

# Calendar No. 425

106TH CONGRESS  
1ST SESSION

# S. 1144

[Report No. 106-226]

To provide increased flexibility in use of highway funding, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

Mr. VOINOVICH (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. WARNER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. CLELAND, Mr. ROBB, Mr. DURBIN, Ms. SNOWE, Ms. COLLINS, Mr. DEWINE, Mr. BAYH, Mr. TORRICELLI, Mr. ALLARD, Mr. ABRAHAM, Mr. GRAHAM, Mr. MACK, Mr. SPECTER, Mr. HOLLINGS, Mr. SCHUMER, Mr. BIDEN, Mr. REID, Mr. WYDEN, Mrs. BOXER, Mr. ROTH, Mr. LOTT, Mrs. MURRAY, Mr. REED, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JANUARY 7, 2000

Reported under authority of the order of the Senate of November 19, 1999,  
by Mr. SMITH of New Hampshire, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To provide increased flexibility in use of highway funding,  
and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Surface Transpor-  
3 tation Act of 1999”.

4 **SEC. 2. STATE INFRASTRUCTURE BANK PROGRAM.**

5 (a) **IN GENERAL.**—Section 350 of the National High-  
6 way System Designation Act of 1995 (23 U.S.C. 101 note;  
7 109 Stat. 618) is amended—

8 (1) in subsection (a)(1), by striking “not to ex-  
9 ceed 10”;

10 (2) in subsections (b) and (j), by striking “fis-  
11 cal years 1996 and 1997” each place it appears and  
12 inserting “fiscal years 1996 through 2003”; and

13 (3) in subsection (b)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (A), by striking  
16 “104(b)(5)(B), 144, and 160” and insert-  
17 ing “104(b)(4) and 144”; and

18 (ii) in subparagraph (B), by striking  
19 “each of section” and inserting “each of  
20 sections 105 and”; and

21 (B) in paragraph (4), by striking “or  
22 160”.

23 (b) **CONFORMING AMENDMENT.**—Section 1511 of the  
24 Transportation Equity Act for the 21st Century (23  
25 U.S.C. 181 note; 112 Stat. 251) is repealed.

1 **SEC. 3. HIGH PRIORITY PROJECTS FLEXIBILITY.**

2 Section 117 of title 23, United States Code, is  
3 amended by adding at the end the following:

4 “(i) USE OF OTHER FUNDS.—

5 “(1) IN GENERAL.—

6 “(A) PROJECTS ELIGIBLE FOR APPOR-  
7 TIONED FUNDS.—A State may use for a project  
8 under this section any funds apportioned under  
9 this title for which the project is eligible.

10 “(B) PROJECTS NOT ELIGIBLE FOR AP-  
11 PORTIONED FUNDS.—If a project under this  
12 section is not eligible for funds apportioned  
13 under this title, a State may use for the project  
14 funds apportioned to the State under section  
15 104(b)(3), other than funds set aside or sub-  
16 allocated under section 133(d).

17 “(2) REIMBURSEMENT.—Apportioned funds  
18 used under paragraph (1) shall be reimbursed from  
19 amounts allocated for the project under this section  
20 in an amount equal to the amount used under para-  
21 graph (1), but not to exceed the total of the  
22 amounts allocated for the project under this sec-  
23 tion.”.

1 **SEC. 4. FUNDING FLEXIBILITY AND HIGH SPEED RAIL COR-**  
 2 **RIDORS.**

3 (a) **ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY**  
 4 **FUNDING.—**

5 (1) **NATIONAL HIGHWAY SYSTEM.—**Section  
 6 103(b)(6) of title 23, United States Code, is amend-  
 7 ed by adding at the end the following:

8 “(Q) Acquisition, construction, reconstruc-  
 9 tion, and rehabilitation of, and preventative  
 10 maintenance for, intercity rail passenger facili-  
 11 ties and rolling stock.”.

12 (2) **SURFACE TRANSPORTATION PROGRAM.—**  
 13 Section 133(b)(2) of title 23, United States Code, is  
 14 amended by inserting before the period at the end  
 15 the following: “, rail, or a combination of bus and  
 16 rail”.

17 (3) **CONGESTION MITIGATION AND AIR QUALITY**  
 18 **IMPROVEMENT PROGRAM.—**Section 149(b) of title  
 19 23, United States Code, is amended—

20 (A) in paragraph (4), by striking “or” at  
 21 the end;

22 (B) in paragraph (5), by striking the pe-  
 23 riod at the end and inserting “; or”; and

24 (C) by adding at the end the following:

25 “(6) if the project or program will have air  
 26 quality benefits through acquisition, construction, re-

1 construction, and rehabilitation of, and preventative  
2 maintenance for, intercity rail passenger facilities  
3 and rolling stock.”.

