of its common stock;

[(3) shall accrue dividends, commencing on the 10th anniversary date of the date of its original issuance, at such rate as shall be fixed by the Secretary for each issuance prior to the issuance thereof and which, when added to the amount of the mandatory redemption payments under subparagraph (4) of this paragraph shall return to the Fund not less than 150 percent of the aggregate par value thereof, over the scheduled life of the issue and in annual payments which shall be as nearly equal as practicable; and

[(4) shall be subject to mandatory redemption, at par, commencing not earlier than the 6th and not later than the 11th (as determined by the Secretary for each issuance) anniversary date of the date of its original issuance, in annual amounts which shall, over the period ending (as determined by the Secretary for each issuance) not later than the 30th anniversary date of the date of its original issuance, aggregate the total par value of such share and, except to permit the railroad employee or employer-shipper group to prepay its redemption payments, the number of such annual redemption payments shall in no event be less than 15; and

[(5) the proceeds from the issuance of which are to be expended solely to reduce the deferred maintenance on facilities, shall in no event yield (A) less than the minimum permissible yield determinable in accordance with paragraphs (3) and (4) of this subsection, nor (B) more than such railroad's employee or employee-shipper group's rate of return on total capital (represented by the ratio which such carrier's net income, including interest on long-term debt, bore to the sum of the average shareholder's equity, long-term debt, and accumulated deferred income tax credits for the three fiscal years preceding the date of submission of the application) as determined in accordance with the uniform system of accounts promulgated by the Commission in those cases in which such rate of return exceeded such minimum permissible yield.

[(b) DEPOSIT.—All redeemable preference shares which are acquired by the Secretary pursuant to section 505(d) of this title shall, upon such acquisition, be deposited in the Fund.

[(c) OVERDUE PAYMENTS.—Whenever any dividend or redemption payment which is due on redeemable preference shares issued by any railroad employee or employer-shipper group remains unpaid for a period of 4 months, the Secretary shall be entitled to appoint two members to the Board of Directors of such railroad employee or employer-shipper group. The term of office of such members shall not extend beyond the period during which such dividend or redemption payments remains unpaid.

[FUND ANTICIPATION NOTES

[SEC. 507. (a) GENERAL.—The Secretary shall, until September 30, 1985, issue and sell, and the Secretary of the Treasury until such date shall, to the extent of appropriated funds, purchase Fund anticipation notes in an aggregate principal amount of not more

than $1,400,000,000, in order to provide financial assistance to railroads, employee or employee-shipper groups for such financing needs as the Secretary approves.

[(b) TERMS OF ISSUE.—Fund anticipation notes shall be issued in denominations of $100,000 (or any integral multiple thereof), upon such terms and conditions, with such maturities, such rates of interest, if any, and such redemption premiums, if any, as the Secretary in his sole discretion may determine. The date of maturity of each Fund anticipation note may not exceed 7 years from the date of its issuance.

[(c) REDEMPTION.—If the Congress, following its receipt of the recommendations of the Secretary pursuant to section 504(d) of this title (with respect to the amount of facilities rehabilitation and improvement financing which should be effected through the Fund and the method of long-term public sector funding therefor) authorizes the issuance of Fund bonds, the Secretary shall redeem the Fund anticipation notes then outstanding, in such manner, and over such period of time, as the Secretary shall determine, from the proceeds of the sale of such Fund bonds and from such other public sector moneys as have been appropriated to the Fund.

[(d) REMITTANCE AND TERMINATION.—If the Congress does not, on or before September 30, 1985, enact legislation of the type referred to in subsection (c) of this section, the Secretary shall hold in trust all redeemable preference shares issued by railroads employee or employee-shipper groups which are held in the Fund, and the Fund shall thereupon terminate.

[FUND BONDS

[SEC. 508. (a) ISSUANCE.—The Secretary may, following enactment of the legislation referred to in section 507(c) of this title, issue Fund bonds in denominations of $100,000 (or any integral multiple thereof) in such total amounts as may be authorized by the Congress. No Fund bonds—

[(1) shall be issued which mature in less than 8, or more than 15, years from the date of original issuance thereof;

[(2) shall be issued later than the 10th anniversary of the date of publication of the final standards and designations under section 503(e) of this title; and

[(3) shall, except as otherwise provided pursuant to subsections (d)(6) and (g) of this section, be subject to redemption (at the option of the Secretary) (A) at any time prior to the 10th anniversary of the date of original issuance thereof, and (B) at any time thereafter.

[(b) PLEDGE AND LIEN.—The Secretary, subject to sections 502(g) and 508(g) of this title, shall impose a first pledge of, and a first lien on, all revenues payable to, and assets held in, the Fund, and appropriated for the use of the Secretary pursuant to this title. The Secretary may impose such a pledge of and lien on all other revenues or property of the Fund. The purpose of any such pledge and lien shall be to secure the payment, when due, of the principal of, any redemption premiums on, and any interest on, all Fund anticipation notes and Fund bonds, and for other purposes incidental thereto. Such incidental purposes may include the creation of reserve and other funds which may be similarly pledged and used,

to such extent and in such manner as the Secretary deems necessary or desirable. Any pledge made by the Secretary shall be valid and binding from the time it is made. The revenues and assets held in the Fund, and the revenues or property of the Fund which are so pledged and which are subsequently received by the Fund, shall immediately be subject to the lien of such pledge without any physical delivery thereof or any further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind, in tort, contract, or otherwise, against the Secretary or the Fund, without regard to whether such parties have notice thereof. No instrument by which a pledge is created need be recorded or filed to protect such pledge.

[(c) ENHANCEMENT OF MARKETABILITY.—The Secretary may enter into binding covenants with the holders of Fund bonds, and with the trustee, if any, under any agreement entered into in connection with the issuance of such bonds with respect to (1) the establishment of reserves, and other funds; (2) stipulations concerning the subsequent issuance of obligations; and (3) such other matters as the Secretary deems necessary or desirable to enhance the marketability of Fund bonds.

