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To continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 1997

Mr. CHAFEE (for himself and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Finance

APRIL 8, 1997

Ordered referred jointly to the Committees on Finance and Environment and Public Works

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A BILL

To continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, 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,*

SECTION 1. SHORT TITLE; SECRETARY DEFINED; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Economic Crossroads Transportation Efficiency Act of 1997''.

(b) SECRETARY DEFINED.—As used in this Act, the term ''Secretary'' means the Secretary of Transportation.

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TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE; AUTHORIZATION OF APPROPRIATIONS.

(a) SHORT TITLE.—This title may be cited as the ''Surface Transportation Act of 1997''.

(b) AUTHORIZATIONS FROM THE HIGHWAY TRUST FUND.—For the purposes of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System $4,466,000,000 for fiscal year 1998, $4,391,000,000 for fiscal year 1999, $4,378,000,000 for fiscal year 2000, and $4,405,000,000 for each of fiscal years 2001, 2002, and 2003.

(2) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program $4,480,000,000 for fiscal year 1998, $4,405,000,000 for fiscal year 1999, $4,392,000,000 for fiscal year 2000, and $4,419,000,000 for each of fiscal years 2001, 2002, and 2003.

(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program

$5,874,000,000 for fiscal year 1998, $5,785,000,000 for fiscal year 1999, $5,723,000,000 for fiscal year 2000, $5,728,000,000 for fiscal year 2001, $5,684,000,000 for fiscal year 2002, and $6,192,000,000 for fiscal year 2003.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program $1,300,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(5) BRIDGE PROGRAM.—For the bridge program $2,694,000,000 for fiscal year 1998, $2,653,000,000 for fiscal year 1999, $2,646,000,000 for fiscal year 2000, and $2,661,000,000 for each of fiscal years 2001, 2002, and 2003; provided that $17,000,000 of such sums shall be available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to fund the alteration of bridges under the Truman-Hobbs Bridge Act; provided further that the Secretary shall transfer such sums, equivalent amounts of obligation authority, and the responsibility for the administration of such sums to the United States Coast Guard.

(6) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads $200,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(B) PARK ROADS AND PARKWAYS.—For park roads and parkways $161,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways $50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(D) FOREST HIGHWAYS.—For forest highways $114,000,000, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(7) INFRASTRUCTURE SAFETY.—For the railway-highway crossing program $165,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003; for the hazard elimination program $335,000,000 for fiscal year 1998, $360,000,000 for fiscal year 1999, $385,000,000 for fiscal year 2000, $385,000,000 for fiscal year 2001, $385,000,000 for fiscal year 2002, and $410,000,000 for fiscal year 2003.

(8) INTEGRATED SAFETY FUND.—For the integrated safety fund $50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(9) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program $7,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(10) UNIVERSITY TRANSPORTATION CENTERS.—For university transportation centers $12,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

SEC. 1002. DEFINITIONS.

The undesignated paragraph of section 101(a) of title 23, United States Code, relating to operational improvement, is revised to read as follows: ''The term 'operational improvement' means the installation, operation, or maintenance, in accordance with the requirements of subsection 6054(h) of the National Economic Crossroads Transportation Efficiency Act of 1997, of public infrastructure to support intelligent transportation systems. The term also includes the installation or operation of traffic management activities; communication systems; roadway weather information and prediction systems; and other such improvements as the Secretary may designate that enhance roadway safety and mobility during adverse weather.''.

SEC. 1003. NATIONAL HIGHWAY SYSTEM.

(a) PROJECT ELIGIBILITY.—Section 103 of title 23, United States Code, is amended—

(1) in paragraph (i)(3)—

(A) by striking ''System and'' and inserting ''System,''; and

(B) by inserting after ''title 49'' the following: '', and capital improvements to National Railroad Passenger Corporation or publicly owned intercity passenger rail lines'';

(2) in subparagraph (i)(3)(A) by striking ''highway or transit'' and inserting ''highway, transit, or rail'';

(3) in paragraph (i)(13)—

(A) by inserting after ''participation in'' each place it appears ''natural habitat and';

(B) by inserting after ''enhance and create'' the following: ''natural habitats and''; and

(C) by inserting before ''wetlands conservation'' the following ''natural habitat and''; and

(4) by adding at the end of subsection (i) the following new paragraphs:

''(14) Publicly owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation, and publicly owned intermodal surface freight transfer

facilities, other than seaports and airports, where such terminals and facilities are located at or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with subsection (b) of this section.

''(15) Infrastructure-based Intelligent Transportation Systems capital improvements.

''(16) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133 of this title, any airport, and any seaport.''; and

(5) by adding at the end the following new subsection:

''(j) For the purposes of this section, the term 'intermodal surface freight transfer facilities' shall include any access road, parking or staging area, ramp, loading or unloading area, rail yard, track, interest in land, publicly owned rail access line to a seaport, and publicly owned access road to a seaport, if they are used to effect the transfer of freight.''.

(b) PROPOSED NHS.—Section 103(b) of such title is amended—

(1) in subparagraph (2)(B) by striking the last four sentences;

(2) in subparagraph (2)(C) by striking ''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)'';

(3) in subparagraph (2)(D) by striking the last sentence;

(4) by striking ''(3) APPROVAL OF DESIGNATIONS.—'';

(5) by striking subparagraphs (3) (A), (B), and (D) and paragraph (4);

(6) by redesignating subparagraph (3)(C) and paragraphs (5), (6), (7), and (8) as paragraphs (3), (4), (5), (6), and (7), respectively;

(7) in subparagraph (5)(A), as so redesignated, by striking ''paragraph (7)'' and inserting ''paragraph (6)'';

(8) in subparagraph (6)(B), as so redesignated, by striking ''Paragraph (6)(B)'' and inserting ''Subparagraph (5)(B)'';

(9) in subparagraph (6)(D), as so redesignated—

(A) by striking ''subparagraph (C)(i)'' and inserting ''clause (C)(i)''; and

(B) by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(10) in paragraph (7), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

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

''(8) APPROVAL OF INTERMODAL CONNECTORS.—The modifications to the National Highway System 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, as submitted by the Secretary on the map entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals,' and dated May 24, 1996, are hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.''.

SEC. 1004. APPORTIONMENTS.

(a) Section 104(a) of title 23, United States Code, is amended by striking ''and the Interstate System'' and inserting ''interstate maintenance, bridge, infrastructure

safety program, Interstate reimbursement, minimum allocation, and the Federal Lands Highways Program''.

(b) Section 104 of such title is amended by revising subsection (b) and paragraphs (b) (1), (2), and (3) to read as follows:

''(b) On October 1 of each fiscal year, the Secretary, after making the deduction 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 National Highway System, the congestion mitigation and air quality improvement program, the surface transportation program, and the Interstate System for that fiscal year, among the several States in the following manner:

''(1) NATIONAL HIGHWAY SYSTEM.—

''(A) 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 to the States in the following manner: 75 percent 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;

15 percent in the ratio that each State's annual commercial vehicle contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual commercial vehicle contributions by all States; and 10 percent in the ratio that each State's public road mileage bears to the total public road mileage of all States.

"(B) Notwithstanding any other provision of this paragraph, each State shall receive a minimum of one-half of 1 percent of the funds apportioned under this paragraph.

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

"(A) 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) of this title 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.

"(B) If the area was also classified under subpart 3 or 4 of part D of title I of such Act as a nonattainment area described in subsection 149(b) of this title for carbon monoxide or particulate matter or both, the weighted nonattainment area population of the area, as determined under clauses (2)(A) (i) through (vi) of this subsection, 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 (2)(A)(vii) of this subsection, 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.

"(C) Notwithstanding any other provision of this paragraph, each State shall receive a minimum of one-half 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.

"(D) The additional population in geographic areas newly designated as nonattainment areas as a result of the promulgation of new national ambient air quality standards and meeting the conditions of paragraph 149(f)(2) shall be multiplied by a factor of 1.0.

"(E) HOLD HARMLESS FROM NEW NAAQS.—Notwithstanding paragraph 149(b)(2) of this title, no State that has submitted a State implementation plan for any nonattainment area newly designated as a result of revisions to the national ambient air quality standards shall receive a lower CMAQ apportionment. The Secretary shall apportion to each State sufficient sums to ensure that each State receives an amount not less than the apportionment each State would have received under this paragraph had such standards not been revised. Such

sums as may be necessary to carry out this subparagraph, as determined by the Secretary, shall be set aside from amounts authorized for surface transportation program apportionments under paragraph (b)(3) of this section before such apportionments are made, and shall be distributed at the time apportionments are made under this paragraph.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) For the surface transportation program, 70 percent 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; and 30 percent 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) Notwithstanding any other provision of this paragraph, each State shall receive a minimum of one-half of 1 percent of the funds apportioned under this paragraph.''.

(c) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is revised 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 of this title, 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 under the Recreational Trails Program and for administration of the Federal 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) Fifty percent of that amount shall be apportioned equally among eligible States.

"(B) Fifty 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.".

(d) WOODROW WILSON MEMORIAL BRIDGE.—Section 104(i) of such title is amended—

(1) by revising paragraph (1) to read as follows:

"(1) AUTHORIZATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the rehabilitation of the Woodrow Wilson Memorial Bridge and for environmental studies and documentation, planning, preliminary engineering and design, final engineering, and construction of a new crossing of the Potomac River as selected in accordance with the Woodrow Wilson Memorial Bridge Authority Act of 1995 $40,000,000 for fiscal year 1998, $180,000,000 for fiscal year 1999, and $180,000,000 for fiscal year 2000. Such funds shall remain available until expended."; and

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

"(3) No contracts shall be let for the actual construction of a new bridge prior to the transfer of ownership of the Woodrow Wilson Memorial Bridge to the Woodrow Wilson Memorial Bridge Authority established in accordance with the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(4) Construction of such bridge shall be administered in accordance with the Federal Acquisition Regulations System, title 48, Code of Federal Regulations.".

(e) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—Section 104 of such title is further amended by adding at the end the following new subsection:

"(k) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) Funds made available under chapter 53 of title 49, United States Code, for highway projects shall be transferred to and administered by the Secretary in accordance with the requirements of this title, except that the non-Federal share provisions of chapter 53 shall apply to the transferred funds.

"(2) Funds made available under this title for transit projects shall be transferred to and administered by the Secretary in accordance with the requirements of chapter 53 of title 49, United States

Code, except that the non-Federal share provisions of this title shall apply to the transferred funds.

''(3) Funds made available under chapter 53 of title 49, United States Code, or this title for National Railroad Passenger Corporation projects shall be transferred to and administered by the Secretary in accordance with the requirements of subtitle V, part C, of title 49, United States Code, except that the respective non-Federal share provisions of chapter 53 of title 49, United States Code, or this title shall apply to the transferred funds.

''(4) Funds made available under chapter 53 of title 49, United States Code, or this title for other eligible rail projects shall be transferred to and administered by the Secretary in accordance with such requirements as the Secretary may determine, except that the respective non-Federal share provisions of chapter 53 of title 49, United States Code, or this title shall apply to the transferred funds, and except that 49 U.S.C. 5333 shall apply to any funds transferred under this paragraph that are used for the operation or construction of mass transit facilities.

''(5) Obligation authority provided for these projects shall be transferred in the same manner and amount as such funds are transferred.''.

(f) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection 104(a) of such title, the Secretary may reimburse the Office of Inspector General of the Department of Transportation for conducting annual financial statement audits in accordance with the provisions of the Chief Financial Officers Act of 1990.

(g) EQUITY ADJUSTMENTS.—Section 157 of such title is revised to read as follows:

"§ 157. Equity adjustments

''(a) ADJUSTMENTS.—

''(1) MINIMUM ALLOCATION.—In each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, 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, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, metropolitan planning, and infrastructure safety program shall not be less than 90 percent of the percentage of estimated tax receipts attributable to highway users in the State paid into the Highway

Trust Fund (other than the Mass Transit Account), in the last fiscal year for which data are available.

"(2) 90 PERCENT OF APPORTIONMENTS.—

"(A) FISCAL YEAR 1998.—On October 1, 1997, 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, interstate reimbursement, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, metropolitan planning, infrastructure safety program, and minimum allocation shall not be less than 90 percent of the amount of the State's apportionments for such categories, and the amounts received under 90 percent of payments, donor State bonus, hold harmless, subsection 1015(c) of the Intermodal Surface Transportation Efficiency Act of 1991, and section 202 of the National Highway System Designation Act of 1995, in the previous fiscal year.

"(B) THEREAFTER.—In each of fiscal years 1999, 2000, 2001, 2002, and 2003, 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, interstate reimbursement, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, metropolitan planning, infrastructure safety program, and minimum allocation shall be not less than 90 percent of the amount of the State's apportionments for such categories and amounts received under the 90 percent of apportionments adjustment of this paragraph in the previous fiscal year.

"(C) ALASKA.—Notwithstanding subparagraph (B), for each of fiscal years 1999, 2000, 2001, 2002, and 2003, on October 1, or as soon as possible thereafter, the Secretary shall allocate to the State of Alaska an amount sufficient to ensure that Alaska's percentage of the total apportionments in such fiscal year for interstate maintenance, interstate reimbursement, National Highway System, surface transportation program, bridge program, congestion

mitigation and air quality improvement program, metropolitan planning, infrastructure safety program, and minimum allocation shall not be less than 100 percent of the amount of Alaska's apportionments for such categories and amounts received under the 90 percent of apportionments adjustment of this paragraph in the previous fiscal year.

''(b) TREATMENT OF ALLOCATIONS.—

''(1) Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated, shall be subject to the provisions of this title, and may be obligated for any project eligible for funding under this title. One-half of the amounts allocated pursuant to subsection (a) of this section shall be subject to section 133(d)(2) of this title. Obligation limitations for Federal-aid highways and highway safety infrastructure programs under this title or established by 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.

''(2) Notwithstanding subsection (a) of this section, the total amounts allocated pursuant to such

subsection shall not exceed the amounts authorized in subsection (d) of this section. If the total amounts to be allocated pursuant to subsection (a) of this section in any fiscal year would exceed of the amounts authorized for such fiscal year under subsection (d) of this section, the allocation to each State under subsection (a) of this section shall be reduced proportionately.

''(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a) of this section, any funds which, but for subsection 158(b) 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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $790,000,000 for fiscal year 1998, $674,000,000 for fiscal year 1999, $583,000,000 for fiscal year 2000, $528,000,000 for fiscal year 2001, $508,000,000 for fiscal year 2002, and $508,000,000 for fiscal year 2003.''.

(h) CONFORMING AMENDMENT.—The analysis of chapter 1 of such title is amended by striking—

"157. Minimum allocation."

and inserting—

"157. Equity adjustments.".

SEC. 1005. STATE PERCENTAGE GUARANTEE.

(a) GENERAL RULE.—The amount of funds which, but for this subsection, would be apportioned to a State for each of fiscal years 1998 through 2003 under section 104(b)(3) of title 23, United States Code, shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned to a State for such fiscal year under sections 104(b), 144, 157, 160, and 164 of such title will result in the percentage of amounts so apportioned to all States being at least equal to the percentage listed for such State in subsection (b) of this section.

(b) STATE PERCENTAGES.—For purposes of subsection (a) of this section, the percentage of amounts apportioned which are referred to in subsection (a) for each State, Puerto Rico, and the District of Columbia shall be determined in accordance with the following table:

States:	Percentages
Alabama	1.67
Alaska	1.17
Arizona	1.4
Arkansas	1.14
California	8.87
Colorado	1.1
Connecticut	1.87

Delaware	0.4
District of Columbia	0.49
Florida	4.03
Georgia	2.86
Hawaii	0.69
Idaho	0.63
Illinois	3.38
Indiana	2.16
Iowa	1.11
Kansas	1.09
Kentucky	1.47
Louisiana	1.39
Maine	0.48
Maryland	1.63
Massachusetts	2.81
Michigan	2.72
Minnesota	1.36
Mississippi	1.08
Missouri	2.1
Montana	0.87
Nebraska	0.76
Nevada	0.57
New Hampshire	0.46
New Jersey	2.69
New Mexico	0.97
New York	5.19
North Carolina	2.5
North Dakota	0.57
Ohio	3.47
Oklahoma	1.35
Oregon	1.13
Pennsylvania	4.11
Rhode Island	0.53
South Carolina	1.24
South Dakota	0.64
Tennessee	1.97
Texas	6.21
Utah	0.71
Vermont	0.42
Virginia	2.16
Washington	1.8
West Virginia	0.88
Wisconsin	1.87
Wyoming	0.62
Puerto Rico	0.46

SEC. 1006. PROJECT APPROVAL AND OVERSIGHT.

(a) Section 106 of title 23, United States Code, is amended—

(1) by revising the section title to read as follows:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as (g) and (h), respectively; and

(3) by striking subsections (a), (b), (c), and (d) and inserting the following:

''(a) IN GENERAL.—Except as otherwise provided in this section, the State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval. The execution of such project agreement 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) PROJECT AGREEMENT.—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 com-

pletion of construction. 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.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. 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 as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-NHS PROJECTS.—For all projects under this title that are off the National Highway System, the State shall assume the Secretary's responsibility for the design, plans, specifications, esti-

mates, contract awards, and inspection of projects under this title.

''(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 of this title shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title, provided that 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 of this title.

''(e) In such cases as the Secretary deems advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

''(f) FINANCIAL PLAN.—The Secretary shall require a financial plan for any project with an estimated total cost of $1,000,000,000 or more.''.

(b) SAFETY STANDARDS.—Section 109 of such title is amended by adding at the end the following new subsection:

''(r) Safety considerations for projects under this title may be met by phase construction.''.

(c) DAVIS-BACON ACT.—Section 113(a) of such title is revised to read as follows:

"(a) The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work authorized under this title be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 275a–276a–5). For a labor standard under this subsection, the Secretary of Labor has the same duties and powers stated in Reorganization Plan No. 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c). This subsection shall not apply to construction work undertaken on highways classified as local roads or rural minor collectors. This subsection shall also not apply to transportation enhancement activities or recreational trails activities, provided that such activities are not within the right-of-way of or related to a Federal-aid highway.".

(d) Such title is further amended by striking sections 105, 110 and 117.

(e) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23 is amended—

(1) by revising the item relating to section 106 to read as follows:

"106. Project approval and oversight.";

and

(2) by striking the items relating to sections 110 and 117.

SEC. 1007. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended—

(1) by revising the section heading to read as follows:

"§ 108. Advance acquisition of real property";

(2) by revising subsection (a) to read as follows:

''(a) For the purpose of facilitating the timely and economical acquisition of real property for any transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, is authorized to make available, for the acquisition of real property, those funds apportioned to that State which may be expended on such transportation improvement, under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State for the reimbursement of the cost of such real property shall provide for the actual construction of a transportation improvement within a period not exceeding 20 years following the fiscal year in which such request is made unless a longer period is determined to be reasonable by the Secretary.''; and

(3) by revising subsection (c) to read as follows:

''(c) Funds apportioned and advanced to States by the Secretary from the right-of-way revolving fund pursuant to this section prior to the effective date of this section remain available to such States for use on the projects for which such funds were advanced for a period of 10 years from the date such funds were advanced. Immediately upon the termination of the 10-year period of time, or when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a project on rights-of-way with respect to which funds had been advanced from the right-of-way revolving fund, whichever shall occur first, the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation for projects of the type funded, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.''.

(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of such title is amended—

(1) by revising the subsection heading to read as follows:

"(b) CREDIT FOR ACQUIRED LANDS.—";

(2) by revising paragraphs (1) and (2) to read as follows:

"(1) GENERAL RULE.—Notwithstanding any other provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of any land that is obtained by the State without violation of Federal law or requirements and is incorporated into the project.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of the land incorporated into a project shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.";

(3) by striking paragraph (3);

(4) in paragraph (4), by striking ''to which the donation is applied''; and

(5) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking—

''108. Advance acquisition of rights-of-way.''

and inserting—

''108. Advance acquisition of real property.''.

SEC. 1008. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) IN GENERAL.—Section 156 of title 23, United States Code, is revised to read as follows:

''§ 156. Proceeds from the sale or lease of real property

''(a) Subject to section 142(f) of this title, States shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

''(b) Exceptions to charging for use or disposition of real property may be granted by the Secretary for social, environmental, or economic mitigation purposes.

"(c) The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking—

"156. Income from airspace rights-of-way."

and inserting—

"156. Proceeds from the sale or lease of real property.".

SEC. 1009. INTERSTATE MAINTENANCE PROGRAM.

(a) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS; PREVENTIVE MAINTENANCE ELIGIBILITY.—

(1) Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n), (o), (p), (q), and (r) as (m), (n), (o), (p), and (q), respectively.

(2) Section 119 of such title is amended—

(A) by striking subsections (b) and (e); and

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

(b) ELIGIBLE ACTIVITIES.—Section 119(b) of such title, as so redesignated, is amended—

(1) by inserting ''highways,'' after ''reconstruction of''; and

(2) by inserting ''and ITS capital improvements that are infrastructure based to the extent that they improve the performance of the Interstate System,'' after ''where necessary,''.

(c) TRANSFERABILITY OF INTERSTATE MAINTENANCE FUNDS.—Section 119(d) of such title, as so redesignated, is revised to read as follows:

''(d) TRANSFERABILITY OF INTERSTATE MAINTENANCE FUNDS.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section 104(b)(5)(B) of this title are in excess of the needs of the State for its Interstate System pavement and bridges and that the State is adequately maintaining its Interstate System pavement and bridges in accordance with condition criteria developed by the Secretary, 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) of this title.''.

(d) TECHNICAL AMENDMENT.—Section 119(a) of such title is amended by striking ''; except that the Secretary may only approve a project pursuant to this sub-

section on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)''.

SEC. 1010. MAINTENANCE.

(a) DUTY TO MAINTAIN.—Section 116(a) of title 23, United States Code, is amended by striking ''system.'' and inserting ''highway, or, for a highway bridge on a public road that is classified as a local or rural minor collector, such obligation shall cease when such road is no longer a public road.''.

(b) ANNUAL CERTIFICATION.—Section 116(c) of such title is amended—

(1) by striking ''If at any time'' and inserting ''Each State shall annually certify to the Secretary that it is maintaining each project constructed with Federal-aid highway funds in accordance with the purposes for which each project was designed and constructed. If a State does not so certify or if, at any time,''; and

(2) by inserting after ''until such'' the following: ''certification has been submitted and accepted or such''.

(c) TECHNICAL AMENDMENTS.—Section 116 of such title is amended—

(1) in subsection (b)—

(A) by striking ''the Federal-aid secondary system, or within a municipality,'' and inserting ''a Federal-aid highway, or within a jurisdiction,''; and

(B) by striking ''county or municipality'' and inserting ''jurisdiction''; and

(2) in subsection (c)—

(A) by striking ''he'' and inserting ''the Secretary''; and

(B) by striking ''further projects'' and inserting ''further expenditure of Federal-aid highway program funds''.

SEC. 1011. INTERSTATE 4R DISCRETIONARY PROGRAM.

Section 118 of title 23, United States Code, is amended—

(1) in the heading for subsection (c) by striking ''SET ASIDE FOR INTERSTATE DISCRETIONARY PROJECTS.—'' and inserting ''SET ASIDE FOR INTERSTATE 4R PROJECTS.—'';

(2) by striking paragraphs (c)(1) and (c)(2); and

(3) by inserting after the heading of subsection (c) the following:

''(1) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the

Secretary shall set aside $45,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1991, or an agreement under section 129(a) of this title). Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval; and

"(B) the applicant is willing and able to—

"(i) obligate the funds within one year of the date the funds are made available;

"(ii) apply the funds to a ready-to-commence project; and

"(iii) in the case of construction work, begin work within 90 days of obligation.

"(2) PRIORITY CONSIDERATION FOR CERTAIN I-4R PROJECTS.—In selecting projects to fund under paragraph (1) of this subsection, the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(3) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this subsection shall remain available until expended.".

SEC. 1012. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended—

(1) by striking "highway system" and inserting "highway";

(2) by striking "the Federal share payable on a project on such system as provided in subsections

(a) and (b) of this section'' and inserting ''75 percent of the costs thereof''; and

(3) by striking ''180 days'' and inserting ''30 days''.

(b) ELIGIBILITY AND FUNDING.—Section 125 of such title is amended—

(1) by striking subsection (a);

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

(3) by inserting after the section heading the following new subsections:

''(a) GENERAL ELIGIBILITY.—An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary finds have suffered serious damage, in any part of the United States, including Indian reservations, as a result of—

''(1) natural disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides; or

''(2) catastrophic failure from any external cause.

''(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair

or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there is hereby authorized to be appropriated from the Highway Trust Fund such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis—

"(1) not more than $100,000,000 is authorized to be obligated in any one fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year; and

"(2) pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein au-

thorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.''; (4) in subsection (d), as so redesignated, by striking ''subsection (c)'' both times it appears and inserting ''subsection (e)''; and (5) in subsection (e), as so redesignated, by striking ''on any of the Federal-Aid highway systems'' and inserting ''Federal-aid highways''.

SEC. 1013. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

(a) TOLLS ON THE INTERSTATE SYSTEM.—Section 129(a)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking ''(other than a highway, bridge, or tunnel on the Interstate System)''; and

(2) in subparagraph (D) by striking ''(other than a highway on the Interstate System)''.

(b) ELIMINATION OF PILOT PROGRAM.—Section 129 of such title is amended by striking subsection (d).

SEC. 1014. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHED PROGRAM.—Section 133(a) of title 23, United States Code, is amended by striking ''ESTABLISHMENT.—The Secretary shall establish'' and inserting ''IN GENERAL.—The Secretary shall carry out''.

(b) ELIGIBLE PROJECTS.—Section 133(b) of such title is amended—

(1) in paragraph (2) by striking ''and publicly owned intracity or intercity bus terminals and facilities'' and inserting '', including vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail'';

(2) in paragraph (3) by adding after ''section 217'' the following: '', and the modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act'';

(3) in paragraph (4)—

(A) by inserting '', publicly owned rail,'' after ''Highway'';

(B) by inserting ''infrastructure'' after ''safety''; and

(C) by inserting before the period ''and any other non-infrastructure highway safety improvements'';

(4) in paragraph (8), by inserting after ''activities'' the following: '', as defined in subsection 101(a), provided that such activities have a direct link to surface transportation'';

(5) in paragraph (11)—

(A) by inserting after ''participation in'' each place it appears ''natural habitat and'';

(B) by inserting after ''enhance and create'' the following: ''natural habitats and''; and

(C) by inserting before ''wetlands conservation'' the following ''natural habitat and''; and

(6) by adding at the end thereof the following:

''(12) Publicly owned intercity passenger rail infrastructure and publicly owned intercity freight rail infrastructure, including that owned by the National Railroad Passenger Corporation.

''(13) Publicly owned passenger rail vehicles, including those owned by the National Railroad Passenger Corporation.

''(14) Infrastructure-based Intelligent Transportation Systems capital improvements.''.

