

108TH CONGRESS
2D SESSION

H. R. 3994

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Transportation Equity Act: A Legacy for Users”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents

Sec. 2. Definition.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

Sec. 1101. Authorizations of appropriations.

Sec. 1102. Obligation ceiling.

- Sec. 1103. Apportionments.
- Sec. 1104. Minimum guarantee.
- Sec. 1105. Revenue aligned budget authority.
- Sec. 1106. Emergency relief.
- Sec. 1107. Surface transportation program.
- Sec. 1108. Highway use tax evasion projects.
- Sec. 1109. Appalachian development highway system.
- Sec. 1110. Construction of ferry boats and ferry terminal facilities.
- Sec. 1111. Interstate maintenance discretionary.
- Sec. 1112. Highway bridge.
- Sec. 1113. Transportation and community and system preservation program.
- Sec. 1114. Deployment of magnetic levitation transportation projects.
- Sec. 1115. Recreational trails.
- Sec. 1116. Federal lands highways.
- Sec. 1117. Indian transportation bonds.
- Sec. 1118. Pedestrian and cyclist equity.
- Sec. 1119. National commissions.
- Sec. 1120. Hydrogen infrastructure deployment pilot program.
- Sec. 1121. Adjustments for the Surface Transportation Extension Act of 2003.

Subtitle B—Congestion Relief

- Sec. 1201. Motor vehicle congestion relief.
- Sec. 1202. Transportation systems management and operations.
- Sec. 1203. Real-time system management information program.
- Sec. 1204. Expedited national intelligent transportation systems deployment program.
- Sec. 1205. Intelligent transportation systems deployment.
- Sec. 1206. Environmental review of activities that support deployment of intelligent transportation systems.
- Sec. 1207. Assumption of responsibility for certain programs and projects.
- Sec. 1208. HOV lanes.
- Sec. 1209. Congestion pricing pilot program.

Subtitle C—Mobility and Efficiency

- Sec. 1301. National corridor infrastructure improvement program.
- Sec. 1302. Coordinated border infrastructure program.
- Sec. 1303. Freight intermodal connectors.
- Sec. 1304. Projects of national and regional significance
- Sec. 1305. Dedicated truck lanes.
- Sec. 1306. Truck parking facilities.

Subtitle D—Highway Safety

- Sec. 1401. Highway safety improvement program.
- Sec. 1402. Worker injury prevention and free flow of vehicular traffic.
- Sec. 1403. High risk rural road safety improvement program.
- Sec. 1404. Transfers of apportionments to safety programs.
- Sec. 1405. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

Subtitle E—Construction and Contract Efficiencies

- Sec. 1501. Design-build.
- Sec. 1502. Warranty highways.
- Sec. 1503. Public-private venture.

- Sec. 1504. Highways for LIFE pilot program.
- Sec. 1505. Unit bid pricing.

Subtitle F—Finance

- Sec. 1601. Transportation Infrastructure Finance and Innovation Act.
- Sec. 1602. State infrastructure banks.
- Sec. 1603. Interstate system reconstruction and rehabilitation pilot program.

Subtitle G—High Priority Projects

- Sec. 1701. High priority projects program.

TITLE II—HIGHWAY SAFETY

- Sec. 2001. Authorizations of appropriations.
- Sec. 2002. Occupant protection incentive grants.
- Sec. 2003. Alcohol-impaired driving countermeasures.
- Sec. 2004. State traffic safety information system improvements.
- Sec. 2005. High visibility enforcement program.
- Sec. 2006. Motorcycle crash causation study.
- Sec. 2007. Child safety and booster seats.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

- Sec. 3001. Short title; amendments to title 49, United States Code.
- Sec. 3002. Policies, findings, and purposes.
- Sec. 3003. Definitions.
- Sec. 3004. Metropolitan planning.
- Sec. 3005. Statewide planning.
- Sec. 3006. Planning programs.
- Sec. 3007. Private enterprise participation.
- Sec. 3008. Urbanized area formula grants.
- Sec. 3009. Clean fuels formula grant program.
- Sec. 3010. Capital investment grants.
- Sec. 3011. Formula grants for special needs of elderly individuals and individuals with disabilities.
- Sec. 3012. Formula grants for other than urbanized areas.
- Sec. 3013. Research, development, demonstration, and deployment projects.
- Sec. 3014. Cooperative research program.
- Sec. 3015. National research and technology programs.
- Sec. 3016. National transit institute.
- Sec. 3017. Job access and reverse commute formula grants.
- Sec. 3018. New freedom program.
- Sec. 3019. Bus testing facility.
- Sec. 3020. Bicycle facilities.
- Sec. 3021. Transit in the parks pilot program.
- Sec. 3022. Human resource programs.
- Sec. 3023. General provisions on assistance.
- Sec. 3024. Special provisions for capital projects.
- Sec. 3025. Contract requirements.
- Sec. 3026. Project management oversight and review.
- Sec. 3027. Investigations of safety and hazards.
- Sec. 3028. State safety oversight.
- Sec. 3029. Controlled substances and alcohol misuse testing.
- Sec. 3030. Employee protective arrangements.
- Sec. 3031. Administrative procedures.

- Sec. 3032. National transit database.
- Sec. 3033. Apportionments based on fixed guideway factors.
- Sec. 3034. Authorizations.
- Sec. 3035. Over-the-road bus accessibility program.
- Sec. 3036. Updated terminology.
- Sec. 3037. Projects for new fixed guideway systems and extensions to existing systems.
- Sec. 3038. Projects for bus and bus-related facilities.
- Sec. 3039. Fuel cell bus program.
- Sec. 3040. Extension of public transit vehicle exemption from axle weight restrictions.
- Sec. 3041. High-intensity small-urbanized area formula grant program.
- Sec. 3042. Allocations for national research and technology programs.
- Sec. 3043. Obligation ceiling.
- Sec. 3044. Adjustments for the Surface Transportation Extension Act of 2003.

TITLE IV—MOTOR CARRIER SAFETY

- Sec. 4001. Authorization of appropriations.
- Sec. 4002. Motor carrier safety grants.
- Sec. 4003. Border enforcement grants.
- Sec. 4004. Commercial driver's license improvements.
- Sec. 4005. Hobbs Act.
- Sec. 4006. Penalty for denial of access to records.
- Sec. 4007. Medical review board.
- Sec. 4008. Increased penalties for out-of-service violations and false records.
- Sec. 4009. Commercial vehicle information systems and networks deployment.
- Sec. 4010. Safety fitness.
- Sec. 4011. Pattern of safety violations by motor carrier or broker management.
- Sec. 4012. Motor carrier research and technology program.
- Sec. 4013. International cooperation.
- Sec. 4014. Performance and registration information system management.
- Sec. 4015. Data quality improvement.
- Sec. 4016. Completion of uniform carrier registration.
- Sec. 4017. Registration of motor carriers and freight forwarders.
- Sec. 4018. Deposit of certain civil penalties into Highway Trust Fund.
- Sec. 4019. Outreach and education.
- Sec. 4020. Insulin treated diabetes mellitus.
- Sec. 4021. Grant program for commercial motor vehicle operators.
- Sec. 4022. Commercial motor vehicle safety advisory committee.
- Sec. 4023. Safety data improvement program.
- Sec. 4024. Household goods transportation.
- Sec. 4025. Commercial driver's license information system improvements.
- Sec. 4026. Technical corrections.

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

- Sec. 5101. Authorization of appropriations.
- Sec. 5002. Obligation ceiling.

Subtitle B—Research, Technology, and Education

- Sec. 5201. Research, technology, and education.
- Sec. 5202. Long-term bridge performance program; innovative bridge research and deployment program.

- Sec. 5203. Surface transportation environment and planning cooperative research program.
- Sec. 5204. Technology deployment.
- Sec. 5205. Training and education.
- Sec. 5206. Freight planning capacity building.
- Sec. 5207. Advanced travel forecasting procedures program.
- Sec. 5208. National cooperative freight transportation research program.
- Sec. 5209. Future strategic highway research program.
- Sec. 5210. Transportation safety information management system project.
- Sec. 5211. Surface transportation congestion relief solutions research initiative.

Subtitle C—University Transportation Research; Scholarship Opportunities

- Sec. 5301. National university transportation centers.
- Sec. 5302. University transportation research.
- Sec. 5303. Transportation scholarship opportunities program.

Subtitle D—Advanced Technologies

- Sec. 5401. Advanced heavy-duty vehicle technologies research program.
- Sec. 5402. Commercial remote sensing products and spatial information technologies.

Subtitle E—Transportation Data and Analysis

- Sec. 5501. Bureau of Transportation Statistics.

Subtitle F—Intelligent Transportation Systems Research

- Sec. 5601. Short title.
- Sec. 5602. Goals and purposes.
- Sec. 5603. General authorities and requirements.
- Sec. 5604. National architecture and standards.
- Sec. 5605. Research and development.
- Sec. 5606. Infrastructure development.
- Sec. 5607. Definitions.
- Sec. 5608. Repeal.

TITLE VI—PLANNING AND PROJECT DELIVERY

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING
GUARANTEE

1 SEC. 2. DEFINITION.

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

1 **TITLE I—FEDERAL-AID**
 2 **HIGHWAYS**
 3 **Subtitle A—Authorization of**
 4 **Programs**

5 **SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS.**

6 (a) IN GENERAL.—The following sums are author-
 7 ized to be appropriated from the Highway Trust Fund
 8 (other than the Mass Transit Account):

9 (1) INTERSTATE MAINTENANCE PROGRAM.—

10 For the Interstate maintenance program under sec-
 11 tion 119 of title 23, United States Code,
 12 \$4,500,615,000 for fiscal year 2004,
 13 \$4,988,088,000 for fiscal year 2005,
 14 \$5,359,491,000 for fiscal year, 2006,
 15 \$5,711,450,000 for fiscal year 2007,
 16 \$5,865,610,000 for fiscal year 2008, and
 17 \$6,072,843,000 for fiscal year 2009.

18 (2) NATIONAL HIGHWAY SYSTEM.—For the Na-
 19 tional Highway System under section 103 of that
 20 title, \$5,400,738,000 for fiscal year 2004,
 21 \$5,985,705,000 for fiscal year 2005,
 22 \$6,431,389,000 for fiscal year 2006,
 23 \$6,853,739,000 for fiscal year 2007,
 24 \$7,038,732,000 for fiscal year 2008, and
 25 \$7,287,412,000 for fiscal year 2009.

1 (3) BRIDGE PROGRAM.—For the bridge pro-
2 gram under section 144 of that title,
3 \$3,861,779,000 for fiscal year 2004,
4 \$4,280,057,000 for fiscal year 2005,
5 \$4,598,742,000 for fiscal year 2006,
6 \$4,900,742,000 for fiscal year 2007,
7 \$5,033,021,000 for fiscal year 2008, and
8 \$5,210,839,000 for fiscal year 2009.

9 (4) HIGHWAY SAFETY IMPROVEMENT PRO-
10 GRAM.—For the highway safety improvement pro-
11 gram under sections 130 and 152 of that title,
12 \$1,000,000,000 for fiscal year 2004,
13 \$1,100,000,000 for fiscal year 2005,
14 \$1,200,000,000 for fiscal year 2006,
15 \$1,300,000,000 for fiscal year 2007,
16 \$1,400,000,000 for fiscal year 2008, and
17 \$1,500,000,000 for fiscal year 2009. Of such funds
18 $\frac{1}{3}$ per fiscal year shall be available to carry out sec-
19 tion 130 and $\frac{2}{3}$ shall be available to carry out sec-
20 tion 152.

21 (5) SURFACE TRANSPORTATION PROGRAM.—
22 For the surface transportation program under sec-
23 tion 133 of that title, \$6,285,669,000 for fiscal year
24 2004, \$6,953,706,000 for fiscal year 2005,
25 \$7,460,645,000 for fiscal year 2006,

1 \$7,941,679,000 for fiscal year 2007,
2 \$8,146,898,000 for fiscal year 2008, and
3 \$8,446,153,000 for fiscal year 2009.

4 (6) CONGESTION MITIGATION AND AIR QUALITY
5 IMPROVEMENT PROGRAM.—For the congestion miti-
6 gation and air quality improvement program under
7 section 149 of that title, \$1,530,210,000 for fiscal
8 year 2004, \$1,695,950,000 for fiscal year 2005,
9 \$1,822,227,000 for fiscal year 2006,
10 \$1,941,893,000 for fiscal year 2007,
11 \$1,994,307,000 for fiscal year 2008, and
12 \$2,064,767,000 for fiscal year 2009.

13 (7) APPALACHIAN DEVELOPMENT HIGHWAY
14 SYSTEM PROGRAM.—For the Appalachian develop-
15 ment highway system program under section 14501
16 of title 40, United States Code, \$600,000,000 for
17 each of fiscal years 2004 through 2009.

18 (8) RECREATIONAL TRAILS PROGRAM.—For the
19 recreational trails program under section 206 of title
20 23, United States Code, \$70,000,000 for fiscal year
21 2004, \$90,000,000 for fiscal year 2005,
22 \$110,000,000 for fiscal year 2006, \$130,000,000 for
23 fiscal year 2007, \$150,000,000 for fiscal year 2008,
24 and \$150,000,000 for fiscal year 2009.

25 (9) FEDERAL LANDS HIGHWAYS PROGRAM.—

1 (A) INDIAN RESERVATION ROADS.—For
2 Indian reservation roads under section 204 of
3 title 23, United States Code, \$375,000,000 for
4 fiscal year 2004, \$425,000,000 for fiscal year
5 2005, \$475,000,000 for fiscal year 2006,
6 \$500,000,000 for fiscal year 2007,
7 \$550,000,000 for fiscal year 2008, and
8 \$550,000,000 for fiscal year 2009.

9 (B) PARK ROADS AND PARKWAYS.—For
10 park roads and parkways roads under section
11 204 of that title, \$180,000,000 for fiscal year
12 2004, \$205,000,000 for fiscal year 2005,
13 \$230,000,000 for fiscal year 2006,
14 \$255,000,000 for fiscal year 2007,
15 \$280,000,000 for fiscal year 2008, and
16 \$305,000,000 for fiscal year 2009.

17 (C) PUBLIC LANDS HIGHWAY.—For public
18 lands highway under section 204 of that title,
19 \$250,000,000 for fiscal year 2004,
20 \$275,000,000 for fiscal year 2005,
21 \$300,000,000 for fiscal year 2006,
22 \$325,000,000 for fiscal year 2007,
23 \$350,000,000 for fiscal year 2008, and
24 \$375,000,000 for fiscal year 2009.

1 (D) REFUGE ROADS.—For refuge roads
2 under section 204 of that title, \$25,000,000 for
3 each of fiscal years 2004 through 2009.

4 (E) INDIAN TRANSPORTATION BONDS.—
5 For the Indian transportation bonds under sec-
6 tion 1117 of this title, \$25,000,000 for fiscal
7 year 2004, \$25,000,000 for fiscal year 2005,
8 \$25,000,000 for fiscal year 2006, \$50,000,000
9 for fiscal year 2007, \$50,000,000 for fiscal year
10 2008, and \$50,000,000 for fiscal year 2009.

11 (10) NATIONAL CORRIDOR INFRASTRUCTURE
12 IMPROVEMENT PROGRAM.—For the national corridor
13 infrastructure improvement program under section
14 1301 of this title, \$500,000,000 for fiscal year 2004,
15 \$900,000,000 for fiscal year 2005, \$900,000,000 for
16 fiscal year 2006, \$900,000,000 for fiscal year 2007,
17 \$900,000,000 for fiscal year 2008, and
18 \$900,000,000 for fiscal year 2009.

19 (11) COORDINATED BORDER INFRASTRUCTURE
20 PROGRAM.—For the coordinated border infrastruc-
21 ture program under section 1302 of this title,
22 \$200,000,000 for fiscal year 2004, \$300,000,000 for
23 fiscal year 2005, \$325,000,000 for fiscal year 2006,
24 \$350,000,000 for fiscal year 2007, \$400,000,000 for

1 fiscal year 2008, and \$400,000,000 for fiscal year
2 2009.

3 (12) PROJECTS OF NATIONAL AND REGIONAL
4 SIGNIFICANCE PROGRAM.—For the projects of na-
5 tional and regional significance program under sec-
6 tion 1304 of this title, \$2,900,000,000 for fiscal
7 year 2004, \$2,900,000,000 for fiscal year 2005,
8 \$2,900,000,000 for fiscal year 2006,
9 \$2,900,000,000 for fiscal year 2007,
10 \$3,000,000,000 for fiscal year 2008, and
11 \$3,000,000,000 for fiscal year 2009.