[(d) SPECIFIC DETERMINATIONS.—Subject to subsection (a) of this section, the Secretary may determine, with respect to Fund bonds—

[(1) the form and denominations in which they shall be issued;

[(2) the time when they shall be sold, and in what amounts;

[(3) the time when they shall mature;

[(4) the price thereof at sale;

[(5) the rate of interest thereon;

[(6) whether, and in what manner, they may be redeemed prior to the date when they mature; and

[(7) whether they shall be negotiable or nonnegotiable and whether they shall be bearer or registered instruments, and any indentures or covenants relating thereto.

[(e) CHARACTERISTICS.—Fund bonds issued by the Secretary under this section shall—

[(1) contain a recital that they are used under this section, which shall be conclusive evidence as to the validity and regularity of issuance and sale of such Fund bonds;

[(2) be subject to such other terms and conditions as the Secretary may, by the resolution authorizing their issuance, determine;

[(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States;

[(4) not be exempted from Federal, State, and local taxation; and

[(5) not be debts or enforceable general obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States. Neither the full faith and credit, nor the general taxing power, of the Federal Government shall be pledged to the payment of the principal of, any premium on, or interest on, such Fund bonds.

[(f) NO PERSONAL LIABILITY.—Neither the Secretary, nor any other individual, who executes any Fund anticipation notes or fund bonds, shall be subject to any personal liability or accountability by reason of the issuance of any such notes or bonds.

[(g) REDEMPTION AND TRANSFER.—If, after the 10th anniversary date of the original issuance of the initial series of Fund bonds, the amount in the Fund, exclusive of the value of any redeemable preference shares held by the Fund, exceeds 250 percent of the amount required to satisfy amounts due in the succeeding fiscal year on account of Fund bonds, the Secretary may use such excess to redeem Fund bonds in accordance with their terms or may withdraw all or part of such excess from the Fund and transfer it to the general fund of the United States. When all Fund bonds have been redeemed, all amounts remaining in the Fund or thereafter accruing to it shall be transferred to the general fund of the United States, except to the extent necessary to cover such expenses of the Fund as may be required to carry on and complete any remaining responsibilities.

[(h) PURCHASE BY SECRETARY.—The Secretary, subject to such agreements with holders of Fund bonds as may then exist, is authorized (out of any funds available) to purchase Fund anticipation notes or Fund bonds. Upon any such purchase, such bonds and notes shall be canceled.

[AUTHORIZATIONS

[SEC. 509. (a) There is authorized to be appropriated to the Secretary of the Treasury for the purposes of the Fund not to exceed $1,400,000,000 and the Secretary of the Treasury is authorized and directed to purchase, from time to time, prior to September 30, 1985, from the Secretary, out of such moneys in the Treasury as are appropriated under this sentence, Fund anticipation notes in such aggregate principal amounts, subject to the foregoing limitation, as the Secretary may so offer for sale. No money in the Fund, regardless of source, shall be obligated, expended, or otherwise committed to any purpose from the Fund prior to or after September 30, 1985, without prior approval thereof in an annual appropriations Act. The Fund shall not qualify as one of the exceptions provided in section 401(d) of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 1351(d)).

[(b)

[(3) Of the funds authorized to be appropriated under this section (other than funds described in paragraphs (1) and (2) of this subsection) not more than $180,000,000 are authorized to be appropriated in fiscal year 1981, and not more than $55,000,000 are authorized to be appropriated for fiscal years 1983, 1984 and 1985.

[(4) $40,000,000 of the funds received by the Secretary of the Treasury from amounts appropriated under subsection (a) of this section shall be reserved and made available for meritorious applications regarding that restructuring of rail freight facilities and systems specified in section 505(b)(2)(ii) of this title.

[(5) $15,000,000 of the funds appropriated under subsection (a) of this section shall be available for the purchase, or for the refinancing of the purchase, of the rail line of the Chicago, Rock Island and Pacific Railroad Company between Fort Worth and Dallas,

Texas, or of interests in such rail line, by a State or one or more political subdivisions thereof. To the extent that funds are made available for such purposes through appropriations for any Administration of the Department of Transportation, other than the Federal Railroad Administration, the amount of funds authorized under this section shall be reduced accordingly.

[EXEMPTION

[SEC. 510. Neither the registration and prospectus delivery requirements of the Securities Act of 1933, nor the provisions of the securities laws of any State, shall be applicable to the issuance and sale of redeemable preference shares by railroads under this title.

[GUARANTEE OF OBLIGATIONS

[SEC. 511. (a) GENERAL.—The Secretary may, in accordance with the provisions of this section, guarantee and make commitments to guarantee the payment of the principal balance of, and any interest on, an obligation of an applicant prior to, on, or after the date of execution or the date of disbursement of such obligation, if the proceeds of such obligation shall be or have been used (1) to acquire or to rehabilitate and improve facilities or equipment (which includes but is not limited to computerized car management systems), (2) to develop or establish new railroad facilities, or (3) to acquire, rehabilitate, improve, develop, or establish high-speed rail facilities or equipment. Each guarantee of such an obligation shall be made in accordance with the provisions of sections 511 through 513 of this title and such rules as the Secretary may prescribe to protect reasonably the interest of the United States. Each application for the guarantee of such an obligation or for a commitment to guarantee such an obligation shall be made in writing to the Secretary in such form and with such content as the Secretary prescribes. Such application shall be granted, in whole or in part, if the Secretary determines that the proposed, negotiated, or executed obligation is eligible for such guarantee. Each such guarantee or commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate, consistent with the purposes of this title. Such a guarantee or commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment to guarantee applies.

[(b) FUND.—An obligation guarantee fund shall be established and administered by the Secretary as a revolving fund to carry out the provisions of sections 511 through 513 of this title. Moneys in the obligation guarantee fund shall be deposited in the Treasury of the United States to the credit of such fund or invested in bonds or other obligations of the United States approved by the Secretary of the Treasury.

[(c) FULL FAITH AND CREDIT.—All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the United States of America.