(c) ELIMINATION OF SAFETY SET-ASIDE.—Section 133 of such title is amended—

(1) in the heading of subsection (d) by striking ''ALLOCATIONS OF APPORTIONED FUNDS'' and inserting ''USE OF FUNDS'';

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2), (3), (4), and (5), as (1), (2), (3), and (4), respectively;

(3) in paragraph (d)(2), as so redesignated, by striking ''80'' and inserting ''90'';

(4) in subparagraph (d)(2)(B), as so redesignated, by striking ''tobe obligated under subparagraph'' and inserting ''to be obligated under clause'';

(5) in subparagraph (d)(2)(E), as so redesignated, by striking ''subparagraph'' each place it appears and inserting ''clause''; and

(6) in subparagraph (d)(4)(A), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

(d) PROGRAM APPROVAL.—Section 133(e)(2) of such title 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.''.

(e) PAYMENTS.—Section 133(e)(3) of such title is amended—

(1) by striking the second sentence in subparagraph (A); and

(2) by striking ''subsection (d)(2)'' and inserting ''paragraph (d)(1)'' in clause (B)(i).

(f) OBLIGATION AUTHORITY.—Section 133(f) of such title is amended to read as follows:

''(f) OBLIGATION AUTHORITY.—(1) A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) of this section funds apportioned to it under section 104(b)(3) of this title shall make available during the 3-fiscal year period of 1998 through 2000 and the 3-fiscal year period of 2001 through 2003 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—

''(A) the aggregate amount of funds that the State is required to obligate in such area under subsection (d) of this section during each such period; by

"(B) the ratio of the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction during each such period to the total sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to an obligation limitation) during each such period.

"(2) Each State, affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1) of this subsection.

"(3) Each State, in cooperation with each affected metropolitan planning organization, shall ensure fair and equitable treatment of central cities over 200,000 population in implementing the requirements of paragraph (1) of this subsection.".

SEC. 1015. METROPOLITAN PLANNING.

Section 134 of title 23, United States Code, is revised to read as follows:

"§ 134. Metropolitan planning

"(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the safe and efficient management, operation and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas, while minimizing transportation-related fuel consumption

and air pollution, in a fair and equitable manner. To accomplish this objective, metropolitan planning organizations, in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development and integrated management and operation (excluding maintenance) of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State 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.

"(b) METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) DESIGNATION.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement between the Governor and units of general purpose local government which together represent at least 51 percent of the affected

population (including the central city or cities as defined by the Bureau of the Census) or by procedures established under applicable State law.

"(2) REDESIGNATION.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government which together represent at least 51 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or by procedures established under applicable State law.

"(3) DESIGNATION OF MORE THAN ONE MPO.—More than one metropolitan planning organization may be designated within an existing metropolitan planning area only if the Secretary concurs with a request from the Governor and existing MPO that the size and complexity of the existing metropolitan planning area make designation of more than one metropolitan planning organization for such area appropriate.

"(4) MPO STRUCTURE.—The policy boards of metropolitan planning organizations, serving areas designated as a transportation management area, when designated or redesignated, shall include local officials, officials of public agencies which administer

or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991), and appropriate State officials.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(c) METROPOLITAN PLANNING AREA BOUNDARIES.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan planning area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan

statistical area, as defined by the Bureau of the Census. For an area designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act, the boundaries of the metropolitan planning area in existence as of the last day of fiscal year 1996 shall be retained, except that such boundaries may be adjusted by agreement of the affected metropolitan planning organizations and Governors. For an urbanized area designated after September 30, 1996, the planning area boundaries shall cover at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. The boundaries shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the Governor and address appropriately any nonattainment area identified under the Clean Air Act for ozone, carbon monoxide, or particulate matter.

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage Governors with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide co-

ordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(e) COORDINATION OF MPO's.—If more than one metropolitan planning organization has authority within an existing metropolitan planning area or an area which is designated as a nonattainment area for ozone, carbon monoxide or particulate matter under the Clean Air Act, each metropolitan planning organization shall coordinate with the other metropolitan planning organizations designated for such area and the State in the development of plans and programs required by this section.

"(f) SCOPE OF THE PLANNING PROCESS.—

"(1) The metropolitan transportation planning process shall consider as appropriate 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;

"(C) increase the accessibility and mobility options available to people and for freight;

"(D) protect and enhance the environment, energy conservation, and 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 management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) The metropolitan planning organization shall cooperatively determine with the State and transit operator(s) how these considerations are translated into metropolitan goals and objectives and how they are factored into decision making.

"(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

"(1) IN GENERAL.—Each metropolitan planning organization shall prepare and update periodi-

cally, according to a schedule that the Secretary determines to be appropriate, a transportation plan for its metropolitan area in accordance with the requirements of this subsection.

"(2) TRANSPORTATION PLAN.—A transportation plan under this section shall at a minimum:

"(A) Identify transportation facilities (including but not necessarily limited to major roadways, transit, multimodal and intermodal facilities) that should function as a future integrated transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating transportation plans, the metropolitan planning process shall address the considerations in subsection (f) of this section, any State or local goals developed within the cooperative metropolitan planning process, and other issues addressed in this section as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

"(B) Identify transportation strategies necessary to—

"(i) ensure preservation, including requirements for management, operation (excluding maintenance), modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) make the most efficient use of existing transportation facilities to relieve congestion, to efficiently serve the mobility needs of people and goods and to enhance access within the metropolitan planning area, especially for those without access to private motor vehicles.

"(C) Include 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. For the purpose of developing the transportation plan, the MPO, public transit agency, and State, shall cooperatively develop estimates of funds that will be available to support plan implementation.

"(3) COORDINATION WITH RELATED PLANNING ACTIVITIES.—

"(A) In metropolitan areas that are in nonattainment for ozone, carbon monoxide, or particulate matter under the Clean Air Act (41 U.S.C. 7401 et seq.), the metropolitan planning organization and the State air quality agency (and local air quality agencies as appropriate) shall coordinate the process of developing the transportation plan and the State air quality implementation plan, including development of the transportation control measures for the State implementation plan.

"(B) The metropolitan planning process shall develop transportation plans with due consideration of and in coordination with other related planning activities within the metropolitan planning area.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to com-

ment on the transportation plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION OF TRANSPORTATION PLAN.—Each transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and any affected public transit operator, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization, in cooperation with the State and affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable oppor-

tunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENT.—The transportation improvement program shall include the following:

"(A) A listing of proposed federally supported surface transportation projects and strategies to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

"(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 program, and identifies innovative financing techniques to finance projects, programs, and strategies. For the purpose of developing the transportation improvement program, the MPO, public transit agency, and State shall cooperatively develop estimates of funds that will be available to support program implementation.

"(3) INCLUDED PROJECTS.—A transportation improvement program developed under this sub-

section for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49, United States Code. Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually, and chapter-2 funded projects not deemed to be regionally significant shall be either grouped in one line item or identified individually. All projects shall be consistent with the transportation plan developed under subsection (g) of this section for the area. 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 the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—Except as otherwise provided in paragraph (i)(4) of this section and in addition to the cooperative transportation improvement program development called for in paragraph (h)(1) of this section, selection of federally funded projects for implementation in metropolitan areas shall be carried out by the State and designated transit funding recipients from the approved transportation improvement program in cooperation with the metropolitan planning organization.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—The Secretary shall designate as transportation management areas all urbanized areas over 200,000 population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49, United States Code, through the use of travel demand reduction and operational management strategies.

"(4) SELECTION OF PROJECTS.—In addition to the cooperative transportation improvement program development called for in paragraph (h)(1) of this section, all federally funded projects carried out within the boundaries of a transportation management area pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the bridge and interstate maintenance programs) or pursuant to chapter 53 of title 49, United States Code, shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for such area in consultation with the State and public transit operator. Projects undertaken within the boundaries of a transportation management area on the National Highway System

or pursuant to the bridge and Interstate maintenance programs shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for such area.

"(5) CERTIFICATION.—The Secretary shall assure that the metropolitan planning process in each transportation management area is being carried out 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) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If a metropolitan planning process is not certified, the Secretary may withhold all or part of the apportioned funds attributable to the transportation management area under title 23 and chapter 53 of title 49, United States Code. 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.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—For a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in such area. In no event shall the Secretary permit abbreviated plans or programs for a metropolitan area which is in nonattainment for ozone, carbon monoxide or particulate matter under the Clean Air Act.

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Notwithstanding any other provisions of this title or chapter 53 of title 49, United States Code, for a transportation management area classified as nonattainment for ozone, carbon monoxide or particulate matter pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any highway project that will result in a significant increase in car-

rying capacity for single-occupant vehicles unless the project results from an approved congestion management system which is part of the planning process. The provisions of this subsection apply to the nonattainment area within the planning area boundary defined in subsection (c) of this section.

''(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title of chapter 53 of title 49, United States Code.

''(m) FUNDING.—Funds set aside pursuant to section 104(f) of this title and section 5303 of title 49 shall be available to carry out the requirements of this section. Any funds that are not used for the purpose of carrying out this section may be made available by the metropolitan planning organization to the State for the purpose of funding activities under section 135 of this title.''

SEC. 1016. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is revised to read as follows:

''§ 135. Statewide planning

''(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the safe and effi-

cient management, operation and development of surface transportation systems that will serve the mobility needs of people and freight throughout the State in a fair and equitable manner. Subject to section 134 of this title and sections 5303 through 5305 of title 49, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for the development and integrated management and operation (excluding maintenance) of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the Nation's intermodal transportation system. 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.

"(b) SCOPE OF THE PLANNING PROCESS.—

"(1) Each State shall undertake a transportation planning process that shall consider as appropriate transportation goals and objectives that—

"(A) support the economic vitality of the Nation, its States and metropolitan areas, espe-

cially by enabling global competitiveness, productivity and efficiency;

"(B) increase the safety and security of the transportation system;

"(C) increase the accessibility and mobility options available to people and for freight, especially to people without access to private motor vehicles;

"(D) protect and enhance the environment, energy conservation, and quality of life;

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

"(F) promote efficient system management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) The State shall cooperatively determine with its planning partners how these considerations are translated into State goals and objectives and how they are factored into decision-making.

"(3) In addition, each State in carrying out planning under this section shall consider the following:

"(A) The coordination of transportation plans, programs and planning activities developed and performed for metropolitan areas of the State under section 134 of this title and sections 5303 through 5305 of title 49, with the State transportation plans, programs and planning activities developed and performed under this section and the reconciliation of such plans and programs as necessary to ensure connectivity within transportation systems and to ensure that the requirements of the Clean Air Act are met.

"(B) In non-metropolitan areas the concerns of local elected officials having jurisdiction over transportation.

"(C) The concerns of Indian tribal governments and Federal Lands Agencies having jurisdiction over lands within the boundaries of the State.

"(D) Coordination of transportation plans, programs and planning activities with related planning activities being undertaken outside of metropolitan planning areas.

"(c) TRANSPORTATION PLAN.—The State shall develop a transportation plan, with a minimum 20-year fore-

cast period, for all areas of the State that provides for the development and implementation of the State's intermodal transportation system. 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 of this title and sections 5303 through 5305 of title 49. In non-metropolitan areas, the statewide plan shall be developed in consultation with local elected officials with jurisdiction over transportation. 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, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan and shall identify transportation strategies necessary to efficiently serve the mobility needs of people, especially those without access to private motor vehicles.

"(d) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to a metropolitan area of the State, the program shall be developed in cooperation with the metropolitan planning organizations designated for the metropolitan area under section 134 of this title and sections 5303 through 5305 of title 49. In a non-metropolitan area, the program shall be developed in consultation with local elected officials with jurisdiction over transportation. In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, 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 federally supported surface transportation expenditures within the boundaries of the State. Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually, and chapter 2-funded projects not deemed to be regionally significant shall

be either grouped in one line item or identified individually. All projects shall be consistent with the transportation plan developed under this section for the State, identical with an approved metropolitan transportation improvement program, and in an area designated as nonattainment for ozone, carbon monoxide, or particulate matter 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 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 shall be selected for advancement from the approved State transportation improvement program by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed

under this subsection shall be reviewed and, upon a finding that the planning process through which the program was developed is consistent with this section and section 134 of this title, approved no less frequently than biennially by the Secretary.

''(e) FUNDING.—Funds set aside pursuant to section 329(a) of title 23, United States Code, and section 5313(b) of title 49, United States Code, shall be available to carry out the requirements of this section.''.

SEC. 1017. RESEARCH, TRAINING, AND EMPLOYMENT OPPORTUNITIES.

(a) TRAINING.—

(1) Section 140(a) of title 23, United States Code, is amended by inserting after the third sentence the following: ''In implementing such programs, a State should reserve training positions for persons who receive welfare assistance from such State.''.

(2) Section 140(b) of such title is amended—

(A) in the first sentence—

(i) by inserting ''and technology'' after ''construction''; and

(ii) by inserting after ''programs'' the following: '', and to develop and fund Summer Transportation Institutes''; and

(B) in the last sentence by striking ''may be available'' and inserting ''should be utilized''.

(b) EMPLOYMENT.—

(1) Section 140(d) of such title is amended in the second sentence by striking ''may'' and inserting ''should''.

(2) Section 140 of such title is further amended by adding at the end the following new subsections:

''(e) WELFARE RECIPIENT EMPLOYMENT.—

''(1) Nothing in this title shall preclude the preferential employment, in accordance with paragraph (2) of this subsection, of persons who receive welfare assistance and persons who reside in Empowerment Zones and Enterprise Communities designated in accordance with 26 U.S.C. 1391.

''(2) A State should implement a preference for employment of persons who receive welfare assistance from such State and persons who reside in Empowerment Zones and Enterprise Communities in such State on any project carried out under this title. The Secretary shall cooperate with States to implement this subsection.

''(f) WELFARE ASSISTANCE DEFINED.—As used in this section, the term 'welfare assistance' means assistance provided in accordance with title I of the Personal Respon-

sibility and Work Opportunity Act of 1996 (42 U.S.C. 601 et seq.).

"(g) VIRGIN ISLANDS RESIDENT EMPLOYMENT.—

"(1) Nothing in this title shall preclude the preferential employment, in accordance with paragraph (2) of this subsection, of local workers on any project carried out under this title in the Virgin Islands.

"(2) The territory of the Virgin Islands should implement a preference for employment of local workers on any project carried out under this title in the Virgin Islands. The Secretary shall cooperate with the Virgin Islands to implement this subsection.".

(c) TECHNICAL CORRECTIONS.—Section 140 of such title is further amended—

(1) in the second sentence of subsection (a) by striking "He" and inserting "The Secretary";

(2) in the third sentence of subsection (a)—

(A) by striking "of the Federal-aid systems" and inserting "Federal-aid highway"; and

(B) by striking "he" and inserting "the Secretary";

(3) in the fourth sentence of subsection (a) by striking ''him'' and inserting ''the Secretary'';

(4) in subsection (b) by striking ''he'' and inserting ''the Secretary'';

(5) in subsection (c) by striking ''he'' and inserting ''the Secretary''; and

(6) in the heading of subsection (d) by striking ''and contracting''.

(d) MINORITY INSTITUTIONS OF HIGHER EDUCATION.—Section 307 of such title is amended by adding at the end the following new subsection:

''(i) MINORITY INSTITUTIONS OF HIGHER EDUCATION.—To increase their participation in grants and cooperative agreements awarded under this section, the Secretary shall establish an assistance program to increase participation by historically black colleges and universities, Hispanic-serving institutions, American Indian community colleges, and other minority institutions of higher education, as defined under 20 U.S.C. 1059c(b)(1), 1061(2) and 1135d–5(3) or as may be designated by the United States Department of Education pursuant to other Federal laws. Notwithstanding any other provision of this title, this program may utilize limited competition to increase the award of grants and cooperative agreements under this Section to such institutions, so long as other-

wise consistent with law. The Secretary may issue regulations to implement this program.''.

SEC. 1018. DISADVANTAGED BUSINESS ENTERPRISES.

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

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

(1) 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.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the mean-

ing 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 section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1019. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM.

(a) Section 144 of title 23, United States Code, is revised to read as follows:

"§ 144. Highway bridge replacement and rehabilitation program

''(a) PURPOSE.—The purposes of the Highway Bridge Replacement and Rehabilitation Program authorized under this section are to enable States to replace or rehabilitate highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads, where such highway bridges are significantly important and are unsafe because of structural deficiencies or functional obsolescence; and to fund certain preventive measures listed in subsection (c) of this section, which are designed to prolong the lives of such highway bridges.

''(b) BRIDGE INVENTORY.—

''(1) The Secretary shall—

''(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

''(B) classify each such bridge according to serviceability, safety, and essentiality for public use;

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification in subparagraph (B); and

"(D) determine the cost of rehabilitating each such bridge or replacing each such bridge with a comparable facility.

"(2) The Secretary shall consult with the Secretary of the Interior in preparing the inventory of highway bridges on Indian reservation roads and park roads under paragraph (1) of this subsection.

"(3) The Secretary shall consult with the States in preparing the inventory of highway bridges on public roads under paragraph (1) of this subsection.

"(4) The Secretary may, at the request of a State, inventory highway bridges on public roads for historical significance.

"(c) ELIGIBLE HIGHWAY BRIDGE PROJECTS.—

"(1) REPLACEMENT AND REHABILITATION.—Each State seeking to obligate funds under this section for a project to replace a highway bridge with a comparable facility designed according to current engineering standards or rehabilitate a highway bridge that the priority system established under subsection (b) of this section shows to be eligible shall apply to the Secretary. The Secretary may ap-

prove Federal participation in such project under this section, and shall determine the eligibility of such project based upon the unsafe highway bridges in the State.

"(2) PREVENTIVE MEASURES.—

"(A) Each State seeking to obligate funds under this section to seismically retrofit, paint, apply calcium magnesium acetate to, or install scour countermeasures on a highway bridge on a public road that crosses waterways, other topographical barriers, other highways, or railroads shall apply to the Secretary.

"(B) The Secretary may approve Federal participation in any project described in subparagraph (A) of this paragraph without regard to whether the highway bridge is eligible for replacement or rehabilitation under this section.

"(d) APPORTIONMENTS.—

"(1) Funds authorized to carry out this section shall be apportioned among the several States on the first day of the fiscal year for which they are authorized, or as soon as possible thereafter, in accordance with this subsection.

"(2) Each deficient bridge shall be placed into one of the following categories:

"(A) Federal-aid highway bridges eligible for replacement;

"(B) Federal-aid highway bridges eligible for rehabilitation;

"(C) bridges eligible for replacement that are on public roads functionally classified as local roads or rural minor collectors; or

"(D) bridges eligible for rehabilitation that are on public roads functionally classified as local roads or rural minor collectors.

"(3) 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 shall be reduced in fiscal year 2003 by the total amount of funds apportioned to that State under this section that the State—

"(A) transferred to an apportionment under paragraphs 104(b)(1) or (b)(3) of this title, in accordance with subsection 104(g) of

this title, in fiscal years 1998 through 2002; and

"(B) did not restore to its apportionment under this section by the end of fiscal year 2002.

"(4) A State may receive not more than 10 percent or less than 0.25 percent of the total apportionment under this section in a fiscal year.

"(5) The Secretary shall make the determinations required under this subsection based upon the latest available data, which shall be updated annually.

"(6) Not less than 15 percent and not more than 35 percent of the amount apportioned to each State in each fiscal year shall be expended for projects to replace, rehabilitate, seismic retrofit, paint, apply calcium magnesium acetate to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors. The Secretary, after consultation with local and State officials in a State, may, with respect to such State, reduce the requirement for expenditure for highway bridges on public roads that are functionally classified as local roads or rural minor collectors when the Secretary

determines that such State has inadequate needs to justify such expenditure.

"(7) Funds apportioned under this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized, except that the Secretary shall reapportion any funds not obligated by a State at the expiration of such period to the other States in accordance with this section. The use of funds authorized under this section to carry out a project for the seismic retrofitting or painting of, the application of calcium magnesium acetate to, or the installation of scour countermeasures on a bridge shall not affect the apportionment of funds under this section.

"(e) BRIDGE PERMIT EXEMPTION.—Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be replaced, in whole or in part, under this section, except that subsection 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if such bridge is over waters that are—

"(1) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

"(2) not tidal; or

"(3) tidal but used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

"(f) DISTRIBUTION OF APPORTIONED FUNDS.—Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

"(g) PERIODIC SECRETARIAL REVIEW.—The Secretary shall periodically review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, should be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible.

"(h) HISTORIC BRIDGE PROGRAM.—

"(1) COORDINATION.—The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

"(2) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on public roads to determine their historical significance.

"(3) ELIGIBILITY.—Reimbursable project costs under this title for historical bridge projects shall be—

"(A) reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of a historic bridge, if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge that is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge; and

"(B) costs incurred by a State to preserve a historic bridge, including funds made available to a State, locality, or responsible private entity to enable it to accept the bridge under this subsection, up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this subparagraph shall thereafter

not be eligible for any other funds authorized under this title.

"(4) PRESERVATION.—Any State that proposes to demolish a historic bridge for a replacement project to be funded under this section shall first make the bridge available for donation to a State, locality, or responsible private entity that enters into an agreement to—

"(A) maintain the bridge and the features that give it its historical significance; and

"(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action.

"(5) HISTORIC BRIDGE DEFINED.—As used in this subsection, the term 'historic bridge' means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

"(i) APPLICABILITY OF STATE STANDARDS TO NON-NHS PROJECTS.—Projects other than projects on the National Highway System shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, and State safety, design, and construction standards.

"(j) REHABILITATE DEFINED.—As used in this section, the term 'rehabilitate' in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

"(k) DISCRETIONARY BRIDGE PROGRAM.—

"(1) ALLOCATIONS.—Of the amounts authorized for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this section, all but $55,000,000 shall be apportioned as provided in subsection (d) of this section. $55,000,000 per each such fiscal year shall be allocated at the discretion of the Secretary for any project eligible under paragraph (2) of this subsection and shall be available for obligation each year on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date.

"(2) ELIGIBLE DISCRETIONARY PROJECTS.—Amounts made available under paragraph (1) of this subsection for obligation at the discretion of the Secretary may be obligated only—

"(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than $10,000,000; and

"(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than $10,000,000, if such cost is at least twice the amount apportioned to the State in which such bridge is located in accordance with subsection (d) of this section for the fiscal year in which application is made for a grant for such bridge.".

(b) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 104(g) of such title is amended by inserting before the period at the end of the third sentence the following: "only if there are no National Highway System bridges in such State that require load posting based on National Bridge Inventory Item 70".

SEC. 1020. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHED PROGRAM.—Section 149(a) of title 23, United States Code, is amended by striking "ESTABLISHMENT.—The Secretary shall establish" and inserting "IN GENERAL.—The Secretary shall carry out".

(b) ELIGIBLE PROJECTS.—Section 149(b) of such title is revised to read as follows:

"(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 designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to sections 181(a), 186(a), or 188(a) or (b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), or 7513(a) or (b)) except as otherwise provided in paragraph (f)(2) of this section; 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, that the project or program is—

"(i) likely to contribute to the attainment of a national ambient air quality standard in a nonattainment area designated and classified in accordance with the provisions of the Clean Air Act cited in this subsection; or

"(ii) likely to reduce emissions for the maintenance of a national ambient air quality standard in a nonattainment area designated and classified in accordance with the provisions of the Clean Air Act cited in this subsection

that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) (a 'maintenance' area); or

''(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in section 108(f)(1)(A).

''(2) if the project or program is included in a State implementation or maintenance plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits; or

''(3) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project is likely to contribute to the attainment of a national ambient air quality standard or maintenance of such standard, whether through reductions in vehicle miles traveled or fuel consumption, through traffic management and control improvements, or through other factors.

''(4) In selecting eligible projects for advancement, both the short-term effectiveness and the long-term sustainability of air quality benefits should be

considered, and priority must be given to implementing those projects and programs that are included in an approved State implementation or maintenance plan as a transportation control measure and that will have air quality benefits.''.

(c) SINGLE OCCUPANT VEHICLES.—Section 149 of such title is amended—

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

(2) by inserting the following new subsection:

''(c) SINGLE OCCUPANT VEHICLES.—No funds may be provided under this section for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times.''.

(d) STATES WITHOUT A NONATTAINMENT AREA.—Section 149(d), as so redesignated, of such title is amended to read as follows:

''(d) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, within its borders a nonattainment area designated and classified in accordance with the provisions of the Clean Air Act cited in subsection (b) of this section or otherwise included in subsection (f) of this section, the State may use funds ap-

portioned to it under section 104(b)(2) of this title for any project eligible for assistance under the surface transportation program. If a State does not have within its borders a nonattainment area designated and classified in accordance with the provisions of the Clean Air Act cited in subsection (b) of this section, but has had one or more areas that were such nonattainment areas but have been redesignated as attainment within its borders, the State must demonstrate to the Secretary that it has sufficient funding to implement any transportation project or program included in a maintenance plan that has been approved pursuant to the Clean Air Act to maintain the national ambient air quality standards before the State may use funds apportioned to it under section 104(b)(2) of this title for any project eligible for assistance under the surface transportation program.''.

(e) NONATTAINMENT BOUNDARIES.—Section 149 of such title is amended by adding the following new subsection:

''(f) NONATTAINMENT BOUNDARIES.—For purposes of this section, the boundaries of nonattainment and maintenance areas—

''(1) shall continue to be those determined by the Administrator of the Environmental Protection Agency in accordance with sections 181(a), 186(a),

or 188(a) or (b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), or 7513(a) or (b)); and

''(2) if new national ambient air quality standards are promulgated, the boundaries of a nonattainment area shall be those determined by the Administrator of the Environmental Protection Agency. Projects shall be eligible in any additional geographic area newly designated as nonattainment provided that a State implementation plan has been submitted for such area to the Environmental Protection Agency.''.

(f) FEDERAL SHARE.—Section 120(c) of such title is amended by striking ''The'' and inserting ''Except for projects funded from the sums apportioned under section 104(b)(2) of this title, the''.

SEC. 1021. INTERSTATE REIMBURSEMENT.

(a) GENERAL AUTHORITY.—Section 160(a) of title 23, United States Code, is amended by striking ''1996 and 1997'' and inserting ''1998, 1999, 2000, 2001, 2002, and 2003''.

(b) DETERMINATION OF REIMBURSEMENT AMOUNT.—Section 160(b) of such title is amended by striking ''1996 and 1997'' and inserting ''1998, 1999, 2000, 2001, 2002, and 2003''.

(c) LIMITATION OF APPLICABILITY.—Section 160(e) of such title is amended by striking paragraph (3).

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 160(f) of such title is amended—

(1) by striking ''$2,000,000,000'' and inserting ''$1,000,000,000''; and

(2) by striking ''1996 and 1997'' and inserting ''1998, 1999, 2000, 2001, 2002, and 2003''.

SEC. 1022. STATE INFRASTRUCTURE BANK PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

''§ 162. State infrastructure bank program

''(a) IN GENERAL.—

''(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

''(2) INTERSTATE COMPACTS.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under paragraph (1) of this

subsection with the Secretary for the establishment of a multistate infrastructure bank, to enter into an interstate compact establishing such bank in accordance with this section.