4 (b) TRANSFER OF HIGHWAY AND TRANSIT FUNDS  
5 TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL  
6 LINES.—Section 104(k) of title 23, United States Code,  
7 is amended—

8 (1) by redesignating paragraph (3) as para-  
9 graph (4);

10 (2) by inserting after paragraph (2) the fol-  
11 lowing:

12 “(3) TRANSFER TO AMTRAK AND PUBLICLY-  
13 OWNED PASSENGER RAIL LINES.—Funds made  
14 available under this title or chapter 53 of title 49  
15 and transferred to the National Railroad Passenger  
16 Corporation or to any publicly-owned intercity or in-  
17 tracity passenger rail line shall be administered by  
18 the Secretary in accordance with subtitle V of title  
19 49, except that the provisions of this title or chapter  
20 53 of title 49, as applicable, relating to the non-Fed-  
21 eral share shall apply to the transferred funds.”; and

22 (3) in paragraph (4) (as redesignated by para-  
23 graph (1)), by striking “paragraphs (1) and (2)”  
24 and inserting “paragraphs (1) through (3)”.

1 **SEC. 5. HISTORIC BRIDGES.**

2 Section 144(o) of title 23, United States Code, is  
3 amended—

4 (1) in paragraph (3)—

5 (A) by inserting “amount of” before “costs  
6 eligible”; and

7 (B) by striking “subsection shall not” and  
8 inserting “subsection that are funded with  
9 funds made available to carry out this section  
10 shall not”; and

11 (2) in paragraph (4)—

12 (A) in the second sentence, by striking “up  
13 to an amount not to” and inserting “, except  
14 that the amount of reimbursable project costs  
15 that are funded with funds made available to  
16 carry out this section shall not”; and

17 (B) in the last sentence, by striking “title”  
18 and inserting “section”.

19 **SEC. 6. ACCOUNTING SIMPLIFICATION.**

20 Section 1102(e)(4) of the Transportation Equity Act  
21 for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116)  
22 is amended by striking “\$2,000,000,000” each place it ap-  
23 pears and inserting “\$2,161,000,000”.

24 **SECTION 1. SHORT TITLE.**

25 *This Act may be cited as the “Surface Transportation*  
26 *Act of 1999”.*

1 **SEC. 2. HIGH PRIORITY PROJECTS FLEXIBILITY.**

2 (a) *STATE DISTRIBUTION OF FUNDS.*—Section 117 of  
3 title 23, United States Code, is amended by striking sub-  
4 section (h).

5 (b) *USE OF OTHER FUNDS.*—Section 117 of title 23,  
6 United States Code (as amended by subsection (a)), is  
7 amended by adding at the end the following:

8 “(h) *USE OF OTHER FUNDS.*—

9 “(1) *IN GENERAL.*—

10 “(A) *PROJECTS ELIGIBLE FOR APPOR-*  
11 *TIONED FUNDS.*—A State may use for a project  
12 under this section any funds apportioned under  
13 this title for which the project is eligible.

14 “(B) *PROJECTS NOT ELIGIBLE FOR APPOR-*  
15 *TIONED FUNDS.*—If a project under this section  
16 is not eligible for funds apportioned under this  
17 title, a State may use for the project funds ap-  
18 portioned to the State under section 104(b)(3),  
19 other than funds set aside or suballocated under  
20 section 133(d).

21 “(2) *REIMBURSEMENT.*—Apportioned funds used  
22 under paragraph (1) shall be reimbursed from  
23 amounts allocated for the project under this section in  
24 an amount equal to the amount used under para-  
25 graph (1), but not to exceed the total of the amounts  
26 allocated for the project under this section.”.

1 **SEC. 3. FUNDING FLEXIBILITY AND HIGH SPEED RAIL COR-**  
 2 **RIDORS.**

3 (a) *ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY*  
 4 *FUNDING.*—

5 (1) *NATIONAL HIGHWAY SYSTEM.*—*Section*  
 6 *103(b)(6) of title 23, United States Code, is amended*  
 7 *by adding at the end the following:*

8 “(Q) *Acquisition, construction, reconstruc-*  
 9 *tion, and rehabilitation of, and preventative*  
 10 *maintenance for, intercity rail passenger facili-*  
 11 *ties and rolling stock (including passenger facili-*  
 12 *ties and rolling stock for transportation systems*  
 13 *using magnetic levitation).”.*

14 (2) *SURFACE TRANSPORTATION PROGRAM.*—*Sec-*  
 15 *tion 133(b) of title 23, United States Code, is amend-*  
 16 *ed by inserting after paragraph (11) the following:*

17 “(12) *Capital costs for vehicles and facilities,*  
 18 *whether publicly or privately owned, that are used to*  
 19 *provide intercity passenger service by rail (including*  
 20 *vehicles and facilities that are used to provide trans-*  
 21 *portation systems using magnetic levitation).”.*

22 (3) *CONGESTION MITIGATION AND AIR QUALITY*  
 23 *IMPROVEMENT PROGRAM.*—*Section 149(b) of title 23,*  
 24 *United States Code, is amended—*

25 (A) *in paragraph (4), by striking “or” at*  
 26 *the end;*



1                   (B) in paragraph (5), by striking the period  
2                   at the end and inserting “; or”; and

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

4                   “(6) if the project or program will have air qual-  
5                   ity benefits through acquisition, construction, recon-  
6                   struction, and rehabilitation of, and preventative  
7                   maintenance for, intercity rail passenger facilities  
8                   and rolling stock (including passenger facilities and  
9                   rolling stock for transportation systems using mag-  
10                  netic levitation).”.