12 (13) CONSTRUCTION OF FERRY BOATS AND
13 FERRY TERMINAL FACILITIES.—For construction of
14 ferry boats and ferry terminal facilities under sec-
15 tion 165 of title 23, United States Code,
16 \$100,000,000 for fiscal year 2004, \$105,000,000 for
17 fiscal year 2005, \$110,000,000 for fiscal year 2006,
18 \$115,000,000 for fiscal year 2007, \$120,000,000 for
19 fiscal year 2008, and \$125,000,000 for fiscal year
20 2009.

21 (14) NATIONAL SCENIC BYWAYS PROGRAM.—
22 For the national scenic byways program under sec-
23 tion 162 of title 23, United States Code,
24 \$35,000,000 for fiscal year 2004, \$50,000,000 for
25 fiscal year 2005, \$65,000,000 for fiscal year 2006,

1 \$80,000,000 for fiscal year 2007, \$95,000,000 for
2 fiscal year 2008, and \$110,000,000 for fiscal year
3 2009.

4 (15) CONGESTION PRICING PILOT PROGRAM.—
5 For the congestion pricing pilot program under sec-
6 tion 1209 of this title, \$25,000,000 for fiscal year
7 2004, \$25,000,000 for fiscal year 2005,
8 \$25,000,000 for fiscal year 2006, \$25,000,000 for
9 fiscal year 2007, \$25,000,000 for fiscal year 2008,
10 and \$25,000,000 for fiscal year 2009.

11 (16) DEPLOYMENT OF 511 TRAVELER INFORMA-
12 TION PROGRAM.—For the 511 traveler information
13 program under section 1204(c)(7) of this title,
14 \$25,000,000 for each of fiscal years 2004 through
15 2009.

16 (17) HIGH PRIORITY PROJECTS PROGRAM.—
17 For the high priority projects program under section
18 117 of title 23, United States Code, \$1,953,000,000
19 for fiscal year 2004, \$2,144,793,000 for fiscal year
20 2005, \$2,355,412,000 for fiscal year 2006,
21 \$2,586,713,000 for fiscal year 2007,
22 \$2,840,728,000 for fiscal year 2008, and
23 \$3,119,688,000 for fiscal year 2009.

24 (18) FREIGHT INTERMODAL CONNECTOR PRO-
25 GRAM.—For the freight intermodal connector pro-

1 gram under section 1303 of this title, \$300,000,000
2 for fiscal year 2004, \$400,000,000 for fiscal year
3 2005, \$500,000,000 for fiscal year 2006,
4 \$600,000,000 for fiscal year 2007, \$600,000,000 for
5 fiscal year 2008, and \$600,000,000 for fiscal year
6 2009.

7 (19) HIGH RISK RURAL ROAD SAFETY IM-
8 PROVEMENT PROGRAM.—For the high risk rural
9 road safety improvement program under section
10 1403 of this title, \$250,000,000 for fiscal year 2004,
11 \$250,000,000 for fiscal year 2005, \$250,000,000 for
12 fiscal year 2006, \$250,000,000 for fiscal year 2007,
13 \$250,000,000 for fiscal year 2008, and
14 \$250,000,000 for fiscal year 2009.

15 (20) HIGHWAY USE TAX EVASION PROGRAM.—
16 For highway use tax evasion projects under section
17 143 of title 23, United States Code, \$26,000,000 for
18 fiscal year 2004, \$55,000,000 for fiscal year 2005,
19 \$55,000,000 for fiscal year 2006, \$44,000,000 for
20 fiscal year 2007, \$11,000,000 for fiscal year 2008,
21 and \$11,000,000 for fiscal year 2009.

22 (21) PEDESTRIAN AND CYCLIST EQUITY.—

23 (A) TRANSPORTATION AND ACTIVE LIVING
24 PROGRAM.—For the transportation and active
25 living program under section 1118 of this title,

1 \$25,000,000 for each of fiscal years 2004
2 through 2009. [Reserved.]

3 (B) SAFE ROUTES TO SCHOOL PRO-
4 GRAM.—For the safe routes to school program
5 under section 1118 of this title, \$250,000,000
6 for each of the fiscal years 2004 through 2009.

7 (C) NONMOTORIZED PILOT PROGRAM.—
8 For the nonmotorized pilot program under sec-
9 tion 1118 of this title, \$20,000,000 for each of
10 fiscal years 2004 through 2006 and
11 \$40,000,000 for each of fiscal years 2007
12 through 2009. [Reserved.]

13 (22) DEDICATED TRUCK LANES.—For dedi-
14 cated truck lanes under section 1305 of this title,
15 \$250,000,000 for fiscal year 2004 and
16 \$350,000,000 for each of fiscal years 2005 through
17 2009.

18 (23) HIGHWAYS FOR LIFE PROGRAM.—For the
19 highways for life program under section 1504 of this
20 title, \$125,000,000 for each of fiscal years 2004
21 through 2009.

22 (24) COMMONWEALTH OF PUERTO RICO HIGH-
23 WAY PROGRAM.—For the Commonwealth of Puerto
24 Rico highway program under section 1214(r) of the
25 Transportation Equity Act for the 21st Century

1 (112 Stat. 209), \$130,000,000 for fiscal year 2004,
2 \$140,000,000 for fiscal year 2005, \$150,000,000 for
3 fiscal year 2006, \$160,000,000 for fiscal year 2007,
4 \$170,000,000 for fiscal year 2008, and
5 \$180,000,000 for fiscal year 2009.

6 (b) DISADVANTAGED BUSINESS ENTERPRISES.—

7 (1) GENERAL RULE.—Except to the extent that
8 the Secretary determines otherwise, not less than 10
9 percent of the amounts made available for any pro-
10 gram under titles I, III, and V of this Act shall be
11 expended with small business concerns owned and
12 controlled by socially and economically disadvan-
13 taged individuals.

14 (2) DEFINITIONS.—In this subsection, the fol-
15 lowing definitions apply:

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

1 \$17,420,000, as adjusted by the Secretary for
2 inflation.

3 (B) SOCIALLY AND ECONOMICALLY DIS-
4 ADVANTAGED INDIVIDUALS.—The term “so-
5 cially and economically disadvantaged individ-
6 uals” has the meaning such term has under
7 section 8(d) of the Small Business Act (15
8 U.S.C. 637(d)) and relevant subcontracting reg-
9 ulations promulgated pursuant thereto; except
10 that women shall be presumed to be socially
11 and economically disadvantaged individuals for
12 purposes of this subsection.

13 (3) ANNUAL LISTING OF DISADVANTAGED BUSI-
14 NESS ENTERPRISES.—Each State shall annually sur-
15 vey and compile a list of the small business concerns
16 referred to in paragraph (1) and the location of such
17 concerns in the State and notify the Secretary, in
18 writing, of the percentage of such concerns which
19 are controlled by women, by socially and economi-
20 cally disadvantaged individuals (other than women),
21 and by individuals who are women and are otherwise
22 socially and economically disadvantaged individuals.

23 (4) UNIFORM CERTIFICATION.—The Secretary
24 shall establish minimum uniform criteria for State
25 governments to use in certifying whether a concern

1 qualifies for purposes of this subsection. Such min-
2 imum uniform criteria shall include, but not be lim-
3 ited to, on-site visits, personal interviews, licenses,
4 analysis of stock ownership, listing of equipment,
5 analysis of bonding capacity, listing of work com-
6 pleted, resume of principal owners, financial capac-
7 ity, and type of work preferred.

8 (5) COMPLIANCE WITH COURT ORDERS.—Notth-
9 ing in this subsection limits the eligibility of an enti-
10 ty or person to receive funds made available under
11 titles I, III, and V of this Act if the entity or person
12 is prevented, in whole or in part, from complying
13 with paragraph (1) because a Federal court issues a
14 final order in which the court finds that the require-
15 ment of paragraph (1), or the program established
16 under paragraph (1), is unconstitutional.

17 **SEC. 1102. OBLIGATION CEILING.**

18 (a) GENERAL LIMITATION.—Notwithstanding any
19 other provision of law but subject to subsections (g) and
20 (h), the obligations for Federal-aid highway and highway
21 safety construction programs shall not exceed—

- 22 (1) \$38,800,000,000 for fiscal year 2004;
- 23 (2) \$43,300,000,000 for fiscal year 2005;
- 24 (3) \$47,100,000,000 for fiscal year 2006;
- 25 (4) \$51,100,000,000 for fiscal year 2007;

1 (5) \$54,200,000,000 for fiscal year 2008; and

2 (6) \$58,200,000,000 for fiscal year 2009.

3 (b) EXCEPTIONS.—The limitations under subsection

4 (a) shall not apply to obligations—

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

7 (2) under section 147 of the Surface Transpor-
8 tation Assistance Act of 1978;

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

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

13 (5) under sections 149(b) and 149(c) of the
14 Surface Transportation and Uniform Relocation As-
15 sistance Act of 1987;

16 (6) under sections 1103 through 1108 of the
17 Intermodal Surface Transportation Efficiency Act of
18 1991;

19 (7) under section 157 of title 23, United States
20 Code, as in effect on June 8, 1998;

21 (8) under section 105 of title 23, United States
22 Code (but, for each of fiscal years 1998 through
23 2013), only in an amount equal to \$639,000,000 per
24 fiscal year; and

1 (9) for Federal-aid highway programs for which
2 obligation authority was made available under the
3 Transportation Equity Act for the 21st Century or
4 subsequent public laws for multiple years or to re-
5 main available until used, but only to the extent that
6 such obligation authority has not lapsed or been
7 used.

8 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
9 For each of fiscal years 2004 through 2009, the Secretary
10 shall—

11 (1) not distribute obligation authority provided
12 by subsection (a) for such fiscal year for amounts
13 authorized for administrative expenses and amounts
14 authorized for the highway use tax evasion program
15 and the Bureau of Transportation Statistics;

16 (2) not distribute an amount of obligation au-
17 thority provided by subsection (a) that is equal to
18 the unobligated balance of amounts made available
19 from the Highway Trust Fund (other than the Mass
20 Transit Account) for Federal-aid highway and high-
21 way safety programs for previous fiscal years the
22 funds for which are allocated by the Secretary;

23 (3) determine the ratio that—

24 (A) the obligation authority provided by
25 subsection (a) for such fiscal year less the ag-

1 aggregate of amounts not distributed under para-
2 graphs (1) and (2), bears to

3 (B) the total of the sums authorized to be
4 appropriated for Federal-aid highway and high-
5 way safety construction programs (other than
6 sums authorized to be appropriated for sections
7 set forth in paragraphs (1) through (7) of sub-
8 section (b) and sums authorized to be appro-
9 priated for section 105 of title 23, United
10 States Code, equal to the amount referred to in
11 subsection (b)(8)) for such fiscal year less the
12 aggregate of the amounts not distributed under
13 paragraph (1) of this subsection;

14 (4) distribute the obligation authority provided
15 by subsection (a) less the aggregate amounts not
16 distributed under paragraphs (1) and (2) for section
17 117 of title 23, United States Code (relating to high
18 priority projects program), section 14501 of title 40,
19 United States Code (relating to Appalachian devel-
20 opment highway system), and \$2,000,000,000 for
21 such fiscal year under section 105 of title 23, United
22 States Code (relating to minimum guarantee) so
23 that amount of obligation authority available for
24 each of such sections is equal to the amount deter-
25 mined by multiplying the ratio determined under

1 paragraph (3) by the sums authorized to be appro-
2 priated for such section (except in the case of sec-
3 tion 105, \$2,000,000,000) for such fiscal year;

4 (5) distribute the obligation authority provided
5 by subsection (a) less the aggregate amounts not
6 distributed under paragraphs (1) and (2) and
7 amounts distributed under paragraph (4) for each of
8 the programs that are allocated by the Secretary
9 under this Act and title 23, United States Code
10 (other than activities to which paragraph (1) applies
11 and programs to which paragraph (4) applies) by
12 multiplying the ratio determined under paragraph
13 (3) by the sums authorized to be appropriated for
14 such program for such fiscal year; and

15 (6) distribute the obligation authority provided
16 by subsection (a) less the aggregate amounts not
17 distributed under paragraphs (1) and (2) and
18 amounts distributed under paragraphs (4) and (5)
19 for Federal-aid highway and highway safety con-
20 struction programs (other than the minimum guar-
21 antee program, but only to the extent that amounts
22 apportioned for the minimum guarantee program for
23 such fiscal year exceed \$2,639,000,000, and the Ap-
24 palachian development highway system program)

1 that are apportioned by the Secretary under this Act
2 and title 23, United States Code, in the ratio that—

3 (A) sums authorized to be appropriated for
4 such programs that are apportioned to each
5 State for such fiscal year, bear to

6 (B) the total of the sums authorized to be
7 appropriated for such programs that are appor-
8 tioned to all States for such fiscal year.

9 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
10 THORITY.—Notwithstanding subsection (c), the Secretary
11 shall after August 1 of each of fiscal years 2004 through
12 2009 revise a distribution of the obligation authority made
13 available under subsection (c) if an amount made available
14 under this section will not be obligated during the fiscal
15 year and redistribute sufficient amounts to those States
16 able to obligate amounts in addition to those previously
17 distributed during that fiscal year. In making the redis-
18 tribution, the Secretary shall give priority to those States
19 having large unobligated balances of funds apportioned
20 under sections 104 and 144 of title 23, United States
21 Code.

22 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
23 TRANSPORTATION RESEARCH PROGRAMS.—Obligation
24 limitations imposed by subsection (a) shall apply to trans-
25 portation research programs carried out under chapter 5

1 of title 23, United States Code, and under title V of this
2 Act; except that obligation authority made available for
3 such programs under such limitations shall remain avail-
4 able for a period of 3 fiscal years.

5 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
6 FUNDS.—Not later than 30 days after the date of the dis-
7 tribution of obligation authority under subsection (c) for
8 each of fiscal years 2004 through 2009, the Secretary
9 shall distribute to the States any funds (1) that are au-
10 thorized to be appropriated for such fiscal year for Fed-
11 eral-aid highway programs, and (2) that the Secretary de-
12 termines will not be allocated to the States, and will not
13 be available for obligation, in such fiscal year due to the
14 imposition of any obligation limitation for such fiscal year.
15 Such distribution to the States shall be made in the same
16 ratio as the distribution of obligation authority under sub-
17 section (c)(6). The funds so distributed shall be available
18 for any purposes described in section 133(b) of title 23,
19 United States Code.

20 (g) SPECIAL RULE.—Obligation authority distributed
21 for a fiscal year under subsection (c)(4) for a section set
22 forth in subsection (c)(4) shall remain available until used
23 for obligation of funds for such section and shall be in
24 addition to the amount of any limitation imposed on obli-

1 gations for Federal-aid highway and highway safety con-
 2 struction programs for future fiscal years.

3 (h) INCREASE IN OBLIGATION LIMIT.—Limitations
 4 on obligations imposed by subsection (a) for a fiscal year
 5 shall be increased by an amount equal to the amount de-
 6 termined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the
 7 Balanced Budget and Emergency Deficit Control Act of
 8 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal
 9 year. Any such increase shall be distributed in accordance
 10 with this section.

11 (i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRA-
 12 TIVE EXPENSES.—Notwithstanding any other provision of
 13 law, the total amount of all obligations under section
 14 104(a) of title 23, United States Code, shall not exceed—

- 15 (1) \$400,000,000 for fiscal year 2004;
- 16 (2) \$410,000,000 for fiscal year 2005;
- 17 (3) \$420,000,000 for fiscal year 2006;
- 18 (4) \$430,000,000 for fiscal year 2007;
- 19 (5) \$440,000,000 for fiscal year 2008; and
- 20 (6) \$450,000,000 for fiscal year 2009.

21 **SEC. 1103. APPORTIONMENTS.**

22 (a) ADMINISTRATIVE EXPENSES.—Section 104(a) of
 23 title 23, United States Code, is amended—

- 24 (1) by striking paragraphs (1) and (2) and in-
 25 serting the following:

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated from the Highway Trust Fund (other
3 than the Mass Transit Account) for purposes de-
4 scribed in paragraph (2) \$400,000,000 for fiscal
5 year 2004, \$410,000,000 for fiscal year 2005,
6 \$420,000,000 for fiscal year 2006, \$430,000,000 for
7 fiscal year 2007, \$440,000,000 for fiscal year 2008,
8 and \$450,000,000 for fiscal year 2009.