"(b) FUNDING.—

"(1) SEPARATE ACCOUNTS.—An infrastructure bank established under this section shall maintain a separate highway account for Federal funds contributed to the bank under paragraph (2) of this subsection and a separate transit account for Federal funds contributed to the bank under paragraph (3) of this subsection. No Federal funds contributed or credited to an account of an infrastructure bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

"(2) HIGHWAY ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to paragraph (g)(1) of this section, a State entering into a cooperative agreement under this section to contribute not to exceed—

"(A) 10 percent of the funds apportioned to the State under each of sections 104(b)(1), 104(b)(3), 104(b)(5)(B), 144, and 160 of this title; and

"(B) 10 percent of the funds allocated to the State under section 157 of this title;

into the highway account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the highway account of the infrastructure bank.

"(3) TRANSIT ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to paragraph (g)(1) of this section, a State entering into a cooperative agreement under this section, and any other Federal transit grant recipient, to contribute not to exceed 10 percent of the funds made available to the State or other Federal transit grant recipient for capital projects under sections 5307, 5309, and 5311 of title 49, United States Code, into the transit account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the transit account of the infrastructure bank.

"(4) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allo-

cated to a State under sections 104(b)(3) or 160 of this title and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(2) of this title may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

''(c) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section may not be made in the form of a grant.

''(d) QUALIFYING PROJECTS.—Federal funds in the highway account of an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under title 23, United States Code. Federal funds in the transit ac-

count of such bank may be used only to provide assistance with respect to capital transit projects.

"(e) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, each State establishing the bank shall—

"(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank; except that if the contribution is into the highway account of the bank and the State has a lower non-Federal share under section 120(b) of this title, such percentage shall be adjusted by the Secretary to correspond with such lower non-Federal share;

"(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

"(3) ensure that investment income generated by funds contributed to an account of the bank will be—

"(A) credited to the account;

"(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

"(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

"(4) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(5) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facilities has opened to traffic, whichever is later;

"(6) ensure that the term for repaying any loans will not exceed 30 years after the date of the first payment on the loan under paragraph (5); and

"(7) require the bank to make an annual report to the Secretary and to make such other reports as the Secretary may require by guidelines.

"(f) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan

or other assistance provided from an infrastructure bank under this section may not be credited towards the non-Federal share of the cost of any project.

"(g) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

"(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount requested by the State;

"(2) ensure that all requirements of this title or title 49, United States Code, and other applicable Federal requirements shall apply to projects receiving assistance from the infrastructure bank, and all such projects shall be deemed to be receiving Federal financial assistance, but the Secretary may waive any requirement of this title or title 49, United States Code, (other than 23 U.S.C. 113 and 114, and 49 U.S.C. 5333) that is not consistent with the objectives of this section;

"(3) specify procedures and guidelines for establishing, operating, and providing assistance from the bank; and

"(4) revise cooperative agreements entered into with the States under section 350 of the National Highway System Designation Act of 1995 (Public

Law 104–59) to comply with the requirements of this section.

"(h) APPLICABILITY OF FEDERAL LAWS.—The same provisions of Federal law shall apply to all projects receiving assistance from the bank that would have applied if the project were receiving assistance under this title or title 49, United States Code, or that would have applied to a similar project eligible for assistance under such titles, except for those requirements waived by the Secretary pursuant to paragraph (g)(2) of this section.

"(i) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(j) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

"(k) PROGRAM ADMINISTRATION.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

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

"(1) CAPITAL PROJECT.—The term 'capital project' has the meaning such term has under section 5302 of title 49, United States Code.

"(2) OTHER ASSISTANCE.—The term 'other assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

"(B) to serve as a capital reserve for bond or debt instrument financing;

"(C) to subsidize interest rates;

"(D) to ensure the issuance of letters of credit and credit instruments;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are

approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

''(3) STATE.—The term 'State' has the meaning such term has under section 401 of this title.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) STATE INFRASTRUCTURE BANKS.—For the purpose of carrying out the provisions of section 162 of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust fund (other than the Mass Transit Account): $150,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, to remain available until expended.

(2) The Secretary may distribute the funds authorized to be appropriated by this subsection in a manner determined by the Secretary to any State with an approved infrastructure bank established in accordance with section 162 of title 23, United States Code, that requests such funds.

(3) Any State receiving funds authorized to be appropriated by this subsection may deposit any portion of such funds into either the highway account or the transit account of the State's infrastructure bank.

(4) These funds shall be available for obligation in the same manner as funds apportioned under section 104 of this title.

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

"162. State infrastructure bank program.".

SEC. 1023. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1, of title 23, United States Code, is amended by adding at the end the following new section:

"§ 163. 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 archeological 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) GRANTS AND TECHNICAL ASSISTANCE.—(1) The Secretary shall make grants 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) In making grants, the Secretary shall give priority to—

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

"(B) eligible projects along 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 associated with 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;

"(3) safety improvements to a State 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, archeological, 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, except that, 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.

''(e) FUNDING.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $15,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

''(f) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of a highway and adjacent areas.''.

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

''163. National Scenic Byways Program.''.

SEC. 1024. INFRASTRUCTURE SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by striking sections 130 and 152;

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

''§ 164. Infrastructure Safety Program

''(a) RAILWAY-HIGHWAY CROSSINGS.—

"(1) ELIGIBLE USES OF FUNDS APPORTIONED UNDER SECTION 104 OF THIS TITLE.—Except as provided in subsection 120(c) of this title and paragraph (a)(8) of this section and for crossing closure projects, 90 percent of the cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this paragraph, then the entire cost of such relocation project, except as provided in subsection 120(c) of this title and paragraph (a)(8) of this section, may be paid from the sums apportioned in accordance with section 104 of this title.

"(2) ELIGIBLE USES OF RAILWAY-HIGHWAY CROSSINGS FUNDS.—A State may obligate funds ap-

portioned to it under paragraph (a)(6) of this section only for the following projects:

"(A) The elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings.

"(B) Trespassing countermeasures.

"(C) Railway-highway crossing education.

"(D) Enforcement of traffic laws relating to railway-highway crossing safety.

"(E) Privately owned railway-highway crossings if the project is publicly sponsored and the Secretary determines that the project would serve a public benefit.

"(3) SECRETARIAL CLASSIFICATION OF PROJECTS.—The Secretary may classify various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall

in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

"(4) RAILROAD LIABILITY FOR PROJECT COSTS.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to paragraph (a)(3) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under

this paragraph. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered under this paragraph shall be credited to the Highway Trust Fund, other than the Mass Transit Account.

"(5) STATE SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such schedule shall provide signs for all railway-highway crossings. In a manner established by the Secretary, each State shall report completed railway-highway crossing projects funded under this subsection or section 165 of this title to the Department for inclusion in the Department of Transportation/Association of American Railroads National Grade Crossing Inventory.

"(6) APPORTIONMENT.—Twenty-five percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the ratio that each State's most recent 3-year total of crashes at public railway-highway grade crossings bears to such 3-year public railway-highway grade crossing crash total in all States, 25 percent of such funds shall be apportioned to the States in the ratio that each State's most recent 3-year total of fatalities involving rail equipment at public railway-highway grade crossings bears to such 3-year public railway-highway grade crossing fatality total in all States, 25 percent of such funds shall be apportioned to the States in the ratio that each State's number of public railway-highway grade crossings bears to the number of public railway-highway grade crossings in all States, and 25 percent of such funds shall be apportioned to the States in the ratio that each State's number of public railway-highway grade crossings with passive warning devices bears to the number of public railway-highway grade crossings with passive warning devices in all States.

"(7) FUNDS FOR PROTECTIVE DEVICES.—At least one-half of the funds authorized for and expended under this subsection shall be available for

the installation, public education, and enforcement of protective devices at railway-highway crossings.

"(8) TREATMENT OF RAILWAY-HIGHWAY CROSSING FUNDS.—

"(A) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this subsection shall be 90 percent of the cost thereof, except as provided in subsection 120(c) of this title and for crossing closure projects, which may be funded at 100 percent.

"(B) NON-FEDERAL MATCH.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available that may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

"(9) TRANSFER TO HAZARD ELIMINATION APPORTIONMENT.—A State may transfer from its apportionment under this subsection to its apportionment under subsection (b) of this section an amount equal to the percentage by which the number of

crashes in the State has been reduced in the most recent calendar year below the average annual number of crashes in such State in calendar years 1994, 1995, and 1996.

"(10) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection and subject to subparagraphs (B) and (C) of this paragraph, a State may, from sums made available to the State under this subsection, make incentive payments to local governments in the State upon the permanent closure by such governments of public at-grade railway-highway crossings under the jurisdiction of such governments.

"(B) INCENTIVE PAYMENTS BY RAILROADS.—A State may not make an incentive payment under subparagraph (A) of this paragraph to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

"(C) AMOUNT OF STATE PAYMENT.—The amount of the incentive payment payable to a

local government by a State under subparagraph (A) of this paragraph with respect to a crossing may not exceed the lesser of—

"(i) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under subparagraph (B) of this paragraph; or

"(ii) $7,500.

"(D) USE OF STATE PAYMENTS.—A local government receiving an incentive payment from a State under subparagraph (A) of this paragraph shall use the amount of the incentive payment for transportation safety improvements.

"(b) HAZARD ELIMINATION.—

"(1) ELIGIBLE USES OF HAZARD ELIMINATION FUNDS.—The Secretary may approve as a project under this subsection any highway safety improvement project.

"(2) STATE SURVEY AND SCHEDULE OF PROJECTS.—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 and pedestrians; assign priorities for the correction of such locations, sections, and elements; and establish and implement a schedule of projects for their improvement.

"(3) STATE EVALUATION PROCESS.—Each State shall establish an evaluation process, which shall be approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with the procedures and criteria established by this subsection. 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.

"(4) APPORTIONMENT.—Funds authorized to be appropriated to carry out this subsection shall be apportioned to the States in the following manner: 75 percent in the ratio which the population of each State bears to the total population of all States, as shown by the latest available Federal census, and 25 percent in the ratio which public road mileage in each State bears to the total public road mileage in all States. For the purposes of this paragraph, 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 the paragraph 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 one percent of the total apportionment.

"(5) TREATMENT OF HAZARD ELIMINATION FUNDS.—

"(A) FEDERAL SHARE.—The Federal share payable on account of any project funded under this subsection shall be 90 percent of the cost thereof.

"(B) USE ON NON-INTERSTATE PUBLIC ROADS.—The funds authorized to carry out this subsection shall be available for expenditure on any public road other than a highway on the Interstate System.

"(6) TRANSFER TO NON-INFRASTRUCTURE USES.—A State may transfer not to exceed 100 percent of the State's apportionment under this subsection to the apportionment of the State under section 402 of this title or the allocation of the State

under 49 U.S.C. 31104 if the Secretary determines that the State meets the eligibility criteria for receiving an integrated safety fund grant under section 165 of this title.

"(7) STATE DEFINED.—For purposes of this subsection, the term 'State' shall have the meaning given it in section 401 of this title.

"§ 165. Integrated Safety Fund

"(a) GRANT AUTHORITY.—Subject to the provisions of this section, the Secretary may make a grant to any State that the Secretary determines has an integrated State highway safety planning process and has established integrated goals and benchmarks for safety improvements, except that no State may receive a grant under this subsection in more than 3 fiscal years.

"(b) ELIGIBLE USES OF GRANT.—Any such grant may be used by the recipient State to implement any highway or motor carrier safety program or project eligible for funding under sections 164 or 402 of this title, or chapter 311 of title 49. Each State receiving a grant allocation under this section shall transfer such allocation to any apportionment or allocation of such State under sections 164 or 402 of this title or 49 U.S.C. 31104.

"(c) AMOUNT OF GRANT.—The amount of a grant made under this section for any fiscal year to any State

that is eligible for such a grant shall be an amount equal to the percentage that each eligible State's apportionment under section 402 of this title for such fiscal year bears to the total apportionment under section 402 to all States for such fiscal year, but in no case shall the amount of a grant made under this section exceed 50 percent of the amount apportioned to such State for fiscal year 1997 under section 402 of this title.

''(d) 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 highway safety programs under sections 164 and 402 of this title, and chapter 311 of title 49, at or above the average level of such expenditures in such State's 2 fiscal years preceding the date of the enactment of this section.''; and

(3) in subsection 104(g) by striking the first two sentences.

(b) CONFORMING AMENDMENTS.—The analysis for chapter 1 of such title is amended—

(1) by striking the items relating to sections 130 and 152; and

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

"164. Infrastructure Safety Program.
"165. Integrated Safety Fund.".

SEC. 1025. FISCAL AND ADMINISTRATIVE AMENDMENTS.

(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

(1) in subsection (b) by striking the subsection heading;

(2) in paragraph (b)(1) by striking the paragraph designation "(1)";

(3) by striking paragraphs (b) (2) and (3) and subsection (c); and

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

(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended by revising subsection (e) to read as follows:

"(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 of such title is amended—

(1) in subsection (a) by striking ''shall be'' and inserting ''shall not exceed'';

(2) in subsection (b) by striking ''shall be'' and inserting ''shall not exceed''; and

(3) by adding at the end the following new subsection:

''(j) CREDIT FOR NON-FEDERAL SHARE.—

''(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any program under this title, other than the emergency relief program authorized in section 125, 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.—The credit for any non-Federal share shall not reduce nor replace State monies required to match Federal funds for any program pursuant to this title. In receiving a credit for non-Federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that such

State will maintain its non-Federal transportation capital expenditures at or above the level of such expenditures for the preceding three fiscal years.

"(3) TREATMENT.—Use of such credit for a non-Federal share shall not expose such agencies from which the credit is received to additional liability, additional regulation or additional administrative oversight. When credit is applied from chartered multi-State agencies, such credit shall be applied equally to all charter States. The public, quasi-public, and private agencies from which the credit for which the non-Federal share is calculated shall not be subject to any additional Federal design standards, laws or regulations as a result of providing non-Federal match other than those to which such agency is already subject.".

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

(1) in subsection (a)—

(A) by striking the second sentence; and

(B) by revising the last sentence to read as follows: "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 revising subsection (b) to read as follows:

''(b) 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.''; and

(3) by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c).

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

(1) by striking subsection designation ''(a)'' but retaining the text of the subsection in its entirety; and

(2) by striking subsection (b).

(f) DIVERSION.—Section 126 of such title is repealed.

(g) STATE HIGHWAY DEPARTMENT.—Section 302 of such title is amended—

(1) in subsection (a) by adding at the end the following: ''Compliance with this provision shall have no effect on the eligibility of costs.'';

(2) by striking subsection designation ''(a)'' but retaining the text of the subsection in its entirety; 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.

SEC. 1026. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended—

(1) by striking the two undesignated paragraphs relating to public lands highways and public lands highway; and

(2) by inserting at the end thereof the following new undesignated paragraph: ''The term 'public lands highways' 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.''.

(b) FEDERAL SHARE PAYABLE.—Section 120 of such title is amended by adding at the end the following new subsections:

''(k) 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 funded under sections 104 or 144 of this title, or under the Federal scenic byways program.

''(l) Notwithstanding any other provision of law, the funds appropriated for carrying out the Federal Lands Highways Program under section 204 of this title may be used as the non-Federal share payable on account of any project funded under section 104 or 144 of this title or under the Federal scenic byways program, that provides access to or within Federal or Indian lands.''.

(c) ALLOCATIONS.—Section 202 of such title is amended—

(1) by revising subsection (b) to read as follows:

''(b) On October 1 of each fiscal year, the Secretary shall allocate of the sums authorized to be appropriated for such fiscal year for public lands highways, after making the transfer provided for in subsection 204(i) of this title, for transportation projects in those States having unappropriated or unreserved public lands, nontaxable In-

dian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of a Federal land managing agency, Indian tribal government, or State. The Secretary shall give preference to those projects which are significantly impacted by Federal land, recreation, and resource management activities which are proposed in a State that contains at least 3 percent of the total public lands in the Nation.'';

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

''(e) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways, after making the transfer provided for in subsection 204(g) of this title, according to the relative needs of the various elements of the national forest system, as jointly identified by the Secretary, and the Secretary of Agriculture based on the need for access as determined through renewable resource and land use planning and the impact of such planning on existing transportation facilities.''.

(d) AVAILABILITY OF FUNDS.—Section 203 of such title is amended—

(1) in the first sentence by inserting ''forest highways,'' after ''parkways,'';

(2) in the fourth sentence by inserting ''forest highways,'' after ''parkways,''; and

(3) by adding at the end of the section the following: ''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.''.

(e) PLANNING AND AGENCY COORDINATION.—Section 204 is amended—

(1) by revising 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 as defined in section 101 of this title. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are con-

sistent with the metropolitan and Statewide planning processes called for 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 also 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 the following: ''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 plan-

ning, research, engineering, and construction thereof. In connection therewith, 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 as deemed advisable.'';

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

(4) by revising subsection (i) to read as follows:

''(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 amounts as may be needed to cover necessary administrative costs of such agency in connection with public lands highways. 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 the cost of such agency to conduct necessary transportation planning serving Federal lands, where funding for such planning is otherwise not provided in this section.'';

(5) by revising the second sentence of subsection (j) to read as follows: ''The Indian Tribal Government, in cooperation with the Secretary of the Interior, and as may be appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection 204(a) of title 23, United States Code.''; and

(6) by adding at the end the following new subsection:

''(k) INDIAN RESERVATION ROAD BRIDGES.—

''(1) Of the amounts authorized for Indian Reservation Roads each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve a minimum of $5,000,000 for projects to replace, rehabilitate, seismic retrofit, paint, apply calcium magnesium acetate, or install scour countermeasures for deficient Indian reservation road bridges. To be eligible to receive funding under this subsection, a bridge or multiple-pipe culvert must—

''(A) have an opening of 6.1 meters (20 feet) or more;

''(B) be on an Indian reservation road;

"(C) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(D) be recorded in the national bridge inventory administered by the Secretary.

"(2) The Secretary shall approve a nationwide priority program for improving deficient Indian reservation road bridges. Funds for Indian reservation road bridge projects shall only be made available upon approval of plans, specifications, and estimates by the Secretary.".

SEC. 1027. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

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

(1) in subsection (b)—

(A) by adding "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 revising subsection (g) to read as follows:

"(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehen-

sive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135 of this title, 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.'';

(4) in subsection (h), by striking ''No motorized vehicles shall'' and inserting ''Motorized vehicles may not''; and

(5) in paragraph (h)(3)—

(A) by striking ''when State and local regulations permit,''; and

(B) by inserting after ''wheelchairs'' the following: '', as defined in paragraph (i)(3)'';

(6) by striking subsection (i) and redesignating subsection (j) as subsection (i); and

(7) by revising subsection (i), as so redesignated, to read as follows:

''(i) DEFINITIONS.—

''(1) BICYCLE TRANSPORTATION FACILITY.—As used in this section, 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) PEDESTRIAN.—As used in this section, the term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

''(3) WHEELCHAIR.—As used in this section, the term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.''.

SEC. 1028. RECREATIONAL TRAILS PROGRAM.

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

''§ 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 program for the purposes of providing and maintaining recreational trails in accordance with this section.

''(b) STATE RESPONSIBILITIES.—

''(1) The Governor of the State shall designate the State agency or agencies which will be respon-

sible for administering apportionments received under this section; and

"(2) The State shall establish within the State a State trail advisory committee that equitably represents both motorized and nonmotorized trail users.

"(c) USE OF APPORTIONED FUNDS.—(1) Funds made available under this section are to be obligated for trails and trail-related projects which have been planned and developed under the existing laws, policies, and administrative procedures of each State, and which are identified in, or which further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under 23 U.S.C. 134, and/or a statewide transportation plan required under 23 U.S.C. 135, consistent with the Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4–460l–11). Permissible uses of these funds include—

"(A) construction of new trails;

"(B) maintenance and restoration of existing trails;

"(C) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(D) purchase and lease of trail construction and maintenance equipment;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) costs to the State incurred in administering this program, but in an amount not exceeding 7 percent of the apportionment received by the State; and

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

"(2) DIVERSIFIED TRAIL USE.—Not less than 50 percent of the apportionments received annually by a State shall be used to facilitate use of trails for diverse recreational purposes, including by renovating recreational trail corridors, trailsides, or trailhead facilities to allow for both motorized and nonmotorized recreational trail use.

"(d) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with other requirements of this section, a State shall give priority to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of existing trails in order to benefit the natural environment or in order to mitigate and minimize the impact to the natural environment.

"(e) FEDERAL SHARE PAYABLE.—Except as provided in paragraphs (1), (2), (3), and (4) of this sub-

section, the Federal share payable on account of a project under this section shall not exceed 50 percent.

"(1) 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, provided that the share attributable to the Secretary of Transportation does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

"(2) ALLOWABLE MATCH FROM FEDERAL GRANT PROGRAMS.—The following Federal grant 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) Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100–692);

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

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

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

"(3) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects provided that the total Federal share payable for all projects within the State under this program for a Federal fiscal year's apportionment does not exceed 50 percent. A project funded under paragraphs (1) or (2) of this subsection may not be included in the calculation of the programmatic non-Federal share.

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

"(f) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

"(1) condemnation of any kind of interest in property;

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

"(A) have been apportioned 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

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

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

"(A) have been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to other uses by an Act of Congress; and

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

"(4) 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; or

"(5) developing or otherwise encouraging recreational opportunity on a railroad right-of-way for the purpose of traversing on or between railroad tracks, except for providing a railroad crossing in coordination with the railroad owner, operator, and State agency with jurisdiction over railroad crossings.

"(g) PROJECT ADMINISTRATION.—

"(1) 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 under this section. 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) of this section. 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 in accordance with paragraph (d)(1).

"(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of 49 U.S.C. 303 or 23 U.S.C. 138.

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section (6)(f)(3) of the Land and Water Conservation Fund Act.

"(4) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition to making available apportionments 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 allocations 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 apportionments.

"(h) DEFINITIONS.—(1) For the purposes of this section—

"(A) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as: pedestrian activities, including wheelchair use; skating or skateboarding; equestrian activities, including carriage driving; nonmotorized snow trail activities, including skiing; bicycling or use of other human-powered vehicles; aquatic or water activity; and motorized vehicular activities, including all-terrain vehicle riding, motorcycling, use of off-road light trucks, or use of other off-road motorized vehicles; and

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

"(2) For purposes of subsection 104(h) of title 23, United States Code, the term 'eligible State' means a

State, as defined in section 101 of such title, that meets the requirements stated in subsection (b) of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I.

(2) The analysis for chapter 2 of title 23, United States Code, is amended by revising item 206 to read as follows:

''206. Recreational Trails Program.''.

SEC. 1029. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) ACTIVITIES.—Section 325(a) of title 23, United States Code, is amended—

(1) by inserting after ''expertise'' the following: '', goods, and services'';

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

''(6) gathering and disseminating information on foreign transportation markets and industries.'';

(3) by striking ''and'' at the end of paragraph (4); and

(4) by striking the period at the end of paragraph (5) and inserting ''; and''.

(b) FUNDS.—Section 325(c) of such title is revised to read as follows:

"(c) Funds available to carry out the provisions of this section shall include funds deposited by any cooperating organization or person in a special account for this program 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 Federal Highway Administration employees providing services under this section shall be credited to the special account.".

(c) ELIGIBILITY.—Section 325 of such title is amended by adding at the end the following new subsection:

"(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 329 of this title for any activity authorized under subsection (a) of this section.".

SEC. 1030. TRADE CORRIDOR AND BORDER CROSSING PLANNING; BORDER GATEWAY PILOT PROGRAM.

(a) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—In order to encourage joint transportation planning activities, the Secretary shall make incentive grants to States that share a common border with Canada or Mexico and metropolitan planning organizations either adjacent or proximate to borders with Canada or Mexico. Such grants shall be used to enhance consideration of people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available through other provisions of this Act.

(2) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1) of this subsection, the State or metropolitan planning organization shall assure the Secretary that it commits to be engaged in joint planning with its counterpart agency in Canada or Mexico.

(b) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—In order to encourage cooperative multistate corridor planning and analysis, the Secretary shall make grants to States for the purpose of performing, within the framework of their statewide transportation planning process, planning for the safe and efficient movement of goods along

and within international or interstate trade corridors of national importance. Such corridors shall be cooperatively identified by the States along the corridor. Priority should be given to corridors of which the private sector is particularly supportive.

(2) CORRIDOR PLANS.—As a condition of receiving a grant under paragraph (3) of this subsection, the State shall assure the Secretary that, in cooperation with the other States along the corridor, a plan for corridor improvements will be submitted to the Secretary not later than 24 months after receipt of such grant. Corridor planning performed under subsection (c) of this section shall be coordinated with transportation planning being done by the States and metropolitan planning organizations along the corridor and, where appropriate, with transportation planning being done in Mexico and Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is hereby given to any two or more States to enter into multistate agreements not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities and to establish such agen-

cies, joint or otherwise, as such States may deem desirable for making such agreements effective.

(c) BORDER GATEWAY PILOT PROGRAM.—

(1) COORDINATED AND COMPREHENSIVE BORDER PROGRAM.—Subject to the conditions of this subsection, the Secretary may make grants to any State or other implementing agency bordering Canada or Mexico to improve the safe movement of people and goods at or across such border. Such grants shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve border efficiency and safety. Such plans and programs may include improvements to existing transport and supporting infrastructure; selective new infrastructure construction; improvements in operational strategies, including, but not limited to, electronic data interchange and use of telecommunications to expedite vehicle and cargo movement; modifications to regulatory procedures to expedite vehicle and cargo flow; and other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with other Federal agencies responsible for inspection of vehicles, cargo, and persons crossing international bor-

ders, and their counterpart agencies in Canada and Mexico. Grants shall apply only to groupings of border crossings defined by proximity and similarity of trade, referred to as gateways in this section.

(2) NUMBER AND AMOUNT OF GRANTS.—The Secretary may make up to eight grants to States and other implementing agencies under this section, including a minimum of two grants for projects on the United States/Mexico border and two grants on the United States/Canada border. No single grant authorized under this section shall exceed $40,000,000.

(3) GRANT ELIGIBILITY.—Each State or other implementing agency seeking a grant under this subsection shall submit a proposal that includes strategies to involve both the public and private sectors in the proposed project. Grants shall be made on the basis of—

(A) expected reduction in commercial and other travel time through a major international gateway as a result of the project;

(B) leveraging of Federal funds provided under this section, including use of innovative financing, combination with funding provided under other sections of this Act, and/or com-

bination with other sources of Federal, State/local, or private funding;

(C) improvements in vehicle and highway safety and cargo security in and through the gateway;

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

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

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

(G) improved use of existing, underutilized border crossing facilities and approaches; and

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

(d) FUNDING.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $45,000,000 for each of fiscal years 1998 through 2003 to carry out this section. Such sums shall remain available until expended. Of such sums—

(1) $1,400,000 shall be made available for each of fiscal years 1998 through 2003 under subsection (a) for border crossing planning incentive grants, but no State or metropolitan planning organization shall receive more than $100,000 in any fiscal year; and

(2) $3,000,000 to be made available in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 under subsection (b) for trade corridor planning incentive grants.