11                  (b) *TRANSFER OF HIGHWAY FUNDS TO AMTRAK AND*  
12 *OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL*  
13 *LINES.*—Section 104(k) of title 23, United States Code, is  
14 *amended—*

15                  (1) by redesignating paragraph (3) as para-  
16                  graph (4);

17                  (2) by inserting after paragraph (2) the fol-  
18                  lowing:

19                  “(3) *TRANSFER TO AMTRAK AND OTHER PUB-*  
20 *LICLY-OWNED INTERCITY PASSENGER RAIL LINES.*—  
21 *Funds made available under this title and transferred*  
22 *to the National Railroad Passenger Corporation or to*  
23 *any other publicly-owned intercity passenger rail line*  
24 *(including any rail line for a transportation system*  
25 *using magnetic levitation) shall be administered by*

1       *the Secretary in accordance with subtitle V of title 49,*  
2       *except that the provisions of this title relating to the*  
3       *non-Federal share shall apply to the transferred*  
4       *funds.”; and*

5               *(3) in paragraph (4) (as redesignated by para-*  
6       *graph (1)), by striking “paragraphs (1) and (2)” and*  
7       *inserting “paragraphs (1) through (3)”.*

8       **SEC. 4. HISTORIC BRIDGES.**

9       *Section 144(o) of title 23, United States Code, is*  
10       *amended—*

11               *(1) in paragraph (3), by inserting “200 percent*  
12       *of” after “shall not exceed”; and*

13               *(2) in paragraph (4)—*

14                       *(A) in the second sentence, by inserting*  
15       *“200 percent of” after “not to exceed”; and*

16                       *(B) by striking the third sentence and in-*  
17       *serting the following: “If a State determines that*  
18       *the relocation of a historic bridge is a reasonable*  
19       *alternative, the eligible reimbursable project costs*  
20       *shall be equal to the greater of the Federal share*  
21       *that would be available for the construction of a*  
22       *new bicycle or pedestrian bridge or 200 percent*  
23       *of the cost of demolition of the historic bridge.”.*

1 **SEC. 5. ACCOUNTING SIMPLIFICATION.**

2 *Section 1102(c)(4) of the Transportation Equity Act*  
 3 *for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116)*  
 4 *is amended by striking “\$2,000,000,000” each place it ap-*  
 5 *pears and inserting “\$2,161,000,000”.*

6 **SEC. 6. COMMERCIAL MOTOR VEHICLE REGISTRATION IN-**  
 7 **FORMATION CLEARINGHOUSE.**

8 *Section 5209 of the Transportation Equity Act for the*  
 9 *21st Century (23 U.S.C. 502 note; 112 Stat. 460) is*  
 10 *amended—*

11 *(1) by redesignating subsections (d) and (e) as*  
 12 *subsections (e) and (f), respectively;*

13 *(2) by inserting after subsection (c) the fol-*  
 14 *lowing:*

15 *“(d) COMMERCIAL MOTOR VEHICLE REGISTRATION*  
 16 *INFORMATION CLEARINGHOUSE.—*

17 *“(1) IN GENERAL.—Under the program, the Sec-*  
 18 *retary shall establish a system consisting of—*

19 *“(A) a commercial motor vehicle registra-*  
 20 *tion information clearinghouse to facilitate the*  
 21 *electronic exchange and reconciliation of inter-*  
 22 *state commercial motor vehicle registration in-*  
 23 *formation; and*

24 *“(B) an electronic remittance netting func-*  
 25 *tion with electronic funds transfer capability*  
 26 *through a central United States bank to facili-*

1            *tate payment of commercial motor vehicle reg-*  
2            *istration fees.*

3            “(2) *INTRASTATE INFORMATION.*—*The system*  
4            *under paragraph (1) shall include intrastate commer-*  
5            *cial motor vehicle registration information to the ex-*  
6            *tent that each State elects to submit such information*  
7            *to the Secretary for the purposes of the system.*

8            “(3) *DELEGATION OF DUTIES.*—*The Secretary*  
9            *may delegate, by means of a contract, the duties of the*  
10           *Secretary under paragraph (1) to an entity outside*  
11           *the Department of Transportation if the Secretary*  
12           *provides continuing oversight of the activities of the*  
13           *entity.*

14           “(4) *PARTICIPATION BY CANADA AND MEXICO.*—  
15           *The Secretary shall work with representatives of the*  
16           *Governments of Canada and Mexico and other appro-*  
17           *priate officials to encourage their participation in the*  
18           *clearinghouse established under paragraph (1).*

19           “(5) *FUNDING.*—

20           “(A) *IN GENERAL.*—*There shall be available*  
21           *to carry out this subsection, from funds made*  
22           *available to carry out this section, \$2,000,000 for*  
23           *each of fiscal years 2000, 2001, and 2002, to re-*  
24           *main available until expended.*