9 “(2) USE OF FUNDS.—The amounts authorized
10 to be appropriated by paragraph (1) are authorized
11 for the following purposes:

12 “(A) To administer the provisions of law to
13 be financed from appropriations for the Fed-
14 eral-aid highway program and programs au-
15 thorized under chapter 2.

16 “(B) To make transfers of such sums as
17 the Secretary determines to be appropriate to
18 the Appalachian Regional Commission for ad-
19 ministrative activities associated with the Appa-
20 lachian development highway system.”;

21 (2) in paragraph (3) by striking “sum deducted
22 under” and inserting “amounts authorized to be ap-
23 propriated by”; and

24 (3) in paragraph (4)—

1 (A) by striking “sums deducted under”
2 and inserting “amounts authorized to be appro-
3 priated by”; and

4 (B) by striking “and the Federal Motor
5 Carrier Safety Administration”.

6 (b) NATIONAL HIGHWAY SYSTEM.—Section 104(b)
7 of such title is amended—

8 (1) by striking “the deduction authorized by
9 subsection (a) and”; and

10 (2) in paragraph (1)—

11 (A) by striking “\$36,400,000 for each fis-
12 cal year” and inserting “\$40,000,000 for fiscal
13 year 2004, \$45,000,000 for fiscal year 2005,
14 \$50,000,000 for fiscal year 2006, \$55,000,000
15 for fiscal year 2007, \$65,000,000 for fiscal year
16 2008, and \$75,000,000 for fiscal year 2009”;

17 (B) by striking “\$18,800,000” and insert-
18 ing “\$37,600,000”; and

19 (C) by striking “1998 through 2002” and
20 inserting “2004 through 2009”.

21 (c) CONFORMING AMENDMENTS.—Section 104 of
22 such title is amended—

23 (1) in subsection (f)(1)—

1 (A) by striking “, after making the deduc-
2 tion authorized by subsection (a) of this sec-
3 tion,”; and

4 (B) by striking “remaining”; and
5 (2) in subsection (i) by striking “deducted” and
6 inserting “authorized to be appropriated”.

7 (d) PUERTO RICO HIGHWAY PROGRAM.—Section
8 1214(r) of the Transportation Equity Act for the 21st
9 Century (112 Stat. 209; 117 Stat. 1114) is amended—

10 (1) in paragraph (1) by striking “(15) for each
11 of fiscal years 1998 through 2004” and inserting
12 “(24) for each of fiscal years 2004 through 2009 of
13 the Transportation Equity Act: A Legacy for
14 Users”; and

15 (2) in paragraph (2) by striking “(15) of this
16 Act” and inserting “(24) of the Transportation Eq-
17 uity Act: A Legacy for Users”.

18 **SEC. 1104. MINIMUM GUARANTEE.**

19 (a) GENERAL RULE.—Section 105(a) of title 23,
20 United States Code, is amended—

21 (1) by striking “1998 through 2003” and in-
22 serting “2004 through 2009”;

23 (2) by striking “, high priority projects”; and

24 (3) by striking “and recreational trails” and in-
25 serting “recreational trails, coordinated border infra-

1 structure, freight intermodal connectors, safe routes
2 to school, highway safety improvement, and high
3 risk rural road safety improvement”.

4 (b) TREATMENT OF FUNDS.—Section 105(c)(1) of
5 such title is amended—

6 (1) by striking “\$2,800,000,000” and inserting
7 “\$3,100,000,000 in fiscal year 2004,
8 \$3,350,000,000 in fiscal year 2005, \$3,700,000,000
9 in fiscal year 2006, \$4,000,000,000 in fiscal year
10 2007, \$4,400,000,000 in fiscal year 2008, and
11 \$4,800,000,000 in fiscal year 2009”;

12 (2) by striking “, high priority projects”; and

13 (3) by striking “and recreational trails” each
14 place it appears and inserting “recreational trails,
15 coordinated border infrastructure, freight intermodal
16 connectors, safe routes to school, highway safety im-
17 provement, and high risk rural road safety improve-
18 ment”.

19 (c) AUTHORIZATION.—Section 105(d) of such title is
20 amended by striking “1998 through 2003” and inserting
21 “2004 through 2009”.

22 (d) SPECIAL RULE.—Section 105 of such title is fur-
23 ther amended—

24 (1) by striking subsection (e); and

1 (2) by redesignating subsection (f) as sub-
2 section (e).

3 (e) GUARANTEED SPECIFIED RETURN.—Section
4 105(e) of such title (as redesignated by subsection (d))
5 is amended—

6 (1) in the subsection heading by striking “OF
7 90.5” and inserting “SPECIFIED”;

8 (2) in paragraph (1)—

9 (A) by striking “1999 through 2003” and
10 inserting “2004 through 2009”; and

11 (B) by inserting before the period at the
12 end the following: “in fiscal year 2004, 91 per-
13 cent in fiscal year 2005, 92 percent in fiscal
14 year 2006, 93 percent in fiscal year 2007, 94
15 percent in fiscal year 2008, and 95 percent in
16 fiscal year 2009”.

17 (3) by striking paragraph (2);

18 (4) by redesignating paragraphs (3) and (4) as
19 paragraphs (2) and (3), respectively;

20 (5) in paragraph (2) (as so redesignated) by
21 striking “any” and inserting “the”; and

22 (6) in paragraph (3) (as so redesignated) by
23 striking “90.5 percent” and inserting “the percent-
24 age required in paragraph (1) for such fiscal year”.

1 (f) SPECIAL RULE.—The amendment made by sub-
2 section (e)(2)(B) of this section shall not be in effect in
3 any fiscal year if the obligation limitation for Federal-aid
4 highways and highway safety construction for that fiscal
5 year is less than the amount set forth in section 1102(a)
6 of this Act for such fiscal year.

7 **SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.**

8 Section 110 of title 23, United States Code, relating
9 to revenue aligned budget authority, will be continued in
10 such a way as to create greater stability in program fund-
11 ing level adjustments and maintain a direct relationship
12 to the receipts in the Highway Account of the Highway
13 Trust Fund.

14 **SEC. 1106. EMERGENCY RELIEF.**

15 (a) IN GENERAL.—Section 125(c)(1) of title 23,
16 United States Code, is amended by striking
17 “\$100,000,000” and inserting “\$200,000,000”.

18 (b) AUTHORIZATIONS OF APPROPRIATIONS FROM
19 GENERAL FUND.—There is authorized to be appropriated
20 for a fiscal year such sums as may be necessary for alloca-
21 tions by the Secretary described in subsections (a) and (b)
22 of sections 125 of title 23, United States Code, if the total
23 of those allocations in such fiscal year are in excess of
24 \$200,000,000.

1 **SEC. 1107. SURFACE TRANSPORTATION PROGRAM.**

2 Section 133(f)(1) of title 23, United States Code, is
3 amended—

4 (1) by striking “1998 through 2000” and in-
5 sserting “2004 through 2006”; and

6 (2) by striking “2001 through 2003” and in-
7 sserting “2007 through 2009”.

8 **SEC. 1108. HIGHWAY USE TAX EVASION PROJECTS.**

9 (a) **PROJECT REPORTS.**—Section 143 of title 23,
10 United States Code, is amended by inserting at the end
11 of subsection (b) the following:

12 “(9) **REPORTS.**—The Internal Revenue Service
13 and States shall submit to the Secretary annual re-
14 ports that describe the projects, examinations, and
15 criminal investigations funded by and carried out
16 under this section. The reports must specify the an-
17 nual yield estimated for each project funded under
18 this section.”.

19 (b) **ELIGIBLE ACTIVITIES.**—Section 143(b)(4) of
20 such title is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (F);

23 (2) by striking the period at the end of sub-
24 paragraph (G) and inserting “; and”; and

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

1 “(H) to analyze and implement programs
2 to reduce tax evasion associated with foreign
3 imported fuel.”.

4 (c) FUEL REPORTING SYSTEM.— Section 143(c)(1)
5 of such title is amended by striking “Not later than Au-
6 gust 1, 1998,” and inserting “Not later than April 1,
7 2004,”.

8 (d) IRS REPORT.—Section 143(c)(2) of such title is
9 amended—

10 (1) by striking “and” at the end of subpara-
11 graph (B);

12 (2) by striking the period at the end of sub-
13 paragraph (C) and inserting “: and”; and

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

15 “(D) the Internal Revenue Service shall
16 provide a report to the Secretary on the status
17 of the Internal Revenue Service projects funded
18 under this section by March 30 and September
19 30 of each year. The report shall include up-
20 dates on the automated fuel tracking system
21 project.”.

22 (e) FUNDING.—Section 143(c)(3) of such title is
23 amended to read as follows:

24 “(3) FUNDING.—Of the amounts made avail-
25 able to carry out this section for each of fiscal years

1 2004 through 2009, the Secretary shall make funds
2 available to the Internal Revenue Service to com-
3 plete, operate, and maintain an automated fuel re-
4 porting system and to the States to supplement
5 State highway use tax enforcement programs.”.

6 **SEC. 1109. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
7 **TEM.**

8 (a) APPORTIONMENT.—The Secretary shall appor-
9 tion funds made available by section 1101(a)(7) of this
10 Act for fiscal years 2004 through 2009 among the States
11 based on the latest available cost to complete estimate for
12 the Appalachian development highway system under sec-
13 tion 14501 title 40, United States Code.

14 (b) APPLICABILITY OF TITLE 23.—Funds made
15 available by section 1101(a)(7) of this Act for the Appa-
16 lachian development highway system shall be available for
17 obligation in the same manner as if such funds were ap-
18 portioned under chapter 1 of title 23, United States Code;
19 except that the Federal share of the cost of any project
20 under this section shall be determined in accordance with
21 such section 14501 of title 40, United States Code, and
22 such funds shall be available to construct highways and
23 access roads under such section and shall remain available
24 until expended.

1 (c) USE OF TOLL CREDITS.—Section 120(j)(1) of
2 title 23, United States Code is amended by inserting “and
3 the Appalachian development highway system program
4 under section 14501 of title 40” after “section 125”.

5 **SEC. 1110. CONSTRUCTION OF FERRY BOATS AND FERRY**
6 **TERMINAL FACILITIES.**

7 (a) IN GENERAL.—Subchapter I of chapter 1 of title
8 23, United States Code, is amended by adding at the end
9 the following:

10 **“§ 165. Construction of ferry boats and ferry terminal**
11 **facilities**

12 “(a) IN GENERAL.—The Secretary shall carry out a
13 program for construction of ferry boats and ferry terminal
14 facilities in accordance with section 129(c).

15 “(b) FEDERAL SHARE.—The Federal share payable
16 for construction of ferry boats and ferry terminal facilities
17 under this section shall be 80 percent of the cost thereof.

18 “(c) AVAILABILITY OF AMOUNTS.—Amounts made
19 available to carry out this section shall remain available
20 until expended.

21 “(d) SET-ASIDE FOR PROJECTS ON NHS.—

22 “(1) IN GENERAL.—\$20,000,000 of the amount
23 made available to carry out this section for each of
24 fiscal years 2004 through 2009 shall be obligated for
25 the construction or refurbishment of ferry boats and

1 ferry terminal facilities and approaches to such fa-
2 cilities within marine highway systems that are part
3 of the National Highway System.

4 “(2) ALASKA.—\$10,000,000 of the
5 \$20,000,000 for a fiscal year made available under
6 paragraph (1) shall be made available to the State
7 of Alaska.

8 “(3) NEW JERSEY.—\$5,000,000 of the
9 \$20,000,000 for a fiscal year made available under
10 paragraph (1) shall be made available to the State
11 of New Jersey.

12 “(4) WASHINGTON.—\$5,000,000 of the
13 \$20,000,000 for a fiscal year made available under
14 paragraph (1) shall be made available to the State
15 of Washington.

16 “(e) APPLICABILITY.—All provisions of this chapter
17 that are applicable to the National Highway System, other
18 than provisions relating to apportionment formula and
19 Federal share, shall apply to funds made available to carry
20 out this section, except as determined by the Secretary
21 to be inconsistent with this section.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 subchapter I of chapter 1 of such title is amended by add-
24 ing at the end the following:

“165. Construction of ferry boats and ferry terminal facilities.”.

1 **SEC. 1111. INTERSTATE MAINTENANCE DISCRETIONARY.**

2 (a) IN GENERAL.—Section 118 of title 23, United
3 States Code, is amended—

4 (1) by striking subsection (c);

5 (2) in subsection (e) by inserting “SPECIAL
6 RULES.—” before “Funds made”; and

7 (3) by redesignating subsections (d) and (e) as
8 subsections (c) and (d), respectively.

9 (b) CONFORMING AMENDMENT.—Section 103(d)(1)
10 of such title is amended by striking “or section 118(e)”.

11 (c) TECHNICAL AMENDMENTS.—

12 (1) SECTION 127.—Section 127 of such title is
13 amended by striking “118(b)(1)” and inserting
14 “118(b)(2)”.

15 (2) SECTION 112.—Section 112 of such title is
16 amended by striking subsection (f) and by redesignating
17 (g) as subsection (f).

18 (3) SECTION 114.—Section 114(a) of such title
19 is amended by striking “Except as provided in section
20 117 of this title, such” and inserting “Such”.

21 (4) SECTION 145.—Section 145(b) of such title
22 is amended by striking “117 of title 23, United
23 States Code,” and inserting “section 117 of this
24 title”.

25 (d) LIMITATION.—The amendments made by this
26 section shall not apply to, or have any affect with respect

1 to, funds made available under section 118 of title 23,
2 United States Code, before the date of enactment of this
3 section.

4 **SEC. 1112. HIGHWAY BRIDGE.**

5 (a) SCOUR COUNTERMEASURES.—Section 144(d) of
6 title 23, United States Code, is amended to read as fol-
7 lows:

8 “(d) APPLICATIONS FOR AND APPROVAL OF ASSIST-
9 ANCE.—

10 “(1) BRIDGE REPLACEMENT OR REHABILITA-
11 TION.—Whenever any State or States make applica-
12 tion to the Secretary for assistance in replacing or
13 rehabilitating a highway bridge which the priority
14 system established under subsections (b) and (c)
15 shows to be eligible, the Secretary may approve Fed-
16 eral participation in replacing such bridge with a
17 comparable facility or in rehabilitating such bridge.

18 “(2) PREVENTIVE MAINTENANCE, SCOUR MEAS-
19 URES, AND APPLICATIONS OF CERTAIN COMPOSI-
20 TIONS.—Whenever any State makes application to
21 the Secretary for assistance in painting, seismic ret-
22 rofit, or preventive maintenance of, or installing
23 scour countermeasures or applying calcium magne-
24 sium acetate, sodium acetate/formate, or other envi-
25 ronmentally acceptable, minimally corrosive anti-

1 icing and de-icing compositions to, the structure of
2 a highway bridge, the Secretary may approve Fed-
3 eral participation in the painting, seismic retrofit, or
4 preventive maintenance of, or installation of scour
5 countermeasures or application of acetate or sodium
6 acetate/formate or such anti-icing or de-icing com-
7 position to, such structure.

8 “(3) ELIGIBILITY.—The Secretary shall deter-
9 mine the eligibility of highway bridges for replace-
10 ment or rehabilitation for each State based upon the
11 unsafe highway bridges in such State; except that a
12 State may carry out a project for preventive mainte-
13 nance on a bridge, seismic retrofit of a bridge, or in-
14 stalling scour countermeasures to a bridge under
15 this section without regard to whether the bridge is
16 eligible for replacement or rehabilitation under this
17 section.”.

18 (b) BRIDGE DISCRETIONARY SET-ASIDE.—Section
19 144(g)(1) of such title is amended by adding at the end
20 the following:

21 “(D) FISCAL YEARS 2004 THROUGH 2009.—

22 Of the amounts authorized to be appropriated
23 to carry out the bridge program under this sec-
24 tion for each of the fiscal years 2004 through
25 2009, all but \$100,000,000 shall be appor-

1 tioned as provided in subsection (e). Such
2 \$100,000,000 shall be available at the discre-
3 tion of the Secretary.”.