(e) FEDERAL SHARE.—

(1) BORDER GATEWAY PILOT PROGRAM.—The funds authorized under subsection (d) of this section for any border gateway pilot program project may be used to match other Federal-aid highway funds otherwise eligible for such project, but the funds authorized under subsection (d) for any project shall not exceed 50 percent of the cost of such project.

(2) BORDER CROSSING AND TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—The Federal share payable on account of any border crossing planning or trade corridor planning incentive project under this section shall be determined in accordance with section 120 of title 23, United States Code.

SEC. 1031. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of title 40, U.S.C. App., is amended in the second sentence by inserting after ''and roads'' the following: '', provided that allocations to a State shall remain available for expenditure in such State for the fiscal year in which they are allocated and for 3 succeeding fiscal years. Funds not expended by a State during these 4 fiscal years shall be released to the Appalachian Regional Commission for reallocation.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 201 of such title is further amended—

(1) by redesignating subsection (g) as paragraph (g)(1); and

(2) by inserting at the end of paragraph (g)(1), as so redesignated, the following new paragraphs:

''(2) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—For the continued construction of the Ap-

palachian development highway system approved as of September 30, 1996, in accordance with this section, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $200,000,000 for fiscal year 1998, $290,000,000 for fiscal year 1999, $350,000,000 for fiscal year 2000, $400,000,000 for fiscal year 2001, $450,000,000 for fiscal year 2002, and $500,000,000 for fiscal year 2003, and the Secretary shall provide equivalent amounts of obligation authority for such funds.

"(3) CONTRACT AUTHORITY.—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 shall be determined in accordance with this section and such funds shall remain available until expended.".

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of such title is amended by striking "70" and inserting "80".

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

"(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year, 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.".

SEC. 1032. VALUE PRICING PILOT PROGRAM.

(a) VALUE PRICING PILOT PROGRAM.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note, 105 Stat. 1938) is amended—

(1) in the subsection heading by striking "CONGESTION" and inserting "VALUE"; and

(2) in paragraph (1) by striking "congestion" each place it appears and inserting "value".

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of such Act is amended by striking "5" and inserting "15".

(c) INCREASED FEDERAL SHARE.—Section 1012(b)(2) of such Act is amended by striking "be 80" and inserting "not exceed 100".

(d) ELIGIBILITY OF PRE-IMPLEMENTATION COSTS.—Section 1012(b)(2) of such Act is further amended—

(1) by adding after ''Secretary shall fund'' the following: ''all pre-implementation costs, including public education and project design, and''; and

(2) by adding after ''Secretary may not fund'' the following: ''the implementation costs of''.

(e) CONFORMING AMENDMENTS.—Section 1012(b) of such Act is further amended—

(1) in paragraph (1) by striking ''projects'' each place it appears and inserting ''programs''; and

(2) in paragraph (5)—

(A) by striking ''projects'' and inserting ''programs''; and

(B) by striking ''traffic, volume'' and inserting ''traffic volume''.

(f) ELIGIBLE USES OF TOLL REVENUES.—Section 1012(b)(3) of such Act is amended by striking ''must be applied to projects eligible under such title'' and inserting ''may be applied to any project serving a surface transportation purpose''.

(g) TOLLING.—Section 1012(b)(4) of such Act is amended by striking ''a pilot program under this section, but not on any more than 3 of such programs'' and inserting ''any value pricing pilot program under this section''.

(h) EFFECT ON LOW INCOME DRIVERS.—(1) Section 1012(b)(5) of such Act is amended by inserting after ''air quality,'' the following: ''low income drivers''; and

(2) Section 1012(b) of such Act is further amended by adding at the end the following new paragraph:

''(7) Any value pricing pilot program funded under this subsection shall fully consider the potential effects of value pricing projects on drivers of all income levels and shall develop mitigation measures to deal with potential adverse effects on low income drivers.''.

(i) FUNDING.—Section 1012(b)(6) of such Act is revised to read as follows:

''(6) There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $14,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out the requirements of this subsection. Funds allocated by the Secretary under this paragraph remain available for obligation by the State for a period of three years after the last day of the fiscal year for which such funds are authorized. Any amounts so allocated under this paragraph that remain unobligated at the end of such period and any amounts authorized under this paragraph that re-

main unallocated by the end of such period shall be transferred to a State's apportionment under section 104(b)(3) of such title and shall be treated in the same manner as other funds apportioned under such section.''.

(j) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of such Act is further amended by adding at the end the following new paragraph:

''(8) Notwithstanding section 102 of title 23, United States Code, any State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicles are part of a value pricing program funded under this subsection.''.

(k) CONTRACT AUTHORITY.—Section 1012(b) of such Act is further amended by adding at the end the following new paragraph:

''(9) 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.''.

SEC. 1033. HIGHWAY USE TAX EVASION PROJECTS.

Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended—

(1) in subsection (a) by striking ''subsection (e)'' and inserting ''subsection (d)'';

(2) by striking subsections (d), (e), and (f);

(3) by redesignating subsection (g) as subsection (e); and

(4) by inserting a new subsection (d) to read as follows:

''(d) FUNDING.—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 1998, 1999, 2000, 2001, 2002, and 2003. Such funds 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 for projects carried out under this section shall be 100 percent, and such funds shall remain available for obligation for a period of one year after the last day of the fiscal year for which the funds are authorized.''.

SEC. 1034. PUBLIC NOTICE OF RAILBANKING.

For any project to convert a railroad right-of-way preserved in accordance with subsection 1247(d) of title

16, United States Code, into a trail, a State shall provide public notice at the time of application for an interim trail use certificate in the same manner as required for a notice of rail abandonment.

TITLE II—HIGHWAY SAFETY

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Highway Safety Act of 1997''.

SEC. 2002. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended—

(1) by striking the fifth sentence; and

(2) by striking ''section 4007'' and inserting ''section 4004''.

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) in paragraph (1) by striking the period at the end of each of subparagraphs (A) and (B) and inserting a semicolon;

(2) in paragraph (1)(C) by inserting '', including Indian tribes,'' after ''subdivisions of such State'';

(3) in paragraph (1)(C) by striking the period at the end and inserting ''; and'';

(4) by striking paragraph (1)(E); and

(5) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended—

(1) in the 6th sentence 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''; and

(2) by striking the 7th and 8th sentences.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of such title 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 the provisions of subparagraph (b)(1)(C) of this section, 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 provisions of subparagraph (b)(1)(D) of this section shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary deter-

mines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of 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 PROCESS.—Section 402(j) of such title is amended to read as follows:

"(j) RULEMAKING PROCESS.—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.''.

(f) SAFETY INCENTIVE GRANTS.—Section 402(k) of such title is amended to read as follows:

''(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l), (m), (n), or (o) of this section. A State may qualify for more than one grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

''(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l), (m), (n), or (o) of 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 the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (l), (m), (n), or (o) of this section shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (l), (m), (n), or (o) 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.

"(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for one or more of three

basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, 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 receiving 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

"(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person 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.

"(B) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, 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.

"(C) STOPPING MOTOR VEHICLES.—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.

"(D) 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; and dedicated detention facilities.

"(E) GRADUATED LICENSING SYSTEM.—A three-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first two stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age

21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

"(2) BASIC GRANT B.—Both of the following:

"(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, 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 requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving 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

"(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; and

"(B) .08 BAC PER SE LAW.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(3) BASIC GRANT C.—Both 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; and

"(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 such calendar years.

"(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than two fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alco-

holic 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—

"(i) as allowed in the passenger area, by a person (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

"(ii) 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.

"(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State 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 a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily in-

jury, has committed an alcohol-related traffic offense.

"(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person 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, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

"(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for 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 to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a "zebra" stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides

for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

"(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age.

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

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) '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.

"(D) 'Open alcoholic beverage container' means any bottle, can, or other receptacle—

"(i) which contains any amount of an alcoholic beverage; and

"(ii)(I) which is open or has a broken seal, or

"(II) the contents of which are partially removed.

"(m) OCCUPANT PROTECTION: BASIC GRANT ELIGIBILITY.—The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for one or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT PASSENGERS.—The State has in

effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) PRIMARY SAFETY BELT USE LAW OR PENALTY POINTS.—The State provides for primary enforcement of its safety belt use law or provides for the imposition of penalty points against a person's driver's license for a violation of its safety belt use law.

"(C) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires any child up to 4 years of age who is riding in a passenger motor vehicle to be properly secured in a child safety seat.

"(D) MINIMUM FINES.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(E) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State demonstrates implemen-

tation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) BASIC GRANT B.—Both of the following:

"(A) 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 first three years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) 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.

"(3) BASIC GRANT AMOUNT.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(4) OCCUPANT PROTECTION PROGRAM: SUPPLEMENTAL GRANTS.—During the period in which a

State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) PENALTY POINTS AGAINST A DRIVER'S LICENSE FOR VIOLATIONS OF CHILD PASSENGER PROTECTION REQUIREMENTS.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) ELIMINATION OF NON-MEDICAL EXEMPTIONS TO SAFETY BELT AND CHILD PASSENGER PROTECTION LAWS.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of 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.

"(D) OPEN BED LAWS.—The State has in effect a law that prohibits persons from riding in the open bed of a pickup truck.

"(E) SAFETY BELT USE IN REAR SEATS.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) DEFINITIONS.—As used in this subsection—

"(A) 'Child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less.

"(B) '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.

"(C) '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.

"(D) '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.

"(E) 'Passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(F) 'Safety belt' means—

"(i) 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

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(n) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data sys-

tems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

"(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

"(A) Demonstrates, to the satisfaction of the Secretary, that it has—

"(i) 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 highway safety and traffic records databases;

"(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

"(iii) 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 its 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) certification that it has met the provisions outlined in clauses (A)(i) and (A)(ii) of subparagraph (A) of this paragraph;

''(ii) 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

''(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multi-year plan described in clause (B)(ii) of this subparagraph.

"(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under subparagraph (1)(A) of paragraph (A) of this subsection shall equal $125,000, subject to the availability of appropriations, and for any State eligible for such a grant under subparagraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS: SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) 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;

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and

"(C) Reports annually on its progress in implementing the multi-year plan.

"(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(o) DRUGGED DRIVING COUNTERMEASURES.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce drug use and drugged driving:

"(1) GRANT ELIGIBILITY.—A State is eligible for a grant under this subsection in a fiscal year by

meeting, to the satisfaction of the Secretary, 5 or more of the following criteria:

"(A) ZERO TOLERANCE FOR DRUGS.—The State has in effect a law that requires that any person with a measurable amount of a controlled substance, a combination of controlled substances, or a combination of alcohol and controlled substances when driving a motor vehicle shall be deemed to be driving under the influence of or impaired by a controlled substance.

"(B) DRUG IMPAIRED DRIVING.—The State has in effect a law that makes it unlawful for any person to drive or be in actual physical control of a motor vehicle while under the influence of or impaired by a drug or substance (licit or illicit).

"(C) MANDATORY TESTING FOR DRUGS OR SUBSTANCES.—The State has in effect a law that provides for mandatory chemical testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury,

has committed a drug or substance-related traffic offense.

"(D) ADMINISTRATIVE LICENSE REVOCATION.—The State has in effect an administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of a drug or substance which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of one or more chemical tests to have been operating a motor vehicle under the influence of a drug or substance or is determined to have refused to submit to such a test as requested by the law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt 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

"(ii) the suspension and revocation referred to under (D)(i) shall take effect not later than 30 days after the day on which the person was determined to have been driving under the influence of drugs or refused to take a chemical test in accordance with the State's procedures.

"(E) LICENSE REVOCATION OR SUSPENSION OF PERSONS CONVICTED OF DRUG OFFENSES.—The State has in effect a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any person who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense; and

"(ii) a delay in the issuance or reinstatement of a driver's license to such a person for at least 6 months after the person applies for the issuance or reinstatement of a driver's license if the person does not have a driver's license, or the driver's license of the person is suspended, at the time the person is so convicted.

"(F) GRADUATED LICENSING.—The State has adopted an effective three-stage graduated licensing system for young drivers, as determined by the Secretary, that includes drug use and drugged driving provisions.

"(G) ACTIVE ENFORCEMENT AND PUBLICITY.—The State provides for active enforcement and publicity, as determined by the Secretary, of drugged driving laws.

"(H) DRUG INTERVENTION.—The State has in effect a system that provides for an assessment of persons determined to have been operating a motor vehicle under the influence of or impaired by a drug or controlled substance, as determined by the Secretary, and referral to drug education, counseling, and treatment, as appropriate.

"(I) DRUG EDUCATION.—The State has adopted an effective educational program, as determined by the Secretary, under which drug information is provided to persons who apply for and who renew their driver's licenses, and drug-related questions are included on drivers' license examinations.

"(2) GRANT AMOUNT.—The amount of a grant made for drugged driving countermeasures for any fiscal year to any eligible State shall not be more than 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(3) DEFINITIONS.—For the purposes of this subsection—

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) '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.".

(g) CONFORMING AMENDMENT.—Section 410 of chapter 4 of this title is repealed, and the analysis for chapter 4 of this title is amended by striking the item relating to Section 410.

SEC. 2003. 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 thereof the following:

''(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—(1) 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) 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) The 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 they 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 (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) 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 for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall 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 ", 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), by striking "paragraph (2)" and substituting "subsection (a) of this section"; 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 by—

(A) redesignating paragraph (6) as paragraph (10) and inserting it after paragraph (9);

(B) inserting the following new paragraph (6):

"(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 subsection 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in subsection 30304(b)."; and

(C) inserting the following at the end of the subsection:

"(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. 2004. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l), (m), (n), and (o) of that section, $166,700,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $171,034,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of subsection (l) of section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, $44,000,000 for fiscal year 1998, $39,000,000 for each of fiscal years 1999, 2000, and 2001, $49,000,000 for fiscal year 2002, and $50,170,000 for fiscal

year 2003. Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (l) to subsections (m), (n), and (o) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of subsection (m) of section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, $20,000,000 for each of fiscal years 1998, 1999, 2000, and 2001, $22,000,000 for fiscal year 2002, and $22,312,000 for fiscal year 2003. Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (m) to subsections (l), (n), and (o) of section 402 of title 23, United States

Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $12,000,000 for each of fiscal years 1998, 1999, 2000, and 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (o) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (o) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (o) to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as

necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) NHTSA OPERATIONS AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for traffic and highway safety under (A) Section 403 of Title 23, United States Code (Highway Safety Research and Development), (B) Chapter 301 of Title 49, United States Code (Motor Vehicle Safety), and (C) Part C of Subtitle VI of Title 49, United States Code (Information, Standards, and Requirements), there are authorized to be appropriated $147,500,000, for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $151,335,000 for fiscal year 2003.

(3) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration, there are authorized to be appropriated under section 30308(a) of such chapter $2,300,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $2,360,000 for fiscal year 2003.

TITLE III—FEDERAL MASS TRANSPORTATION AMENDMENTS OF 1997

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Federal Mass Transportation Amendments of 1997''.

SEC. 3002. AMENDMENTS TO THE FEDERAL TRANSIT LAWS.

Except as otherwise expressly 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, the reference shall be considered to be made to a section or other provision of chapter 53 of title 49, United States Code.

SEC. 3003. DEFINITIONS.

(a) CAPITAL PROJECT.—Section 5302(a) is amended by striking paragraph (1) and inserting—

''(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, acquiring rights of way, associated pre-revenue startup costs, and environmental mitigation), payments for rail trackage rights, Intelligent Transportation Systems as defined in section

6052 of the National Economic Crossroads Transportation Efficiency Act, 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) financing the leasing of equipment and facilities for use in mass transportation;

''(G) new fixed guideway systems and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock for the systems, alternatives analysis related to the development of the systems, and the acquisition of rights of way, and relocation, for fixed guideway corridor development for projects in the advanced stages of alternatives analysis or preliminary engineering;

''(H) property and improvements (except public highways other than fixed guideway facilities) needed for an efficient and coordinated mass transportation system;

"(I) the capital costs of coordinating mass transportation with other transportation;

"(J) the introduction of new technology, through innovative and improved products, into mass transportation;

"(K) a mass transportation improvement that enhances economic development that may incorporate private investment, including commercial and residential development, pedestrian access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, where the project—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project; or

"(ii) establishes new or enhanced coordination between mass transportation and other transportation; and

"(iii) provides a fair share of revenue for mass transportation, which shall be used for mass transportation;

"(L) mass transportation projects planned, designed, and carried out to meet the special

needs of elderly individuals and individuals with disabilities;

''(M) 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 of Transportation may decide would result in increased mass transportation usage in the corridor;

''(N) vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail;

''(O) 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;

''(P) the repayment of the principal and interest of bonds used for capital projects, provided the bonds were not used to provide the non-Government share under section 5328(a)(2) of this title;

"(Q) crime prevention and security, whether or not a local governmental authority other than the grant applicant has law enforcement responsibilities; or

"(R) acquiring non-fixed route paratransit transportation service to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)."

(b) PUBLIC TRANSPORTATION.—Section 5302(a) is further amended—

(1) by striking paragraph (12);

(2) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively;

(3) by redesignating paragraph (13) as paragraph (14); and

(4) by inserting the following paragraph after paragraph (9):

"(10) 'public transportation' means 'mass transportation.'."

(c) TRANSIT.—Section 5302(a) is further amended by inserting after redesignated paragraph (12) the following:

"(13) 'transit' means 'mass transportation.' ".

(d) A CONFORMING AMENDMENT.—Section 5302(b) is amended by striking ''5307(d)(1)(D)'' and inserting ''5307(c)(1)(A)''.

SEC. 3004. METROPOLITAN PLANNING.

(a) DEVELOPMENT REQUIREMENTS.—Section 5303(a) is amended—

(1) in the first sentence, by inserting ''in a fair and equitable manner'' after the word ''title''; and

(2) in the second sentence, by striking ''developing'' and all that follows and inserting ''the development and integrated management and operation (excluding maintenance) of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.''.

(b) PLAN AND PROGRAM FACTORS.—Section 5303 is amended by striking subsection (b) and inserting the following:

''(b) PLAN AND PROGRAM FACTORS.—(1) In developing plans and programs under this section and sections 5304–5306 of this title, each metropolitan planning organization at least shall—

"(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;

"(C) increase the accessibility and mobility options available to people and freight;

"(D) protect and enhance the environment, energy conservation, and quality of life;

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

"(F) promote efficient management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) The metropolitan planning organization shall cooperatively determine with the State and mass transportation operator how these goals are translated into metropolitan goals and objectives, and how they are factored into decisionmaking.".

(c) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—Section 5303(c) is amended—

(1) by striking "75" each place it appears and inserting "51" in each instance;

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

''(2) The policy board of a metropolitan planning organization, serving an area designated as a transportation management area, when designated or redesignated, shall include local elected officials, officials of authorities that administer or operate major modes of transportation in the metropolitan area (including all transportation authorities included in the organization on June 1, 1991), and appropriate State officials.'';

(3) in paragraph (3), by striking ''only'' and all that follows and inserting ''only if the Secretary concurs with a request from the chief executive officer and existing metropolitan planning organization that the size and complexity of the urbanized area make designation of more than one organization appropriate.''; and

(4) in paragraph (5), by striking subparagraphs (B) and (C) and by redesignating subparagraph (5)(A) as paragraph (5).

(d) METROPOLITAN PLANNING AREA BOUNDARIES.—Subsection 5303(d) is amended to read as follows:

"(d) METROPOLITAN AREA BOUNDARIES.—To carry out this section, the metropolitan planning organization and the chief executive officer shall decide by agreement on the boundaries of a metropolitan area. The area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Secretary of Commerce. An area designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.) shall include at least the boundaries of the nonattainment area in existence as of September 30, 1996, except as the chief executive officer and metropolitan planning organization otherwise agree. For urbanized areas designated after September 30, 1996, the planning area boundaries shall cover at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Department of Commerce. The boundaries shall be established by agreement between the officials from the appropriate local governmental authorities (including the central city) and the chief executive officer and will ad-

dress appropriately any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone, carbon monoxide, or particulate matter.''.

(e) COORDINATION.—Paragraph 5303(e)(3) is amended to read as follows:

''(3) If more than one metropolitan planning organization has authority in a metropolitan area or an area designated a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.), each organization shall coordinate with the other organizations designated for the area and the State to coordinate plans and projects required by this section and sections 5304–5306 of this title.''.

(f) DEVELOPMENT OF TRANSPORTATION PLANS.—Section 5303 is amended by striking subsection (f) and inserting the following:

''(f) DEVELOPMENT OF TRANSPORTATION PLAN.—(1) Each metropolitan planning organization shall prepare and update periodically, according to a schedule the Secretary of Transportation decides is appropriate, a transportation plan for its metropolitan area under the requirements of this section. The plan shall at least—

''(A) identify transportation facilities (including major roadways, mass transportation, and

multimodal and intermodal facilities) that should function as a future integrated transportation system, emphasizing transportation facilities that serve important United States and regional transportation functions;

"(B) address the considerations in subsection (b) of this section, any State or local goals developed in the cooperative metropolitan planning process, and other issues addressed in this section as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

"(C) include a financial plan that—

"(i) demonstrates how the adopted transportation 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 any additional financing strategies for needed projects and programs; and

"(D) identify transportation strategies necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including

requirements for management, operation (excluding maintenance) modernization, and rehabilitation of existing and future transportation systems;

"(ii) use existing transportation facilities most efficiently to relieve congestion and maximize the mobility of individuals and goods; and

"(iii) enhance access within the metropolitan planning area, especially for those individuals without access to private motor vehicles.

"(2) When formulating a transportation plan, the metropolitan planning organization, mass transportation operator, and State shall cooperatively develop estimates of funds that will be available to carry out the plan.

"(3) In a metropolitan area that is in a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization and the State air quality agency (and local air quality agencies as appropriate) shall coordinate the process of developing the transportation plan with the State air quality implementation plan, including the development of the transportation control measures for the State Implementation Plan required by the Act.

"(4) Before approving a transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of mass transportation authority employees, freight shippers, 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 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.".

(g) The catchline for subsection 5303(h) is amended by striking "BALANCED AND COMPREHENSIVE PLANNING" and inserting "METROPOLITAN PLANNING GRANTS".

(h) Subsection 5303(h) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Funds available under section 5338(c) of this title shall be available for metropolitan planning activities under this section. To the extent practicable, the Secretary of Transportation shall ensure

that amounts made available 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) in paragraph (2)(A), by striking ''section 5338(g)(1)'' and inserting ''section 5338 (c)'';

(3) in paragraph (3)(A), by striking ''section 5338(g)(1)'' and inserting ''section 5338(c)''; and

(4) in paragraph (4), by striking ''section 5338(g)'' and inserting ''section 5338(c)''.

SEC. 3005. METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

(a) The heading for section 5304 is amended by inserting ''Metropolitan'' before ''Transportation''.

(b) DEVELOPMENT AND UPDATE.—Section 5304(a) is amended to read as follows:

''(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 in cooperation with the State and affected mass transportation operators, shall provide citizens, affected public agencies, representatives of transpor-

tation authority employees, other affected employee representatives, freight shippers, 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 years and shall be approved by the organization and the chief executive officer of the State.''

(c) CONTENTS.—Section 5304 is amended by striking subsection (b) and inserting the following:

''(b) CONTENTS.—A transportation improvement program for a metropolitan area shall include the following:

''(1) A listing of proposed surface transportation projects and strategies supported by the Government and to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

''(2) 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 program, and identifies innovative financing techniques to finance projects, programs, and strategies. For the purpose of developing the transportation improvement pro-

gram, the metropolitan planning organization, mass transportation operator, and the State shall cooperatively develop estimates of financing that will be available to support program implementation.''.

(d) PROJECT SELECTION.—Subsection 5304(c) is amended to read as follows:

''(c) PROJECT SELECTION.—(1) Except as provided in section 5305(d)(1) of this title and in addition to the cooperative transportation improvement program under subsection (a) of this section, the State and the mass transportation grant recipient designated from the transportation improvement program, in cooperation with the metropolitan planning organization, shall select projects in a metropolitan area that involve United States Government participation.

''(2) A transportation improvement program for a metropolitan area shall include—

''(A) the projects and strategies within the area that are proposed for financing under this chapter and chapter 1 of title 23 and that are consistent with the transportation plan developed under section 5303(f) of this title; and

''(B) a project or an identified phase of a project only if full financing reasonably can be an-

ticipated to be available for the project in the period estimated for completion.''.

(e) NOTICE AND COMMENT.—Subsection 5304(d) is amended to read as follows:

''(d) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and mass transportation operators, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and an opportunity to comment on the proposed program.''.

(f) REGULATORY PROCEEDINGS.—Section 5304 is amended by striking subsection (e).

(g) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5304 and inserting the following:

''5304. Metropolitan transportation improvement program.''.

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS.

(a) Section 5305(a)(2) is amended to read as follows:

''(2) any other area when requested by the chief executive officer and the metropolitan organization designated for the area.''.

(b) Section 5305(c) is amended to read as follows:

''(c) CONGESTION MANAGEMENT SYSTEM—The transportation planning process under sections 5303 and

5304 of this title in a transportation management area shall include a congestion management system providing for effective management of new and existing transportation facilities eligible for financing under this chapter and title 23 through the use of travel demand reduction and operational management strategies.''.

(c) PROJECT SELECTION.—Section 5305(d) is amended to read as follows:

''(d) PROJECT SELECTION.—

''(1)(A) IN GENERAL.—In consultation with the State and mass transportation operator, and in addition to the cooperative transportation improvement program development under section 5304(a) of this title, the metropolitan planning organization designated for a transportation management area shall select from the approved transportation improvement program 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 or under the Bridge and Interstate Maintenance programs.

''(B) NATIONAL HIGHWAY SYSTEM, BRIDGE, OR INTERSTATE MAINTENANCE PROGRAMS.—The State, in cooperation with the metropolitan planning organization designated for a transportation manage-

ment area, shall select the projects from the approved transportation improvement program to be carried out in the area of the National Highway System or under the Bridge and Interstate Maintenance programs.''.

(d) Section 5305(e) is amended—

(1) in the first sentence of paragraph (1), by striking ''each'' and all that follows through ''responsibilities'' and inserting ''the metropolitan planning process in each transportation management area is being carried out'';

(2) in the second sentence of paragraph (1), by striking ''organization is complying'' and inserting ''transportation planning process complies'';

(3) by striking paragraph (2) and inserting the following:

''(2) If a metropolitan planning process is not certified, the Secretary may withhold all or part of the apportioned funds attributable to the transportation management area under this chapter and title 23. The withheld apportionments shall be restored when the Secretary certifies the organization.''; and

(4) in paragraph (3), by striking ''section 5306(a)'' and inserting ''section 5323(k)''.

(e) Section 5305(f) is amended to read as follows:

"(f) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Government amounts may be made available for a mass transportation project resulting in a significant increase in carrying capacity for single occupant vehicles in a transportation management area classified as a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.) only if the project results from an approved congestion management system, which is part of the planning process. The provisions of this subsection apply to the nonattainment area within the planning area boundaries as defined in section 5303(d) of this title.".

(f) Section 5305(g) is amended to read as follows:

"(g) AREAS NOT DESIGNATED TRANSPORTATION MANAGEMENT AREAS.—(1) The Secretary may provide for the development of abbreviated metropolitan transportation plans and programs the Secretary decides are appropriate to carry out this section and sections 5303 and 5304 of this title for metropolitan areas not designated transportation management areas under this section.