1           “(B) *INTRASTATE DATA.*—*In addition to*  
 2           *the amounts made available by subparagraph*  
 3           *(A), there shall be available, from funds made*  
 4           *available to carry out this section, such sums as*  
 5           *the Secretary determines are necessary to carry*  
 6           *out paragraph (2).*

7           “(C) *LIMITATION ON USE OF FUNDS.*—*Nei-*  
 8           *ther the Secretary nor an entity to which a dele-*  
 9           *gation is made under paragraph (3) may make*  
 10           *any expenditure of funds made available under*  
 11           *this paragraph to facilitate the participation by*  
 12           *a State in the system established under para-*  
 13           *graph (1) until the State enters into an agree-*  
 14           *ment with the Secretary and the Secretary of the*  
 15           *Treasury to submit interstate and intrastate*  
 16           *commercial motor vehicle registration informa-*  
 17           *tion to the Secretary of the Treasury.”; and*

18           *(3) in subsection (f) (as redesignated by para-*  
 19           *graph (1)), by striking “the project” each place it ap-*  
 20           *pears and inserting “a project (other than the system*  
 21           *established under subsection (d))”.*

22 **SEC. 7. TRANSFER FLEXIBILITY FOR MULTISTATE**  
 23 **PROJECTS.**

24           *Section 110 of title 23, United States Code (as added*  
 25           *by section 1310(a) of the Transportation Equity Act for the*

1 *21st Century (112 Stat. 234)* is amended by adding at the  
2 *end the following:*

3 “(d) *MULTISTATE PROJECTS.*—

4 “(1) *IN GENERAL.*—*Notwithstanding any other*  
5 *provision of this section, at the request of a State, the*  
6 *Secretary may transfer apportioned funds and obliga-*  
7 *tion authority from funds made available to the State*  
8 *to another State or to the Federal Highway Adminis-*  
9 *tration for the purpose of funding 1 or more specific*  
10 *projects.*

11 “(2) *USE OF FUNDS.*—*The funds transferred*  
12 *shall be used for the same purpose and in the same*  
13 *manner as that for which the funds were authorized.*

14 “(3) *NO EFFECT ON APPORTIONMENTS.*—*A*  
15 *transfer under paragraph (1) shall have no effect on*  
16 *any apportionment formula used to distribute funds*  
17 *to the States under section 104, 105, or 144.*

18 “(4) *CONCURRENCE BY METROPOLITAN PLAN-*  
19 *NING ORGANIZATIONS.*—*Funds that are apportioned*  
20 *to a State under section 104(b)(3) and required under*  
21 *section 133(d)(3) to be obligated in an urbanized area*  
22 *of a State with a population of over 200,000 individ-*  
23 *uals may be transferred under this subsection only if*  
24 *the metropolitan planning organization designated*

1       *for the area concurs, in writing, with the transfer re-*  
2       *quest.”.*

3   **SEC. 8. NOISE BARRIERS.**

4       *Section 339 of the National Highway System Designa-*  
5       *tion Act of 1995 is amended by striking subsection (b) (23*  
6       *U.S.C. 109 note; 109 Stat. 605).*

7   **SEC. 9. TRANSPORTATION AND EMERGENCY COMMUNICA-**  
8               **TIONS.**

9       *(a) FINDINGS.—Congress finds that—*

10               *(1) the establishment and maintenance of a com-*  
11               *munications infrastructure connecting the public with*  
12               *public safety, fire service, transportation, and law en-*  
13               *forcement officials, emergency medical service pro-*  
14               *viders and emergency dispatch providers, and hos-*  
15               *pital emergency and trauma care facilities would—*

16                       *(A) reduce response times for the delivery of*  
17               *emergency care;*

18                       *(B) assist in delivering appropriate care;*

19                       *(C) prevent fatalities;*

20                       *(D) substantially reduce the severity and*  
21               *extent of injuries;*

22                       *(E) reduce time lost from work;*

23                       *(F) save thousands of lives and billions of*  
24               *dollars in health care costs; and*

1                   (G) improve the efficiency of the transpor-  
2                   tation systems of the United States;

3                   (2) the rapid, efficient deployment of emergency  
4                   telecommunications service requires statewide coordi-  
5                   nation of the efforts of local public safety, fire service,  
6                   and law enforcement officials, emergency medical  
7                   service providers and emergency dispatch providers,  
8                   and transportation officials; and

9                   (3) emerging technologies such as automatic  
10                  crash notification systems can be a critical component  
11                  of a communications infrastructure designed to reduce  
12                  emergency response times and provide appropriate  
13                  care.

14               (b) *PURPOSE.*—The purpose of this section is to en-  
15               courage and facilitate the prompt deployment throughout  
16               the United States of integrated emergency communications  
17               and transportation information systems to meet the public  
18               safety and transportation needs of the United States.