4 (c) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of
5 such title is amended—

6 (1) by striking “1987” and inserting “2004”;

7 (2) by striking “2003” and inserting “2009”;

8 (3) by inserting “, perform systematic preven-
9 tive maintenance,” after “paint”;

10 (4) by inserting a comma before “to highway
11 bridges”.

12 (d) TECHNICAL AMENDMENT.—Section 144(i) of
13 such title is amended by striking “at the same time” and
14 all that follows through “Congress”.

15 **SEC. 1113. TRANSPORTATION AND COMMUNITY AND SYS-**
16 **TEM PRESERVATION PROGRAM.**

17 Section 1221(e)(1) of Transportation Equity Act for
18 the 21st Century (23 U.S.C. 101 note; 112 Stat. 223) is
19 amended—

20 (1) by striking “1999 and” and inserting
21 “1999,”; and

22 (2) by inserting before the period at the end the
23 following: “, and \$30,000,000 for fiscal year 2004,
24 \$35,000,000 for fiscal year 2005, \$40,000,000 for
25 fiscal year 2006, \$45,000,000,000 for fiscal year

1 2007, and \$50,000,000 for each of fiscal years 2008
2 and 2009”.

3 **SEC. 1114. DEPLOYMENT OF MAGNETIC LEVITATION**
4 **TRANSPORTATION PROJECTS.**

5 (a) DEFINITIONS.—In this section, the following defi-
6 nitions apply:

7 (1) ELIGIBLE PROJECT COSTS.—The term “eli-
8 gible project costs”—

9 (A) means the capital cost of the fixed
10 guideway infrastructure of a MAGLEV project,
11 including land, piers, guideways, propulsion
12 equipment and other components attached to
13 guideways, power distribution facilities (includ-
14 ing substations), control and communications
15 facilities, access roads, and storage, repair, and
16 maintenance facilities, but not including costs
17 incurred for a new station; and

18 (B) includes the costs of preconstruction
19 planning activities.

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

24 (3) MAGLEV.—The term “MAGLEV” means
25 transportation systems employing magnetic levita-

1 tion that would be capable of safe use by the public
2 at a speed in excess of 240 miles per hour.

3 (4) STATE.—The term “State” has the mean-
4 ing such term has under section 101(a) of title 23,
5 United States Code.

6 (b) IN GENERAL.—

7 (1) ASSISTANCE FOR ELIGIBLE PROJECTS.—
8 The Secretary shall make available financial assist-
9 ance to pay the Federal share of full project costs
10 of eligible projects authorized by this section.

11 (2) USE OF ASSISTANCE.—Financial assistance
12 provided under paragraph (1) shall be used only to
13 pay eligible project costs of projects authorized by
14 this section.

15 (c) PROJECT ELIGIBILITY.—To be eligible to receive
16 financial assistance under subsection (b), a project shall—

17 (1) involve a segment or segments of a high-
18 speed ground transportation corridor;

19 (2) result in an operating transportation facility
20 that provides a revenue producing service; and

21 (3) be approved by the Secretary based on an
22 application submitted to the Secretary by a State or
23 authority designated by 1 or more States.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated from the Highway Trust

1 Fund (other than the Mass Transit Account) to carry out
2 this section \$40,000,000 for each of fiscal years 2005
3 through 2009.

4 (e) APPLICABILITY OF TITLE 23, UNITED STATES
5 CODE.—Funds authorized to be appropriated by this sec-
6 tion shall be available for obligation in the same manner
7 as if such funds were apportioned under chapter 1 of title
8 23, United States Code; except that the Federal share of
9 the full project costs of an eligible project shall be 80 per-
10 cent and such funds shall remain available until expended.

11 **SEC. 1115. RECREATIONAL TRAILS.**

12 (a) RECREATIONAL TRAILS PROGRAM FORMULA.—
13 Section 104(h)(1) of title 23, United States Code, is
14 amended by striking “research and technical” and all that
15 follows through “Committee” and inserting “research,
16 technical assistance, and training under the recreational
17 trails program”.

18 (b) PERMISSIBLE USES.—Section 206(d)(2) of such
19 title is amended to read as follows:

20 “(2) PERMISSIBLE USES.—Permissible uses of
21 funds apportioned to a State for a fiscal year to
22 carry out this section include—

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

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

4 “(C) purchase and lease of recreational
5 trail construction and maintenance equipment;

6 “(D) construction of new recreational
7 trails, except that, in the case of new rec-
8 reational trails crossing Federal lands, con-
9 struction of the trails shall be—

10 “(i) permissible under other law;

11 “(ii) necessary and recommended by a
12 statewide comprehensive outdoor recreation
13 plan that is required by the Land and
14 Water Conservation Fund Act of 1965 (16
15 U.S.C. 460l-4 et seq.) and that is in ef-
16 fect;

17 “(iii) approved by the administering
18 agency of the State designated under sub-
19 section (c)(1); and

20 “(iv) approved by each Federal agency
21 having jurisdiction over the affected lands
22 under such terms and conditions as the
23 head of the Federal agency determines to
24 be appropriate, except that the approval
25 shall be contingent on compliance by the

1 Federal agency with all applicable laws, in-
2 cluding the National Environmental Policy
3 Act of 1969 (42 U.S.C. 4321 et seq.), the
4 Forest and Rangeland Renewable Re-
5 sources Planning Act of 1974 (16 U.S.C.
6 1600 et seq.), and the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C.
8 1701 et seq.);

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

12 “(F) assessment of trail conditions for ac-
13 cessibility and maintenance;

14 “(G) operation of educational programs to
15 promote safety and environmental protection as
16 those objectives relate to the use of recreational
17 trails, but in an amount not to exceed 5 percent
18 of the apportionment made to the State for the
19 fiscal year; and

20 “(H) payment of costs to the State in-
21 curred in administering the program, but in an
22 amount not to exceed 7 percent of the appor-
23 tionment made to the State for the fiscal year
24 to carry out this section.”.

1 (c) USE OF APPORTIONMENTS.—Section 206(d)(3)
2 of such title is amended—

3 (1) by striking subparagraph (C);

4 (2) by redesignating subparagraph (D) as sub-
5 paragraph (C); and

6 (3) in subparagraph (C) (as so redesignated) by
7 striking “(2)(F)” and inserting “(2)(H)”.

8 (d) FEDERAL SHARE.—Section 206(f) of such title
9 is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “and the Federal share of
12 the administrative costs of a State” after
13 “project”; and

14 (B) by striking “not exceed 80 percent”
15 and inserting “be determined in accordance
16 with section 120(b)”;

17 (2) in paragraph (2)(A) by striking “80 percent
18 of” and inserting “the amount determined in accord-
19 ance with section 120(b) for”;

20 (3) in paragraph (2)(B) by inserting “spon-
21 soring the project” after “Federal agency”;

22 (4) by striking paragraph (5);

23 (5) by redesignating paragraph (4) as para-
24 graph (5);

1 (6) in paragraph (5) (as so redesignated) by
2 striking “80 percent” and inserting “the Federal
3 share as determined in accordance with section
4 120(b)”; and

5 (7) by inserting after paragraph (3) the fol-
6 lowing:

7 “(4) USE OF RECREATIONAL TRAILS PROGRAM
8 FUNDS TO MATCH OTHER FEDERAL PROGRAM
9 FUNDS.—Notwithstanding any other provision of
10 law, funds made available under this section may be
11 used toward the non-Federal matching share for
12 other Federal program funds that are—

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

16 “(B) expended on a project that is eligible
17 for assistance under this section.”.

18 (e) PLANNING AND ENVIRONMENTAL ASSESSMENT
19 COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Sec-
20 tion 206(h)(1) of such title is amended by adding at the
21 end the following:

22 “(C) PLANNING AND ENVIRONMENTAL AS-
23 SESSMENT COSTS INCURRED PRIOR TO PROJECT
24 APPROVAL.—The Secretary may allow pre-ap-
25 proval planning and environmental compliance

1 costs to be credited toward the non-Federal
2 share of the cost of a project described under
3 subsection (d)(2) (other than subparagraph (I))
4 in accordance with subsection (f), limited to
5 costs incurred less than 18 months prior to
6 project approval.”.

7 (f) ENCOURAGEMENT OF USE OF YOUTH CONSERVA-
8 TION OR SERVICE CORPS.—The Secretary shall encourage
9 the States to enter into contracts and cooperative agree-
10 ments with qualified youth conservation or service corps
11 to perform construction and maintenance of recreational
12 trails under section 206 of title 23, United States Code.

13 **SEC. 1116. FEDERAL LANDS HIGHWAYS.**

14 (a) CONTRACTS AND AGREEMENTS WITH INDIAN
15 TRIBES.—Section 202(d)(3) of title 23, United States
16 Code, is amended to read as follows:

17 “(3) CONTRACTS AND AGREEMENTS WITH IN-
18 DIAN TRIBES.—

19 “(A) IN GENERAL.—Notwithstanding any
20 other provision of law or any interagency agree-
21 ment, program guideline, manual, or policy di-
22 rective, all funds made available to an Indian
23 tribal government under this title for a high-
24 way, road, bridge, parkway, or transit facility
25 project that is located on an Indian reservation

1 or provides access to the reservation or a com-
2 munity of the Indian tribe shall be made avail-
3 able, on the request of the Indian tribal govern-
4 ment, to the Indian tribal government for use
5 in carrying out, in accordance with the Indian
6 Self-Determination and Education Assistance
7 Act (25 U.S.C. 450 et seq.), contracts and
8 agreements for the planning, research, engi-
9 neering, and construction relating to such
10 project.

11 “(B) EXCLUSION OF AGENCY PARTICIPA-
12 TION.—In accordance with subparagraph (A),
13 all funds for a project to which subparagraph
14 (A) applies shall be paid to the Indian tribal
15 government without regard to the organiza-
16 tional level at which the Department of the In-
17 terior has previously carried out, or the Depart-
18 ment of Transportation has previously carried
19 out under the Federal lands highway programs,
20 the programs, functions, services, or activities
21 involved.

22 “(C) CONSORTIA.—Two or more Indian
23 tribes that are otherwise eligible to participate
24 in a project to which this title applies may form
25 a consortium to be considered as a single In-

1 dian tribe for the purpose of participating in
2 the project under this section.

3 “(D) FUNDING.—The amount an Indian
4 tribal government receives for a project under
5 subparagraph (A) shall equal the sum of the
6 funding that the Indian tribal government
7 would otherwise receive for the project in ac-
8 cordance with the funding formula established
9 under this subsection and such additional
10 amount as the Secretary determines equal the
11 amounts that would have been withheld for the
12 costs of the Bureau of Indian Affairs for ad-
13 ministration of the project.

14 “(E) ELIGIBILITY.—An Indian tribal gov-
15 ernment may receive funding under subpara-
16 graph (A) for a project in a fiscal year if the
17 Indian tribal government demonstrates to the
18 satisfaction of the Secretary financial stability
19 and financial management capability as dem-
20 onstrated in the annual auditing required under
21 the Indian Self-Determination and Education
22 Assistance Act (25 U.S.C. 450 et seq.) and,
23 during the preceding fiscal year, had no uncor-
24 rected significant and material audit exceptions
25 in the required annual audit of the Indian

1 tribe’s self-determination contracts or self-gov-
2 ernance funding agreements with any Federal
3 agency.

4 “(F) ASSUMPTION OF FUNCTIONS AND DU-
5 TIES.—An Indian tribal government receiving
6 funding under subparagraph (A) for a project
7 shall assume all functions and duties that the
8 Secretary of the Interior would have performed
9 with respect to projects under this chapter,
10 other than those functions and duties that in-
11 herently cannot be legally transferred under the
12 Indian Self-Determination and Education As-
13 sistance Act (25 U.S.C. 450b et seq.).

14 “(G) POWERS.—An Indian tribal govern-
15 ment receiving funding under subparagraph (A)
16 for a project shall have all powers that the Sec-
17 retary of the Interior would have exercised in
18 administering the funds transferred to the In-
19 dian tribal government for such project under
20 this section if such funds had not been trans-
21 ferred, except to the extent that such powers
22 are powers that inherently cannot be legally
23 transferred under the Indian Self-Determina-
24 tion and Education Assistance Act (25 U.S.C.
25 450b et seq.).

1 “(H) DISPUTE RESOLUTION.—In the event
2 of a disagreement between the Secretary of
3 Transportation or the Secretary of the Interior
4 and an Indian tribe over whether a particular
5 function, duty, or power may be lawfully trans-
6 ferred under the Indian Self-Determination and
7 Education Assistance Act (25 U.S.C. 450b et
8 seq.), the Indian tribe shall have the right to
9 pursue all alternative dispute resolutions and
10 appeal procedures authorized by such Act, in-
11 cluding regulations issued to carry out such
12 Act.”.

13 (b) ALASKA NATIVE VILLAGE INVENTORY.—Section
14 202(d)(2) of such title is amended by adding at the end
15 the following:

16 “(E) ALASKA NATIVE ROAD INVENTORY.—
17 “(i) IN GENERAL.—For fiscal year
18 2004 and each fiscal year thereafter, any
19 allocation of sums authorized to be appro-
20 priated for Indian reservation roads in
21 Alaska shall be based on an inventory of
22 roads within the exterior boundaries of vil-
23 lage corporation land selected pursuant to
24 the Alaska Native Claims Settlement Act
25 (43 U.S.C. 1601 et seq.) that includes all

1 routes previously included in such an in-
2 ventory. The Secretary of Transportation
3 and the Secretary of the Interior may in-
4 clude, in the inventory of roads, those pro-
5 posed for inclusion by tribal village govern-
6 ments from among community streets
7 within the village and those proposed pri-
8 mary access routes for inclusion by tribal
9 village governments, including roads and
10 trails between villages (including links over
11 water), roads and trails to landfills, roads
12 and trails to drinking water sources, roads
13 and trails to natural resources identified
14 for economic development, and roads and
15 trails that provide access to intermodal ter-
16 mini, such as airports, harbors, or boat
17 landings.

18 “(ii) LIMITATION ON PRIMARY ACCESS
19 ROUTES.—For purposes of this subpara-
20 graph, a proposed primary access route is
21 the shortest practicable route connecting 2
22 points of the proposed route.”.

23 (c) DEPUTY ASSISTANT SECRETARY OF TRANSPOR-
24 TATION FOR TRIBAL GOVERNMENT AFFAIRS.—Section
25 102 of title 49, United States Code, is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) DEPUTY ASSISTANT SECRETARY FOR TRIBAL
6 GOVERNMENT AFFAIRS.—The Department of Transpor-
7 tation shall have, within the office of the Secretary, a Dep-
8 uty Assistant Secretary for Tribal Government Affairs ap-
9 pointed by the President to plan, coordinate, and imple-
10 ment the Department of Transportation policy and pro-
11 grams serving Indian tribes and tribal organizations and
12 to coordinate tribal transportation programs and activities
13 in all offices and administrations of the Department and
14 to be a participant in any negotiated rulemaking related
15 to, or has impact on, projects, programs, or funding asso-
16 ciated with the tribal transportation program.”.

17 **SEC. 1117. INDIAN TRANSPORTATION BONDS.**

18 [Reserved.]

19 **SEC. 1118. PEDESTRIAN AND CYCLIST EQUITY.**

20 (a) TRANSPORTATION AND ACTIVE LIVING PRO-
21 GRAM.—[Reserved.]

22 (b) SAFE ROUTES TO SCHOOL PROGRAM.—

23 (1) ESTABLISHMENT.—Subject to the require-
24 ments of this subsection, the Secretary shall estab-
25 lish and carry out a safe routes to school program

1 for the benefit of children in primary and middle
2 schools.

3 (2) PURPOSES.—The purposes of the program
4 shall be—

5 (A) to enable and encourage children, in-
6 cluding those with disabilities, to walk and bicy-
7 cle to school;

8 (B) to make bicycling and walking to
9 school a safer and more appealing transpor-
10 tation alternative, thereby encouraging a
11 healthy and active lifestyle from an early age;
12 and

13 (C) to facilitate the planning, development,
14 and implementation of projects and activities
15 that will improve safety and reduce traffic, fuel
16 consumption, and air pollution in the vicinity of
17 schools.

18 (3) APPORTIONMENT OF FUNDS.—

19 (A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), amounts made available to
21 carry out this subsection for a fiscal year shall
22 be apportioned among the States in the ratio
23 that—

1 (i) the total student enrollment in pri-
2 mary and middle schools in each State;
3 bears to

4 (ii) the total student enrollment in
5 primary and middle schools in all the
6 States.