[(d) MODIFICATIONS.—The Secretary may approve any modification of any provision of a guarantee, or of a commitment to guaran-

tee an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms and conditions, if the Secretary makes a finding in writing that such modification is equitable and is in the overall best interests of the United States under this title, and that the holder of such obligation consents to such modification.

[(e) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations which may be guaranteed by the Secretary under this section shall not exceed $1,000,000,000 at any one time.

[(f) RATE OF INTEREST.—The rate of interest (exclusive of premium charges for a guarantee and service fees) which shall be paid on the unpaid principal balance of each obligation guaranteed by the Secretary under this section, shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.

[(g) PREREQUISITES FOR GUARANTEES.—No obligation shall be guaranteed and no commitment shall be made to guarantee any obligation under this section, unless and until the Secretary makes a finding in writing that—

[(1) an obligation for equipment acquisition, rehabilitation, or improvement is secured (A) by the particular equipment which is to be financed or refinanced by such obligation, or (B) in the case of the rehabilitation or improvement of leased equipment, by the lease;

[(2) payment of the obligation is required by its terms to be made within 25 years from the date of its execution;

[(3) the financing or refinancing is justified by the present and probable future demand for rail services or high-speed rail services to be rendered by the applicant and will serve to meet demonstrable needs for rail services or high-speed rail services and to provide shippers or passengers with improved service;

[(4) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

[(5) the prospective earning power of the applicant, or the value or prospective earning power of any equipment or facilities to be acquired, rehabilitated, improved, developed, or established (or any combination of the foregoing), together with any other security offered by the applicant, is sufficient to provide the United States with reasonable security and protection, except that if the value or prospective earning power of such equipment or facilities is equal to or greater than the amount of the obligation to be guaranteed, the Secretary may not, on the basis of the lack of prospective earning power of the applicant, find that the United States will not be provided with the reasonable security and protection referred to in this paragraph;

[(6) the transaction will result in an improvement in the ability of any affected railroad or high-speed rail carrier to transport passengers or freight; and

[(7) in the case of high-speed rail facilities and equipment, at least 85 percent of such facilities and equipment are mined,

produced, or manufactured in the United States, unless the Secretary finds in writing that—

[(A) such requirement would be inconsistent with the public interest;

[(B) such facilities and equipment could not be mined, produced, or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality;

[(C) such a requirement would increase the cost of the facilities and equipment by more than 25 percent; or

[(D) such a requirement would result in a violation of obligations of the United States under international trade agreements.

[(h) GENERAL REQUIREMENT.—The recipients of any guarantees of, or of any commitments to guarantee, an obligation under this section, shall, consistent with their capital resources, maintain their facilities, on a continuing basis, in accordance with standards promulgated under this subsection. The Secretary shall assure compliance with this requirement by regular periodic inspection.

[(i) CONDITIONS OF GUARANTEES.—(1) The Secretary shall, before making, approving, or extending any guarantee or commitment to guarantee any obligation under this section, require the obligor to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to assure that, as long as any principal or interest is due and payable on such obligation, such obligor—

[(A) will not make any discretionary dividend payments, except as provided in paragraph (2) of this subsection; and

[(B)(i) will not use any funds or assets from railroad operations for nonrail purposes; and

[(ii) will not use any funds or assets from high-speed rail operations for purposes other than high-speed rail purposes,

if such payments or use will impair the ability of such obligor to provide rail services or high-speed rail services in an efficient and economic manner or will adversely effect that ability of such obligor to perform any obligation guaranteed by the Secretary.

[(2) An obligor shall not be restricted with respect to making dividend payments from its net income for any fiscal year, if such payments do not exceed—

[(A) when compared to the net income of such obligor for such fiscal year, the ratio which aggregate dividends paid by such obligor, during the 5 fiscal years prior to the granting of the earliest loan guarantee then outstanding under this section bore to aggregate net income of such obligor for such period; or

[(B) 50 per centum of the total addition to the retained income of such obligor (computed on a cumulative basis and giving cognizance to dividends paid) during the period commencing with the fiscal year prior to the granting of the earliest loan guarantee then outstanding under this section,

whichever is greater.

[(3) The restriction set forth in paragraphs (1) of this subsection shall not apply with respect to an obligation guaranteed under this section if, in the event of a default by the obligor, the Secretary

would be subrogated to the rights of the lender under section 77(j) of the Bankruptcy Act.

[(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in any appropriate district court of the United States to enjoin any activity which the Secretary finds is in violation of any requirement or condition specified in subsection (i) or (j) of this section, and to secure any other appropriate relief, including termination, suspension, and punitive damages.

[(k) INVESTIGATION CHARGE.—The Secretary shall charge and collect from each applicant such amounts as he deems reasonable for the investigation of any application submitted under this section, for appraisal of the value of the equipment or facilities involved, and for making the necessary determinations and findings. Such charges shall not aggregate more than one-half of 1 percent of the principal amount of the obligation with respect to which the applicant seeks a guarantee or commitment to guarantee.

[(l) PREMIUM CHARGE.—The Secretary shall assess and collect from the obligor an annual premium charge on each obligation guaranteed under this section. The amount of such premium may not exceed an annual rate of 1 percent on the unpaid principal balance of such obligation at the time payment is due. Payment is due initially when the obligation is guaranteed by the Secretary, and, thereafter, on the anniversary date of such guarantee.

[(m) ADMINISTRATIVE COST.—All moneys received by the Secretary under this section shall be deposited in the obligation guarantee fund, and to the extent provided in appropriation acts, may be used by the Secretary to pay administrative costs and expenses incurred by him pursuant to this section.

[(n) DEFINITIONS.—As used in this section, the term "high-speed rail" means all forms of nonhighway ground transportation that run on rails providing transportation service which is—

[(1) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

[(2) made available to members of the general public as passengers.

Such term does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation.