19               (c) *RESEARCH ON AND DEVELOPMENT OF CRASH IN-*  
20               *FORMATION SYSTEMS.*—Section 5207 of the Transportation  
21               Equity Act for the 21st Century (23 U.S.C. 502 note; 112  
22               Stat. 457) is amended by adding at the end the following:

23               “(e) *CRASH INFORMATION SYSTEMS.*—

24                       “(1) *IN GENERAL.*—For each of fiscal years 2000  
25                       through 2003, of the amounts made available under



1 *section 5001(a)(5), the Secretary may use such*  
2 *amounts as are necessary for research on and develop-*  
3 *ment of—*

4 *“(A) automatic crash notification systems*  
5 *that, in the event of a crash of a motor vehicle,*  
6 *will automatically use a wireless telephone or*  
7 *other communications system in the vehicle to*  
8 *transmit information about the crash to the ap-*  
9 *propriate emergency personnel; and*

10 *“(B) a common interface system in motor*  
11 *vehicles that permits all models of wireless*  
12 *telephones—*

13 *“(i) to transmit crash data; and*

14 *“(ii) to be voice-activated, allowing*  
15 *hands-free use.*

16 *“(2) USE OF FUNDS.—*

17 *“(A) AUTHORIZED USES.—The funding for*  
18 *research and development authorized under*  
19 *paragraph (1) shall include funding for research*  
20 *and development conducted by trauma centers in*  
21 *coordination with other emergency medical serv-*  
22 *ice providers for the purpose of—*

23 *“(i) establishing decision protocols for*  
24 *the use of data obtained from the systems*  
25 *described in paragraph (1);*

1                   “(ii) *training emergency personnel in*  
2                   *the use of the data;*

3                   “(iii) *establishing standardized meth-*  
4                   *ods for assessing the added value of auto-*  
5                   *matic crash notification systems and identi-*  
6                   *fying the factors causing changes in the in-*  
7                   *jury patterns of motor vehicle crashes;*

8                   “(iv) *determining the injury prediction*  
9                   *value of various types of data that can be*  
10                   *obtained from automobiles; and*

11                   “(v) *developing information distribu-*  
12                   *tion and training models for incorporating*  
13                   *the use of the data into emergency systems*  
14                   *throughout the United States.*

15                   “(B) *GEOGRAPHIC DISTRIBUTION.—The*  
16                   *trauma centers receiving funding under subpara-*  
17                   *graph (A) shall be representative of the geo-*  
18                   *graphic diversity, population characteristics,*  
19                   *and climatic features of the United States.”.*

20                   “(d) *SUPPORT FOR STATE DEPLOYMENT.—Section*  
21                   *5208 of the Transportation Equity Act for the 21st Century*  
22                   *(23 U.S.C. 502 note; 112 Stat. 458) is amended by adding*  
23                   *at the end the following:*

24                   “(h) *EMERGENCY COMMUNICATIONS INFRASTRUCTURE*  
25                   *AND PROGRAMS.—*

1           “(1) *SUPPORT FOR STATE DEPLOYMENT.*—

2                   “(A) *IN GENERAL.*—*The Secretary shall en-*  
3                   *courage and support efforts by States to deploy*  
4                   *integrated emergency communications infra-*  
5                   *structure and programs, based on coordinated*  
6                   *statewide deployment plans such as the plans de-*  
7                   *veloped under subparagraph (C), including—*

8                           “(i) *enhanced wireless 9–1–1 service;*  
9                           *and*

10                           “(ii) *coordination and integration of*  
11                           *emergency communications with traffic con-*  
12                           *trol and management systems.*

13                   “(B) *CONSULTATION AND COOPERATION.*—  
14                   *In encouraging and supporting the deployment*  
15                   *described in subparagraph (A), the Secretary*  
16                   *shall consult and cooperate with—*

17                           “(i) *State and local officials respon-*  
18                           *sible for transportation policies, emergency*  
19                           *services, and public safety;*

20                           “(ii) *emergency medical service pro-*  
21                           *viders and emergency dispatch providers;*

22                           “(iii) *special 9–1–1 districts;*

23                           “(iv) *public safety, fire service, and*  
24                           *law enforcement officials;*

25                           “(v) *consumer groups;*

1           “(vi) hospital emergency and trauma  
2           care personnel (including emergency physi-  
3           cians, trauma surgeons, and nurses);

4           “(vii) the telecommunications industry  
5           (including cellular and other wireless tele-  
6           communications service providers);

7           “(viii) the motor vehicle manufac-  
8           turing industry; and

9           “(ix) the intelligent transportation sys-  
10          tems industry.

11          “(C) *COORDINATED STATEWIDE DEPLOY-*  
12          *MENT PLANS.—As a condition of receipt of fund-*  
13          *ing under this subsection, each State shall agree*  
14          *to—*

15               “(i) develop and implement a coordi-  
16               nated statewide deployment plan, through  
17               an entity designated by the Governor under  
18               paragraph (2)(B)(i); and

19               “(ii) include representatives of the in-  
20               dividuals and entities described in subpara-  
21               graph (B) in development and implementa-  
22               tion of the coordinated statewide deploy-  
23               ment plan.