7 (B) MINIMUM APPORTIONMENT.—No
8 State shall receive an apportionment under this
9 subsection for a fiscal year of less than
10 \$2,000,000.

11 (C) SET-ASIDE.—Before apportioning
12 amounts made available to carry out this sub-
13 section under this paragraph for a fiscal year,
14 the Secretary shall set aside not more than 2
15 percent of such amounts for the administrative
16 expenses of the Secretary in carrying out this
17 subsection.

18 (D) DETERMINATION OF STUDENT EN-
19 ROLLMENTS.—Determinations under this para-
20 graph concerning student enrollments shall be
21 made by the Secretary.

22 (4) ADMINISTRATION OF AMOUNTS.—Amounts
23 apportioned to a State under this subsection shall be
24 administered by the State's department of transpor-
25 tation.

1 (5) ELIGIBLE RECIPIENTS.—Amounts appor-
2 tioned to a State under this subsection shall be used
3 by the State to provide financial assistance to State,
4 local, and regional agencies, including nonprofit or-
5 ganizations, that demonstrate an ability to meet the
6 requirements of this subsection.

7 (6) ELIGIBLE PROJECTS AND ACTIVITIES.—

8 (A) INFRASTRUCTURE-RELATED
9 PROJECTS.—

10 (i) IN GENERAL.—Amounts appor-
11 tioned to a State under this subsection
12 may be used for the planning, design, and
13 construction of infrastructure-related
14 projects that will substantially improve the
15 ability of students to walk and bike to
16 school, including sidewalk improvements,
17 traffic calming and speed reduction im-
18 provements, pedestrian and bicycle cross-
19 ing improvements, on-street bicycle facili-
20 ties, off-street bicycle and pedestrian facili-
21 ties, secure bicycle parking facilities, and
22 traffic diversion improvements in the vicin-
23 ity of schools.

24 (ii) LOCATION OF PROJECTS.—Infra-
25 structure-related projects under subpara-

1 graph (A) may be carried out on any pub-
2 lic road or any bicycle or pedestrian path-
3 way or trail in the vicinity of schools.

4 (B) NONINFRASTRUCTURE-RELATED AC-
5 TIVITIES.—

6 (i) IN GENERAL.—In addition to
7 projects described in subparagraph (A),
8 amounts apportioned to a State under this
9 subsection may be used for noninfrastruc-
10 ture-related activities to encourage walking
11 and bicycling to school, including public
12 awareness campaigns and outreach to
13 press and community leaders, traffic edu-
14 cation and enforcement in the vicinity of
15 schools, student sessions on bicycle and pe-
16 destrian safety, health, and environment,
17 and funding for training, volunteers, and
18 coordinators of safe routes to school pro-
19 grams.

20 (ii) ALLOCATION.—Not less than 10
21 percent and not more than 30 percent of
22 the amount apportioned to a State under
23 this subsection for a fiscal year shall be
24 used for noninfrastructure-related activities
25 under this subparagraph.

1 (C) SAFE ROUTES TO SCHOOL COORDI-
2 NATOR.—Each State receiving an appor­tion-
3 ment under this subsection for a fiscal year
4 shall use a sufficient amount of the appor­tion-
5 ment to fund a full-time position of coordinator
6 of the State’s safe routes to school program.

7 (7) CLEARINGHOUSE.—

8 (A) IN GENERAL.—The Secretary shall
9 make grants to a national nonprofit organiza-
10 tion engaged in promoting safe routes to
11 schools to—

12 (i) operate a national safe routes to
13 school clearinghouse;

14 (ii) develop information and edu-
15 cational programs on safe routes to school;
16 and

17 (iii) provide technical assistance and
18 disseminate techniques and strategies used
19 for successful safe routes to school pro-
20 grams.

21 (B) FUNDING.—The Secretary shall carry
22 out this paragraph using amounts set aside for
23 administrative expenses under paragraph
24 (3)(C).

25 (8) TASK FORCE.—

1 (A) IN GENERAL.—The Secretary shall es-
2 tablish a national safe routes to school task
3 force composed of leaders in health, transpor-
4 tation, and education, including representatives
5 of appropriate Federal agencies, to study and
6 develop a strategy for advancing safe routes to
7 school programs nationwide.

8 (B) REPORT.—Not later than March 30,
9 2005, the Secretary shall transmit to Congress
10 a report containing the results of the study con-
11 ducted, and a description of the strategy devel-
12 oped, under subparagraph (A).

13 (C) FUNDING.—The Secretary shall carry
14 out this paragraph using amounts set aside for
15 administrative expenses under paragraph
16 (3)(C).

17 (9) APPLICABILITY OF TITLE 23.—Funds made
18 available to carry out this subsection shall be avail-
19 able for obligation in the same manner as if such
20 funds were apportioned under chapter 1 of title 23,
21 United States Code; except that such funds shall not
22 be transferable and shall remain available until ex-
23 pended and the Federal share of the cost of a
24 project or activity under this section shall be 100
25 percent. Notwithstanding any other provision of law,

1 projects assisted under this subsection shall be treat-
2 ed as projects on a Federal-aid system under such
3 chapter.

4 (10) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 (A) IN THE VICINITY OF SCHOOLS.—The
7 term “in the vicinity of schools” means, with
8 respect to a school, the area within bicycling
9 and walking distance of the school (approxi-
10 mately 2 miles).

11 (B) PRIMARY AND MIDDLE SCHOOLS.—
12 The term “primary and middle schools” means
13 schools providing education from kindergarten
14 through eighth grade.

15 (C) STATE.—The term “State” has the
16 meaning such term has in section 101(a) of
17 title 23, United States Code.

18 (c) NONMOTORIZED TRANSPORTATION PILOT PRO-
19 GRAM.—[Reserved.]

20 **SEC. 1119. NATIONAL COMMISSIONS.**

21 (a) NATIONAL COMMISSION ON FUTURE REVENUE
22 SOURCES TO SUPPORT THE HIGHWAY TRUST FUND.—

23 (1) ESTABLISHMENT.—There is established a
24 National Commission on Future Revenue Sources to
25 Support the Highway Trust Fund to conduct a

1 study evaluating alternative long-term sources of
2 revenue to support the Highway Trust Fund, consid-
3 ering the findings, conclusions, and recommenda-
4 tions of a recent study by the Transportation Re-
5 search Board of the National Academy of Sciences
6 on alternatives to the fuel tax to support highway
7 program financing and other relevant prior research.

8 (2) FUNCTIONS.—The Commission shall—

9 (A) oversee a comprehensive investigation
10 of alternatives to replace the fuel tax as the
11 principal revenue source to support the High-
12 way Trust Fund over at least the next 30 years;

13 (B) consult with the Secretary of Trans-
14 portation and the Secretary of the Treasury to
15 assure that their views concerning essential at-
16 tributes of Highway Trust Fund revenue alter-
17 natives are understood;

18 (C) assure that State transportation agen-
19 cy views on alternative revenue sources to sup-
20 port State transportation improvement pro-
21 grams are appropriately considered and that
22 any recommended Federal financing strategy
23 take into account State financial requirements;
24 and

1 (D) make specific recommendations re-
2 garding actions that need to be taken to develop
3 alternative revenue sources to support the
4 Highway Trust Fund and when those actions
5 must be taken.

6 (3) SPECIFIC MATTERS TO BE ADDRESSED.—
7 The study under this subsection shall address spe-
8 cifically—

9 (A) advantages and disadvantages of alter-
10 native revenue sources to meet anticipated Fed-
11 eral surface transportation financial require-
12 ments;

13 (B) the time frame within which actions
14 must be taken to transition from the fuel tax to
15 alternative revenue sources to support the
16 Highway Trust Fund;

17 (C) recommendations concerning the most
18 promising revenue sources to support long-term
19 Federal surface transportation financing re-
20 quirements;

21 (D) development of a broad transition
22 strategy to move from the current tax base to
23 new funding mechanisms, including the time
24 frame for various aspects of the transition
25 strategy;

1 (E) recommendations for additional re-
2 search that may be needed to implement rec-
3 ommended alternatives; and

4 (F) the extent to which revenues should re-
5 flect the relative use of the highway system.

6 (4) MATTERS TO CONSIDER AND EVALUATE.—

7 To the maximum extent feasible, the Commission, in
8 conducting the study under this subsection, shall
9 consider and evaluate other related work that has
10 been done by the Department of Transportation, the
11 Department of Energy, the Transportation Research
12 Board, and others. In developing recommendations
13 under paragraph (2), the Commission shall con-
14 sider—

15 (A) the ability to generate sufficient reve-
16 nues to meet anticipated long term surface
17 transportation financing needs;

18 (B) the roles of the various levels of gov-
19 ernment and the private sector in meeting fu-
20 ture surface transportation financing needs;

21 (C) administrative costs, including enforce-
22 ment, to implement each option;

23 (D) potential taxpayer privacy concerns;

24 (E) likely technological advances that could
25 ease implementation of each option;

1 (F) the equity and economic efficiency of
2 each option;

3 (G) the flexibility of different options to
4 allow various pricing alternatives to be imple-
5 mented; and

6 (H) potential compatibility issues with
7 States tax mechanisms under each alternative.

8 (5) MEMBERSHIP.—

9 (A) APPOINTMENT.—[Reserved.]

10 (B) QUALIFICATIONS.—Members ap-
11 pointed under subparagraph (A) shall have ex-
12 perience in public finance, surface transpor-
13 tation program administration, managing orga-
14 nizations that use surface transportation facili-
15 ties, academic research into related issues, or
16 other activities that provide unique perspectives
17 on current and future requirements for revenue
18 sources to support the Highway Trust Fund.

19 (C) TERMS.—Members shall be appointed
20 for the life of the Commission.

21 (D) VACANCIES.—A vacancy on the Com-
22 mission shall be filled in the manner in which
23 the original appointment was made.

24 (E) TRAVEL EXPENSES.—Members shall
25 serve without pay but shall receive travel ex-

1 penses, including per diem in lieu of subsist-
2 ence, in accordance with sections 5702 and
3 5703 of title 5, United States Code.

4 (F) CHAIRMAN.—The Chairman of the
5 Commission shall be elected by the members.

6 (6) STAFF.—The Commission may engage the
7 services of an appropriate organization, agency, or
8 firm to conduct the study under this subsection. The
9 Commission shall provide strategic guidance for the
10 study. Upon request of the Commission, the Sec-
11 retary of Transportation may detail, on a reimburs-
12 able basis, any of the personnel of that department
13 to the Commission to assist it in carrying out its du-
14 ties under this subsection and shall provide to the
15 Commission nonconfidential data and information as
16 necessary to conduct and complete the study.

17 (7) ADMINISTRATIVE SUPPORT SERVICES.—
18 Upon the request of the Commission, the Secretary
19 shall provide to the Commission, on a reimbursable
20 basis, the administrative support and services nec-
21 essary for the Commission to carry out its respon-
22 sibilities under this subsection.

23 (8) REPORT AND RECOMMENDATIONS.—Not
24 later than September 30, 2006, the Commission
25 shall transmit to Congress a final report on the re-

1 sults of the study conducted under this subsection,
2 including recommendations to address the needs
3 identified in the study.

4 (9) TERMINATION.—The Commission shall ter-
5 minate on the 180th day following the date of trans-
6 mittal of the report under paragraph (8). By such
7 180th day, the Commission shall deliver all records
8 and papers of the Commission to the Administrator
9 of the General Services for deposit in the National
10 Archives.

11 (10) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated from the
13 Highway Trust Fund (other than the Mass Transit
14 Account) \$1,500,000 for each of fiscal years 2004
15 and 2005 to carry out this subsection.

16 (11) APPLICABILITY OF TITLE 23.—Funds
17 made available to carry out this subsection shall be
18 available for obligation in the same manner as if
19 such funds were apportioned under chapter 1 of title
20 23, United States Code; except that the Federal
21 share of the cost of activities carried out under this
22 subsection shall be 100 percent, and such funds
23 shall remain available until expended.

24 (b) DECLARATION OF POLICY REGARDING FUTURE
25 OF THE INTERSTATE HIGHWAY SYSTEM STUDY.—Section

1 101(b) of title 23, United States Code, is amended by
2 striking the last paragraph and inserting the following:

3 “It is further declared that it is in the national inter-
4 est to preserve and enhance the Dwight D. Eisenhower
5 National System of Interstate and Defense Highways to
6 meet the Nation’s needs for the 21st century. The current
7 urban and long distance personal travel and freight move-
8 ment demands have surpassed the vision of the original
9 Interstate System and travel demand patterns are ex-
10 pected to change. Continued planning for and investment
11 in the Interstate System is critical to assure it adequately
12 meets the changing travel demands of the future. Among
13 the foremost needs that the Interstate System must pro-
14 vide are safe, efficient, and reliable (1) national and inter-
15 regional personal mobility, (2) flow of interstate com-
16 merce, and (3) travel movements essential for national se-
17 curity. To the maximum extent, actions under this title
18 should address congestion, safety, and freight transpor-
19 tation to provide for a strong and vigorous national econ-
20 omy. The Interstate System is hereby declared to be the
21 Nation’s premiere highway system, essential for the Na-
22 tion’s economic vitality, national security, and general wel-
23 fare. The Secretary of Transportation is directed to take
24 appropriate actions to preserve and enhance the Interstate

1 System to meet the needs of the 21st century in accord-
2 ance with this title.”.

3 (c) NATIONAL COMMISSION ON FUTURE OF INTER-
4 STATE HIGHWAY SYSTEM.—

5 (1) ESTABLISHMENT.—There is established a
6 National Commission on the Future of the Dwight
7 D. Eisenhower National System of Interstate and
8 Defense Highways (in this subsection referred to as
9 the “Interstate System”).

10 (2) FUNCTION.—The Commission shall—

11 (A) conduct a study of the current condi-
12 tion and future of the Interstate System and
13 develop a conceptual plan with alternative ap-
14 proaches for the future of the Interstate System
15 to assure that the Interstate System will con-
16 tinue to serve the needs of the Nation;

17 (B) assure that State transportation agen-
18 cy views are considered; and

19 (C) make specific recommendations regard-
20 ing those design standards, Federal policies,
21 and legislative changes that must be made to
22 assure the national interests are served in meet-
23 ing future Interstate System needs.

1 (3) SPECIFIC MATTERS TO BE ADDRESSED.—
2 The Commission shall assure that the study under
3 this subsection specifically addresses the following:

4 (A) CURRENT CONDITION.—The current
5 condition and performance of the Interstate
6 System, including physical condition of bridges
7 and pavements and operational characteristics
8 and performance, shall be examined, relying
9 primarily on existing data sources.

10 (B) FUTURE ASSESSMENT.—The future of
11 the Interstate System, based on a range of leg-
12 islative and policy approaches for 15-, 30-, and
13 50-year horizons.

14 (4) SPECIFIC ISSUES AND DETAILS TO AD-
15 DRESS.—The following specific issues and details
16 shall be addressed as a part of the study under this
17 subsection:

18 (A) DEMOGRAPHICS.—Expected demo-
19 graphics and business uses that impact trans-
20 portation.

21 (B) USAGE.—Expected system use and ef-
22 fects of changing vehicle types, fleet size and
23 weights, and traffic volumes.

24 (C) NATURAL DISASTER.—Seismic and
25 other vulnerabilities and their potential impacts.

1 (D) DESIGN STANDARDS.—Desirable de-
2 sign policies and standards for future improve-
3 ments, including safety improvement and addi-
4 tional access points.

5 (E) SYSTEM WIDE NEEDS.—Identification
6 of both urban and rural needs.

7 (F) POTENTIAL SYSTEM EXPANSION, UP-
8 GRADES, OR OTHER CHANGES.—Deployment of
9 advanced materials and intelligent technologies;
10 critical multi-state rural corridors needing ca-
11 pacity, safety, and operational enhancements;
12 urban and multi-state corridor additions; by-
13 passes of major cities that ensure efficient long-
14 haul travel; improvements to inter-modal link-
15 ages; strategies to enhance asset preservation;
16 and implementation strategies.

17 (G) COMMUNITY VALUES.—Consideration
18 of alternative approaches to maintaining or en-
19 hancing community values in those neighbor-
20 hoods adjacent to the Interstate System.