[ISSUANCE OF NOTES OR OBLIGATIONS

[SEC. 512. (a). AUTHORIZATION.—The Secretary may issue, in such amounts as are provided in appropriation acts, notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary may prescribe. Such obligations may be issued whenever the moneys in the obligation guarantee fund are not sufficient to pay any amount which the Secretary is required to pay under section 513 of this title. Such obligations shall bear interest at a rate to be determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such obligations. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt

transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under this subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. Moneys obtained under this subsection shall be deposited in the obligation guarantee fund, and redemptions of any such obligations shall be made by the Secretary from such fund.

[(b) VALIDITY.—No guarantee or commitment to guarantee under section 511 of this title may be terminated, suspended, canceled, or otherwise revoked, except in accordance with lawful terms and conditions prescribed by the Secretary. Such a guarantee or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of such sections of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment to guarantee shall be valid and incontestable in the hands of the holder thereof, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

[(c) DEFINITION.—As used in this section, the term "Secretary of the Treasury" includes any designated representative of such Secretary.

[DEFAULT ON GUARANTEED OBLIGATIONS

[SEC. 513. (a) GENERAL.—If there is a default by the obligor in any payment of principal or interest due under an obligation guaranteed under section 511 of this title, and if such default continues for 30 days, the holder of such obligation or his agent has the right to demand payment by the Secretary of the unpaid interest on, and the unpaid principal of such obligation consistent with the terms of the guarantee of such obligation. Such payment may be demanded after or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 90 days from the date of such default. Within such specified period, but not later than 60 days from the date of such demand, the Secretary shall pay to such holder the unpaid interest on, and the unpaid principal of, such obligation, consistent with the terms of the guarantee of such obligation, except that (1) the Secretary shall not be required to make any such payment if he finds, prior to the expiration of such period, that there was no default by the obligor in the payment of interest or principal or that such default has been remedied, and (2) no such holder shall receive payment or be entitled to retain payment in a total amount which, together with another recovery (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

[(b) RIGHTS OF THE SECRETARY.—(1) If the Secretary makes payment to a holder under subsection (a) of this section, the Secretary shall thereupon—

[(A) have all of the rights granted to him by law or agreement with the obligor; and

[(B) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

[(2) The Secretary may, in his discretion, complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained by him pursuant to this section. The terms of any such sale or other disposition shall be as approved by the Secretary.

[(c) FORM OF PAYMENT.—Any amount required to be paid by the Secretary pursuant to subsection (a) of this section shall be paid in cash.

[(d) ACTION AGAINST OBLIGOR.—If there is a default by the obligor in any payment due under an obligation guaranteed under section 511 of this title, the Secretary shall take such action against such obligor or any other person as is, in his discretion, necessary or appropriate to protect the interests of the United States. Such an action may be brought in the name of the United States or in the name of the holder of such obligation. Such holder shall make available to the Secretary all records and evidence necessary to prosecute any such suit. The Secretary may, in his discretion, accept a conveyance of property in full or partial satisfaction of any sums owed to him. If the Secretary receives, through the sale of property, an amount greater than his cost and the amount paid to the holder under subsection (a) of this section, he shall pay such excess to the obligor.

[AUDIT OF TRANSACTIONS

[SEC. 514. (a) GENERAL.—The Comptroller General of the United States is authorized to audit the operations of the Fund and of the obligation guarantee fund in accordance with such rules and regulations as he may prescribe. Any such audit shall be conducted at the place or places where accounts of the Fund or of the obligation guarantee fund are normally kept. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to, or in use by or in connection with the Fund, the obligation guarantee fund, or the Secretary which pertain to the financial transactions of the Fund or the obligation guarantee fund and which are necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, things, and property shall remain in the possession and custody of the Fund, the obligation guarantee fund, or the Secretary, as the case may be.

[(b) ACCESS TO INFORMATION.—The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any person or entity which has entered into a financial transaction with or involving the Fund, the obligation guarantee fund, or the Secretary, under this title, to the extent deemed necessary by the Comptroller General to facilitate any audit of finan-

cial transactions pursuant to subsection (a) of this section. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of such person or entity shall, to the extent practicable, remain in the possession and custody of such person or entity.

[(c) REPORT.—The Comptroller General shall make a report of each such audit to the Congress. Such report shall contain all comments and information which the Comptroller General deems necessary to inform Congress of the financial operations and condition of the Fund and of the obligation guarantee fund and any recommendations which he deems advisible. Such report shall indicate specifically and describe in detail any program, expenditure, or other financial transaction or undertaking observed in the course of such audit which the Comptroller General deems to have been carried on or made without lawful authority or which is inconsistent with the purposes and provisions of this title. A copy of such report shall be furnished to the President, the Secretary, and the Commission, at the time it is submitted to the Congress.]

SEC. 501. DEFINITIONS.

For purposes of this title:

(1)(A) The term "cost" means the estimated long-term cost to the Government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

(i) Loan disbursements.

(ii) Repayments of principal.

(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed, of the following cash flows:

(i) Estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

(ii) Estimated payments to the Government, including origination and other fees, penalties, and recoveries.

(D) Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.

(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the direct loan or loan guarantee for which the estimate is being made.

(2) The term "direct loan" means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

(3) The term "direct loan obligation" means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

(4) The term "intermodal" means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

(5) The term "loan guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

(6) The term "loan guarantee commitment" means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

(b) ELIGIBLE PURPOSES.—

(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

(C) develop or establish new intermodal or railroad facilities.

(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

(1) enhance public safety;

(2) enhance the environment;

(3) promote economic development;

(4) enable United States companies to be more competitive in international markets;

(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

(6) preserve rail or intermodal service to small communities or rural areas.

(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $5,000,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

(e) RATES OF INTEREST.—

(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

(f) INFRASTRUCTURE PARTNERS.—

(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

(A) the circumstances of the applicant, including the amount of collateral offered;

(B) the proposed schedule of loan disbursements;

(C) historical data on the repayment history of similar borrowers;

(D) consultation with the Congressional Budget Office; and

(E) any other factors the Secretary considers relevant.