24          “(2) *GRANTS TO STATES.—*

1           “(A) *IN GENERAL.*—*For each of fiscal years*  
2           *2001 through 2003, the Secretary shall use not*  
3           *less than \$5,000,000 of the amounts made avail-*  
4           *able under section 5001(c)(4)(A) to make grants*  
5           *to States in accordance with this paragraph.*

6           “(B) *STATE PLAN FOR USE OF GRANT*  
7           *FUNDS.*—*A State seeking to obtain a grant*  
8           *under this paragraph shall submit to the Sec-*  
9           *retary an application containing a State plan*  
10           *for the use of the grant funds for the deployment*  
11           *and functioning of an integrated emergency com-*  
12           *munications and transportation information*  
13           *system, including enhanced wireless 9–1–1 serv-*  
14           *ice, that—*

15                   “(i) *designates an entity to lead the de-*  
16                   *velopment and implementation of the co-*  
17                   *ordinated statewide deployment plan under*  
18                   *paragraph (1)(C) and to consult with the*  
19                   *individuals and entities described in para-*  
20                   *graph (1)(B);*

21                   “(ii) *describes the activities to be car-*  
22                   *ried out using the grant funds;*

23                   “(iii) *identifies any entity that will be*  
24                   *used to administer the grant in accordance*  
25                   *with subparagraph (D);*

1           “(iv) contains a description of the  
2           mechanisms used, or proposed to be used, in  
3           the State for recovery by wireless carriers of  
4           costs related to the provision of automatic  
5           numbering identification and call location  
6           services; and

7           “(v) provides such assurances as the  
8           Secretary may require that the grant funds  
9           will be used to implement the plan for the  
10          use of the grant funds in a manner con-  
11          sistent with this subsection.

12          “(C) USE OF FUNDS.—Funds made avail-  
13          able through a grant under this paragraph may  
14          be used to pay—

15               “(i) the costs associated with creating  
16               and convening, for the purpose of devel-  
17               oping and implementing a coordinated  
18               statewide deployment plan under paragraph  
19               (1)(C), a Governor’s Task Force that in-  
20               cludes representatives of—

21                       “(I) public safety, fire service,  
22                       transportation, and law enforcement  
23                       officials;

1                   “(II) *emergency medical service*  
2                   *providers and emergency dispatch pro-*  
3                   *viders;*

4                   “(III) *wireless carriers;*

5                   “(IV) *automobile manufacturers;*

6                   “(V) *highway safety officials; and*

7                   “(VI) *the public; and*

8                   “(ii) *the costs associated with the ac-*  
9                   *quisition, upgrade, or modification of intel-*  
10                  *ligent transportation systems software or*  
11                  *equipment to be used in the coordinated*  
12                  *statewide deployment plan.*

13                  “(D) *ADMINISTRATION OF GRANT FUNDS.—*  
14                  *A State that receives a grant under this para-*  
15                  *graph may—*

16                  “(i) *directly administer the funds pro-*  
17                  *vided through the grant; or*

18                  “(ii) *administer the funds through—*

19                         “(I) *a governmental entity of the*  
20                         *State;*

21                         “(II) *a political subdivision of the*  
22                         *State; or*

23                         “(III) *an entity that provides*  
24                         *public safety services, transportation*

1                    *services, or administrative services on*  
2                    *behalf of the State government.”.*

3            *(e) DEFINITIONS.—Section 5211 of the Transportation*  
4 *Equity Act for the 21st Century (23 U.S.C. 502 note; 112*  
5 *Stat. 461) is amended—*

6            *(1) by redesignating paragraphs (4) through (6),*  
7 *(7), and (8) as paragraphs (6) through (8), (10), and*  
8 *(11), respectively;*

9            *(2) by inserting after paragraph (3) the fol-*  
10 *lowing:*

11            *“(4) EMERGENCY DISPATCH PROVIDER.—The*  
12 *term ‘emergency dispatch provider’ means a govern-*  
13 *mental or nongovernmental provider of emergency*  
14 *dispatch services.*

15            *“(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The*  
16 *term ‘enhanced wireless 9–1–1 service’ means any en-*  
17 *hanced 9–1–1 service so designated by the Federal*  
18 *Communications Commission in the proceeding enti-*  
19 *tled ‘Revision of the Commission’s Rules to Ensure*  
20 *Compatibility with Enhanced 911 Emergency Calling*  
21 *Systems’ (CC Docket No. 94–102; RM–8143), or any*  
22 *successor proceeding.”;*

23            *(3) by inserting after paragraph (8) (as redesign-*  
24 *ated by paragraph (1) the following:*



1           “(9) *PUBLIC SAFETY ANSWERING POINT.*—*The*  
 2           *term ‘public safety answering point’ means a facility*  
 3           *that has been designated by a State or local govern-*  
 4           *ment to receive 9–1–1 calls and to route the calls to*  
 5           *emergency service personnel.”; and*

6           (4) *by adding at the end the following:*

7           “(12) *WIRELESS 9–1–1 SERVICE.*—*The term*  
 8           *‘wireless 9–1–1 service’ means any 9–1–1 service pro-*  
 9           *vided by a wireless carrier, including enhanced wire-*  
 10           *less 9–1–1 service.*