"(2) The Secretary may not provide an abbreviated plan or program for a metropolitan area in a nonattainment area for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.).".

(g) Section 5305 is amended by inserting after subsection (g) the following:

"(h) TRANSFER OF FUNDS.—Funds made available under this chapter for a highway project shall be transferred to and administered by the Secretary in accordance with the requirements of title 23. Funds made available under title 23 for a mass transportation project shall be transferred to and administered by the Secretary in accordance with the requirements of this chapter. The provisions of title 23 regarding the non-Government share shall apply to title 23 funds used for mass transportation projects. The provisions of this chapter regarding the non-Government share shall apply to funds made available under this chapter that are used for highway projects.

"(i) LIMITATION ON STATUTORY AUTHORITY.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this chapter or title 23.".

SEC. 3007. STATEWIDE PLANNING.

(a) Title 49 is amended by striking section 5306 and by inserting after section 5305 the following new section:

"§ 5306. Statewide planning

''(a) GENERAL REQUIREMENTS.—To carry out section 5301(a) of this title in a fair and equitable manner, a State shall develop, subject to sections 5303–5305 of this title and section 134 of title 23, transportation plans and programs for all areas of the State. Such plans and programs shall provide for the development and integrated management and operation (excluding maintenance) of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the United States intermodal transportation system. The development process 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.

''(b) SCOPE OF THE PLANNING PROCESS.—(1) Each State shall undertake a transportation planning process that shall at least consider transportation investment strategies that—

''(A) support the economic vitality of the United States, its States and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system;

"(C) increase the accessibility and mobility options available to people and freight;

"(D) protect and enhance the environment, energy conservation, and quality of life;

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

"(F) promote efficient management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) The State shall cooperatively determine with its planning partners how the considerations specified in paragraph (1) of this subsection are translated into State goals and objectives, and how they are factored into decision making.

"(3) In addition, each State in carrying out planning under this section shall consider the following:

"(A) The coordination of transportation plans, programs, and planning activities developed and performed for metropolitan areas of the State under sections 5303–5305 of this title and section 134 of title 23 with the State transportation plans, pro-

grams, and planning activities developed and performed under this section and the reconciliation of such plans and programs as necessary to ensure connectivity within transportation systems and to ensure that the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) are met.

''(B) In non-metropolitan areas the concerns elected officials from local governmental authorities having jurisdiction over transportation.

''(C) The concerns of Indian tribal governments and Federal Land Agencies having jurisdiction over lands within the boundaries of the State.

''(c) TRANSPORTATION PLAN.—The State shall develop a transportation plan, with a minimum 20-year forecast period, for all areas of the State that provides for the development and implementation of the State's intermodal transportation system. 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 sections 5303–5305 of this title and section 134 of title 23. In non-metropolitan areas, the statewide plan shall be developed in consultation with elected officials from local governmental authorities with jurisdiction over transportation. 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, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan and shall identify transportation strategies necessary to efficiently serve the mobility needs of people, especially those without access to private motor vehicles.

''(d) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to a metropolitan area of the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under sections 5303–5305 of this title and section 134 of title 23. In a non-metropolitan area, the program shall be developed in consultation with elected officials from local governmental authorities with jurisdiction over transportation. In developing the program, the chief executive officer shall provide citizens, affected pub-

lic agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, 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 surface transportation programs supported by the Government within the boundaries of the State. All projects shall be consistent with the transportation plan developed under this section for the State, identical with an approved metropolitan transportation improvement program, and in an area designated as nonattainment for ozone, carbon monoxide, or particulate matter under the Clean Air Act (42 U.S.C. 7401 et seq.) 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 financing can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project. The program shall also reflect the priorities for programming and expenditures of funds, includ-

ing transportation enhancements, required by this chapter.

"(3) PROJECT SELECTION FOR AREAS LESS THAN 50,000 POPULATION.—Projects undertaken in areas of less than 50,000 population shall be selected for advancement from the approved State Transportation Improvement Program by the State in cooperation with the officials from the affected local governmental authorities.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, upon a finding that the planning process through which the program was developed is consistent with this section and section 5303 of this title, approved no less frequently than biennially by the Secretary.

"(e) STATEWIDE PLANNING GRANTS.—The Secretary shall apportion funds made available under section 5338(d) of this title for statewide planning activities under this subsection, 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 0.5 percent of the amount apportioned under this subsection.

"(f) OTHER ELIGIBLE ACTIVITIES.—A State, as the State considers appropriate, may authorize part of the amount made available under subsection (e) of this section to be used to supplement amounts available under sections 5303(h)(2)(A) and 5313(a) of this title.

"(g) PERIOD OF AVAILABILITY.—An amount apportioned under subsection (e) of this section remains available for 3 years after the fiscal year in which the amount is apportioned. An amount unobligated at the end of the 3-year period shall be reapportioned among the States for the next fiscal year.

"(h) EXCLUSION OF CERTAIN UNITED STATES TERRITORIES.—This section does not apply to the Northern Mariana Islands, Guam, American Samoa, or the Virgin Islands.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5306 and inserting the following:

"5306. Statewide planning.".

SEC. 3008. URBANIZED AREA FORMULA GRANTS.

(a) The section heading for section 5307 is amended by striking "Block" and inserting "Urbanized area formula".

(b) Section 5307(a) is amended to read as follows:

"(a) DEFINITIONS.—In this section 'designated recipient' means—

"(1) a person designated, consistent with the planning process under sections 5303–5306 of this title, by the chief executive officer of a State, responsible local officials, and publicly owned operators of mass transportation to receive and apportion amounts under section 5336 of this title that are attributable to transportation management areas established under section 5305(a) of this title; or

"(2) a State or regional authority if the authority is responsible under the laws of a State for a capital project and for financing and directly providing mass transportation.".

(c) GENERAL AUTHORITY.—Section 5307 is amended by striking subsection (b) and inserting the following:

"(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants under this section for—

"(A) capital projects;

"(B) planning;

"(C) financing the operating costs of equipment and facilities used in mass transportation in urbanized areas with a population of less than 200,000;

"(D) the transportation cooperative research program under section 5313(a) of this title;

"(E) university transportation centers under chapter 52 of this title;

"(F) training;

"(G) research; or

"(H) technology transfer.

"(2) In a transportation management area designated under section 5305(a) of this title, amounts that cannot be used to pay operating expenses under this section also are available for a highway project under title 23 but only if—

"(A) that use is approved by the metropolitan planning organization under section 5303 of this title after appropriate notice and an opportunity for comment and appeal is provided to affected mass transportation providers;

"(B) the Secretary decides the amounts are not needed for investment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(C) amounts used for the non-Government share of the project are eligible to finance either a highway or mass transportation project.".

(d) Section 5307 is amended by striking subsections (c), (e), (g), (h), (j), (k), and (n) and by redesignating subsections (d), (f), (i), (l), and (m) as subsections (c) through (g), respectively.

(e) Redesignated section 5307(c)(1) is amended—

(1) by striking ''program of projects'' and inserting ''application describing projects selected from those included in the State Transportation Improvement Program'';

(2) by striking ''subsection (c) of this section'' and inserting ''section 5305(d) of this title'';

(3) by striking subparagraphs (A) through (C) and (E) through (F) and by redesignating subparagraphs (D), (G), (H), (I), and (J) as subparagraphs (A) through (E), respectively;

(4) in redesignated subparagraph (B), by striking ''subsection (e) of this section'' and inserting ''section 5328(a) of this title''; and

(5) in redesignated subparagraph (C), by striking '', 5303–5306, and 5310 (a)–(d)'' and inserting ''and 5303–5306''.

(f) Redesignated section 5307(e) is amended—

(1) in paragraph (1)(A)(i), by striking ''subsection (d) of this section'' and inserting ''subsection (c) of this section and sections 5323(j) and 5325 of this title''; and

(2) in paragraph (2), by striking ''subsection (d)'' and inserting ''subsection (c)''.

(g) Redesignated section 5307(f) is amended by striking the third sentence.

(h) Section 5307 is further amended by adding the following new paragraph after redesignated paragraph (g):

"(h) RELATIONSHIP TO OTHER LAWS.—Sections 5302, 5318, 5323 (a)(1), (d), and (e), 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.".

(i) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5307 and inserting the following:

"5307. Urbanized area formula grants.".

SEC. 3009. MASS TRANSIT ACCOUNT BLOCK GRANTS.

(a) Title 49 is amended by striking section 5308.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5308.

SEC. 3010. MAJOR CAPITAL INVESTMENTS.

(a) The heading for section 5309 is amended by striking "**Discretionary grants and loans**" and inserting "**Major capital investments**".

(b) Section 5309 is amended by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants under this section to assist State and local governmental authorities in financing

capital projects for new fixed guideway systems and extensions to existing fixed guideway systems.

"(2) The Secretary of Transportation shall require that a grant under this section shall be subject to all terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

"(3) Funds made available under this section to a recipient under section 5311 of this title shall be administered in accordance with the requirements of section 5311 of this title."

(c) Section 5309 is further amended—

(1) by striking subsections (b), (c), (h), (i), (j), (k), (n), and (o);

(2) by redesignating subsections (d), (e), (f), (g), and (l) as subsections (b) through (f), respectively;

(3) by striking subsections (m)(1), (m)(2), and (m)(4); and

(4) by redesignating subsection (m)(3) as subsection (g) and inserting the following new catchline: "REPORT TO CONGRESS.—".

(d) Redesignated section 5309(b) is amended—

(1) by striking ''Program of Projects'' each place it appears and inserting ''State Transportation Improvement Program'' in each instance;

(2) by striking ''(e) of this section'' and inserting ''(c) of this section'';

(3) by striking ''or loan''; and

(4) by striking ''and that an applicant—'' and all that follows and inserting a period.

(e) The catchline for redesignated section 5309(c) is amended by striking ''and loans'' .

(f) Redesignated section 5309(c) is amended—

(1) in subparagraph (1)(A), by striking ''contract'' and inserting ''grant agreement'' and by striking ''subsection (g)'' and inserting ''subsection (e)'';

(2) in paragraph (2), by striking ''or loan'';

(3) in paragraph (3), by striking subparagraphs (A) and (B) and redesignating subparagraphs (C) through (E) as subparagraphs (A) through (C), respectively;

(4) in redesignated subparagraph (3)(A), by striking ''existing'';

(5) in paragraph (6)(B), by striking ''decisions under this subsection'' and inserting ''determina-

tions under subparagraphs (2) (B) and (C) of this subsection''; and

(6) in paragraph (6)(C), by striking ''completely'' and inserting ''substantially''.

(g) Redesignated section 5309(d) is amended—

(1) in paragraph (1), by striking ''or loan under subsection (a)(5) of this section'' and substituting ''defined under section 5302(a)(1)(K) of this title''; and

(2) by striking subparagraphs (2) (A) and (B).

(h) Redesignated section 5309(e)(4) is amended by striking ''section 5338(a)'' and inserting ''section 5338(b)''.

(i) Redesignated section 5309(f) is amended by striking ''subsection (h) of this section'' and inserting ''section 5328(a) of this title''.

(j) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5309 and inserting the following:

''5309. Major capital investments.''.

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) The heading for section 5310 is amended by striking ''Grants and loans'' and substituting ''Formula grants''.

(b) GENERAL AUTHORITY.—Section 5310 is amended by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants under this section to the chief executive officer of each State for allocation to—

"(1) private nonprofit corporations and associations to help them provide mass transportation service for elderly individuals and individuals with disabilities; or

"(2) governmental authorities—

"(A) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

"(B) that certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection.".

(c) APPORTIONING AND TRANSFERRING AMOUNTS.—Section 5310(b) is amended by striking "remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment".

(d) Section 5310 is amended by striking subsection (e) and inserting the following:

"(e) GRANT REQUIREMENTS.—A grant under subsection (a) of this section is subject to requirements the Secretary considers appropriate."; and by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i).".

(e) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5310 and inserting the following:

"5310. Formula grants for special needs of elderly individuals and individuals with disabilities.".

SEC. 3012. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) The heading for section 5311 is amended by striking "Financial assistance" and substituting "Formula program".

(b) The first sentence of section 5311(b)(1) is amended by striking "The Secretary of Transportation may make" and substituting "Ninety-six percent of the funds provided in section 5336(b)(3) of this title are available to the Secretary of Transportation for".

(c) The first sentence of section 5311(b)(2) is amended by striking "The Secretary of Transportation shall" and substituting "Four percent of the funds provided in section 5336(b)(3) of this title are available to the Secretary of Transportation to".

(d) The first sentence of section 5311(c) is amended—

(1) by striking ''section 5338(a)'' and inserting ''section 5336(b)(3)''; and

(2) by striking ''as shown by the most recent'' and all that follows, and inserting ''as shown by the latest available Government census.''.

(e) The second sentence of section 5311(c) is amended by striking ''2'' and inserting ''3''.

(f) Section 5311(e) is amended—

(1) by inserting ''for the transportation cooperative research program under section 5313(a) of this title,'' after ''under this section'' ; and

(2) by inserting ''training under section 5307(b)(1)(E) of this title,'' after ''development''.

(g) The catchline for subsection 5311(f) is amended by inserting ''or rail'' after ''Bus''.

(h) Section 5311(f) is amended by striking paragraph (2).

(i) Section 5311(f)(1) is amended—

(1) by striking the paragraph designation and the first sentence;

(2) by striking subparagraphs (B) and (C);

(3) by redesignating subparagraphs (A), (D), and (E) as paragraphs (1) through (3), respectively;

(4) in redesignated paragraph (1), by inserting ''or rail'' before ''transportation'';

(5) in redesignated paragraph (2), by inserting ''bus or rail'' before ''operating grants''; and

(6) in redesignated paragraph (3), by inserting '', rail, or air'' after ''bus'' and before ''carriers''.

(j) Section 5311 is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively;

(3) by inserting a new subsection after redesignated subsection (h) as follows:

''(i) APPORTIONING AND TRANSFERRING AMOUNTS.—A State apportionment is available to the chief executive officer of the State for transfer, to supplement amounts apportioned to the State under section 5310(b) or 5336(a)(1) of this title.''

(k) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5311 and inserting the following:

''5311. Formula program for other than urbanized areas.''.

SEC. 3013. NATIONAL RESEARCH PROGRAMS.

(a) Title 49 is amended by striking section 5312 and by inserting after section 5311 the following new section:

"§ 5312. National research programs

''(a) PROGRAM.—(1) The amounts made available under section 5338(e) of this title are available to the Secretary of Transportation for grants and contracts for the purposes of sections 5313–5315, 5318, 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 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.

''(3) Not more than 25 percent of the amounts available under this subsection is available to the Secretary for special demonstration initiatives, subject to terms the Secretary considers consistent with this chapter, except that section 5323(a)(1)(D) of this title applies to an operational grant financed in carrying out section 5314(a) of this title. For a nonrenewable grant of not more than

$100,000, the Secretary shall provide expedited procedures on complying with the requirements of this chapter.

''(4)(A) The Secretary may undertake a program of mass transportation technology development, demonstration, and deployment in coordination with affected entities.

''(B) The Secretary shall develop guidelines for cost sharing in technology development projects financed under this paragraph. The guidelines shall be flexible and reflect the extent of technical risk, market risk, and anticipated supplier benefits and payback periods.

''(5) The Secretary may use amounts appropriated under this subsection to supplement amounts available under section 5313(a) of this title, as the Secretary considers appropriate.

''(b) GOVERNMENT SHARE.—When there would be a clear and direct financial benefit to an entity under a grant or contract financed under subsection (a) of this section, the Secretary shall establish a United States Government share consistent with the benefit.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5312 and inserting the following:

''5312. National research programs.''.

SEC. 3014. TRANSIT COOPERATIVE RESEARCH PROGRAM.

(a) The heading for section 5313 is amended by striking ''State planning and research programs'' and inserting ''Transit cooperative research program''.

(b) Section 5313(a)(1) is amended—

(1) by striking ''Fifty percent of the amounts made available under section 5338(g)(3)'' and inserting ''Amounts made available under section 5312''; and

(2) by adding at the end of the second sentence '', which includes one member from the Federal Transit Administration''.

(c) Section 5313 is amended by striking subsections (b) and (c).

(d) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5313 and inserting the following:

''5313. Transit cooperative research program.''.

SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) Title 49 is amended by striking section 5314 and by inserting after section 5313 the following new section:

''§ 5314. Research, development, demonstration, and training projects

''(a) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNICAL ASSISTANCE PROJECTS.—(1) The Sec-

retary of Transportation may undertake, or enter into grants, contracts, cooperative agreements or other agreements (including agreements with departments, agencies, instrumentalities of the United States Government) for research, development, testing, demonstration and technical assistance projects related to mass transportation, including introduction of new technology, deployment of innovations, and the evaluation of such projects. Eligible projects are those that the Secretary decides will help meet total mass transportation needs by—

"(A) improving service,

"(B) enhancing safety or security,

"(C) increasing capacity,

"(D) reducing costs of services, equipment or infrastructure,

"(E) improving intermodal connections,

"(F) reducing the need for transportation,

"(G) overcoming institutional barriers,

"(H) disseminating technical information,

"(I) promoting applications of innovative technology, or

"(J) advancing knowledge of mass transportation to promote social, economic or environmental improvements, regulatory simplification, policy development, or greater efficiency.

"(2) The Secretary may request and receive appropriate information from any source.

"(3) This subsection does not limit the authority of the Secretary under another law.

"(b) RESEARCH, INVESTIGATIONS, AND TRAINING.—(1) The Secretary of Transportation may make grants to nonprofit institutions of higher learning—

"(A) to conduct competent research and investigations into the theoretical or practical problems of urban transportation; and

"(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages a mass transportation system.

"(2) Research and investigations under this subsection include—

"(A) the design, implementation, operation, and maintenance of mass transportation systems and, roads and highways;

"(B) the interrelationship between various modes of urban and interurban transportation;

"(C) the role of transportation planning in overall community planning;

"(D) public preferences in transportation;

"(E) the economic allocation of transportation resources; and

"(F) the legal, financial, engineering, environmental and esthetic aspects of mass transportation.

"(3) When making a grant under this subsection, the Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to mass transportation problems.

"(c) TRAINING FELLOWSHIPS AND INNOVATIVE TECHNIQUES AND METHODS.—(1) The Secretary of Transportation may make grants to States, local governmental authorities, and operators of mass transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the mass transportation field.

"(2) The Secretary of Transportation may make grants to State and local governmental authorities for projects that will use innovative techniques and methods in planning, engineering, designing, implementing, operating, and maintaining mass transportation.

"(3) A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the mass transportation industry. The recipient of the grant shall select an individual

on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient mass transportation system. A grant for a fellowship may not be more than the lesser of $24,000 or 75 percent of—

"(A) tuition and other charges to the fellowship recipient;

"(B) additional costs incurred by the training institution and billed to the grant recipient; and

"(C) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.

"(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—(1) In this subsection "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 and 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) The Secretary may, under terms and conditions the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4) of this subsection, to promote the early deployment of innovation in mass transportation technology, services, management or operational practices. The program will be carried out in consultation with the transit industry by competitively selected public/private partnerships which will share costs, risks and rewards of early deployment of innovation with broad applicability.

"(3) The consortium shall provide at least 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

"(4) The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which projects will be awarded.

"(5) The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this section, to be credited to the Mass Transit Ac-

count of the Highway Trust Fund and used for joint partnership projects.

"(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—(1) 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 world-wide 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 costs of these services will be recovered under the terms of each project, unless the Secretary determines that it is in the national interest not to recover such costs.

''(2) The Secretary may carry out the activities of this section in cooperation with other United States Government agencies, State or local agencies, public and private non-profit institutions, government laboratories, foreign governments or any other organization the Secretary determines is appropriate.

''(3) The funds available to carry out 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.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5314 and inserting the following:

"5314. Research, development, demonstration, and training projects.".

SEC. 3016. NATIONAL TRANSIT INSTITUTE.

(a) The heading of section 5315 is amended by striking "mass transportation" and inserting "transit".

(b) Section 5315(a) is amended by striking "national mass transportation institute" and inserting "national transit institute".

(c) ESTABLISHMENT AND DUTIES.—Section 5315(a) is further amended—

(1) in paragraph (5), by inserting "and architectural design" after "engineering";

(2) in paragraph (7), by striking "carrying out" and inserting "delivering";

(3) in paragraph (11), by inserting ", construction management, insurance, and risk management" after "construction";

(4) in paragraph (13), by striking "and";

(5) in paragraph (14), by striking the period and inserting "; or"; and

(6) by adding after paragraph (14) the following:

"(15) innovative finance.".

(d) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5315 and inserting the following:

"5315. National transit institute.".

SEC. 3017. UNIVERSITY RESEARCH INSTITUTES.

(a) Title 49 is amended by striking section 5316.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5316.

SEC. 3018. TRANSPORTATION CENTERS.

(a) Title 49 is amended by striking section 5317.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5317.

SEC. 3019. BUS TESTING FACILITY.

(a) Section 5318(b) is amended to read as follows:

"(b) OPERATION AND MAINTENANCE.—The Secretary shall make a contract with or issue a grant or cooperative agreement to a qualified person or organization to operate and maintain the facility. The contract, grant, or cooperative agreement may provide for the testing of rail cars and other mass transportation vehicles at the facility.".

(b) The first sentence of section 5318(d) is amended—

(1) by striking ''section 5338(j)(5)'' and inserting ''section 5312''; and

(2) by inserting '', grant, or cooperative agreement'' after ''contract''.

SEC. 3020. ADVANCE CONSTRUCTION AUTHORITY.

(a) Title 49 is amended by striking section 5319 and by inserting after section 5318 the following new section:

''§ 5319. Advance construction authority

''(a) UNDERTAKING PROJECTS IN ADVANCE.—(1) The Secretary of Transportation may pay the Government's share of the net project cost to a State or local governmental authority that carries out any part of a project under this chapter without the aid of amounts of the Government and according to all applicable procedures and requirements if—

''(A) the State or local governmental authority applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this chapter.

''(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 satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(b) PREAWARD AUTHORITY TO INCUR PROJECT COSTS.—(1) The Secretary may allow a recipient of funding under this chapter to incur costs on a capital project or planning project without prejudice to future Government participation in the cost of the project when the recipient—

"(A) complies with the procedural and contractual requirements established by the Secretary;

"(B) complies with the requirements established by law to carry out the project; and

"(C) does not prejudice the legal and administrative findings which the Secretary must make to approve a project.

"(2) Local funds expended by the recipient under this chapter after the date of apportionment of the funds from which the Government is participating in a project may

be credited toward the recipient's local match or reimbursement.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 53 is amended by striking the item related to section 5319 and inserting the following:

''5319. Advance construction authority.''.

SEC. 3021. ACCESS TO JOBS AND TRAINING.

(a) Title 49 is amended by striking section 5320 and inserting after section 5319 the following new section:

''§ 5320. Access to jobs and training

''(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants under this subsection to assist States, local governmental authorities, and private non-profit organizations in financing transportation services to transport economically disadvantaged persons to jobs and activities related to employment. The Secretary shall coordinate activities under this section with related activities under programs of other United States agencies.

''(b) GRANT CRITERIA.—In making grants under this subsection, the Secretary shall consider the following:

''(1) the severity of the welfare transportation problem as measured by the percentage of the population on welfare;

''(2) the need for additional services to transport economically disadvantaged persons to specified jobs, training and other employment support serv-

ices, and the extent to which proposed services will address these needs;

"(3) the existence of or willingness to establish a mechanism to coordinate transportation and human resource services planning;

"(4) the applicant's qualifications and performance under other welfare reform initiatives;

"(5) the extent to which the local share demonstrates a financial partnership with a human resource agency; and

"(6) the applicant's program proposal, which must—

"(A) address a comprehensive assessment of access to work transportation needs and possible new service strategies;

"(B) address the coordination of existing service providers and possible new service strategies;

"(C) address the promotion of employer-provided transportation services; and

"(D) address long-term financing strategies to support the program.

"(c) ELIGIBLE PROJECTS.—The Secretary may make grants for—

"(1) integrating transportation and welfare planning, including collaborative planning to assess employment needs and strategies;

"(2) coordinating mass transportation providers with human service transportation providers, and with providers of employment support services;

"(3) the operating and capital costs of service start-up;

"(4) promoting employer-provided transportation;

"(5) developing financing strategies; and

"(6) administrative costs.

"(d) TECHNICAL ASSISTANCE.—The Secretary may make grants or enter into cooperative agreements or contracts for the provision of technical assistance to recipients under this section and to provide for the evaluation of projects funded under this section.

"(e) GOVERNMENT'S SHARE OF COSTS.—Other than projects funded under subsection (d) of this section, the Government's 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. Notwithstanding any other provision of law, the funds appropriated to any United States human services agency

may be used toward the nongovernment share payable on a project under this section.

''(f) PLANNING REQUIREMENTS.—The requirements of sections 5303–5306 of this title apply to grants made under this subsection. The projects financed must be part of a coordinated public transit/human services transportation planning process.

''(g) GRANT REQUIREMENTS.—A grant under this subsection is subject to terms and conditions as determined by the Secretary.

''(h) AVAILABILITY OF AMOUNTS.—Amounts made available under this subsection remain available for 3 years after the fiscal year in which the amount is made available. An amount not obligated at the end of the 3-year period, shall be added to the amount that may be apportioned under section 5336(a) of this title in the next fiscal year.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5320 and inserting the following:

''5320. Access to jobs and training.''.

SEC. 3022. CRIME PREVENTION AND SECURITY.

(a) Title 49 is amended by striking section 5321.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item related to section 5321.

SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.

(a) INTERESTS IN PROPERTY.—Section 5323(a)(1) is amended—

(1) in subparagraph (A), by striking ''program of projects'' and inserting ''Transportation Improvement Program''; and

(2) in subparagraph (D), by inserting ''under 5307 (except planning), 5309, 5311, 5313 (for operational activities only), 5314, and 5320 (except planning) of this title,'' before ''complies''.

(b) The catchline for section 5323(b) is amended by striking ''Notice and public hearing'' and inserting ''Social, economic, and environmental interests''.

(c) SOCIAL, ECONOMIC, AND ENVIRONMENTAL INTERESTS.—Section 5323(b) is amended by striking paragraph (2) and inserting the following:

''(2)(A) The Secretary of Transportation may approve an application for financial assistance under this chapter only if the Secretary makes written findings, after reviewing the application and the results of any hearings held before a State or local governmental authority under paragraph (b)(1) of this section, that—

''(i) an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest;

"(ii) the preservation and enhancement of the environment, and the interest of the community in which a project is located, were considered; and

"(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

"(B) A finding of the Secretary of Transportation under subparagraph (A) of this paragraph shall be made a matter of public record.".

(d) The catchline for section 5323(d) is amended by striking "Buying and operating buses" and inserting "Charter bus limitation".

(e) The first sentence of section 5323(d) is amended by striking "this chapter" and inserting "section 5307, 5309, or 5311 of this title".