(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

(h) CONDITIONS OF ASSISTANCE.—The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

(b) FULL FAITH AND CREDIT.—All guarantees entered into by the Secretary under section 502 shall constitute general obligations of the United States of America backed by the full faith and credit of the United States of America.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of in-

terest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

(1) the modification is equitable and is in the overall best interests of the United States; and

(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

(e) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

(g) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Secretary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

(h) RIGHTS OF THE SECRETARY.—

(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

(i) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

(l) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.

EMPLOYEE PROTECTION

SEC. [516] *504*. (a) GENERAL.—Fair and equitable arrangements shall be provided, in accordance with this section, to protect the interests of any employees not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.), who may be affected by actions taken pursuant to authorizations or approval obtained under this title. Such arrangements shall be determined by the execution of an agreement between the representatives of the railroads and the representatives of their employees, within 120 days after the date of enactment of this title. In the absence of such an executed agreement, the Secretary of Labor shall prescribe the applicable protective arrangements, within 150 days after the date of enactment of this title.

(b) * * *

* * * * * * *

[INTERCITY RAIL PASSENGER SERVICE

[SEC. 517. The Secretary is authorized, pursuant to the provisions of, and within the authorizations contained in, this title, to provide financial assistance, in the aggregate sum of up to $200,000,000, to any railroad or railroads for the purpose of improving intercity rail passenger service on any lines of such railroad or railroads which are located outside of the Northeast Corridor (as defined in section 701(c) of this Act).

[SEC. 518. COLUMBUS AND GREENVILLE RAILWAY.

[(a) LIMITATION OF UNITED STATES INTEREST.—Notwithstanding any other provision of this title, the Secretary shall limit the interest of the United States in any debt of the Columbus and Greenville Railway under sections 505 and 511 of this title to an interest which attaches to such debt in the event of (1) bankruptcy, or (2) substantial sale or liquidation of the assets of the railroad, the proceeds of which are not reinvested in the operations of the railroad. The Secretary may substitute for the evidence of such debt contingency notes payable solely from the railroad operating assets then securing such debt, including reinvestments thereof, or such other contingency notes as the Secretary deems appropriate and which conform to the terms in this section.

[(b) HIGHER PRIORITY FOR NEW DEBT.—If the interest of the United States is limited under subsection (a) of this section, any new debt issued by such railroad subsequent to the issuance of the debt described in such subsection may have such higher priority in the event of bankruptcy, liquidation, or abandonment of the assets of such a railroad than the debt described in such subsection as the Secretary and railroad may agree.]

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SECTION 211 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

LOANS

SEC. 211. (a) * * *

* * * * * * *

[(i) ELECTRIFICATION.—Upon application by the Corporation or any other railroad, the Secretary shall, pursuant to the provisions of and within the obligational limitations contained in sections 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976, guarantee obligations of the Corporation or such railroad for the purpose of electrifying high-density mainline routes if the Secretary finds that such electrification will return operating and financial benefits to the Corporation or such railroad and will facilitate compatibility with existing or renewed electrification systems. Upon application by the Corporation or by any railroad in reorganization in the region which receives a loan under section 211(a) of this Act, the Secretary shall, pursuant to the provisions of and within the obligational limitations contained in sections 511 through 513 of such Act, guarantee obligations of the Corporation or such railroad for purposes of making capital improvements to

coal export facilities. The aggregate unpaid principal amount of obligations which may be guaranteed by the Secretary under this paragraph shall not exceed $200,000,000 at any one time.]

ADDITIONAL VIEWS

While we strongly support H.R. 2400, and believe that the Committee has done an excellent job in crafting this bipartisan measure, we believe it is important to raise concerns about perpetuating the Disadvantaged Business Enterprise (DBE) program.

We commend the Committee for including a provision in the bill that will protect states and localities who are forced by a court order to withdraw from the DBE Program. We also applaud the Committee's decision to ask for an independent audit of the program. However, we are compelled to voice our opposition to the reauthorization of the program in its current form.

The bill approved by the Committee renews Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA; 105 Stat. 1914) without fundamental changes. This section, entitled "Disadvantaged Business Enterprises" requires that "not less than 10 percent of the amounts authorized" for highway, transit, motor carrier and transportation research spending be "expended with small business concerns owned and controlled by socially and economically disadvantaged individuals."

HISTORY OF THE DBE PROGRAM

First enacted in Section 105(f) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2097), the DBE program requires that "not less than 10 percent of the amounts authorized" for highway, transit, motor carrier and transportation research spending be expended on contracts with firms owned or operated by economically and socially disadvantaged individuals.

Current law (15 U.S.C. 637[d]) presumes that "Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administration" are economically and socially disadvantaged. The Small Business Administration takes this authority seriously and has, through regulations, expanded eligibility to Eskimos; Aleuts; Native Hawaiians; persons with origins in Asia Pacific including Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Hong Kong, Taiwan, Laos, Cambodia, Vietnam, Korea, the Philippines, Republic of Palau, Republic of the Marshall Islands, Federated States of Micronesia, Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, and Naura; and persons with origins in Subcontinent Asia including Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, and Nepal (13 CFR Part 124.105). For those who do not fit these racial or ethnic profiles, social disadvantage can be invoked through (1) "long-term residence in an environment isolated from the mainstream of American society, or other similar causes not common to individuals who are not socially disadvantaged" and (2) "personal experiences of social dis-

advantage [that] have been substantial, chronic and long-standing" (13 CFR Part 124.105). In a recent editorial, a leading journalist suggested that Members of Congress might even qualify under this definition ("Victims, Victims Everywhere," Washington Post, September 14, 1997, page C7). Regulations issued in August 1997, which purport to bring these programs into compliance with recent court decisions, unfortunately continue these broad definitions (62 Fed. Reg. 43600).

In 1987, through a provision in the Surface Transportation and Uniform Relocation Assistance Act (STURRA; 101 Stat. 132), the DBE program was amended to include business concerns owned and controlled by women, regardless of their economic status. Section 1003(b) of ISTEA continued this presumption.