21 (H) ENVIRONMENTAL ISSUES.—Consider-
22 ation of alternative approaches to addressing
23 environmental concerns relative to rec-
24 ommended alternatives.

1 (I) SYSTEM PERFORMANCE.—Evaluation
2 and assessment of the current and future capa-
3 bilities for conducting system-wide real-time
4 performance data collection and analysis, traffic
5 monitoring, system operations and manage-
6 ment.

7 (5) ALTERNATIVES.—A range of policy rec-
8 ommendations shall be developed as a part of the
9 plan under this subsection to address identified fu-
10 ture needs of the Interstate System. The alternatives
11 shall include funding needs and potential approaches
12 to provide those funds.

13 (6) MEMBERSHIP.—

14 (A) APPOINTMENT.—[Reserved.]

15 (B) QUALIFICATIONS.—Members ap-
16 pointed under subparagraph (A) shall be ap-
17 pointed from among individuals that have a
18 concern for maintaining a strong role for the
19 Interstate System in the future of the Nation
20 and may include representatives from Federal,
21 State, and local governments, other transpor-
22 tation authorities or agencies, and organizations
23 representing surface transportation owners and
24 operators.

1 (C) TERMS.—Members shall be appointed
2 for the life of the Commission.

3 (D) VACANCIES.—A vacancy in the Com-
4 mission shall be filled in the manner in which
5 the original appointment was made.

6 (E) TRAVEL EXPENSES.—Member shall
7 serve without pay but shall receive travel ex-
8 penses, including per diem in lieu of subsist-
9 ence, in accordance with sections 5702 and
10 5703 of title 5, United States Code.

11 (F) CHAIRMAN.—The Chairman of the
12 Commission shall be elected by the members.

13 (7) STAFF.—The Commission may engage the
14 services of an appropriate organization, agency, or
15 firm to conduct the study under this subsection. The
16 Commission will provide strategic guidance for the
17 study. Upon request of the Commission, the Sec-
18 retary may detail, on a reimbursable basis, any of
19 the personnel of the Department of Transportation
20 to the Commission to assist it in carrying out its du-
21 ties under this section and shall provide to the Com-
22 mission such nonconfidential data and information
23 as necessary to conduct the study.

24 (8) ADMINISTRATIVE SUPPORT SERVICES.—
25 Upon the request of the Commission, the Secretary

1 shall provide to the Commission, on a reimbursable
2 basis, the administrative support and services nec-
3 essary for the Commission to carry out its respon-
4 sibilities under this subsection.

5 (9) REPORT AND RECOMMENDATIONS.—Not
6 later than September 30, 2006, the Commission
7 shall transmit to Congress a final report on the re-
8 sults of the study conducted under this subsection,
9 including recommendations to address the needs
10 identified in the study.

11 (10) TERMINATION.—The Commission shall
12 terminate on the 180th day following the date of
13 transmittal of the report under paragraph (9). By
14 such 180th day, the Commission shall deliver all
15 records and papers of the Commission to the Admin-
16 istrator of the General Services for deposit in the
17 National Archives.

18 (11) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated from the
20 Highway Trust Funds (other than the Mass Transit
21 Account) to carry out this subsection \$1,000,000 for
22 each of fiscal years 2005 and 2006.

23 (12) APPLICABILITY OF TITLE 23, UNITED
24 STATES CODE.—Funds authorized to be appro-
25 priated by this section shall be available for obliga-

1 tion in the same manner as if such funds were ap-
2 portioned under chapter 1 of title 23, United States
3 Code; except that the Federal share of the cost of
4 activities carried out under this subsection shall be
5 100 percent and such funds shall remain available
6 until expended.

7 **SEC. 1120. HYDROGEN INFRASTRUCTURE DEPLOYMENT**
8 **PILOT PROGRAM.**

9 (a) **IN GENERAL.**—The Secretary is authorized to
10 make grants to, and enter into cooperative agreements
11 and other transactions with, Federal and other public
12 agencies (including State and local governments), private
13 organizations, and other persons for the demonstration
14 and testing of hydrogen transportation and refueling in-
15 frastructure necessary to support the use of next genera-
16 tion highway vehicle technologies.

17 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
18 are authorized to be appropriated from the Highway Trust
19 Fund (other than the Mass Transit Account) to carry out
20 this section \$5,000,000 for fiscal year 2004, \$5,000,000
21 for fiscal year 2005, \$5,000,000 for fiscal year 2006,
22 \$10,000,000 for fiscal year 2007, \$10,000,000 for fiscal
23 year 2008, and \$10,000,000 for fiscal year 2009.

24 (c) **APPLICABILITY OF TITLE 23, UNITED STATES**
25 **CODE.**—Funds authorized to be appropriated by this sec-

1 tion shall be available for obligation in the same manner
 2 as if such funds were apportioned under chapter 1 of title
 3 23, United States Code; except that the Federal share of
 4 the cost of a project or activity carried out under this sec-
 5 tion shall be 80 percent and such funds shall remain avail-
 6 able until expended.

7 **SEC. 1121. ADJUSTMENTS FOR THE SURFACE TRANSPOR-**
 8 **TATION EXTENSION ACT OF 2003.**

9 [To be supplied.]

10 **Subtitle B—Congestion Relief**

11 **SEC. 1201. MOTOR VEHICLE CONGESTION RELIEF.**

12 (a) IN GENERAL.—Title 23, United States Code, is
 13 amended by inserting after section 138 the following:

14 **“§ 139. Motor vehicle congestion relief**

15 “(a) IN GENERAL.—Each State that has an urban-
 16 ized area with an urbanized area population of over
 17 200,000 individuals shall obligate in each of fiscal years
 18 2004 through 2009 a portion of the State’s apporportion-
 19 ments under section 104(b) in such fiscal year, as cal-
 20 culated under subsection (b), for congestion relief activi-
 21 ties in such urbanized areas in accordance with this sec-
 22 tion.

23 “(b) CALCULATION OF AMOUNT.—The portion of a
 24 State’s apporportionments for a fiscal year to be obligated

1 for congestion relief activities under subsection (a) shall
2 be determined by multiplying—

3 “(1) the total of amounts apportioned to the
4 State under each of paragraphs (1), (2), (3), and (4)
5 of section 104(b) in such fiscal year; by

6 “(2) 10 percent; by

7 “(3) the percentage of the State’s population
8 residing in urbanized areas of the State with an ur-
9 banized area population of over 200,000 individuals.

10 “(c) ALLOCATION BETWEEN UNDER ONE AND
11 UNDER THREE CONGESTION RELIEF ACTIVITIES.—Of
12 the total amount of a State’s apportionments to be obli-
13 gated for congestion relief activities for a fiscal year as
14 calculated under subsection (b)—

15 “(1) 40 percent shall be obligated for under one
16 congestion relief activities;

17 “(2) 35 percent shall be obligated for under
18 three congestion relief activities; and

19 “(3) 25 percent shall be obligated at the discre-
20 tion of the State department of transportation for 1
21 or more of the following:

22 “(A) Under one congestion relief activities.

23 “(B) Under three congestion relief activi-
24 ties.

1 “(C) Capital costs for transit projects that
2 are eligible for assistance under chapter 53 of
3 title 49.

4 “(D) Demand relief projects and activities
5 that shift demand to non-peak hours or to other
6 modes of transportation or that reduce the
7 overall level of demand for roads through such
8 means as telecommuting, ridesharing, alter-
9 native work hour programs, and value pricing.

10 “(d) OBLIGATION OF AMOUNTS.—In complying with
11 the requirements of this section, the amounts obligated by
12 a State for congestion relief activities under subsection (a)
13 shall be allocated among the individual programs for
14 which funds are apportioned under sections 104(b)(1),
15 104(b)(2), 104(b)(3), and 104(b)(4).

16 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
17 Nothing in this section shall be construed as altering or
18 otherwise affecting the applicability of the requirements
19 of this chapter (including requirements relating to the eli-
20 gibility of a project for assistance under the program, the
21 location of the project, and the Federal-share payable on
22 account of the project) to amounts apportioned to a State
23 for a program under section 104(b) that are obligated by
24 the State for congestion relief activities under subsection
25 (a).

1 “(f) JOINT RESPONSIBILITY.—Each State, each af-
2 fected metropolitan planning organization, and the Sec-
3 retary shall jointly ensure compliance with this section.

4 “(g) TRANSFERS.—

5 “(1) IN GENERAL.—A State may transfer a
6 portion of the amount that the State must obligate
7 for under one congestion relief activities in a fiscal
8 year under this section to the amount the State
9 must obligate for under three congestion relief ac-
10 tivities under this section if the State certifies to the
11 Secretary that there are no under one congestion re-
12 lief activities for which such portion can be obligated
13 in such fiscal year and the Secretary does not dis-
14 approve such transfer within 30 days after the date
15 of such certification.

16 “(2) LIMITATION.—The amount that a State
17 may transfer in a fiscal year under this subsection
18 may not reduce the amount the State must obligate
19 for under one congestion relief activities to less than
20 10 percent of the total amount of the State’s appor-
21 tionments to be obligated for congestion relief activi-
22 ties for such fiscal year as calculated under sub-
23 section (b).

24 “(3) TREATMENT.—Amounts transferred by a
25 State under this subsection for a fiscal year shall be

1 included in the amount of the State’s apportion-
2 ments allocated for under three congestion relief ac-
3 tivities for such fiscal year under subsection (c)(2).

4 “(h) DEFINITIONS.—In this section, the following
5 definitions apply:

6 “(1) CONGESTION RELIEF ACTIVITIES.—

7 “(A) IN GENERAL.—The term ‘congestion
8 relief activity’ means any activity, project, or
9 program that has as its primary purpose, as de-
10 termined by the State transportation depart-
11 ment, the relief of motor vehicle congestion.

12 “(B) INCLUSIONS.—Such term includes
13 the following:

14 “(i) Relief of motor vehicle congestion
15 through additional capacity, construction
16 of additional lanes, improvements to inter-
17 changes, improved access to major termi-
18 nals, construction of parallel roads, con-
19 struction of truck only lanes, and major
20 arterial improvements.

21 “(ii) Transportation systemwide oper-
22 ational improvements targeted at increas-
23 ing motor vehicle travel reliability through
24 such means as incident management pro-

1 grams, traffic monitoring and surveillance,
2 and traveler information initiatives.

3 “(iii) Maximizing efficient use of ex-
4 isting motor vehicle travel capacity through
5 such means as reversible lanes, coordinated
6 traffic signalization, and managed lanes or
7 other lane management strategies.

8 “(C) EXCLUSIONS.—Such term does not
9 include demand relief projects and activities
10 that shift demand to non-peak hours or to other
11 modes of transportation or that reduce the
12 overall level of demand for roads through such
13 means as telecommuting, ridesharing, alter-
14 native work hour programs, and value pricing.

15 “(2) UNDER ONE CONGESTION RELIEF ACTIVI-
16 TIES.—The term ‘under one congestion relief activ-
17 ity’ means a congestion relief activity that—

18 “(A) will be completed within one year
19 after the date of commencement of onsite im-
20 provements;

21 “(B) has a total projected cost of less than
22 \$1,000,000; and

23 “(C) will improve conditions in the applica-
24 ble area and is an element of the congestion
25 management system.

1 “(3) UNDER THREE CONGESTION RELIEF AC-
2 TIVITIES.—The term ‘under three congestion relief
3 activities’ means congestion relief activities that—

4 “(A) will be completed within 3 years after
5 the date of commencement of onsite improve-
6 ments; and

7 “(B) will improve conditions in the applica-
8 ble area and is an element of the congestion
9 management system.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter I of such title is amended by inserting after the
12 item relating to section 138 the following:

 “139. Motor vehicle congestion relief.”.

13 (c) MOTOR VEHICLE DEFINED.—Title 23, United
14 States Code, is amended—

15 (1) in section 154(a)(2), relating to the defini-
16 tion of motor vehicle, by inserting “streets, roads,
17 and” before “highways”;

18 (2) by redesignating paragraph (2) of section
19 154(a) as paragraph (38);

20 (3) by moving such redesignated paragraph
21 from section 154(a) to the end of section 101(a);

22 (4) by redesignating paragraphs (3) and (4) of
23 section 154(a) as paragraphs (2) and (3), respec-
24 tively;

25 (5) in section 153(i)—

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

2 (B) by redesignating paragraphs (3) and

3 (4) as paragraphs (2) and (3), respectively;

4 (6) in section 164(a)(4) by striking “means”

5 and all that follows through “rail line or” and in-

6 serting “does not include”; and

7 (7) in section 405(f)—

8 (A) by striking paragraph (2); and

9 (B) by redesignating paragraphs (3), (4),

10 (5), and (6) as paragraphs (2), (3), (4), and

11 (5).

12 **SEC. 1202. TRANSPORTATION SYSTEMS MANAGEMENT AND**

13 **OPERATIONS.**

14 (a) DEFINITIONS.—

15 (1) OPERATING COSTS FOR TRAFFIC MONI-

16 TORING, MANAGEMENT, AND CONTROL.—Section

17 101(a)(17) of title 23, United States Code, is

18 amended by inserting “transportation systems man-

19 agement and operations and” after “associated

20 with”.

21 (2) OPERATIONAL IMPROVEMENT.—Section

22 101(a)(18)(A)(i) of such title is amended—

23 (A) by inserting “transportation systems

24 management and operations, including” after

25 “for”; and

1 (B) by inserting “equipment and programs
2 for transportation response to natural disas-
3 ters,” after “incident management programs,”.

4 (4) TRANSPORTATION SYSTEMS MANAGEMENT
5 AND OPERATIONS.—Section 101(a) of such title is
6 further amended by adding at the end the following:

7 “(39) TRANSPORTATION SYSTEMS MANAGE-
8 MENT AND OPERATIONS.—

9 “(A) IN GENERAL.—The term ‘transportation systems management and operations’
10 means an integrated program to optimize the
11 performance of existing infrastructure through
12 the implementation of multimodal and inter-
13 modal, cross-jurisdictional systems, services,
14 and projects designed to preserve capacity and
15 improve the security, safety, and reliability of
16 Federal-aid highways.
17

18 “(B) INCLUDED ACTIVITIES AND IMPROVE-
19 MENTS.—The term includes regional operations
20 collaboration and coordination activities be-
21 tween transportation and public safety agencies
22 and improvements such as traffic detection and
23 surveillance, arterial management, freeway
24 management, demand management, work zone
25 management, emergency management, elec-

1 tronic toll collection, automated enforcement,
2 traffic operations measures to improve capacity,
3 traffic signal coordination, optimization of traf-
4 fic signal timing, traffic incident management,
5 roadway weather management, traveler infor-
6 mation services, commercial vehicle operations,
7 traffic control, freight management, and coordi-
8 nation of highway, rail, transit, bicycle, and pe-
9 destrian operations.”.

10 (b) CONGESTION MITIGATION AND AIR QUALITY IM-
11 PROVEMENT PROGRAM ELIGIBILITY.—Section 149(b)(5)
12 of such title is amended by inserting “improve transpor-
13 tation systems management and operations,” after “inter-
14 sections,”

15 (c) SURFACE TRANSPORTATION PROGRAM ELIGI-
16 BILITY.—Section 133(b) of such title is amended by add-
17 ing at the end the following:

18 “(15) Regional transportation operations col-
19 laboration and coordination activities that are asso-
20 ciated with regional improvements, including activi-
21 ties for traffic incident management, technology de-
22 ployment, emergency management and response,
23 traveler information, and regional congestion re-
24 lief.”.

1 (d) NATIONAL HIGHWAY SYSTEM ELIGIBILITY.—
2 Section 103(b)(6) of such title is amended by adding at
3 the end the following:

4 “(Q) Capital, operating, and systems main-
5 tenance costs for transportation systems man-
6 agement and operations.”.