(f) Section 5323 is amended—

(1) by striking subsections (e), (i), (k), and (l); and

(2) by redesignating subsections (f), (g), (h), and (j) as subsections (e) through (h), respectively.

(g) Redesignated section 5323(e) is amended by striking ''this chapter'' and inserting ''section 5307, 5309, or 5311 of this title''.

(h) The second sentence of redesignated section 5323(f) is amended—

(1) by striking ''and (f)'' and inserting ''and (e)''; and

(2) by striking ''subsection (f)(1)(C)'' and inserting ''subsection (e)(1)(C)''.

(i) Redesignated section 5323(h) is amended by striking paragraph (7).

(j) Section 5323 is amended by adding after redesignated paragraph (h) the following:

''(i) SUBMISSION OF CERTIFICATIONS.—(1) 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(g)(2) of this title.

''(2) Section 1001 of title 18 applies to a certificate or submission under this chapter. The Secretary may end a grant under this chapter and seek reimbursement, di-

rectly 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.

"(j) LEGAL, FINANCIAL, AND TECHNICAL CAPACITY.—A recipient of financial assistance under this chapter must certify that it—

"(1) has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of equipment or facilities, and the capability to maintain the equipment or facilities; and

"(2) will maintain the equipment or facilities.

"(k) PRIVATE ENTERPRISE PARTICIPATION.—(1) A plan or program required by sections 5303–5306 of this title shall encourage to the maximum extent feasible the participation of private enterprise. If equipment or a facility already being used in an urban area is to be acquired under this chapter, the program shall provide that it be improved so that it will better serve the transportation needs of the area.

"(2) Sections 5303–5306 of this title do not authorize—

"(A) a metropolitan planning organization to impose a legal requirement on a transportation facil-

ity, provider, or project not eligible under this chapter or title 23; and

"(B) intervention in the management of a transportation authority.".

SEC. 3024. ACQUISITION OF REAL PROPERTY OWNED BY THE GOVERNMENT.

(a) Title 49 is amended by striking section 5324 and by inserting after section 5323 the following new section:

"§ 5324. Acquisition of real property owned by the Government

"(a) FILING.—If the Secretary determines that any part of the surplus lands or interests in lands owned by the United States, other than military installations, is reasonably necessary for a transit purpose or as a source of materials for the construction or maintenance of a transit facility adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

"(b) CERTIFICATION AND TRANSFER.—If within a period of six months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is inappropriate, then such land and materials may be ap-

propriated and transferred to the transit provider, or its nominee, for such purposes and subject to the conditions so specified.

''(c) DISPOSITION.—If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the transit provider to the Secretary, who shall request disposition instructions from the Secretary of the Department from which the lands or materials have been appropriated.''.

(b) CONFORMING AMENDMENTS.—The analysis for chapter 53 is amended by striking the item related to section 5324 and inserting the following:

''5324. Acquisition of real property owned by the Government.''.

SEC. 3025. CONTRACT REQUIREMENTS.

(a) Section 5325 is amended by striking subsections (a) through (d) and inserting the following:

''(a) COMPETITIVE PROCUREMENT METHODS.—Except when inconsistent with this chapter, a recipient of financial assistance under this chapter shall use competitive procurement methods.

''(b) COMPETITIVE NEGOTIATION.—(1) When the sealed bid procurement process is not suitable for a procurement, a recipient of financial assistance under this chapter shall use the competitive negotiation procurement process.

"(2) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—A contract 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. This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.

"(c) NONCOMPETITIVE PROCUREMENTS.—A contract for which a grant is made under this chapter, if the contract is not made through competitive methods, shall provide that records related to the contract shall be made available to the Secretary of Transportation and the Comptroller General, or an officer or employee of the Secretary or Comptroller General, when conducting an audit and inspection.".

SEC. 3026. SPECIAL PROCUREMENTS.

(a) Section 5326 is amended by striking subsection (a) and inserting the following:

"(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 acquire a mass transportation system or an operable segment that meets specific performance criteria. The contract shall obligate the seller to design and build, with an option to finance and/or operate for a period of time, the system or segment of the system, or any combination of these.

"(2) To advance new technologies and lower the cost of a capital project for a new mass transportation system or an operable segment of a new mass transportation system, the Secretary of Transportation shall allow solicitation for a turnkey system project to be financed under this chapter based on a two-phased procurement process, qualification followed by competitive selection, and where participation of small- and medium-sized businesses is encouraged in joint ventures or consortia established with large firms.".

(b) 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 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.

"(d) PROCURING SPARE PARTS.—A recipient of a grant under this chapter that is procuring spare parts 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.

"(e) 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.".

SEC. 3027. OVERSIGHT.

(a) The heading for section 5327 is amended by striking ''Project management oversight'' and inserting ''Oversight''.

(b) Paragraphs 5327(c) (1) and (2) are amended to read as follows:

''(c) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—(1) The Secretary may use not more than .75 percent of amounts made available for a fiscal year to carry out section 5307 or 5309 of this title, an interstate transfer mass transportation project under section 103(e)(4) of title 23 as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320) (the Act) to make a contract to oversee the construction of a major project under section 5307 or 5309 of this title, section 103(e)(4) of title 23, of the Act.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to contract with any person to provide for safety, procurement, management, and financial compliance reviews, and audits of a recipient of amounts under this chapter and to provide technical assistance to correct deficiencies identified in compliance reviews and audits made under this section. Subsections (a), (b), and (e) of this section do not apply to contracts under this paragraph.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5327 and inserting the following:

"5327. Oversight.".

SEC. 3028. GOVERNMENT'S SHARE OF COSTS.

(a) Title 49 is amended by striking section 5328 and by inserting after section 5327 the following new section:

"§ 5328. Government's share of costs

"(a) CAPITAL PROJECTS.—

"(1) GOVERNMENT'S SHARE.—The United States Government's share of costs for capital projects under sections 5307, 5309, 5310, and 5311 of this title is 80 percent of the net project cost of a project, except that—

"(A) the Government's share for a bicycle facility, under section 5302(a)(1)(O) of this title, is 90 percent of the cost of the project; and

"(B) the Government's share of the costs for a capital project 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 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.

"(2) LOCAL MATCH.—The remainder of the net project cost shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation (excluding revenues derived from the sale of advertising and concessions that are more than the amount of those revenues in the fiscal year that ended September 30, 1985, and proceeds from revenue bonds), cash, and in-kind contributions. Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

"(3) ADDITIONAL LOCAL MATCH.—A recipient may provide additional local matching amounts.

"(b) OPERATING EXPENSES.—

"(1) GOVERNMENT'S SHARE.—The Government's share of costs for operating expenses under section 5302(a)(1)(R), 5307, or 5311 of this title may not be more than 50 percent of the net project cost of the project.

"(2) LOCAL MATCH.—At least 50 percent of the remainder shall be provided in cash from sources

other than amounts of the Government or revenues from providing mass transportation. Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. In this paragraph, 'amounts of the Government or revenues' do not include amounts received under a service agreement with a State or local social service agency or a private social service organization.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5328 and inserting the following:

''5328. Government's share of costs.''.

SEC. 3029. INVESTIGATION OF SAFETY HAZARDS.

(a) Section 5329 is amended—

(1) by striking the designation and catchline of subsection (a); and

(2) by striking subsection (b).

SEC. 3030. NONDISCRIMINATION.

(a) Section 5332(b) is amended—

(1) by striking ''creed'' and inserting ''religion''; and

(2) by striking ''or age'' and inserting ''age, or disability''.

SEC. 3031. LABOR STANDARDS.

Section 5333(b) is amended by striking ''5307–5312, 5318(d), 5323 (a)(1), (b), (d), and (e), 5328, 5337, and 5338(j)(5)'' each place it appears and inserting ''5307 (except planning), 5309, 5311, 5313 (for operational activities only), 5314, and 5320 (except planning)'' in each instance.

SEC. 3032. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—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 a semicolon; and

(3) by adding at the end the following new paragraphs:

''(10) charge amounts to cover the costs of training or conferences, including promotional materials, sponsored by the Federal Transit Administration to promote mass transportation, which shall be credited to the appropriation concerned; and

''(11) perform by contract or otherwise, engineering or other services in connection with capital projects for States, local governmental authorities, recipients of funding under this chapter, or cooperating foreign countries, and reimbursement for such

services, which may include depreciation on engineering and construction equipment used, shall be credited to the appropriation concerned.''.

(b) Section 5334(b)(4) is amended by striking ''(except subsections (h) and (i)) and sections 5323 (a)(2), (c) and (e), 5324(c),'' and inserting ''(except subsection (h)) and sections 5323 (a)(2) and (c),''.

(c) Section 5334 is amended by striking subsection (g) and inserting the following:

''(g) TRANSFER OF ASSETS NO LONGER NEEDED.—When facilities, equipment, and other assets (including real property) acquired with assistance under this chapter are no longer needed for purposes as determined under the grant agreement, the Secretary may authorize the sale or transfer of the assets under conditions determined by the Secretary. The Government share of the net income from the revenues obtained by a recipient of funding under this chapter for sales, uses, leases (including lease renewals) under this subsection shall be used by the recipient for projects eligible under this chapter or under title 23.''.

(d) Section 5334 is further amended—

(1) by striking subsection (i);

(2) by redesignating subsection (j) as subsection (i); and

(3) by adding after redesignated subsection (i) the following:

''(j) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—The Secretary of Transportation may not regulate the operation of a mass transportation system for which a grant is made under this chapter and, after a grant is made, may not regulate any charge for the system. However, the Secretary may require the local governmental authority, corporation, or association to comply with any undertaking provided by it related to its grant application.

''(k) TEST AND EVALUATION.—With respect to mass transportation, the Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process. Except for the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 5333 of this title, the Secretary may apply the requirements of this chapter as the Secretary considers appropriate.''.

SEC. 3033. REPORTS AND AUDITS.

(a) The catchline for section 5335(a) is amended by striking ''Reporting System and Uniform System of Accounts and Records'' and inserting ''National Transit Database''.

(b) Section 5335(a)(1) is amended—

(1) by striking the paragraph designation;

(2) by striking ''by uniform categories'' and inserting ''using uniform categories'';

(3) by inserting ''using'' after ''information and'' and before ''a uniform system''; and

(4) by striking ''and records''.

(c) Section 5335(a)(2) is amended by striking the paragraph designation and inserting the following:

''(b) INCLUSION OF GRANT RECIPIENTS IN DATABASE.—''.

(d) Section 5335 is amended by striking subsections (b) through (d).

SEC. 3034. APPORTIONMENT OF FORMULA GRANTS.

(a) The heading of section 5336 is amended by striking ''block'' and inserting ''formula''.

(b) Section 5336 is amended by striking subsections (a) through (d) and substituting the following:

''(a) ACCESS TO JOBS AND TRAINING.—Of the amounts made available under section 5338(a) of this title for formula grants, $100,000,000 shall be available for section 5320 of this title in each fiscal year ending September 30, 1998–2003.

''(b) ALLOCATION FOR URBANIZED AREA, OTHER THAN URBANIZED AREA, SPECIAL NEEDS OF ELDERLY INDIVIDUAL AND INDIVIDUALS WITH DISABILITIES FOR-

MULA PROGRAMS.—Of the amounts remaining after funds are made available in accordance with subsection (a) of this section—

"(1) 94.5 percent is available to finance programs and activities under section 5307 of this title;

"(2) 1.75 percent is available to finance programs and activities under section 5310 of this title; and

"(3) 3.75 percent is available to finance programs and activities under section 5311 of this title.

"(c) FIXED GUIDEWAY TIER.—Of the funds made available in accordance with subsection (b)(1) of this section, an amount equal to an amount available for section 5309 of this title shall be apportioned for each of the fiscal years ending September 30, 1998–2003, 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(d)(1) of this title.

"(B) 50 percent in other urbanized areas eligible for assistance under section 5336(d)(1) 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(d)(1) of this title.

''(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.

''(d) URBANIZED AREAS LESS THAN 200,000 IN POPULATION.—Of the funds remaining after funds are apportioned in accordance with subsection (c) of this section, 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

''(1) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the latest United States Government census; and

''(2) 50 percent of the total amount apportioned multiplied by a ratio for the area based on

population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile; and

"(e) URBANIZED AREAS AT LEAST 200,000 IN POPULATION.—Of the funds remaining after funds are apportioned in accordance with subsection (c) of this section, 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as follows:

"(1) BASED ON FIXED GUIDEWAY REVENUE VEHICLE-MILES, ROUTE-MILES, AND PASSENGER MILES.—

"(A) In this subsection, 'fixed guideway revenue vehicle-miles' and 'fixed guideway route-miles' include ferry boat operations directly or under contract by the designated recipient.

"(B) Of the amount apportioned under subsection (a)(3) of this section, 33.29 percent shall be apportioned as follows:

"(i) 95.61 percent of the total amount apportioned under this clause shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

"(I) 60 percent of the 95.61 percent apportioned under this subclause multiplied by a ratio equal to the number of fixed guideway revenue vehicle-miles attributable to the area, as established by the Secretary of Transportation, divided by the total number of all fixed guideway revenue vehicle-miles attributable to all areas; and

"(II) 40 percent of the 95.61 percent apportioned under this subclause multiplied by a ratio equal to the number of fixed guideway route-miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway route-miles attributable to all areas. An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subclause.

"(ii) 4.39 percent of the total amount apportioned under this clause shall be ap-

portioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

"(I) the number of fixed guideway vehicle passenger-miles traveled multiplied by the number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in an area; divided by

"(II) the total number of fixed guideway vehicle passenger-miles traveled multiplied by the total number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in all areas. An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subclause.

"(iii) Under clause (i) of this clause, fixed guideway revenue vehicle- or route-miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the

miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

"(iv) A recipient's apportionment under paragraph (1)(A) of this subsection may not be reduced if the recipient, after satisfying the Secretary of Transportation that energy or operating efficiencies would be achieved, reduces revenue vehicle-miles but provides the same frequency of revenue service to the same number of riders.

"(2) BASED ON BUS REVENUE VEHICLE-MILES AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(3) of this section, 66.71 percent shall be apportioned as follows:

"(A) 90.8 percent of the total amount apportioned under this subparagraph shall be apportioned as follows:

"(i) 73.39 percent of the 90.8 percent apportioned under this clause shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

"(I) 50 percent of the 73.39 percent apportioned under this subclause multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

"(II) 25 percent of the 73.39 percent apportioned under this subclause multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

"(III) 25 percent of the 73.39 percent apportioned under this subclause multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary

of Transportation, of the number of inhabitants in each square mile.

"(ii) 26.61 percent of the 90.8 percent apportioned under this clause shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

"(I) 50 percent of the 26.61 percent apportioned under this subclause multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

"(II) 25 percent of the 26.61 percent apportioned under this subclause multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

"(III) 25 percent of the 26.61 percent apportioned under this subclause multiplied by a ratio for the

area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile.

''(iii) 9.2 percent of the total amount apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

''(I) the number of bus passenger-miles traveled multiplied by the number of bus passenger-miles traveled for each dollar of operating cost in an area; divided by

''(II) the total number of bus passenger-miles traveled multiplied by the total number of bus passenger-miles traveled for each dollar of operating cost in all areas.

''(f) OPERATING ASSISTANCE.—For areas less than 200,000 in population, an amount apportioned under this subsection may be used for operating assistance.''.

(c) Section 5336 is further amended—

(1) by striking subsections (j) and (k); and

(2) by redesignating existing subsections (e) through (i) as subsections (g) through (k), respectively.

(d) The first sentence of redesignated section 5336(i) is amended—

(1) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(2)''; and

(2) by inserting ''5310(b) or'' after ''State under section''.

(e) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5336 and inserting the following:

''5336. Urbanized area formula grants.''

SEC. 3035. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) Title 49 is amended by striking section 5337.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item related to section 5337.

SEC. 3036. AUTHORIZATIONS.

Title 49 is amended by striking section 5338 and inserting the following:

''§ 5338. Authorizations

''(a) FORMULA PROGRAMS.—Not more than the following amounts are available from the Mass Transit Account of the Highway Trust Fund for the Secretary to

carry out sections 5307, 5310, 5311, and 5320 of this title:

"(1) $3,970,500,000 for each fiscal year ending September 30, 1998–2002.

"(2) $4,077,704,000 for the fiscal year ending September 30, 2003.

"(b) MAJOR CAPITAL INVESTMENTS.—Not more than the following amounts are available from the Account for the Secretary to carry out section 5309 of this title:

"(1) $800,000,000 for the fiscal year ending September 30, 1998.

"(2) $950,000,000 for the fiscal year ending September 30, 1999.

"(3) $1,000,000,000 for each fiscal year ending September 30, 2000–2002.

"(4) $1,026,000,000 for the fiscal year ending September 30, 2003.

"(c) METROPOLITAN PLANNING.—Not more than the following amounts may be appropriated from the Account to the Secretary to carry out sections 5303–5305 of this title:

"(1) $39,500,000 for each fiscal year ending September 30, 1998–2002.

"(2) $40,527,000 for the fiscal year ending September 30, 2003.

"(d) STATEWIDE PLANNING.—Not more than the following amounts may be appropriated from the account to the Secretary to carry out section 5306 of this title:

"(1) $8,250,000 for each fiscal year ending September 30, 1998–2002.

"(2) $8,465,000 for the fiscal year ending September 30, 2003.

"(e) NATIONAL TRANSIT RESEARCH.—Not more than the following amounts may be appropriated from the Account to the Secretary to carry out section 5312 of this title:

"(1) $38,050,000 for each fiscal year ending September 30, 1998–2002.

"(2) $39,039,000 for the fiscal year ending September 30, 2003.

"(f) UNIVERSITY TRANSPORTATION CENTERS.—Not more than the following amounts may be appropriated from the Account to the Secretary to carry out chapter 52 of this title:

"(1) $6,000,000 for each fiscal year ending September 30, 1998–2002.

"(2) $6,156,000 for the fiscal year ending September 30, 2003.

"(g) ADMINISTRATIVE EXPENSES.—Such sums as necessary may be appropriated from the Account to the

Secretary for administrative expenses to carry out sections 5334 (a) and (c)–(f) of this title.

"(h) GRANTS AS CONTRACTUAL OBLIGATIONS.—(1) A grant or contract approved by the Secretary, that is financed with amounts made available under subsections (a) and (b) 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 subsections (c)–(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 only to the extent amounts are provided in advance in an appropriations law.

"(i) AVAILABILITY.—Amounts made available or appropriated under subsections (a)–(f) of this section shall remain available until expended.

"(j) TRANSFER OF PRIOR YEAR FUNDS REMAINING AVAILABLE.—Notwithstanding any other provision of law, any funds appropriated under this chapter may be transferred to and administered under the most recent appropriation heading for the same purpose.".

SEC. 3037. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) Section 17 of the National Capital Transportation Act of 1969 (Public Law 91–143; 83 Stat. 320) as added by the National Capital Transportation Amendments of 1990 (Public Law 101–551; 104 Stat. 2733) is amended—

(1) in subsection (c) by striking ''$1,300,000,000'' and inserting ''$1,049,700,000'';

(2) by striking ''8'' and inserting ''6''; and

(3) by inserting the following subsection after subsection (c):

''(d) In addition to the amounts authorized under subsection (c) of this section, there is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants to complete the Adopted Regional System as provided in subsection (a) of this section from the Mass Transit Account of the Highway Trust Fund the following amounts:

''(1) $200,000,000 in the fiscal year ending on September 30, 1998; and

''(2) $50,300,000 in the fiscal year ending on September 30, 1999.''.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS.

(a) OBJECTIVES.—Section 31101 of title 49, United States Code, is amended—

(1) by inserting a new subsection at the beginning to read as follows:

''(a) OBJECTIVES.—The primary objective of this subchapter is to improve commercial motor vehicle and driver safety. The provisions in this subchapter are intended to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments, to increase administrative flexibility, to strengthen enforcement activities, to invest in activities related to areas of the greatest crash reduction, to identify high risk carriers, and to improve information and analysis systems. This subchapter provides funding to ensure that the Secretary, States, and other political jurisdictions establish program baselines and benchmarks to evaluate overall motor carrier safety program effectiveness. Other activities eligible for funding include enforcement of motor carrier safety regulations, analytic activities, operations of motor carrier and driver information systems, and improvements to driver

programs. Such activities will provide the means necessary to—

"(1) reduce motor carrier crashes and promote safe commercial vehicle operations of for-hire and private carriage as well as passenger and hazardous materials transportation;

"(2) develop and continue to enforce effective, compatible, and cost-beneficial commercial motor vehicle safety regulations and practices as well as emphasize enforcement of State and local traffic safety laws and regulations;

"(3) develop comprehensive motor carrier safety programs and projects to advance technologies and operational practices, information systems, and data which support a safe, efficient, and economical transportation system;

"(4) ensure continued improvement in driver performance and meet the objectives of the Nation's drug and alcohol requirements;

"(5) ensure the appropriate level of training; and

"(6) assess Statewide program performance and compliance activities by implementing improved problem identification and planning, setting program outcome goals, designing appropriate performance

standards, measures and benchmarks, improving performance information, and monitoring program activities.'';

(2) in the preexisting provision, by inserting a subsection heading before ''In this subchapter'' to read as follows:

''(b) DEFINITIONS.—''; and

(3) by revising the section heading to read as follows:

''§ 31101. Objectives; definitions''

(b) PERFORMANCE-BASED GRANTS.—Section 31102 of such title is amended—

(1) in subsection (a), by inserting after ''programs for'' the following: ''improving motor carrier safety and''; and

(2) in the first sentence of paragraph (b)(1), by striking ''adopt and assume responsibility for enforcing'' and inserting ''assume responsibility for improving motor carrier safety and to adopt and enforce''.

(c) HAZARDOUS MATERIALS.—Section 31102 of such title is amended—

(1) in subsection (a), by inserting '', hazardous materials transportation safety,'' after ''commercial motor vehicle safety''; and

(2) in the first sentence of subsection (b), by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(d) CONTENTS OF STATE PLANS.—Section 31102(b)(1) of such title is amended—

(1) in subparagraph (J), by inserting "(1)" after "(c)";

(2) by revising subparagraph (K) to read as follows:

"(K) ensures consistent, effective, and reasonable sanctions;";

(3) by revising subparagraph (L) to read as follows:

"(L) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23 ";

(4) by revising subparagraph (M) to read as follows:

"(M) ensures participation in SAFETYNET by all jurisdictions receiving funding;";

(5) by striking subparagraph (N);

(6) in subparagraph (O)—

(A) by inserting after ''activities'' the following: ''in support of national priorities and performance goals including'';

(B) in clause (i), by striking ''to remove'' and inserting the following: ''activities aimed at removing'';

(C) in clause (ii)—

(i) by striking ''to provide'' and inserting the following: ''activities aimed at providing''; and

(ii) by inserting at the end the following: ''and'';

(D) by striking (iii) and (iv); and

(E) by inserting the following new clause at the end of subparagraph (O):

''(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.'';

(7) by striking subparagraph (P) and redesignating subparagraph (Q) as subparagraph (P);

(8) by redesignating subparagraphs (A) through (M) as (B) through (N), respectively; and

(9) by inserting a new subparagraph (A) to read as follows:

"(A) implements performance-based activities by fiscal year 2003;".

(e) UNITED STATES GOVERNMENT'S SHARE OF COSTS.—Section 31103 of such title is amended—

(1) by inserting at the beginning the following new heading:

"(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—";

(2) in the first sentence, by adding "improve commercial motor vehicle safety and" before "enforce"; and

(3) by adding at the end the following new subsection:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).".

(f) AVAILABILITY OF AMOUNTS.—Section 31104 of such title is amended—

(1) in paragraph (a)(1)—

(A) by striking "$76,000,000" and inserting "$83,000,000" and

(B) by striking ''1993'' and inserting ''1998'';

(2) in paragraph (a)(2)—

(A) by striking ''$80,000,000'' and inserting ''$83,000,000'' and

(B) by striking ''1994'' and inserting ''1999'';

(3) in paragraph (a)(3), by striking ''1995'' and inserting ''2000';

(4) in paragraph (a)(4)—

(A) by striking ''$85,000,000'' and inserting ''$83,000,000'' and

(B) by striking ''1996'' and inserting ''2001'';

(5) in paragraph (a)(5)—

(A) by striking ''$90,000,000'' and inserting ''$83,000,000'' and

(B) by striking ''1997'' and inserting ''2002''; and

(6) by adding the following new paragraph to the end—

''(6) not more than $83,000,000 for the fiscal year ending September 30, 2003.''

(7) in paragraph (b)(2)—

(A) by striking ''404(a)(2)'' and inserting ''4002(e)(1) and (2)'';

(B) by striking ''Surface Transportation Assistance Act of 1982'' and inserting ''Intermodal Surface Transportation Efficiency Act of 1991'';

(C) by striking ''1991'' and inserting ''1996''; and

(D) by striking ''1992'' and inserting ''1997'';

(8) by revising subsection (f) to read as follows:

''(f) ALLOCATION CRITERIA AND ELIGIBILITY.—(1) 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 prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

''(2) However, the Secretary may designate up to 12 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement and other high priority activities and projects. These amounts may be allocated by the Secretary to State agencies and local governments, that use trained and qualified

officers and employees, and to other persons, in coordination with State motor vehicle safety agencies, for the improvement of commercial motor vehicle safety.';

(9) by striking subsection (g) and redesignating subsection (h) as subsection (g);

(10) in subsection (j), by striking ''tolerance'' in the first sentence;

(11) by striking subsection (i) and redesignating subsection (j) as subsection (h).

(g) INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.—Section 31106 of such title is revised to read as follows:

"§ 31106. information systems and strategic safety initiatives

''(a) INFORMATION SYSTEMS.—

''(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity

and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of State and Federal safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

''(2) COMMERCIAL VEHICLE INFORMATION SYSTEM.—

''(A) The Secretary may include as part of the information system authorized under paragraph (1), an information system, to be called the Commercial Vehicle Information System, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and/or registrants and other in-

formation the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary may prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform State and Federal procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, not more than $6,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out paragraph (a)(2) of this section. The Secretary may authorize the operation of the information system by contract,

through an agreement with one or more States, or by designating, after consultation with the States, a third party that represents the interests of the States.

"(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving 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 the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary.

"(c) 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, localities, associations, institutions, corporations (profit or nonprofit) or other persons.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 31107 of such title is revised to read as follows:

''§ 31107. Authorization of appropriations for information systems and strategic safety initiatives

''(a) There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106 of this title the sum of $17 million for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The amounts made available under this subsection shall remain available until expended.

''(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant 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.''.

(i) SUBCHAPTER HEADING.—Subchapter I of chapter 311 of such title is amended by inserting in the subchapter heading after ''GRANTS'' the following: ''AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS''.

(j) CONFORMING AMENDMENTS.—The analysis for Chapter 311 of such title is amended—

(1) by revising item 31106 to read as follows:

"31106. Information Systems and Strategic Safety Initiatives.";

and

(2) by revising item 31107 to read as follows:

"31107. Authorization of Appropriations for Information Systems and Strategic Safety Initiatives.".

TITLE V—INFRASTRUCTURE CREDIT ENHANCEMENT

SEC. 5001. SHORT TITLE.