EFFECT OF THE ADARAND COURT DECISIONS

Two cases, decided on behalf of Adarand Constructors, make it crystal clear that race- and gender-based preference programs administered by the federal government must be restructured to provide targeted remedies to only those who have been the victims of specific discrimination.

CHALLENGE TO THE SUBCONTRACTING COMPENSATION CLAUSE

Federal agencies have adopted a number of different approaches to meet the requirements of the DBE program. The Federal Lands Highway Division, a component of the Federal Highway Administration within the U.S. Department of Transportation (USDOT), developed its own race-conscious program to comply with the DBE program. Created through internal contract clauses written pursuant to the Federal Acquisition Regulations (48 CFR 52.219), the Subcontracting Compensation Clause (SCC) provides "incentive payments" to prime contractors who subcontract with DBEs. Payments vary from 1.5 percent to 2 percent of the contract amount if the value of the subcontracts exceeds 10 percent of the total contract value.

The SCC program was challenged by Adarand Constructors, Inc., a construction firm in Colorado whose low bid on a subcontract for highway guard rails was rejected in favor of a higher-bidding DBE. While the federal trial court and the Tenth Circuit upheld the SCC program, arguing that federal set-asides should be evaluated under lenient judicial review, the Supreme Court rejected these rulings, arguing that to pass constitutional muster, all federal race-conscious programs must be judged by the standard of strict scrutiny (*Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200).

APPLICATION OF THE STRICT SCRUTINY STANDARD

As defined by case law, strict scrutiny requires the government to prove that race-based programs serve a "compelling governmental interest" and are "narrowly tailored" to satisfy that interest. In applying this test to federal race preference programs for the first time, the high court remanded the *Adarand* case back to the district court for reconsideration.

In June 1997, the United States District Court for the District of Colorado ruled that the Subcontractor Compensation Clause is

not narrowly tailored and is therefore unconstitutional (*Adarand Constructors, Inc.* v. *Pena,* 965 F. Supp. 1556 [D. Colo. 1997]). However, the court went a step further and stipulated that this ruling "effectively precludes the implementation of [all] statutes or regulations that grant presumptive eligibility for government preference in contracting on the basis of race, i.e., the use of presumptions of social and economic disadvantage in Section 8(d) of the Small Business Act"—the very authority cited in the statutes authorizing the DBE program.

Case law stipulates that the only compelling governmental interest for race preferences in the remedying of past discrimination. To determine whether a race-based program is "narrowly tailored," the following factors are to be considered: (1) the efficacy of alternative remedies; (2) the planned duration of the remedy; (3) the relationship between the percentage of minority group members in the relevant population or workforce; (4) the availability of waiver provisions if the hiring plan could not be met; and (5) the effect of the remedy on innocent third parties (*United States* v. *Paradise,* 107 S.Ct. 1053).

In finding that these programs and the regulations promulgated to implement them are not narrowly tailored, Judge Kane wrote:

> * * * the presumptions of disadvantage set out in federal statutes and regulations are not narrowly tailored to those who have suffered the effects of prior discrimination in that they allow implementation in such a way as to permit an absolute preference to certain business entities based solely on their race.

This passage is footnoted to read, "Indeed, under these standards, the Sultan of Brunei would qualify" (Footnote 17). If one of the world's wealthiest men qualifies by virtue of his ethnic heritage, claims that these programs are narrowly constructed are indeed absurd.

Judge Kane expanded on this point later in the opinion stating that the definition of socially and economically disadvantaged individuals relied upon in the DBE authorizing legislation "grants the presumption of both social and economic disadvantage * * * to members of the listed minority groups *without reference to their economic status* [emphasis added] * * *".

SPECIFIC RULING THAT THE DBE PROGRAM IN UNCONSTITUTIONAL

In its final order, the court leaves no doubt of its intentions, ordering that "Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act (STURRA), Section 1003(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA), Section 8(d) of the Small Business Act (codified at 15 USC 637[d]) * * * and the regulations promulgated thereunder * * * are unconstitutional * * *". A quick review of these statutes reveal that Section 106(c) of STURRA and Section 1003(b) of ISTEA authorize the Disadvantaged Business Enterprise Program. These laws specifically cite Section 8(d) of the Small Business Act for purposes of defining eligibility in the DBE program. Those who argue that the DBE program is not at issue in the *Adarand* case are seriously mistaken.

OTHER RECENT COURT CASES

While the Supreme Court and district court rulings in *Adarand* have received considerable attention, a number of other cases deserve congressional review.

CROSON TEST FOR STATE AND LOCAL PROGRAMS

The first case to apply the strict scrutiny test to programs involving racial classifications dealt only with state and local preference programs. Decided by the Supreme Court in 1989, this landmark decision *Richmond* v. *J.A. Croson Co.* (488 U.S. 469), applied strict scrutiny review to state and local minority set-aside programs. The court found that for a racial classification to survive strict scrutiny it must be a narrowly tailored remedy for past discrimination. The court continued that "[f]indings of societal discrimination will not suffice; the findings must concern prior discrimination by the government unit involved." In citing the *Croson* case, the remanded *Adarand* district court decision found that "[t]here appears to be only one compelling interest recognized by the Supreme Court to justify racial classifications, namely the remedying of past wrongs." The *Adarand* decision, which applied strict scrutiny to federal preference programs, was a logical extension of *Croson*.

HOUSTON METRO

In April 1996, the United States District Court for the Southern District of Texas questioned the constitutionality of the Houston transit authority's DBE program, and blocked use of the program by Houston METRO pending final disposition of the case (*Houston Contractors Association* v. *Metropolitan Transit authority, et al,* United States District Court for the Southern District of Texas, Houston Division, Civil Action No. H–93–3651). The court's temporary restraining order prohibits METRO from utilizing race- or gender-based preferences in the selection or award of construction contracts—making it impossible for METRO to comply with the federally-approved DBE program. In response to the court's ruling, METRO designed a race-neutral program to provide assistance to economically-disadvantaged small businesses. The United States Department of Transportation (USDOT) refused to recognize this alternative program and withheld federal funding from METRO for nearly seventeen months.