11           “(13) *WIRELESS CARRIER.*—*The term ‘wireless*  
 12           *carrier’ means a provider of commercial mobile serv-*  
 13           *ices or any other radio communications service that*  
 14           *the Federal Communications Commission requires to*  
 15           *provide wireless 9–1–1 service.”.*

16 **SEC. 10. RAILROAD HIGHWAY GRADE CROSSINGS.**

17           (a) *IN GENERAL.*—*Not later than 90 days after the*  
 18           *date of enactment of this Act, the Secretary of Transpor-*  
 19           *tation shall initiate rulemaking procedures to revise the*  
 20           *Manual on Uniform Traffic Control Devices for Streets and*  
 21           *Highways (as described in section 655.601 of title 23, Code*  
 22           *of Federal Regulations (or a successor regulation)) to re-*  
 23           *quire that any sign for a railroad highway grade crossing*  
 24           *without a gate and automatic protection device—*

1           (1) indicate that the driver of a motor vehicle  
2           must check the railroad tracks for oncoming trains be-  
3           fore crossing at the grade crossing; and

4           (2) be distinguishable from a sign for a railroad  
5           highway grade crossing with a gate and automatic  
6           protection device.

7           (b) *CONSISTENCY WITH RAILROAD HIGHWAY GRADE*  
8           *CROSSING PROGRAM.*—The regulations promulgated by the  
9           Secretary of Transportation under this section shall be con-  
10          sistent with the regulations promulgated by the Secretary  
11          under section 20134 of title 49, United States Code.

12       **SEC. 11. TRANSPORTATION AND COMMUNITY AND SYSTEM**  
13                               **PRESERVATION PILOT PROGRAM.**

14          Section 1221 of the Transportation Equity Act for the  
15          21st Century (23 U.S.C. 101 note; 112 Stat. 221) is  
16          amended—

17               (1) by redesignating subsection (e) as subsection  
18               (f);

19               (2) in subsection (f) (as so redesignated), by add-  
20               ing at the end the following:

21                       “(3) *RESERVATION OF FUNDS FOR PLANNING.*—  
22               Notwithstanding any other provision of law except a  
23               provision of law that specifically amends or limits the  
24               applicability of this paragraph, for each fiscal year,  
25               not less than 50 percent of the funds authorized under

1        *this subsection shall be made available to carry out*  
 2        *subsection (c).”;* and

3            (3) *by inserting after subsection (d) the fol-*  
 4        *lowing:*

5            “(e) *REQUIREMENTS FOR FUNDING.—Notwithstanding*  
 6        *any other provision of law except a provision of law that*  
 7        *specifically amends or limits the applicability of this sub-*  
 8        *section, for each fiscal year, the Secretary shall not fund*  
 9        *any project using funds authorized under subsection (f) un-*  
 10       *less the Secretary determines that—*

11            “(1) *the applicant submitted an application, in*  
 12        *the form required by the Secretary, by the deadline*  
 13        *specified by the Secretary for the fiscal year; and*

14            “(2) *the project meets the criteria for funding*  
 15        *under this section.”.*

16        **SEC. 12. TECHNICAL CORRECTIONS AND CLARIFICATIONS.**

17            (a) *TRANSPORTATION INFRASTRUCTURE FINANCE AND*  
 18        *INNOVATION FUNDING.—Section 188 of title 23, United*  
 19        *States Code, is amended—*

20            (1) *in subsection (a), by striking paragraph (2)*  
 21        *and inserting the following:*

22            “(2) *ADMINISTRATIVE COSTS.—From funds*  
 23        *made available under paragraph (1), the Secretary*  
 24        *may use not more than \$2,000,000 for each of fiscal*  
 25        *years 2000 through 2003 for the administration of—*

1           “(A) this subchapter;

2           “(B) section 339 of Public Law 102–388  
3           (106 Stat. 1552);

4           “(C) section 336 of Public Law 103–331  
5           (108 Stat. 2495); and

6           “(D) the matter under the heading ‘DIRECT  
7           LOAN FINANCING PROGRAM’ in Public Law 104–  
8           208 (110 Stat. 3009–513).”;

9           (2) in subsection (c)—

10           (A) by striking “AMOUNTS.—For” and in-  
11           serting the following: “AMOUNTS.—

12           “(1) IN GENERAL.—For”; and

13           (B) by adding at the end the following:

14           “(2) AVAILABILITY.—If the amount specified in  
15           paragraph (1) for a fiscal year exceeds the principal  
16           amount of Federal credit instruments made available  
17           for the fiscal year under this subchapter, the excess  
18           amount shall be added to the amount specified in  
19           paragraph (1) for the following fiscal year.”.

20           (b) PAYMENT OF CERTAIN COSTS.—Section 322 of title  
21           23, United States Code, is amended—

22           (1) in subsection (b)—

23           (A) in the first sentence of paragraph (1),  
24           by inserting “the program administrative costs  
25           and” after “to pay”;

1                   (B) by striking paragraph (2); and

2                   (C) by redesignating paragraph (3) as  
3 paragraph (2); and

4                   (2) in subsection (e)(8)—

5                   (A) by striking “in design and engineer-  
6 ing”; and

7                   (B) by striking “and enhanced”.