This title may be cited as the "Transportation Infrastructure Credit Enhancement Act of 1997".

SEC. 5002. FINDINGS.

Congress finds that—

(a) The economic vitality of the Nation and the quality of life of its citizens depend upon continued investment in surface transportation infrastructure for the movement of both people and goods.

(b) The Nation's needs to maintain, reconstruct, and provide additional transportation infrastructure investment in both rural and urban areas exceed available resources under traditional programs.

(c) While recent Federal initiatives have equipped States with new financing tools, certain large infrastructure projects of national significance cannot be adequately funded through existing grant

programs or private capital markets and would benefit from new forms of Federal assistance.

(d) A capital investment program for constructing, reconstructing, and expanding transportation infrastructure will create both direct and indirect jobs.

(e) Investing in trade corridors will stimulate exports and enhance the Nation's competitiveness in the world economy.

(f) Providing new, innovative ways to finance transportation infrastructure will leverage limited Federal resources and meet critical investment needs.

(g) Fostering public-private partnerships will attract private capital, advance necessary projects through the development stage, control costs during construction, and improve the management of transportation facilities.

(h) Taking advantage of the public's willingness to pay user fees to receive the benefits and services of transportation infrastructure sooner than would be possible under traditional grant-based financing will result in a more efficient and equitable allocation of the Nation's resources.

SEC. 5003. DEFINITIONS.

As used in this title, unless the context requires otherwise—

(a) The term ''Eligible Project Costs'' means all amounts funded with proceeds of Project Obligations, including—

(1) development phase activities, including planning, feasibility analysis, environmental review, permitting, preliminary engineering and design work, and other pre-construction activities;

(2) construction, reconstruction, rehabilitation, replacement, and acquisition of real property, and the acquisition of equipment; and

(3) interest costs, reasonably required reserve funds, and issuance expenses.

(b) The term ''Project'' means any surface transportation facility eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code.

(c) The term ''Project Obligation'' means any note, bond, debenture, or other evidence of indebtedness issued by a Project Sponsor in connection with the financing of a Project under this title.

(d) The term ''Project Sponsor'' means any party primarily liable for payment of the principal of

or interest on any Project Obligation under this title, whether a corporation, partnership, joint venture, trust, or governmental entity or instrumentality; provided that if such entity is not a State or local government or any agency thereof, the project it is undertaking shall be publicly owned and shall be publicly sponsored as provided in paragraphs 5004(a) (3) and (4) of this title.

(e) The term ''Revenue Stabilization Fund'' means a reserve account established by a Project Sponsor for the payment of principal of or interest on Project Obligations.

(f) The term ''Secretary'' means the Secretary of Transportation.

(g) The term ''State'' shall have the meaning such term has in 23 U.S.C. 101.

SEC. 5004. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY.—For a Project to receive financial assistance under this title, it must meet the following criteria.

(1) The Secretary shall determine that the Project is nationally significant, based on the extent to which the Project will transport passengers or freight at lower costs or higher efficiency, will ad-

vance multi-state corridors, will otherwise promote metropolitan, regional, interstate, or international commerce, or other factors. Single-State projects shall be eligible only if such projects would generate benefits beyond the State's borders.

(2) The Project sponsor shall demonstrate to the Secretary that the Project cannot otherwise obtain adequate financing on reasonable terms and conditions.

(3) The Project shall satisfy the applicable Statewide planning requirements of 23 U.S.C. 135 and the metropolitan planning requirements of 23 U.S.C. 134 at the time any deposit agreement is entered into under this title.

(4) The Project application shall be submitted to the Secretary by a State or local government, or any agency thereof.

(5) Eligible Project Costs shall equal or exceed the lesser of $100,000,000 or 50 percent of the most recent annual amount of Federal-aid highway funds apportioned under title 23, United States Code, to the State in which the Project is located.

(6) Project financing shall be payable in whole or in part by user charges, such as tolls, or other dedicated revenue sources.

(b) SELECTION AMONG ELIGIBLE PROJECTS.—The Secretary shall establish criteria for selecting among Projects that meet the eligibility criteria of subsection (a) of this section. Such selection criteria shall include—

(1) the credit-worthiness of the Project;

(2) the extent to which assistance under this title would foster innovative public-private partnerships and attract private capital investment;

(3) the extent to which public benefits would exceed public costs;

(4) the likelihood that assistance under this title would enable the Project to proceed at an earlier date than would be the case otherwise; and

(5) the extent to which user fees will be collected using new technologies that enhance the flow of commerce.

(c) FEDERAL REQUIREMENTS.—All requirements of titles 23 and 49, United States Code, shall apply to funds made available under this title and Projects assisted with such funds unless the Secretary determines that any such requirement, other than 23 U.S.C. 113 and 114, and 49 U.S.C. 5333, is inconsistent with any provision of this title. Nothing in this subsection shall affect any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act

of 1969 (42 U.S.C. 4321 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 5005. REVENUE STABILIZATION FUNDS.

(a) IN GENERAL.—The Secretary is authorized to enter into agreements with one or more Project Sponsors under which the Secretary shall make deposits, by means of grants, to capitalize Revenue Stabilization Funds for any Project selected under section 5004 of this title. Any such Fund may also include contributions from State infrastructure banks, established under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) or section 1022 of this Act, or other sources. Any such Fund shall be available to pay debt service costs on Project Obligations in accordance with subsection (b) of this section.

(b) TERMS AND LIMITATIONS.—

(1) A deposit agreement under this section shall be on such terms and conditions (including requirements for audits) as the Secretary determines.

(2) A Revenue Stabilization Fund under this section shall be used to secure junior lien or other Project Obligations, as determined by the Secretary.

(3) Utilization of a Revenue Stabilization Fund under this title shall not render Project Obligations federally guaranteed for the purposes of subsection 149(b) of title 26, United States Code.

(4) Funds contributed to any Revenue Stabilization Fund shall be invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the fund.

(5) Any interest earned on funds contributed to any Revenue Stabilization Fund shall be credited to such Fund.

(6) Five years after the Project becomes operational, amounts in the Revenue Stabilization Fund in excess of the level needed to secure Project Obligations may be applied by the Project Sponsor to other Eligible Project Costs, as approved by the Secretary.

(7) The total amount of a deposit shall be not more than 20 percent of Eligible Project Costs.

(8) No third party creditor of the Project Sponsor shall have any right against the Federal Government with respect to any deposit.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury in implementing this section.

SEC. 5006. RULES AND REGULATIONS.

The Secretary is authorized to make such rules and regulations as deemed necessary or appropriate to carry out the purposes and provisions of this title.

SEC. 5007. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out the provisions of this title, to remain available until expended.

TITLE VI—RESEARCH

PART A—PROGRAMS AND ACTIVITIES

SEC. 6001. TRANSPORTATION RESEARCH AND DEVELOPMENT.

Subtitle III of title 49, United States Code, is amended by adding a new chapter 52 to read as follows:

"CHAPTER 52—RESEARCH AND DEVELOPMENT

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

"Sec.
"5201. Transactional authority.
"5202. Reliance on competition.
"5203. Authorizations.

"SUBCHAPTER II—PLANNING

"5221. Planning.
"5222. Implementation.

''SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

''5231. Intermodal transportation research and development program.

''SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

''5241.—National university transportation centers.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

"§ 5201. Transactional authority

''To carry out this chapter, the Secretary of Transportation may enter into contracts, grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity to further the objectives of this chapter.

"§ 5202. Reliance on competition

''The Secretary of Transportation may award grants or contracts to university transportation centers established through competition under section 5241 of this title without further competition. A noncompetitive award authorized by this section must be for transportation research, development, education or training consistent with the strategic plan approved as part of the selection process for the center.

"§ 5203. Authorizations

''(a) There is available from the Highway Trust Fund, other than the Mass Transit Account, for the Secretary of Transportation $10,000,000 for fiscal year 1998,

$15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, $25,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003, to carry out subchapters II and III of this chapter.

''(b) CONTRACT AUTHORITY AND AVAILABILITY OF FUNDS.—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 any Federal share of the cost of any activity under subchapters II and III of this chapter shall be in accordance with the provision of those subchapters, and such funds shall remain available for obligation for a period of two years after the last day of the fiscal year for which such funds are authorized.

"SUBCHAPTER II—PLANNING

"§ 5221. Planning

''(a) AUTHORITY.—The Secretary of Transportation shall establish a strategic planning process to determine national transportation research and technology priorities, coordinate Federal transportation research and technology activities, and measure the impact of these research and technology investments on the performance of the national transportation system.

"(b) CRITERIA.—In developing strategic plans for intermodal, multimodal, and modal research and technology, the Secretary shall consider the need to:

"(1) Coordinate and link Federal, regional, state, and metropolitan planning activities;

"(2) Ensure that standard-setting in transportation is compatible with the concept of a seamless transportation system;

"(3) Encourage innovation;

"(4) Identify and facilitate initiatives and partnerships to deploy advanced technology with the potential for improving transportation systems over ten years;

"(5) Identify core research to support the Nation's long-term transportation technology and system needs, including safety;

"(6) Ensure the Nation's ability to compete on a global basis; and

"(7) Provide a means of assessing the impact of Federal research and technology investments on the performance of the Nation's transportation system.

"§ 5222. Implementation

"In implementing section 5221, the Secretary of Transportation shall adopt such policies and procedures as appropriate—

"(1) to provide for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research important to national transportation needs;

"(2) to promote the maximum exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, state and local governments, colleges and universities, industry and other private and public sector organizations engaged in such activities;

"(3) to ensure that the Department's research and development programs do not duplicate other Federal research and development programs;

"(4) to ensure that the Department's research and development activities make appropriate use of the talents, skills, and abilities residing at the Federal laboratories and leverage, to the extent practical, the research capabilities of institutions of higher education and private industry; and

"(5) to validate the scientific and technical assumptions underlying the Department's research and technology plans.

"SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

"§ 5231. Intermodal transportation research and development program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to be known as the 'Intermodal Transportation Research and Development Program'.

''(b) PURPOSES.—The purposes of the Intermodal Transportation Research and Development Program are to—

''(1) enhance the capabilities of Federal agencies in meeting national transportation needs as defined by their missions through support for basic and applied research and development impacting the various modes of transportation including research and development in safety, security, mobility, energy and environment, information and physical infrastructure, and industrial design;

''(2) identify and apply innovative research performed by the Government, academia and the private sector to the intermodal and multimodal transportation research, development, and deployment

needs of the Department and the Nation's transportation enterprise;

"(3) identify and leverage research, technologies, and other information developed by the Government for national defense and non-defense purposes for the benefit of public, commercial and defense transportation sectors; and

"(4) share information, analytical and research capabilities among Federal, state and local governments, colleges and universities, and private organizations to advance their transportation research, development and deployment needs.

"SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

"§ 5241. National university transportation centers

"(a) REGIONALLY-BASED CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate one university transportation center in each of the ten (10) United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary may make grants to non-profit institutions of higher learning to establish and operate up to ten other university transportation centers to address transportation management, re-

search and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce; transportation and industrial productivity; rural transportation; advanced transportation technology; international transportation policy studies; transportation infrastructure technology; urban transportation research; transportation and the environment; surface transportation safety; or such other national transportation issues designated by the Secretary.

''(c) SELECTION CRITERIA.—A nonprofit institution of higher learning interested in receiving a grant under this section shall submit an application to the Secretary in the way and containing the information the Secretary prescribes. The Secretary shall select each recipient through a competitive process on the basis of the following:

''(1) for regionally-based centers, the location of the center within the Federal Region to be served;

''(2) the demonstrated research and extension resources available to the recipient to carry out this section;

''(3) the capability of the recipient to provide leadership in making national and regional contribu-

tions to the solution of immediate and long-range transportation problems;

''(4) the recipient's establishment of a surface transportation program encompassing several modes of transportation;

''(5) 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;

''(6) the recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or region-wide continuing education program; and

''(7) the strategic plan the recipient proposes to carry out under the grant.

''(d) OBJECTIVES.—Each university transportation center shall conduct:

''(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; and

"(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.—Before making a grant under this section, 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 university 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 award of a grant under this section.

"(f) FEDERAL SHARE.—A grant under this section is for 50 percent of the cost of establishing and operating the university transportation center and related research activities the recipient carries out. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title.

"(g) 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. At least annually, the Secretary shall re-

view 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 subsection.

"(h) 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.

"(i) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program remain available for obligation for a period of two years after the last day of the fiscal year for which such funds are authorized.".

SEC. 6002. BUREAU OF TRANSPORTATION STATISTICS.

(a) Section 111 of title 49, United States Code, is amended—

(1) by striking the second sentence of paragraph (b)(4);

(2) in paragraph (c)(1)—

(A) by striking "and" in subparagraph (J);

(B) by striking the period and substituting "; and" in subparagraph (K); and

(C) by inserting the following new subparagraph following subparagraph (K):

"(L) transportation-related variables influencing global competitiveness.";

(3) in paragraph (c)(2)—

(A) by striking "national transportation system" in the first sentence and substituting "nation's transportation systems";

(B) by amending subparagraph (A) to read as follows:

"(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;"; and

(C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy" in subparagraph (C);

(4) in paragraph (c)(3) by adding at the end of the paragraph: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the modal administrations to measure outputs and outcomes as required by the Government Performance and Results Act, and shall undertake such other reviews of the sources and reliability of other data col-

lected by the modal administrations as shall be requested by the Secretary.'';

(5) by inserting at the end of the section of subsection (c) the following new paragraph:

''(7) SUPPORTING TRANSPORTATION DECISION MAKING.—Ensuring that the statistics compiled under paragraph (1) of this subsection are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private business, and consumers.'';

(6) by—

(A) redesignating subsections (d), (e) and (f) as subsections (h), (i) and (j), respectively;

(B) striking subsection (g); and

(C) adding the following new subsections:

''(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an Intermodal Transportation Data Base, in consultation with the Assistant Secretaries and operating Administrations of the Department. This data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include but not be limited to—

''(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 the National Transportation Library, containing a collection of statistical and other information needed for transportation decision making at the Federal, State, and local levels. The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the Bureau to make statistics readily accessible under paragraph (c)(5) of this section. The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve this goal.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geo-spatial 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 (including, but not limited to, State Departments of Transportation, metropolitan planning organizations, Transportation Research Centers, and universities) for—

"(1) the investigation of the subjects listed in subsection (c)(1) of this section and for research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e) of this section; and

"(3) development and improvement of methods for sharing geographic data, in support of the National Transportation Atlas Data Base under sub-

section (f) and the National Spatial Data Infrastructure.'';

(7) by amending subsection (i), as redesignated, to read as follows:

''(i) PROHIBITION ON CERTAIN DISCLOSURES.—(1) An officer or employee of the Bureau may not—

''(A) make any publication in which the data furnished by a person under paragraph (c)(2) can be identified;

''(B) use the information furnished under the provisions of paragraph (c)(2) of this section for a non-statistical purpose; or

''(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under paragraph (c)(2) of this section.

''(2) No department, bureau, agency, officer, or employee of the United States except the Director of the Bureau of Transportation Statistics in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under paragraph (c)(2) with the Bureau of Transportation Statistics 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 individually identifiable data.

''(3) 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.'';

(8) by striking ''On or before January 1, 1994 and annually thereafter, the'' and substituting ''The'' in subsection (j), as redesignated; and

(9) by adding the following new subsections at the end of the section:

''(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for such expenses.

''(l)(1) FUNDING.—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, 1999, 2000, 2001, 2002 and 2003 to carry out this section provided that amounts for activities under subsection (g) of this section, may not exceed $500,000 per year. Amounts made available under this subsection shall remain available for a period of three years.

"(2) CONTRACT AUTHORITY.—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 by—

(1) repealing subsection (d); and

(2) redesignating subsections (e), (f), and (g) as (d), (e), and (f), respectively.

SEC. 6003. RESEARCH AND TECHNOLOGY PROGRAM.

(a) Section 307 of title 23, United States Code, is amended by revising subsections (a) and (b) to read as follows:

"(a) PREAMBLE, GENERAL AUTHORITY, AND COLLABORATIVE AGREEMENTS.—

"(1) PREAMBLE.—Results of research, technology transfer, studies, and activities have demonstrated that continued and increased efforts to provide for technical innovation must be a corner-

stone in the foundation as the transportation community moves into the next century. A strong Federal transportation research and technology program is recognized as essential to ensure that innovation is developed and incorporated into the multi-billion dollar infrastructure program. Technology advancement is essential to support the Nation's infrastructure needs and, in turn, its ability to continue to participate successfully in a global marketplace and economy.

"(2) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) COOPERATION, 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, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person.

"(C) TECHNICAL INNOVATION.—The Secretary shall develop and administer programs to facilitate application of the products of research and technical innovations that will improve the safety, efficiency, and effectiveness of the highway system.

"(D) FUNDS.—

"(i) IN GENERAL.—Except where specifically noted otherwise in other sections of chapter 3, the funds necessary to carry out this subsection 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, and such funds shall remain available for obligation for a period of three years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF FUNDS.—The Secretary shall use funds available to carry out this section to develop, administer, communicate, and achieve the use of products of the research, development, and technology transfer programs, and to otherwise interact with partners and users in the planning and dissemination of results.

"(3) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—For the purposes of encouraging innovative solutions to surface transportation problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietor-

ships, and trade associations that are incorporated or established under the laws of any State.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(C) FEDERAL SHARE.—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

"(D) UTILIZATION OF TECHNOLOGY.—The research, development, or utilization of any technology pursuant to a cooperative research

and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

"(E) FUNDS.—The funds necessary to carry out this paragraph 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.

"(4) WAIVER OF ADVERTISING REQUIREMENTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this chapter.

"(b) MANDATORY CONTENTS OF PROGRAM.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this subsection and as specified elsewhere in this title—

"(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

"(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, including, as a minimum, the following elements:

"(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

"(B) Expansion of the Department of Transportations's inspection and mobile nondestructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspection of bridge structures as well as added support to State, local, and tribal highway departments.

"(C) A research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems.

"(D) A surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials.

"(E) Information technology including appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs.

"(F) New innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

"(G) Initiatives to improve the Nation's ability to respond to emergencies and natural disasters, and to enhance national defense mobility.".

(b) Section 307 of such title is further amended—

(1) by striking subsections (c), (d), (e), and (f);

(2) by redesignating (g) and (h) as (c) and (d), respectively; and

(3) by revising subsections (c) and (d), as so redesignated, to read as follows:

"(c) As used in this chapter 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.

"(d) 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 1999, and in January of every second year thereafter, estimates of the future 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.''.

SEC. 6004. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES.

(a) IN GENERAL.—Chapter 3 of such title is amended—

(1) by striking sections 321 and 326; and

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

"§ 326. National technology deployment initiatives program

''(a) ESTABLISHMENT.—The Secretary shall develop and administer a National Technology Deployment Initiatives program for the purpose of significantly expanding the adoption of innovative technologies by the surface transportation community.

''(b) DEPLOYMENT GOALS.—The Secretary shall establish a limited number of goals for the program carried out under this section. Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits in the areas of transportation system efficiency, safety, reliability, service life, environmental protection, and sustainability. For each of these goals, the Secretary, in cooperation with representatives of the transportation community such as the States, local government,

the private sector, and academia, shall access domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology, and mechanisms for sharing information among program participants. Goals to be addressed may include:

"(1) Reduced delay and improved safety within construction and maintenance work areas.

"(2) Extended life of the current infrastructure.

"(3) Increased system durability and life, including applications of high performance materials.

"(4) Improved safety of driving at night and other periods of reduced visibility.

"(5) Support and enhancement of the environment with use of innovative technologies.

"(6) Support of community-oriented transportation and sustainable development.

"(7) Minimized transportation system closures, constraints, and delay caused by snow and ice.

"(c) REPORTING.—Not later than 18 months after the date of the enactment of this section, and each 48 months thereafter, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the

progress and results of activities carried out under this section.

"(d) FUNDING.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $56,000,000 for each of fiscal years 1998, 1999, and 2000; and $84,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section. Where appropriate to achieve the goals outlined above, the Secretary may further allocate such funds to States for their use.

"(e) LEVERAGING OF RESOURCES.—The Secretary shall give preference to projects that leverage Federal funds against significant resources from other sources, public or private.

"(f) CONTRACT AUTHORITY.—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 activity under this section shall be determined by the Secretary and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. After providing notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any provision of title 23 of the United

States Code, if the Secretary determines that such waiver is not contrary to the public interest and will advance the technology deployment nationwide. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended—

(1) by striking—

''321. National Highway Institute.'';

(2) by striking—

''326. Education and training program.''

and inserting—

''326. National technology deployment initiatives program.''.

SEC. 6005. PROFESSIONAL CAPACITY BUILDING AND TECHNOLOGY PARTNERSHIPS.

(a) Chapter 3 of such title is further amended by adding at the end the following new section:

''§ 327. Professional capacity building and technology partnerships

''(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall carry out a transportation assistance program that will provide access to modern highway technology to—

''(A) highway and transportation agencies in urbanized areas of 50,000 to 1,000,000 population;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors doing work for such agencies.

"(2) GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts for education and training, technical assistance, and related support service that will—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for such agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, and safety management systems);

"(ii) improve roads and bridges;

"(iii) enhance programs for the movement of passengers and freight, and intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special road-related problems by preparing and provid-

ing training packages, manuals, guidelines, and technical resource materials;

"(B) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road-related problems;

"(C) operate, in cooperation with State transportation agencies and universities,—

"(i) local technical assistance program centers to provide technology transfer services to rural areas and to urban areas with populations between 50,000 and 1,000,000; and

"(ii) not fewer than four centers designated to provide transportation technical assistance to American Indian tribal governments; and

"(D) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(3) FUNDS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $12,000,000 for

each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, to be used for the purpose of developing and administering the program established under this section and to provide technical and financial support for the technology transfer centers, including up to 100 percent for services provided to American Indian tribal governments.

"(4) CONTRACT AUTHORITY.—Funds authorized under 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 activity under this section shall be determined in accordance with this section, and such funds shall remain available for obligation for a period of three years after the last day of the fiscal year for which the funds are authorized.

"(b) NATIONAL HIGHWAY INSTITUTE.—

"(1) ESTABLISHMENT; DUTIES; PROGRAMS.—

"(A) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the 'Institute').

"(B) DUTIES.—The Institute shall develop and administer, in cooperation with the State transportation agencies, United States industry, and any national or international entity, education and training programs of instruction for Federal Highway Administration, State, and local transportation agencies employees; Regional, State, and Metropolitan Planning Organizations; State and local police, public safety, and motor vehicle employees; and United State citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States. The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

"(C) TYPES OF PROGRAMS.—Programs that the Institute may develop and administer may include courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental factors, acquisition of rights-of-way, relocation assistance, engineering,

safety, construction, maintenance, operations, contract administration, motor carrier activities, inspection, and highway finance.

"(2) SET-ASIDE; FEDERAL SHARE.—Not to exceed one-quarter of 1 percent of all funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation agencies for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local transportation agencies' employees as provided in this section.

"(3) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local transportation or highway employees authorized by this subsection shall be provided—

"(A) by the Secretary at no cost to the States and local governments if the Secretary determines it is in the best interests of the United States; or

"(B) in any case in which education and training are to be paid for by the State through grants, cooperative agreements, and contracts

with public and private agencies, institutions, individuals, and the Institute; except that private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary of Transportation determines a lower cost to be in the best interest of the United States.

"(4) TRAINING FELLOWSHIPS; COOPERATION.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Federal Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person.

"(5) COLLECTION OF FEES.—

"(A) GENERAL RULE.—The Institute may, in accordance with this subsection, assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this section.

"(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) of this paragraph for the fiscal year.

"(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this section; and

"(ii) persons and entities to whom education or training is provided under this section.

"(iii) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A), which relate to such

person or entity. All fees collected under this subsection shall be used to defray costs associated with the development and/or administration of education and training programs authorized by this section.

"(6) FUNDS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $8,000,000 for each of fiscal years 1998, 1999, and 2000; and $14,000,000 for each of fiscal years 2001, 2002, and 2003, to carry out this subsection. The sums provided under this paragraph may be combined with or held separate from the fees or memberships collected under paragraph (b)(5).

"(7) CONTRACT AUTHORITY.—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 activity under this subsection shall be determined in accordance with this section, and such funds shall remain available for obligation for a period of one year after the last day of the fiscal year for which the funds are authorized.

"(8) 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.

"(c) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

"(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for fellowships for any purpose for which research, technology, or capacity building is authorized by this section.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall implement a transportation 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'. The program shall offer fellowships at the junior through postdoctoral levels of college education. The recipients of the fellowships must be United States citizens.

"(3) FUNDING.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $2,000,000 for

each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection.

"(4) CONTRACT AUTHORITY.—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 activity funded under this subsection shall be determined by the Secretary, and such funds shall remain available for obligation for a period of one year after the last day of the fiscal year for which such funds are authorized.

"(d) TECHNOLOGY IMPLEMENTATION PARTNERSHIPS.—

"(1) AUTHORITY.—The Secretary shall continue the close partnerships established through implementation of the products of the Strategic Highway Research Program (SHRP) and administer a program to move technology and innovation into common practice.

"(2) GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to bring about technical change in high-payoff areas through—

"(A) sharing technology with the States and industry, supporting the test and evaluation of products, and associated training and communications activities;

"(B) further development and implementation support in areas such as the Superpave system by working with States, academia, and industry to establish a complete program that is well validated and implements performance prediction algorithms;

"(C) providing Federal leadership and support in areas like initiation of regional technology excellence centers, user-producer groups, Long-Term Pavement Performance product implementation, and technology access and exchange programs; and

"(D) efforts to improve information-dissemination networks.

"(3) FUNDING.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) $11,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection.

"(4) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obliga-

tion 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 funded under this subsection shall be determined by the Secretary, and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which such funds are authorized.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

''327. Professional capacity building and technology partnerships.''.

SEC. 6006. LONG-TERM PAVEMENT PERFORMANCE AND ADVANCED RESEARCH.

(a) Chapter 3 of such title is further amended by adding at the end the following new section:

''§ 328. Long-term pavement performance and advanced research

''(a) LONG-TERM PAVEMENT PERFORMANCE (LTPP).—

''(1) AUTHORITY.—The Secretary shall continue to completion the long-term pavement performance tests initiated under the Strategic Highway Research Program and advanced by the Intermodal Surface Transportation Efficiency Act through the mid-point of a planned 20-year life.

"(2) GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.—The Secretary shall make grants and enter into cooperative agreements and contracts to:

"(A) Continue the monitoring, material-testing, and evaluation of the approximately 2,500 highway test sections established since 1987 under the program;

"(B) Carry out analyses of the large amounts of data being collected; and

"(C) Prepare the products required to fulfill the original LTPP Program objectives and to meet future pavement technology needs.

"(3) FUNDING.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $15,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection.

"(4) CONTRACT AUTHORITY.—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 activity funded under this subsection shall be determined by the Secretary, and such funds shall remain available for obligation for a period of three

years after the last day of the fiscal year for which such funds are authorized.