It is interesting to note, however, that the Supreme Court's 1987 ruling in *South Dakota* v. *Dole* (483 U.S. 203) held that Congress may not use its spending power to induce states to engage in unconstitutional activities. Although the case did not focus on the executive branch, it is not difficult to imagine that the same prohibition should hold true for the various departments and agencies of the federal government.

In September 1997, the USDOT reconsidered its decision and granted Houston Metro a seven-month exemption from the requirements of the DBE program. This temporary waiver is conditioned upon certification by the USDOT that Houston's race-neutral small business program is in "substantial compliance with 49 CFR Part 23 by achieving acceptable DBE participation levels." If the Federal Transit Administration concludes that Houston's small business

program does not substantially comply with the regulations governing the DBE program, the waiver will expire at the end of the six-month period. during this trial period, Houston must also continue certifying applicants as DBEs. (September 19, 1997, letter from Mr. Gordon Linton, Administrator of the Federal Transit Administration to Mr. Robert MacLennan, General Manager, Metropolitan Transit Authority.)

MONTEREY MECHANICAL

On September 3, 1997, the Ninth Circuit Court of Appeals declared unconstitutional a California law requiring contractors on state projects to subcontract work to firms owned by minorities an women (*Monterey Mechanical Co.* v. *Wilson*, No. 96–16729, United States Court of Appeals for the Ninth Circuit, 1997). The state statute set goals of not less than 15 percent participation by minority business enterprises and not less than five percent participation by women-owned firms. Reversing the lower court ruling, the court of appeals found that "[t]he state has not even attempted to show that the statute is narrowly tailored to remedy past discrimination" and that racial and gender classifications will survive strict scrutiny only if they are narrowly tailored measures furthering compelling governmental interests.

On March 9, 1998—just a few weeks ago—the court denied a request for a rehearing of the case and issued a final mandate (1998 U.S. App. LEXIS 4151). In response, Governor Pete Wilson issued an executive order directing every state agency to cease enforcement of the minority and women business enterprise participation goals previously required under state law (Executive Order W–172–98).

ADDITIONAL CHALLENGES

Based on existing case law, the DBE program raises significant constitutional questions. No evidence has been presented to this Committee that actual discrimination has occurred within the transportation construction industry. No evidence has been presented that race-neutral remedies were attempted and found deficient. No evidence has been presented justifying the use of the program on a nation-wide basis. No statistical evaluations have been presented justifying the use of the program in any given market. No evidence has been presented justifying the fact that the program does not include a procedure for individualized inquiries into whether a particular DBE has suffered from past discrimination.

In fact, the only hearing this Congress that touched on the issue of set-asides in the transportation industry was in the House Judiciary Committee on February 25, 1998. Testimony during the hearing focused on the dramatic success of minority- and women-owned business enterprises. Between 1982 and 1992, the percentage of minority- and women-owned business enterprises in the construction industry increased from 6.3 percent to 16.7 percent. The number of African American firms increased by 112 percent. The number of Hispanic firms increased by 292 percent. The number of Asian and Native American firms increased by 225 percent. And the number of women-owned businesses increased by 380 percent.

These significant gains call into question the continued need for race and gender preference programs.

Based on these and other reasons, minority set-aside programs have been successfully challenged in San Diego, California; Dade County, Florida; Atlanta, Georgia; Columbus, Ohio; Philadelphia, Pennsylvania; Washington, DC; Louisiana; Michigan; and Wisconsin. Within the last two years, suits challenging state- and local-run DBE programs have been filed against Connecticut, Florida, Maryland, Minnesota, Mississippi, New Mexico, Utah, the City of Albuquerque, the Los Angeles County Metropolitan Transportation Authority, and the San Francisco Bay Area Rapid Transit District.

These cases are not aberrations; in fact, they are just the tip of the iceberg. We strongly believe that such challenges will continue to be filed in states and localities around the country.

ADDITIONAL CONCERNS REGARDING PRESUMPTION OF ECONOMIC DISADVANTAGE

One issue that must be addressed in any review of the DBE program is the presumption that certain racial and ethnic classes and women, regardless of their economic status, are disadvantaged. The regulations issued by USDOT to implement this program specifically prohibit states from verifying the economic status of the applicant:

> * * * the basic meaning of a presumption of social and economic disadvantage is that the recipient *assumes* that a member of the designated groups is socially and economically disadvantaged. In making certification decisions, the recipient relies on this presumption, and does not investigate the social and economic status of individuals who fall into one of the presumptive groups. (49 CFR Pt. 23, Subpt. D, App. A)

Proposed regulations promulgated as recently as May 30, 1997, state, "Recipients would be prohibited from requiring owners to prove their social and economic disadvantage as part of the application process. The applicant would not be required to submit actual personal financial data (e.g., personal income tax returns or a detailed financial statement) * * *" (*Federal Register* Vol. 62, No. 104, May 30, 1997, page 29565).

Because the DBE program is not economically targeted, the very wealthy benefit at taxpayers' expense. If Leona Helmsley or Ivana Trump established small construction companies they would qualify for the minority set-aside at an increased cost to the federal government. And as the district court found in the *Adarand* case, an extremely wealthy Asian sultan would also qualify. In addition to our concerns about the constitutionality of these classifications, we do not believe that this is an appropriate use of tax dollars.

CONCLUSION

We strongly believe that the current DBE program is unconstitutional. The DBE program can be a useful tool for remedying past discrimination. However, it must be amended to comply with recent

court cases requiring minority set-aside programs to be narrowly targeted to remedy specific instances of past discrimination.

Despite the Clinton Administration's claims that it is in the process of reviewing all government preference programs in light of the *Adarand* case, no significant changes have been made in the administration of these programs. This Committee should work closely with the USDOT to ensure that set-aside programs within the transportation arena meet the strict scrutiny test.