8           (c) *INTELLIGENT TRANSPORTATION SYSTEM DEPLOY-*  
9 *MENT.*—

10           (1) *IN GENERAL.*—Section 5001 of the *Transpor-*  
11 *tation Equity Act for the 21st Century* (112 Stat.  
12 419) is amended—

13                   (A) in subsection (a), by striking paragraph  
14 (6) and inserting the following:

15                   “(6) *ITS DEPLOYMENT.*—

16                           “(A) *FISCAL YEARS 1998 THROUGH 2000.*—  
17 *For carrying out sections 5208 and 5209,*  
18 *\$101,000,000 for fiscal year 1998, \$105,000,000*  
19 *for fiscal year 1999, and \$113,000,000 for fiscal*  
20 *year 2000.*

21                           “(B) *FISCAL YEARS 2001 THROUGH 2003.*—

22                                   “(i) *INTELLIGENT TRANSPORTATION*  
23 *SYSTEM INTEGRATION PROGRAM.*—*For car-*  
24 *rying out section 5208, \$83,000,000 for fis-*

1                   *cal year 2001, \$85,000,000 for fiscal year*  
 2                   *2002, and \$85,000,000 for fiscal year 2003.*

3                   “(ii) *COMMERCIAL VEHICLE INTEL-*  
 4                   *LIGENT TRANSPORTATION SYSTEM INFRA-*  
 5                   *STRUCTURE DEPLOYMENT.—For carrying*  
 6                   *out section 5209, \$32,200,000 for fiscal year*  
 7                   *2001, \$33,500,000 for fiscal year 2002, and*  
 8                   *\$35,500,000 for fiscal year 2003.”;*

9                   *(B) in subsection (c), by striking paragraph*  
 10                  *(4); and*

11                  *(C) in subsection (d), by striking “(4)” and*  
 12                  *inserting “(3)”.*

13                  (2) *CONFORMING AMENDMENTS.—*

14                  *(A) Section 5208 of the Transportation Eq-*  
 15                  *uity Act for the 21st Century (23 U.S.C. 502*  
 16                  *note; 112 Stat. 458) is amended in each of sub-*  
 17                  *sections (e), (g)(2)(B), and (g)(3)(B) by striking*  
 18                  *“5001(c)(4)(A)” and inserting “5001(a)(6)(A)”.*

19                  *(B) Section 5212 of the Transportation Eq-*  
 20                  *uity Act for the 21st Century (23 U.S.C. 502*  
 21                  *note; 112 Stat. 462) is amended—*

22                         *(i) in subsection (a)(2), by striking*  
 23                         *“5001(a)(6)”                   and                   inserting*  
 24                         *“5001(a)(6)(A)”;* *and*

1                   (ii) in subsection (c)(2), by striking  
 2                   “5001(a)(6)”                   and                   inserting  
 3                   “5001(a)(6)(A)”.

4           (d) *USE OF FUNDING FOR VALUE PRICING PILOT PRO-*  
 5 *GRAM.*—Section 1012(b)(8) of the *Intermodal Surface*  
 6 *Transportation Efficiency Act of 1991* (23 U.S.C. 149 note;  
 7 *105 Stat. 1938, 112 Stat. 211, 848*) is amended—

8                   (1) by redesignating subparagraphs (A) through  
 9                   (C) as subparagraphs (B) through (D), respectively;  
 10                   and

11                   (2) by inserting before subparagraph (B) (as so  
 12                   redesignated) the following:

13                   “(A) *IN GENERAL.*—Funds made available  
 14                   from the *Highway Trust Fund* to carry out this  
 15                   subsection may be used—

16                   “(i) to make allocations to States for  
 17                   payment of the Federal share of value pric-  
 18                   ing pilot programs under this subsection;

19                   “(ii) to pay administrative expenses  
 20                   incurred by the Secretary in providing tech-  
 21                   nical assistance to States in connection  
 22                   with value pricing pilot programs; and

23                   “(iii) to support public outreach, im-  
 24                   plementation, and evaluation of the policy  
 25                   of providing commuters the choice of trans-

1                    *portation fringe benefits or taxable cash*  
2                    *compensation under the amendments to the*  
3                    *Internal Revenue Code of 1986 made by sec-*  
4                    *tion 9010 of the Transportation Equity Act*  
5                    *for the 21st Century (112 Stat. 507).”.*

6            *(e) SAFETY INCENTIVES TO PREVENT OPERATION OF*  
7 *MOTOR VEHICLES BY INTOXICATED PERSONS.—Section*  
8 *163 of title 23, United States Code, is amended—*  
9                    *(1) in subsection (b), by striking “shall be appor-*  
10                    *tioned” and inserting “shall be allocated”; and*  
11                    *(2) in subsection (c), by striking “apportioned”*  
12                    *and inserting “allocated”.*





**Calendar No. 425**

106TH CONGRESS  
1ST SESSION

**S. 1144**

**[Report No. 106-226]**

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**A BILL**

To provide increased flexibility in use of highway  
funding, and for other purposes.

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JANUARY 7, 2000

Reported with an amendment