"(b) ADVANCED RESEARCH.—

"(1) AUTHORITY.—The Secretary shall establish an advanced research program that shall address longer-term, higher-risk research that shows potential benefits for improving the durability, mobility, efficiency, environmental impact, productivity, and 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.

"(2) GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.— The Secretary may make grants and enter into cooperative agreements and contracts for advanced research in, but is not limited to, the following areas:

"(A) Characterization of materials used in the infrastructure including analytical techniques, microstructure modeling, and the deterioration processes.

"(B) Diagnostics for evaluation of the condition of given bridge and pavement structures to enable assessment of failure risks such as nuclear imaging methods, nonelectrochemical

corrosion detection, nonlinear dynamic analysis of structural vibrations, and advanced image analysis methods.

"(C) Design and construction details for composite structures.

"(D) Safety technology based problems in the areas of pedestrian/bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(E) Particulate matter source apportionment, control strategy synthesis evaluation and model development.

"(F) Data acquisition techniques for system condition and performance monitoring such as Global Positioning Systems (GPS) for speed and travel surveys, video surveillance for emissions testing, and aerial surveillance to obtain demand and condition data.

"(G) Predicting the response of current and future travelers to new technologies and ways to provide the increasing number of senior citizens with continuing mobility and access.

"(3) FUNDING.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for

each of the fiscal years 1998, 1999, and 2000, and $20,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

''(4) CONTRACT AUTHORITY.—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 activity funded under this subsection shall be determined by the Secretary.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

''328. Long-term pavement performance and advanced research.''.

SEC. 6007. STATE PLANNING AND RESEARCH PROGRAM (SP&R).

(a) Chapter 3 of such title is further amended by adding at the end the following new section:

''§ 329. State planning and research program

''(a) GENERAL RULE.—Two percent of the sums apportioned for programs for each fiscal year beginning after September 30, 1997, to any State under sections 104 (except subsection 104(f)) and 144 of this title and any transfers or additions to the surface transportation program shall be available for expenditure by the State transportation agency, in consultation with the Secretary. The

apportioned sums are available only for the following purposes:

"(1) intermodal metropolitan, statewide, and non-metropolitan planning under sections 134 and 135 of this title.

"(2) studies, research, development, and technology transfer activities necessary for the planning, design, construction, management, operation, maintenance, regulation, and taxation of the use of surface transportation systems, including training and accreditation of inspection and testing on engineering standards and construction materials for such systems.

"(3) development and implementation of management systems identified in section 303 of this title.

"(4) studies of the economy, safety, and convenience of surface transportation usage and the desirable regulation and equitable taxation thereof.

"(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds that are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State transportation agency for research, development, and technology

transfer activities described in subsection (a) of this section relating to surface transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State transportation agency 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 Act (Public Law 102–564).

''(c) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds that are subject to subsection (a) of this section 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 that are subject to subsection (a) of this section 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 118(b)(2) of this title.''.

(b) CONFORMING AMENDMENTS.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

''329. State planning and research program.''.

SEC. 6008. USE OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE FUNDS.

Section 204(b) of such title is amended at the end of the last sentence, by striking ''326'' and inserting ''327''.

PART B—INTELLIGENT TRANSPORTATION SYSTEMS ACT OF 1997

SEC. 6051. SHORT TITLE AND PREAMBLE.

(a) SHORT TITLE.—This part may be cited as the ''Intelligent Transportation Systems Act of 1997''.

(b) PREAMBLE.—The research and tests conducted under the Intelligent Transportation Systems Act of 1991 demonstrated the potential benefit and readiness of Intelligent Transportation Systems to enhance the safety and efficiency of surface transportation operations in a variety of ways. The Intelligent Transportation Systems Act of 1997 provides for the accelerated deployment of proven technologies and concepts, while also increasing the Federal commitment to improving surface transportation safety through aggressive, long-range research, development, testing, and promotion of crash avoidance technologies and systems in cooperation with industry.

SEC. 6052. DEFINITIONS; CONFORMING AMENDMENT.

(a) For the purposes of this part, the following definitions apply:

(1) ADVANCED RURAL TRANSPORTATION SYSTEMS.—The term ''Advanced Rural Transportation Systems'' means the construction, or acquisition, and operation of ITS predominantly outside of metropolitan areas, and including public lands such as National Parks, monuments, and recreation areas, for the purposes of providing—

(A) traveler safety and security advisories and warnings;

(B) emergency ''Mayday'' services to notify public safety and emergency response organizations of travelers in need of emergency services;

(C) tourism and traveler information services;

(D) public mobility services to improve the efficiency and accessibility of rural transit service;

(E) enhanced rural transit fleet operations and management;

(F) improved highway operations and maintenance through the rapid detection of severe weather conditions, hazardous road and bridge conditions, and imminent danger to construction and maintenance crews from errant vehicles in work zones; and

(G) Commercial Vehicle Operations (CVO) user services.

(2) CVISN.—The term ''Commercial Vehicle Information Systems and Networks'' means the information systems and communications networks that support CVO.

(3) CVO.—The term ''Commercial Vehicle Operations'' means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers. Public sector CVO activities include the issuance of operating credentials, motor vehicle and fuel tax administration, and roadside safety and border crossing inspection and regulatory compliance operations.

(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ''Intelligent Transportation Infrastructure'' means the initial construction or acquisition of fully integrated public sector ITS components as defined by the Secretary, including traffic signal control systems, freeway management systems, incident management systems, transit management systems, regional multi-modal traveler information systems, emergency management services, electronic toll collection systems, electronic fare pay-

ment systems, ITS-based railroad grade crossing safety systems, roadway weather information and prediction systems, advanced rural transportation systems, and commercial vehicle information systems and networks.

(5) INTELLIGENT TRANSPORTATION SYSTEMS.—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.

(6) ITS COLLISION AVOIDANCE SYSTEMS.—The term ''ITS Collision Avoidance Systems'' means an intelligent transportation system that assists vehicle operators to avoid collisions that would otherwise occur.

(7) NATIONAL ARCHITECTURE.—The term ''National Architecture'' means the common framework for interoperability adopted by the Secretary,

and which defines the functions associated with ITS user services, the physical entities or subsystems within which such functions reside, the data interfaces and information flows between physical subsystems, and the communications requirements associated with information flows.

(8) NATIONAL ITS PROGRAM PLAN.—The term ''National ITS Program Plan'' means the March 1995 First Edition of the National ITS Program Plan jointly developed by the U.S. Department of Transportation and the Intelligent Transportation Society of America, and subsequent revisions issued by the Secretary pursuant to paragraph 6055(a)(1).

(9) STATE.—The term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

(b) NATIONAL HIGHWAY SYSTEM.—The undesignated paragraph in section 101(a) of title 23, United States Code, relating to the National Highway System is amended by inserting after ''title'' the following: ''and the Intelligent Transportation Infrastructure associated with such system.''.

(c) CONFORMING AMENDMENT.—The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI.

SEC. 6053. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this part, the Secretary shall conduct an ongoing program to research, develop, and operationally test intelligent transportation systems and advance Nation-wide deployment 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 planning, implementation and operation of integrated, intermodal, interoperable intelligent transportation infrastructure, in conjunction with corresponding private sector systems and products, to enhance the capacity, efficiency, and safety of surface transportation, using the authorities provided under sections 103, 119, 133, 134, 135, 149, and 402 of title 23, and sections 31102, 5307, and 5309 of title 49, United States Code;

(2) the protection and enhancement of the natural environment and communities affected by surface transportation, with special emphasis on assisting the efforts of the States to attain air quality goals established pursuant to the Clean Air Act, while addressing the transportation demands of an expanding economy;

(3) the enhancement of safe operation of the Nation's surface transportation systems with a particular emphasis on aspects of intelligent transportation systems that will decrease the number and severity of collisions and identification of aspects of such systems that may degrade safety, and on in-vehicle systems that bring about a significant reduction in the deaths and injuries by helping prevent collisions that would otherwise occur;

(4) the enhancement of surface transportation operational and transactional efficiencies to allow existing facilities to be used to meet a significant portion of future transportation needs, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(5) research, development, investigation, documentation, and promotion of intelligent transportation systems and the public sector organizational capabilities needed to perform or manage the planning, implementation, and operation of intelligent transportation infrastructure in the United States, using authorities provided under section 307 of title 23, United States Code, and sections 111, 112, 301, 30168, 31106, 5312, 5337, and 20108 of title 49, United States Code;

(6) the enhancement of the economic efficiency of surface transportation systems to improve Americas competitive position in the global economy;

(7) the enhancement of public accessibility to activities, goods, and services, through the preservation, improvement and expansion of surface transportation system capabilities, operational efficiency, and intermodal connections;

(8) the development of a technology base and necessary standards and protocols for intelligent transportation systems; and

(9) the improvement of the Nations ability to respond to emergencies and natural disasters, and the enhancement of national defense mobility.

SEC. 6054. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster enhanced operations and management of the Nation's surface transportation systems, strive to achieve the widespread deployment of intelligent transportation systems, and continue to advance emerging technologies, in cooperation with 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 Secretary of the Treasury, the Adminis-

trator 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, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, 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, implement, and maintain a National Architecture and supporting 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 interoperability among intelligent transportation systems technologies implemented 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. The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, and take all actions the Secretary deems necessary to secure the necessary spec-

trum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) EVALUATION.—The Secretary shall prescribe guidelines and requirements for the independent evaluation of field and related operational tests carried out pursuant to section 6056, including provisions to ensure the objectivity and independence of the evaluator needed to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to such tests or any other formal evaluation conducted under this part. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests or program assessment activities under this part shall not be subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

(d) INFORMATION CLEARINGHOUSE.—

(1) CLEARINGHOUSE.—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.

(f) AUTHORITY TO USE FUNDS.—Each State and eligible local entity is authorized to use funds provided under this part or under section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997, sections 103, 119, 133, 149, and 402, of title 23, and sections 31102, 5307, 5309, 5310, and 5311 of title 49, United States Code, in accordance with the provisions of

each of these sections, for implementation, modernization, and operational purposes in connection with intelligent transportation infrastructure and systems.

(g) CONFORMITY WITH STANDARDS.—The Secretary shall ensure that the implementation of intelligent transportation systems using funds authorized under this part conform to the National Architecture and ITS standards and protocols, developed under subsection (b), except for projects using funds authorized for specific research objectives in the National ITS Program Plan under section 6055 of this part.

(h) LIFE-CYCLE COST ANALYSIS.—The Secretary shall require an analysis of the life-cycle costs of each project using Federal funds referenced in subsection (f) of this section, and those authorized in section 6057 of this part, for operations and maintenance of ITS elements, where the total initial capital costs of the ITS elements exceeds $3 million.

(i) PROCUREMENT METHODS.—To meet the need for effective implementation of ITS projects, 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, including innovative and nontraditional methods of procurement.

SEC. 6055. NATIONAL ITS PROGRAM PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update the National ITS Program Plan as necessary.

(2) SCOPE.—The 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, and how specific programs and projects relate to the goals, objectives, and milestones, including consideration of the 5-, 10- and 20-year timeframes for the goals and objectives;

(B) establish a course of action necessary to achieve the program's goals and objectives;

(C) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation systems technologies; and

(D) establish a cooperative process with State and local governments for determining

desired surface transportation system performance levels and development of plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE SYSTEMS.—The Secretary shall conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle systems. Such research shall include state-of-the-art preproduction systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems. Development work shall incorporate human factors research findings to improve situational awareness of drivers and ensure success of the man-machine relationship. This program shall build on the technologies developed as part of the NHTSA Crash Avoidance and FHWA Automated Highway System programs and shall be conducted in cooperation with private industry, educational institutions, and other interested parties.

(c) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall submit to Congress a report on implementation of the National

ITS Program Plan under subsection (a) of this section.

(2) SCOPE OF IMPLEMENTATION REPORTS.—In preparing reports under this subsection, the Secretary shall—

(A) summarize the status of intelligent transportation infrastructure deployment progress;

(B) analyze the possible and actual accomplishments of ITS projects in achieving congestion, safety, environmental, and energy conservation goals and objectives;

(C) assess nontechnical problems and constraints identified, including the inability to secure suitable spectrum allocations to implement a national or international dedicated short range vehicle to wayside communication standard; and

(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the National ITS Program Plan developed under subsection (a).

SEC. 6056. TECHNICAL, TRAINING, PLANNING, RESEARCH AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide planning and technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) PLANNING ASSISTANCE.—The Secretary may make available financial assistance under this section to support adequate consideration of transportation system management and operations, including intelligent transportation systems and technologies, within metropolitan and statewide transportation processes. Such financial assistance shall be made available at such time, in such amounts and subject to such conditions as the Secretary may determine. The Secretary shall develop appropriate technical assistance to support the consideration of operations and management issues within metropolitan and statewide transportation planning.

(c) ELIGIBILITY OF CERTAIN ENTITIES.—Any commercial vehicle regulatory agency and any interagency traffic, transportation, or incident management entity, including independent public authorities or agencies, contracted by a State or local transportation agency for the planning, system development, evaluation, implementa-

tion, or operation of intelligent transportation infrastructure, including commercial vehicle information systems and networks, within a designated area or along a specific corridor are eligible to receive Federal assistance under this part.

(d) RESEARCH AND OPERATIONAL TESTING PROJECTS.—The Secretary may provide funding to Federal agencies and make grants to non-Federal entities, including State and local governments, universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and other persons, for research and 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 will—

(A) contribute to the goals and objectives specified in the National ITS Program Plan developed under section 6055 of this part;

(B) minimize the relative percentage and amount of Federal contributions under this part to total project costs;

(C) validate and accelerate the establishment and widespread conformance with the Na-

tional Architecture and related standards and protocols;

(D) enhance traffic safety through accelerating the deployment of ITS collision avoidance products through the combined efforts of the Federal Government and industry;

(E) demonstrate innovative arrangements for multi-agency and/or private sector participation in the cooperative financing of the deployment and/or operation of intelligent transportation systems; and

(F) validate the effectiveness of integrated, intelligent transportation systems and infrastructure in enhancing the safety and efficiency of surface transportation within metropolitan and rural areas;

(2) seek to fund operational tests that advance the current state of knowledge in direct support of national ITS research and technology objectives as defined in the National ITS Program Plan under section 6055 of this part; 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 under subsection 6054(c) of this part.

SEC. 6057. APPLICATIONS OF TECHNOLOGY.

(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 part, shall assist in the development and implementation of such systems, leveraging to the maximum extent funding from other sources. In metropolitan areas, funding provided under this part shall primarily support activities which integrate existing intelligent transportation infrastructure elements or those implemented with other sources of public or private funding. For commercial vehicle projects and projects outside metropolitan areas, funding provided under this part may also be used for installation of intelligent transportation infrastructure elements.

(b) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate not less than 25 percent of the funds made available to carry out this section to eligible State or local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements

(in accordance with the requirements of this section and section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997), in support of public sector CVO activities nationwide, and not less than 10 percent for other intelligent transportation infrastructure deployment activities outside of metropolitan areas. In accordance with the National ITS Program Plan under section 6055 of this part, the Secretary shall provide incentives for the deployment of integrated applications of intermodal intelligent transportation infrastructure and system technologies so as 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.—To be selected 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 6055 of this part;

(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) of this subsection;

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and established ITS standards and protocols;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans at the time Federal funds are sought;

(5) be instrumental in catalyzing corresponding public or private ITS investments and that minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) include a sound financial approach to ensuring continued, long-term operations and maintenance without continued reliance on Federal funding under this part, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources; and

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills.

(d) FUNDING RESTRICTIONS AND LIMITATIONS.—Funding eligibility under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to items necessary to integrate intelligent transportation system elements either deployed or to be deployed by various implementing public and private agencies and organizations. Annual awards shall be limited to $15 million per metropolitan area, $2 million per rural project, and $5 million per CVISN project, provided that no more than $35 million shall be awarded annually within any State.

SEC. 6058. FUNDING.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 6057 of this part, out of the Highway

Trust Fund (other than the Mass Transit Account), $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. In addition to amounts made available by subsection (b) of this section, any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 6057 of this part may be used by the Secretary for carrying out other activities authorized under this part.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—There is authorized to be appropriated to the Secretary for carrying out multi-year research and technology development initiatives under this part (other than section 6057), out of the Highway Trust Fund (other than the Mass Transit Account), $96,000,000 for each of fiscal years 1998, 1999, and 2000, and $130,000,000 for each of fiscal years 2001, 2002, and 2003.

(c) FEDERAL SHARE PAYABLE.—

(1) For activities funded under subsection (a) of this section, the Federal share payable from the sums authorized under subsection (a) shall not exceed 50 percent of the costs thereof, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs thereof.

(2) For activities funded under subsection (b) of this section, unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs thereof.

(3) For long range activities undertaken in partnership with private entities for the purposes of subsection 6055(b) of this part, the Federal share payable on account of such activities shall not exceed 50 percent of the costs thereof.

(4) The Secretary shall seek maximum participation in the funding of such activities under this part from other public and private sources, and shall minimize the use of funds provided under this part for the construction or long-term acquisition of buildings and grounds.

(d) 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 for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

TITLE VII—REVENUE

SEC. 7001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Surface Transportation Revenue Act of 1997''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly 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, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 7002. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—(1) The following provisions are each amended by striking ''1999'' each place it appears and inserting ''2005'':

(A) Section 4041(a)(1)(C)(iii) relating to the partial exemption for intercity bus special fuel.

(B) Section 4041(m)(1)(A)(i) relating to special rates for partially exempt methanol or ethanol fuel.

(C) Section 4041(m)(1)(A)(ii) relating to special rates for partially exempt methanol or ethanol fuel.

(D) Section 4051(c) relating to tax on heavy trucks and trailers sold at retail.

(E) Section 4071(d) relating to the tax imposed on tires used on highway vehicles.

(F) Section 4081(d)(1) relating to the imposition of tax on gasoline and diesel fuel.

(G) Section 4481(e) relating to the heavy vehicle use tax.

(2) The following provisions are each amended by striking ''2000'' each place it appears and inserting ''2006'':

(A) Section 4041(b)(2)(C) relating to special rates for qualified methanol and ethanol fuels.

(B) Section 4041(k)(3) relating to special rates for fuels containing alcohol.

(C) Section 4081(c)(8) relating to taxable fuels mixed with alcohol.

(b) The following provisions relating to the Highway Trust Fund are amended as follows:

(1) Section 9503(b)(1) by striking ''1999'' and inserting ''2005''.

(2) Section 9503(b)(2) by striking ''1999'' and inserting ''2005'' and by striking ''2000'' and inserting ''2006''.

(3) Section 9503(c)(1) by striking ''1997'' and inserting ''2003''.

(4) Section 9503(c)(1)—

(A) by striking ''or'' at the end of subparagraph (C) and the second sentence of subparagraph (D); and

(B) by adding at the end the following new subparagraph:

''(E) authorized to be paid out of the Highway Trust Fund under the National Economic Crossroads Transportation Efficiency Act of 1997. In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of enactment of the National Economic Crossroads Transportation Efficiency Act of 1997.''.

(5) Section 9503(c)(2) by striking ''1999'' each place it appears and inserting ''2005''.

(6) Section 9503(c)(2)(A)(i) by striking ''2000'' and inserting ''2006''.

(7) Section 9503(c)(3) by striking ''1999'' in the paragraph heading and inserting ''2005'' and by striking ''July 1, 2000'' and inserting ''July 1, 2006''.

(8) Section 9503(c)(4)(A)—

(A) in clause (i) by striking ''1997'' and inserting ''2003''; and

(B) by amending clause (ii) to read as follows:

"(ii) LIMIT ON TRANSFERS DURING ANY FISCAL YEAR.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $35,000,000 for fiscal year 1998 ($55,000,000 for fiscal year 1998 if a transfer of $20,000,000 for such fiscal year is not made to the Secretary of Transportation pursuant to section 4 of the Act of August 9, 1950 (16 U.S.C. 777c)) and $55,000,000 for each fiscal year thereafter.".

(9) Section 9503(c)(5) by striking "1997" and inserting "2003".

(10) Section 9503(c)(6)(E) by striking "1997" and inserting "2003".

(11) Section 9503(f)(3) by striking "1999" and inserting "2005".

(12) Section 9503(f)(4) by striking "2000" and inserting "2006".

(c) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511 is repealed.

(d) AQUATIC RESOURCES TRUST FUND.—

(1) Section 9504(c) is amended to read as follows:

"(c) EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Amounts in the Boat Safety Account shall be available for making expenditures before October 1, 2004, to carry out the purposes of section 13106 of title 46, United States Code, and shall remain available until expended. The amounts transferred annually under section 9503(c)(4)(A)(ii) shall be available without further appropriation.".

(2) CONFORMING AMENDMENTS.—Section 13106 of title 46, United States Code, is amended—

(A) in subsection (a)(1) by striking the first sentence and inserting "Subject to paragraph (2), the Secretary may expend in each fiscal year, without further appropriation, 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))." in its place; and

(B) by striking all of subsection (c).

(e) PRESERVATION OF MOTORBOAT DIESEL FUEL TAX EXPIRATION DATE.—Section 4041(a)(1)(D)(i) is amended to read as follows:

"(i) after December 31, 1999, the rate of tax imposed by this paragraph is 4.3 cents per gallon, and".

SEC. 7003. COMMUTER BENEFIT.

(a) Section 132(f) is amended by striking paragraph (4) and inserting the following:

"(4) BENEFIT NOT IN LIEU OF COMPENSATION.—Subsection (a)(5) shall not apply to any qualified transportation fringe unless such benefit is provided in addition to (and not in lieu of) any compensation otherwise payable to the employee. This paragraph shall not apply to any qualified parking provided in lieu of compensation which otherwise would have been includible in gross income of the employee.".

SEC. 7004. MASS TRANSIT ACCOUNT.

(a) Section 9503(e)(3) is amended to read as follows:

"(3) EXPENDITURES FROM ACCOUNT.—Amounts shall be available, as provided by appropriation Acts, for making expenditures before October 1, 2003 to meet those obligations of the United States heretofore or hereafter incurred which are authorized by—

"(A) section 5338 of title 49;

"(B) the Intermodal Surface Transportation Efficiency Act of 1991;

"(C) the Federal Mass Transportation Amendments of 1997; or

"(D) section 17(d) of the National Capital Transportation Act of 1969 (Public Law 91–143; 83 Stat. 320) as amended by the National Economics Crossroad Transportation Efficiency Act of 1997.".

(b) Section 9503(e)(4) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

SEC. 7005. MOTOR VEHICLE SAFETY AND COST SAVINGS PROGRAMS.

Section 9503(c) (relating to expenditures from the Highway Trust Fund) is amended by inserting the following at the end:

"(7) MOTOR VEHICLE SAFETY AND COST SAVINGS PROGRAMS.—Amounts in the Highway Account shall be available, as provided by appropriation Acts, for making expenditures before October 1, 2003, in accordance with chapter 301 of title 49, United States Code ('Motor Vehicle Safety'), chapter 303 of title 49, United States Code ('National Driver Reg-

ister'), and part C of subtitle VI of title 49, United States Code ('Information, Standards, and Requirements').''.

SEC. 7006. GENERAL FUND TRANSFERS FOR TRANSPORTATION-RELATED PROGRAMS.

Section 9503(c) (relating to expenditures from the Highway Trust Fund) is amended by inserting the following after paragraph (7) (as added by this title):

''(8) TRANSFERS FOR TRANSPORTATION-RELATED PROGRAM EXPENDITURES IN FISCAL YEARS 1998–2003.—

''(A) In each of the fiscal years beginning in 1998 and ending in fiscal year 2003, the Secretary shall transfer receipts from the Highway Trust Fund (other than the Mass Transit Account) into the General Fund of the Treasury in an amount equal to the enacted appropriations of the transportation related portion of the following accounts: Department of Energy, 'Energy Conservation' account; Department of the Interior, United States Park Service, 'Construction' account; Department of the Interior, Bureau of Indian Affairs, 'Construction' account; Department of Agriculture, United States Forest Service, 'Reconstruction and

Construction' account, Department of Agriculture, United States Forest Service, 'National Forest System' account; Department of Housing and Urban Development, 'Community Development Block Grant'; Environmental Protection Agency, 'Environmental Programs and Management' account; Appalachian Regional Commission, 'Appalachian Regional Commission' account; and costs associated with the procurement of Federal Alternative Fuels Acquisition.

''(B) Thirty days after transferring the receipts to the General Fund, the Secretary shall report to Congress the amounts so transferred by account.''.

TITLE VIII—RAIL PASSENGER PROGRAMS

SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.

Section 24104 of title 49, United States Code, is amended to read as follows:

''§ 24104. Authorization of appropriations

''(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than from the Mass Transit Account) to make grants to Amtrak for operating expenses, $344,000,000 in fiscal year 1998, $292,000,000 in fiscal

year 1999, $242,000,000 in fiscal year 2000, $192,000,000 in fiscal year 2001, $142,000,000 in fiscal year 2002, and $142,000,000 in fiscal year 2003, provided, however, that grants in fiscal years 2002 and 2003 shall not be made to offset operating losses, other than for payments to the railroad retirement and railroad unemployment systems.

''(b) CAPITAL INVESTMENTS.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than from the Mass Transit Account) to make grants to Amtrak for capital investments, including expenses related to debt service and investments in the Northeast Corridor authorized by section 24909(a) of this title, $423,450,000 in each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

''(c) SUPPLEMENTAL CAPITAL INVESTMENTS.—(1) There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than from the Mass Transit Account) to make grants to Amtrak for supplemental capital investments, including expenses related to debt service and investments in the Northeast Corridor authorized by section 24909(a) of this title, $130,000,000 in fiscal year 1999, $140,000,000 in fiscal year 2000, $177,000,000 in fiscal year 2001, $262,000,000 in fiscal year 2002, and $165,000,000 in fiscal year 2003.

"(2) The Secretary may make grants to Amtrak for supplemental capital investments up to the maximum amount authorized:

"(A) For fiscal year 1999, if the Secretary determines that Amtrak has taken specific and measurable actions to reduce expenses and increase revenues consistent with a plan to achieve the operating subsidy reductions identified in subsection (a) of this section.

"(B) For fiscal years 2000, 2001, 2002, and 2003, if the Secretary determines, based upon a report from Amtrak's independent auditor, that during the penultimate fiscal year, Amtrak's revenues plus the amount of operating assistance authorized for that year under subsection (a) of this section equaled or exceeded Amtrak's operating expenses for that year.

"(C) The Secretary shall provide the appropriations committees of the Senate and the House of Representatives, at the time of the submittal of the President's annual budget request, the current approved plan to achieve Amtrak's operating subsidy reductions and a report on Amtrak's progress in implementing that plan.

"(d) DEFINITION.—As used in this section, capital investments are those expenditures that are commonly classified by freight or commuter railroads as capital improvements in accordance with the current findings of the Financial Accounting Standards Board.

"(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary in fiscal year 1999 or thereafter of a grant or contract with funds made available by paragraphs (a), (b), (c), or (d) of this section shall be deemed a contractual obligation of the United States.

"(f) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under this section remain available until expended.

"(g) LIMITATIONS ON USE.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail passenger or rail freight transportation.".

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