In light of recent court decisions, and given the likelihood that the filing of challenges will only increase, this Committee and the Congress as a whole would be remiss to not conduct a comprehensive review of preference programs.

We call on the Committee to address these issues and look forward to working together to ensure that federal programs do not violate the constitutional rights of any American.

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SEPARATE VIEWS

We offer these views to rebut those submitted by seven of our Colleagues criticizing the disadvantaged business enterprise (DBE) program in the reported bill.

The reported bill extends ISTEA programs, subject to all requirements of existing law, including the DBE program. The DBE program ensures that small business concerns which are owned and controlled by socially and economically disadvantaged individuals will have a fair opportunity to compete for federally-funded highway and transit contracts.

We strongly support continuation of the DBE program. The DBE program furthers one of our highest national goals; an equal opportunity for all citizens to participate fully in the national economy.

Although we have made considerable progress in encouraging participation by minority-owned businesses in the Federal-Aid highway and transit programs, we still need a legislative mechanism to preserve our gains and encourage further advances.

During the late 1970s, prior to the implementation of the DBE program for Federal-Aid highway contracting, minority-owned firms participated in only about 2 percent of all contracts in the Federal-Aid Highway Program. Minority participation increased sharply in the 1980s after enactment of the program. By 1995, participation by minority businesses in federally-funded highway contracts reached about 9 percent.

There is good reason for concern that without a federal program in place, minority participation will decline substantially. When DBE programs end, many prime contractors return to the same exclusionary practices that denied minorities and women the change to compete for business before the DBE program was created. To cite just a few examples, in the City of Richmond, Virginia, after a local DBE program was ended, minority contracting declined from 30 percent of total contracts to 3 percent. In Michigan, within 9 months of ending the State DBE program, minority and women-owned businesses were completely shut out of State highway construction projects, getting no contracts at all. In Tampa, when a DBE program was ended, minority participation in government contracts declined from 22 percent to 5 percent.

These unfortunate examples are confirmed by trends in the construction industry generally. Minority-owned businesses represent 9 percent of all construction firms, yet they receive only about 5 percent of all business receipts. Women own one-third of all firms, yet get only 19 percent of business receipts.

Discrimination in both contracting and access to capital in financial markets continues to limit the ability of minority and women-owned firms to reach their full potential. For instance, white-owned construction firms receive 50 times more loan dollars than black-owned firms with identical equity. Studies have concluded that,

other factors being equal, minorities are 15–20 percent less likely to receive venture capital or business loans than white-owned firms.

It should be clearly understood that the DBE program in ISTEA is not a quota program. The ten percent goal is a national target for DOT; state and local recipients of DOT funding set their own goals for DOT participation in construction projects based on the availability of disadvantaged businesses in their markets. There is never an absolute requirement that a particular goal be met.

Contrary to arguments which have been made, there is no legal or constitutional reason to end or modify the DBE program at this time. The *Adarand* decision by the United States Supreme Court did not find that the DBE program was unconstitutional. Rather, *Adarand* merely heightened the standard under which federal affirmative action programs are to be reviewed. Under *Adarand*, affirmative action programs must satisfy a "strict scrutiny standard" requiring that the program be based on a "compelling government interest" and "narrowly tailored" to serve that interest.

To date, the only lower court to apply the strict scrutiny standard to DOT's DBE program found that Congress had a compelling interest in adopting the DBE program. The court found that numerous hearings, reports, studies and other information presented to Congress over the years provided a "strong basis in evidence" to support Congress' determination that discriminatory barriers existed in federal contracting.

However, this one district court judge also found that the statues supporting the DBE program are to be unconstitutional. DOT and the Justice Department disagree with the district court judge on this point for several reasons. Perhaps most importantly, the Supreme Court's opinion in *Adarand* did not examine the DBE program in any detail. The Court's opinion in *Adarand* addressed only DOT's subcontracting compensation program, not the ISTEA DBE program. The Supreme Court's remand in *Adarand* makes this clear—it states that the courts below were to determine only "whether any of the ways in which the Government uses subcontractor compensation clauses can survive strict scrutiny." 515 U.S. at 238. Despite this clear indication of the scope of the Supreme Court's remand, the district court judge ruled the DBE program unconstitutional even though the ISTEA DBE programs in federal-aid to highways and transit do not use the subcontractor compensation clause and therefore the constitutionality of DBE program was not properly before the court. The Justice Department has argued on appeal to the Tenth Circuit that the district court improperly addressed the constitutionality of DBE program and, in any event, erroneously concluded that DBE program was unconstitutional.

In addition, DOT has initiated rulemaking to address the concerns raised by the Court.

DOT's rulemaking is designed to ensure that the DBE program remains narrowly tailored by fine tuning the annual goal setting process, expanding local flexibility and emphasizing race-neutral measures and good faith efforts waiver of contracts goals. Under the proposed rules, recipients of DOT funding would base their goals on a careful analysis of the availability of DBEs in their local

market, ensuring that the goal closely matches the qualified pool of contractors. The program's flexibility will be enhanced by the expanded opportunities for recipients to apply for a waiver from part of all of the program requirements. Prime contractors will also benefit from the proposed rule's emphasis on good faith efforts waiver of contract goals, which will ensure that every prime contractor that makes a good faith effort to find qualified DBEs will be rewarded for that effort regardless of whether it meets the contract goal. Finally, the proposed rules place heavy emphasis on achieving as much of the goal as possible through race-neutral measures, such as outreach, technical assistance, and lending and bonding programs. Recipients would implement race and gender-conscious measures, like contract goals, only in cases where race-neutral means are insufficient to accomplish a truly level playing field.

Thus, because the courts have not spoken definitively on this issue and because DOT is taking affirmative steps to address concerns, we believe it is premature at this time to make any drastic, possibly regrettable, changes in existing law. We should allow the judicial and administrative processes to be completed before changing a long-standing program which has given many small, disadvantaged businesses an opportunity to move into the mainstream of our economy.

The DBE program is a laudable program and, for many of us, our support of ISTEA reauthorization is premised on its continuation without change.

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