7 (e) TRANSPORTATION SYSTEMS MANAGEMENT AND
8 OPERATIONS.—Subchapter I of chapter 1 of such title is
9 further amended by adding at the end the following:

10 **“§ 166. Transportation systems management and op-
11 erations**

12 “(a) AUTHORITY.—The Secretary may—

13 “(1) encourage transportation system man-
14 agers, operators, public safety officials, and trans-
15 portation planners within an urbanized area, who
16 are actively engaged in and responsible for con-
17 ducting activities relating to day-to-day manage-
18 ment, operations, public safety, and planning of
19 transportation facilities and services, to collaborate
20 and coordinate on a regional level in a continuous
21 and sustained manner for improved transportation
22 systems management and operations, including, at a
23 minimum—

24 “(A) developing a regional concept of oper-
25 ations that defines a regional strategy shared

1 by all transportation and public safety partici-
2 pants for how the region’s systems should be
3 managed, operated, and measured;

4 “(B) sharing of information among opera-
5 tors, service providers, public safety officials,
6 and the general public; and

7 “(C) guiding, in a regionally-coordinated
8 manner, the implementation of regional trans-
9 portation system management and operations
10 initiatives, including emergency evacuation and
11 response, traffic incident management, tech-
12 nology deployment, and traveler information
13 systems delivery, in a manner consistent with
14 and integrated into the ongoing metropolitan
15 and statewide transportation planning processes
16 and regional intelligent transportation system
17 architecture, if required; and

18 “(2) encourage States to establish a system of
19 basic real-time monitoring capability for the surface
20 transportation system and provide the capability and
21 means to share that data among agencies (including
22 highway, transit, and public safety agencies), juris-
23 dictions (including States, cities, counties, and areas
24 represented by metropolitan planning organizations),
25 private-sector entities, and the traveling public.

1 “(b) EXECUTION.—To support the successful execu-
2 tion of transportation systems management and oper-
3 ations activities, the Secretary may undertake the fol-
4 lowing activities:

5 “(1) Assist and cooperate with other Federal
6 departments and agencies, State and local govern-
7 ments, metropolitan planning organizations, private
8 industry representatives, and other interested parties
9 to improve regional collaboration and real-time infor-
10 mation sharing between transportation system man-
11 agers and operators, public safety officials, emer-
12 gency managers, and the general public to increase
13 the security, safety, and reliability of Federal-aid
14 highways.

15 “(2) Issue, if necessary, new guidance or regu-
16 lations for the procurement of transportation system
17 management and operations facilities, equipment,
18 and services, including equipment procured in prepa-
19 ration for natural disasters and emergencies, system
20 hardware, software, and software integration serv-
21 ices.”.

22 (e) CONFORMING AMENDMENT.—The analysis for
23 such chapter is further amended by adding at the end the
24 following:

“166. Transportation systems management and operations.”.

1 (f) COMMISSION ON INTELLIGENT TRANSPORTATION
2 SYSTEM PROCUREMENT POLICY.—

3 (1) ESTABLISHMENT.—There is established a
4 Commission on Intelligent Transportation System
5 Procurement Policy.

6 (2) DUTIES.—

7 (A) IN GENERAL.—The Commission
8 shall—

9 (i) conduct a study of the current
10 policies and practices for the procurement
11 of intelligent transportation system facili-
12 ties, equipment, and services; and

13 (ii) develop a conceptual plan with al-
14 ternative approaches for expediting and
15 streamlining such procurements at the
16 State level.

17 (B) RECOMMENDATIONS.—Based on the
18 study under subparagraph (A), the Commission
19 shall make recommendations in its report under
20 paragraph (7) regarding procurement stand-
21 ards, including recommendations regarding any
22 changes in Federal and State statutes, regula-
23 tions, and policies necessary to ensure that na-
24 tional interests are served in meeting future in-
25 telligent transportation system needs.

1 (3) SPECIFIC MATTERS TO BE ADDRESSED.—
2 The study under paragraph (2) shall specifically ad-
3 dress the following:

4 (A) CURRENT CONDITION.—The current
5 practices and policies relating to procurement of
6 intelligent transportation system facilities,
7 equipment, and services, including equipment
8 procured in preparation for natural disasters
9 and emergencies, system hardware, software,
10 and software integration services.

11 (B) ASSESSMENT OF NEED FOR POLICY
12 REFORM.—The ability of current practices and
13 policies to achieve the successful implementa-
14 tion of intelligent transportation system goals
15 and the need for national policy reform to expe-
16 dite and streamline procurements necessary to
17 meet such goals.

18 (C) ALTERNATIVES.—The range of legisla-
19 tive, regulatory, and policy alternatives to ad-
20 dress identified needs and goals, including fund-
21 ing needs.

22 (D) RECOMMENDATIONS.—Recommendations
23 regarding procurement standards, includ-
24 ing recommendations regarding any changes in
25 Federal and State statutes, regulations, and

1 policies necessary for expedited and streamlined
2 procurements.

3 (4) MEMBERSHIP.—

4 (A) APPOINTMENTS.—[Reserved.]

5 (B) TERMS.—Members shall be appointed
6 for the life of the Commission.

7 (C) VACANCIES.—A vacancy in the Com-
8 mission shall be filled in the manner in which
9 the original appointment was made.

10 (D) TRAVEL EXPENSES.—Members shall
11 serve without pay but shall receive travel ex-
12 penses, including per diem in lieu of subsist-
13 ence, in accordance with sections 5702 and
14 5703 of title 5, United States Code.

15 (5) STAFF.—

16 (A) IN GENERAL.—The Commission may
17 engage the services of an appropriate organiza-
18 tion, agency, or firm to conduct the study under
19 paragraph (2), but the Commission shall pro-
20 vide strategic guidance for the study.

21 (B) DETAIL STAFF.—Upon request of the
22 Commission, the Secretary may detail, on a re-
23 imburseable basis, any of the personnel of the
24 Department of Transportation to the Commis-

1 sion to assist the Commission in carrying out
2 its duties under this subsection.

3 (C) COOPERATION.—The Secretary shall
4 cooperate with the Commission in the study, in-
5 cluding providing the Commission with such
6 nonconfidential data and information as nec-
7 essary for conducting and completing the study.

8 (6) ADMINISTRATIVE SUPPORT SERVICES.—
9 Upon the request of the Commission, the Secretary
10 shall provide to the Commission, on a reimbursable
11 basis, the administrative support and services nec-
12 essary for the Commission to carry out its respon-
13 sibilities under this subsection.

14 (7) REPORT AND RECOMMENDATIONS.—Not
15 later than September 30, 2005, the Commission
16 shall transmit to the appropriate committees of Con-
17 gress a final report regarding the results of the
18 study under paragraph (2) and recommendations to
19 address the needs identified in such study.

20 (8) TERMINATION.—The Commission shall ter-
21 minate on the 180th day after the date of trans-
22 mittal of the report under paragraph (7). All records
23 and papers of the Commission shall thereupon be de-
24 livered to the Administrator of General Services for
25 deposit in the National Archives.

1 (9) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated from the
3 Highway Trust Fund (other than the Mass Transit
4 Account) \$1,000,000 in fiscal year 2004 to carry out
5 this subsection.

6 (10) APPLICABILITY OF TITLE 23.—Funds

7 made available to carry out this subsection shall be
8 available for obligation in the same manner as if
9 such funds were apportioned under chapter 1 of title
10 23, United States Code; except that the Federal
11 share of the cost of the study under paragraph (2)
12 and other costs of the Commission under this sub-
13 section shall be 100 percent and such funds shall re-
14 main available until expended.

15 **SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMA-**
16 **TION PROGRAM.**

17 (a) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary shall establish
19 a real-time system management information pro-
20 gram to provide, in all States, the capability to mon-
21 itor, in real-time, the traffic and travel conditions of
22 the Nation's major highways and to share that in-
23 formation to improve the security of the surface
24 transportation system, to address congestion prob-
25 lems, to support improved response to weather

1 events and surface transportation incidents, and to
2 facilitate national and regional highway traveler in-
3 formation.

4 (2) PURPOSES.—The purposes of the real-time
5 system management information program are to—

6 (A) establish, in all States, a system of
7 basic real-time information for managing and
8 operating the surface transportation system;

9 (B) identify longer range real-time high-
10 way and transit monitoring needs and develop
11 plans and strategies for meeting such needs;
12 and

13 (C) provide the capability and means to
14 share that data with State and local govern-
15 ments and the traveling public.

16 (b) NATIONAL STEERING COMMITTEE.—

17 (1) IN GENERAL.—The Secretary shall establish
18 a national steering committee to assist in the devel-
19 opment of data exchange formats under subsection
20 (c).

21 (2) REPRESENTATIVES.—The national steering
22 committee shall consist of representatives of State
23 transportation departments, metropolitan planning
24 organizations, local governments, nonprofit entities,
25 the private sector, and academia.

1 (3) PURPOSE.—The purpose of the national
2 steering committee shall be to provide guidance re-
3 garding the content and uniformity of data exchange
4 formats.

5 (c) DATA EXCHANGE FORMATS.—Not later than 2
6 years after the date of enactment of this Act, the Sec-
7 retary shall establish data exchange formats based on rec-
8 ommendations of the steering committee established under
9 subsection (b) to ensure that the data provided by highway
10 and transit monitoring systems, including statewide inci-
11 dent reporting systems, can readily be exchanged across
12 jurisdictional boundaries, facilitating nationwide avail-
13 ability of information.

14 (d) REGIONAL INTELLIGENT TRANSPORTATION SYS-
15 TEM ARCHITECTURE.—

16 (1) ADDRESSING INFORMATION NEEDS.—As
17 State and local governments develop or update re-
18 gional intelligent transportation system architec-
19 tures, described in section 940.9 of title 23, Code of
20 Federal Regulations, such governments shall explic-
21 itly address real-time highway and transit informa-
22 tion needs and the systems needed to meet such
23 needs, including addressing coverage, monitoring
24 systems, data fusion and archiving, and methods of

1 exchanging or sharing highway and transit informa-
2 tion.

3 (2) DATA EXCHANGE.—States shall incorporate
4 the data exchange formats established by the Sec-
5 retary under subsection (c) to ensure that the data
6 provided by highway and transit monitoring systems
7 may readily be exchanged with State and local gov-
8 ernments and the traveling public.

9 (e) ELIGIBILITY.—Subject to project approval by the
10 Secretary, a State may obligate funds apportioned to the
11 State under sections 104(b)(1), 104(b)(2), and 104(b)(3)
12 of title 23, United States Code, for activities related to
13 the planning and deployment of real-time monitoring ele-
14 ments that advance the goals and purposes described in
15 subsection (a).

16 (f) LIMITATION ON STATUTORY CONSTRUCTION.—
17 Nothing in this section shall be construed as altering or
18 otherwise affecting the applicability of the requirements
19 of chapter 1 of title 23, United States Code (including
20 requirements relating to the eligibility of a project for as-
21 sistance under the program, the location of the project,
22 and the Federal-share payable on account of the project),
23 to amounts apportioned to a State for a program under
24 section 104(b) that are obligated by the State for activities
25 and projects under this section.

1 (g) STATEWIDE INCIDENT REPORTING SYSTEM DE-
2 FINED.—In this section, the term “statewide incident re-
3 porting system” means a statewide system for facilitating
4 the real-time electronic reporting of surface transportation
5 incidents to a central location for use in monitoring the
6 event, providing accurate traveler information, and re-
7 sponding to the incident as appropriate.

8 **SEC. 1204. EXPEDITED NATIONAL INTELLIGENT TRANSPOR-**
9 **TATION SYSTEMS DEPLOYMENT PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary shall establish
11 a comprehensive program to accelerate the integration,
12 interoperability, and deployment of intelligent transpor-
13 tation systems in order to improve the performance of the
14 surface transportation system in metropolitan and rural
15 areas.

16 (b) SELECTION OF MODEL PROJECTS.—Under the
17 program, the Secretary may make grants, through com-
18 petitive solicitation, for projects that will serve as models
19 to improve transportation efficiency, promote surface
20 transportation safety (including safe freight movement),
21 increase traffic flow (including the flow of intermodal trav-
22 el at ports of entry), reduce emissions of air pollutants,
23 improve traveler information, enhance alternative trans-
24 portation modes, build on existing intelligent transpor-
25 tation system projects, and promote tourism.

1 (c) OTHER PROJECTS, PROGRAMS, AND ACTIVI-
2 TIES.—Under the program, the Secretary may make
3 grants for projects, programss and activities in metropoli-
4 tan and rural areas that—

5 (1) contribute to national deployment goals and
6 objectives outlined in the national intelligent trans-
7 portation system program plan;

8 (2) promote cooperation among agencies, jurisdic-
9 tions, and the private sector, as evidenced by
10 signed memoranda of understanding that clearly de-
11 fine the responsibilities and relations of all parties to
12 a partnership arrangement, including institutional
13 relationships and financial agreements needed to
14 support deployment of intelligent transportation sys-
15 tems;

16 (3) encourage private sector involvement and fi-
17 nancial commitment to such deployment to the max-
18 imum extent practicable through innovative financial
19 arrangements, especially public-private partnerships,
20 including arrangements that generate revenue to off-
21 set public investment costs;

22 (4) enhance fully integrated intelligent trans-
23 portation system deployment;

24 (5) create technical capacity for effective oper-
25 ations and maintenance of such systems;

1 (6) improve safety, mobility, geographic and re-
2 gional diversity, and economic development in de-
3 ployment of such systems;

4 (7) advance deployment of the 511 traveler in-
5 formation program; and

6 (8) advance deployment of other national sys-
7 tems, including a statewide incident reporting sys-
8 tem, wireless e-911 system, and road weather infor-
9 mation system.

10 (d) **APPLICABILITY OF TITLE 23, UNITED STATES**
11 **CODE.**—Funds authorized to be appropriated under sec-
12 tion 1101(a)(16) of this Act shall be available for obliga-
13 tion to carry out subsection (c)(7) in the same manner
14 and to the same extent as if such funds were apportioned
15 under chapter 1 of title 23, United States Code; except
16 that the Federal share of the cost of projects carried out
17 under subsection (c)(7) shall be 80 percent and such funds
18 shall remain available until expended.

19 **SEC. 1205. INTELLIGENT TRANSPORTATION SYSTEMS DE-**
20 **PLOYMENT.**

21 (a) **PURPOSE.**—The purpose of this section is to en-
22 sure that a minimum of \$3,000,000,000 of the amounts
23 authorized to be appropriated for the National Highway
24 System, Interstate maintenance, surface transportation,
25 and congestion mitigation and air quality improvement

1 programs for fiscal years 2004 through 2009 is utilized
2 to expand deployment of intelligent transportation sys-
3 tems.

4 (b) IN GENERAL.—Chapter 1 of title 23, United
5 States Code, is amended by inserting after section 149 the
6 following:

7 **“§ 150. Deployment of intelligent transportation sys-**
8 **tems**

9 “(a) IN GENERAL.—In each of fiscal years 2004
10 through 2009, each State shall obligate a portion of the
11 funds apportioned to the State under sections 104(b)(1),
12 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year,
13 calculated under subsection (b), for projects described in
14 subsection (c) that support deployment of intelligent
15 transportation systems in the State.

16 “(b) CALCULATION OF AMOUNT.—The portion of a
17 State’s apportionments to be obligated under subsection
18 (a) for projects described in subsection (c) in a fiscal year
19 shall be determined by multiplying \$500,000,000 by the
20 ratio that—

21 “(1) the aggregate of amounts apportioned to
22 the State for such fiscal year under sections
23 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4);
24 bears to

1 “(2) the aggregate of amounts apportioned to
2 all States for such fiscal year under such sections.

3 “(c) INTELLIGENT TRANSPORTATION SYSTEMS DE-
4 PLOYMENT PROJECTS.—Projects for which funds must be
5 obligated under this section include the following:

6 “(1) PERFORMANCE.—Establishment and im-
7 plementation of operations systems and services that
8 improve performance in the areas of traffic oper-
9 ations, emergency response to surface transportation
10 incidents, surface transportation incident manage-
11 ment, weather event response management by State
12 and local authorities, surface transportation network
13 and facility management, construction and work
14 zone management, and traffic flow information.

15 “(2) NETWORKS.—Conducting activities that
16 support the creation of networks that link metropoli-
17 tan and rural surface transportation systems into an
18 integrated data network, capable of collecting, shar-
19 ing, and archiving transportation system traffic con-
20 dition and performance information.

21 “(3) SAFETY.—Implementation of intelligent
22 transportation system technologies that improve
23 highway safety through linkages connecting the vehi-
24 cle, the infrastructure, and information to the driver.

1 “(4) OPERATION AND MANAGEMENT.—Provi-
2 sion of services necessary to ensure the efficient op-
3 eration and management of intelligent transpor-
4 tation systems infrastructure, including costs associ-
5 ated with communications, utilities, rent, hardware,
6 software, labor, administrative costs, training, and
7 technical services.

8 “(5) INTERAGENCY SUPPORT.—Provision of
9 support for institutional relationships between trans-
10 portation agencies, police, emergency medical serv-
11 ices, private emergency operators, freight operators,
12 and shippers.

13 “(6) PLANNING.—Conducting cross-jurisdic-
14 tional planning and deployment of regional transpor-
15 tation systems operations and management ap-
16 proaches.

17 “(d) OBLIGATION OF AMOUNTS.—In complying with
18 the requirements of this section, the amounts obligated by
19 a State for projects under subsection (c) that support de-
20 ployment of intelligent transportation systems in such
21 State under subsection (a) shall be allocated among the
22 individual programs for which funds are apportioned
23 under sections 104(b)(1), 104(b)(2), 104(b)(3), and
24 104(b)(4).

1 “(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—
 2 Nothing in this section shall be construed as altering or
 3 otherwise affecting the applicability of the requirements
 4 of this chapter (including requirements relating to the eli-
 5 gibility of a project for assistance under the program, the
 6 location of the project, and the Federal-share payable on
 7 account of the project) to amounts apportioned to a State
 8 for a program under section 104(b) that are obligated by
 9 the State for projects under this section.

10 “(f) **JOINT RESPONSIBILITY.**—Each State, each af-
 11 fected metropolitan planning organization, and the Sec-
 12 retary shall jointly ensure compliance with this section.”.

13 (c) **CONFORMING AMENDMENT.**—The analysis for
 14 such chapter is amended by inserting after the item relat-
 15 ing to section 149 the following:

“150. Deployment of intelligent transportation systems.”.

16 **SEC. 1206. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT**
 17 **SUPPORT DEPLOYMENT OF INTELLIGENT**
 18 **TRANSPORTATION SYSTEMS.**

19 [Reserved.]

20 **SEC. 1207. ASSUMPTION OF RESPONSIBILITY FOR CERTAIN**
 21 **PROGRAMS AND PROJECTS.**

22 [Reserved.]

23 **SEC. 1208. HOV LANES.**

24 [Reserved.]

1 **SEC. 1209. CONGESTION PRICING PILOT PROGRAM.**

2 [Reserved.]

3 **Subtitle C—Mobility and Efficiency**

4 **SEC. 1301. NATIONAL CORRIDOR INFRASTRUCTURE IM-**
5 **PROVEMENT PROGRAM.**

6 [Reserved.]

7 **SEC. 1302. COORDINATED BORDER INFRASTRUCTURE PRO-**
8 **GRAM.**

9 (a) **GENERAL AUTHORITY.**—The Secretary shall im-
10 plement a coordinated border infrastructure program
11 under which the Secretary shall distribute funds to border
12 States to improve the safe movement of motor vehicles at
13 or across the border between the United States and Can-
14 ada and the border between the United States and Mexico.

15 (b) **ELIGIBLE USES.**—A State may use funds appor-
16 tioned under this section only for—

17 (1) improvements in a border region to existing
18 transportation and supporting infrastructure that fa-
19 cilitate cross-border motor vehicle and cargo move-
20 ments;

21 (2) construction of highways and related safety
22 and safety enforcement facilities in a border region
23 that facilitate motor vehicle and cargo movements
24 related to international trade;

25 (3) operational improvements in a border re-
26 gion, including improvements relating to electronic

1 data interchange and use of telecommunications, to
2 expedite cross border motor vehicle and cargo move-
3 ment;

4 (4) modifications to regulatory procedures to
5 expedite safe and efficient cross border motor vehicle
6 and cargo movements; and

7 (5) international coordination of transportation
8 planning, programming, and border operation with
9 Canada and Mexico relating to expediting cross bor-
10 der motor vehicle and cargo movements.

11 (c) APPORTIONMENT OF FUNDS.—On October 1 of
12 each fiscal year, the Secretary shall apportion among bor-
13 der States sums authorized to be appropriated to carry
14 out this section for such fiscal year as follows:

15 (1) 20 percent in the ratio that—

16 (A) the total number of incoming commer-
17 cial trucks that pass through the land border
18 ports of entry within the boundaries of a border
19 State, as determined by the Secretary; bears to

20 (B) the total number of incoming commer-
21 cial trucks that pass through such ports of
22 entry within the boundaries of all the border
23 States, as determined by the Secretary.

24 (2) 30 percent in the ratio that—

1 (A) the total number of incoming personal
2 motor vehicles and incoming buses that pass
3 through land border ports of entry within the
4 boundaries of a border State, as determined by
5 the Secretary; bears to

6 (B) the total number of incoming personal
7 motor vehicles and incoming buses that pass
8 through such ports of entry within the bound-
9 aries of all the border States, as determined by
10 the Secretary.

11 (3) 25 percent in the ratio that—

12 (A) the total weight of incoming cargo by
13 commercial trucks that pass through land bor-
14 der ports of entry within the boundaries of a
15 border State, as determined by the Secretary;
16 bears to

17 (B) the total weight of incoming cargo by
18 commercial trucks that pass through such ports
19 of entry within the boundaries of all the border
20 States, as determined by the Secretary.

21 (4) 25 percent of the ratio that—

22 (A) the total number of land border ports
23 of entry within the boundaries of a border
24 State, as determined by the Secretary; bears to

1 (B) the total number of land border ports
2 of entry within the boundaries of all the border
3 States, as determined by the Secretary.

4 (d) APPLICABILITY OF TITLE 23.—Funds made
5 available to carry out this section shall be available for
6 obligation in the same manner as if such funds were ap-
7 portioned under chapter 1 of title 23, United States Code;
8 except that such funds shall not be transferable and shall
9 remain available until expended and the Federal share of
10 the cost of a project under this section shall be 80 percent.

11 (e) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) BORDER REGION.—The term “border re-
14 gion” means any portion of a border State within 20
15 miles of an international land border with Canada or
16 Mexico.

17 (2) BORDER STATE.—The term “border State”
18 means any State that has an international land bor-
19 der with Canada or Mexico.

20 (3) COMMERCIAL TRUCK.—The term “commer-
21 cial truck” means a commercial motor vehicle as de-
22 fined in section 31301(4) (other than subparagraph
23 (B)) of title 49, United States Code.

1 (4) MOTOR VEHICLE.—The term “motor vehi-
2 cle” has the meaning such term has under section
3 101(a) of title 23, United States Code.

4 (5) STATE.—The term “State” has the mean-
5 ing such term has in section 101(a) of such title 23.

6 **SEC. 1303. FREIGHT INTERMODAL CONNECTORS.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a freight intermodal connector program to
10 improve productivity and improve the efficiency of
11 the transportation of freight, while mitigating con-
12 gestion in the area of freight intermodal connectors.

13 (2) PURPOSES.—The purposes of the program
14 shall be—

15 (A) to facilitate and support intermodal
16 freight transportation initiatives at the State
17 and local levels in order to improve freight
18 intermodal connectors and mitigate the impact
19 of congestion in the area of such connectors;
20 and

21 (B) to provide capital funding to address
22 infrastructure and freight operational needs at
23 freight intermodal connectors.

24 (b) STATE RESPONSIBILITIES.—Under the program,
25 each State shall ensure that intermodal freight transpor-

1 tation and trade facilitation and are adequately addressed
2 integrated into the project development process, including
3 transportation planning, through final design and con-
4 struction of freight related transportation projects.

5 (c) ELIGIBLE PROJECTS.—

6 (1) IN GENERAL.—Projects eligible for funding
7 under this section may include the construction of
8 and improvements to publicly owned freight inter-
9 modal connectors, the provision of access to such
10 connectors, and operational improvements for such
11 connectors (including capital investment for intel-
12 ligent transportation systems); except that a project
13 located within the boundaries of an intermodal
14 freight facility shall only include highway infrastruc-
15 ture modifications necessary to facilitate direct inter-
16 modal access between the connector and the facility.

17 (2) SPECIAL RULE.—If a State that does not
18 have any freight intermodal connectors within its
19 boundaries or has only freight intermodal connectors
20 within its boundaries that are in good condition and
21 provide an adequate level of service, projects within
22 the boundaries of the State that are eligible for as-
23 sistance under section 103(b)(6) of title 23, United
24 States Code, relating to the National Highway Sys-
25 tem, shall be eligible for funding under this section.

1 (d) PRIORITY.—Under the program, a State shall
2 give priority to projects on freight intermodal connectors
3 to the National Highway System as identified according
4 to the criteria set forth in the report of the Department
5 of Transportation to Congress entitled ‘Pulling Together:
6 The NHS and its Connections to Major Intermodal Termi-
7 nals’.

8 (e) APPORTIONMENT.—On October 1 of each fiscal
9 year, the Secretary shall apportion among the States sums
10 made available to carry out this section for such fiscal year
11 as follows:

12 (1) 33.3 percent in the ratio that—

13 (A) the number of freight intermodal con-
14 nectors identified in the most recent Intermodal
15 Freight Connectors study of the Federal High-
16 way Administration within the boundaries of a
17 State; bears to

18 (B) the total number of such connectors
19 within the boundaries of all the States.

20 (2) 33.3 percent in the ratio that—

21 (A) the total of each State’s annual con-
22 tributions to the Highway Trust Fund (other
23 than the Mass Transit Account) attributable to
24 commercial motor vehicles; bears to

1 (B) the total of such annual contributions
2 by all States.

3 (3) 33.4 percent in the same ratios as funds are
4 apportioned for the National Highway System under
5 clauses (i), (ii), (iii), and (iv) of section 104(b)(1)(A)
6 of title 23, United States Code.

7 (f) APPLICABILITY OF TITLE 23.—Funds made avail-
8 able to carry out this section shall be available for obliga-
9 tion in the same manner as if such funds were apportioned
10 under chapter 1 of title 23, United States Code; except
11 that such funds shall not be transferable and shall remain
12 available until expended and the Federal share of the cost
13 of a project under this section shall be 80 percent.

14 (g) UPDATE REPORT.—Not later than August 1,
15 2005, the Secretary shall publish an update to the report
16 entitled “Pulling Together: the National Highway System
17 and its Connections to Major Intermodal Terminals”.

18 (h) DEFINITIONS.—In this section, the following defi-
19 nitions apply:

20 (1) FREIGHT INTERMODAL CONNECTORS.—The
21 term “freight intermodal connector” means the
22 roadway that connects to an intermodal freight facil-
23 ity that carries or will carry intermodal traffic.

24 (2) INTERMODAL FREIGHT FACILITY.—The
25 term “intermodal freight facility” means a port, air-

1 port, truck-rail terminal, and pipeline-truck ter-
2 minal.

3 (3) STATE.—The term “State” has the mean-
4 ing such term has in section 101(a) of title 23,
5 United States Code.

6 **SEC. 1304. PROJECTS OF NATIONAL AND REGIONAL SIG-**
7 **NIFICANCE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Under current law, surface transportation
10 programs rely primarily on formula capital appor-
11 tionments to States.

12 (2) Despite the significant increase for surface
13 transportation program funding in the Transpor-
14 tation Equity Act of the 21st Century, current levels
15 of investment are insufficient to fund critical high-
16 cost transportation infrastructure facilities that ad-
17 dress critical national economic and transportation
18 needs.

19 (3) Critical high-cost transportation infrastruc-
20 ture facilities often include multiple levels of govern-
21 ment, agencies, modes of transportation, and trans-
22 portation goals and planning processes that are not
23 easily addressed or funded within existing surface
24 transportation program categories.

1 (4) Projects of national and regional signifi-
2 cance have national and regional benefits, including
3 improving economic productivity by facilitating inter-
4 national trade, relieving congestion, and improving
5 transportation safety by facilitating passenger and
6 freight movement.

7 (5) The benefits of such projects described in
8 paragraph (4) accrue to local areas, States, and the
9 Nation as a result of the effect such projects have
10 on the national transportation system.

11 (6) A program dedicated to constructing
12 projects of national and regional significance is nec-
13 essary to improve the safe, secure, and efficient
14 movement of people and goods throughout the
15 United States and improve the health and welfare of
16 the national economy.

17 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
18 shall establish a program to provide grants to qualified
19 entities for projects of national and regional significance.

20 (c) DEFINITIONS.—

21 (1) ELIGIBLE PROJECT COSTS.—The term “eli-
22 gible project costs” means the costs of—

23 (A) development phase activities, including
24 planning, feasibility analysis, revenue fore-
25 casting, environmental review, preliminary engi-

1 neering and design work, and other
2 preconstruction activities; and

3 (B) construction, reconstruction, rehabili-
4 tation, and acquisition of real property (includ-
5 ing land related to the project and improve-
6 ments to land), environmental mitigation, con-
7 struction contingencies, acquisition of equip-
8 ment, and operational improvements.

9 (2) ELIGIBLE PROJECT.—The term “eligible
10 project” means any surface transportation project
11 eligible for Federal assistance under title 23, United
12 States Code, including freight railroad projects and
13 activities eligible under such title.

14 (3) QUALIFIED ENTITY.—The term “qualified
15 entity” means a State as defined in section 101(a)
16 of title 23, United States Code.

17 (d) ELIGIBILITY.—To be eligible for assistance under
18 this section, a project shall have eligible project costs that
19 are reasonably anticipated to equal or exceed the lesser
20 of—

21 (A) \$500,000,000; or

22 (B) 75 percent of the amount of Federal
23 highway assistance funds apportioned for the
24 most recently completed fiscal year to the State
25 in which the project is located.

1 (e) APPLICATIONS.—Each qualified entity seeking to
2 receive a grant under this section for an eligible project
3 shall submit to the Secretary an application in such form
4 and in accordance with such requirements as the Secretary
5 shall establish.

6 (f) COMPETITIVE GRANT SELECTION AND CRITERIA
7 FOR GRANTS.—

8 (1) IN GENERAL.—The Secretary shall—

9 (A) establish criteria for selecting among
10 projects that meet the eligibility criteria speci-
11 fied in subsection (d);

12 (B) conduct a national solicitation for ap-
13 plications; and

14 (C) award grants on a competitive basis.

15 (2) CRITERIA FOR GRANTS.—The Secretary
16 may approve a grant under this section for a project
17 only if the Secretary determines that the project—

18 (A) is based on the results of preliminary
19 engineering;

20 (B) is justified based on the project's abil-
21 ity—

22 (i) to generate national economic ben-
23 efits, including creating jobs, expanding
24 business opportunities, and impacting the
25 gross domestic product;

1 (ii) to reduce congestion, including
2 impacts in the State, region, and Nation;

3 (iii) to improve transportation safety,
4 including reducing transportation acci-
5 dents, injuries, and fatalities;

6 (iv) to otherwise enhance the national
7 transportation system; and

8 (v) to garner support for non-Federal
9 financial commitments and provide evi-
10 dence of stable and dependable financing
11 sources to construct, maintain, and operate
12 the infrastructure facility; and

13 (C) is supported by an acceptable degree of
14 non-Federal financial commitments, including
15 evidence of stable and dependable financing
16 sources to construct, maintain, and operate the
17 infrastructure facility.

18 (3) SELECTION CONSIDERATIONS.—In selecting
19 a project under this section, the Secretary shall con-
20 sider the extent to which the project—

21 (A) leverages Federal investment by en-
22 couraging non-Federal contributions to the
23 project, including contributions from public-pri-
24 vate partnerships;

1 (B) uses new technologies, including intel-
2 ligent transportation systems, that enhance the
3 efficiency of the project.

4 (C) helps maintain or protect the environ-
5 ment.

6 (4) PRELIMINARY ENGINEERING.—In evalu-
7 ating a project under paragraph (2)(A), the Sec-
8 retary shall analyze and consider the results of pre-
9 liminary engineering for the project.

10 (5) NON-FEDERAL FINANCIAL COMMITMENT.—

11 (A) EVALUATION OF PROJECT.—In evalu-
12 ating a project under paragraph (2)(C), the
13 Secretary shall require that—

14 (i) the proposed project plan provides
15 for the availability of contingency amounts
16 that the Secretary determines to be reason-
17 able to cover unanticipated cost increases;
18 and

19 (ii) each proposed non-Federal source
20 of capital and operating financing is stable,
21 reliable, and available within the proposed
22 project timetable.

23 (B) CONSIDERATIONS.—In assessing the
24 stability, reliability, and availability of proposed

1 sources of non-Federal financing under sub-
2 paragraph (A), the Secretary shall consider—

- 3 (i) existing financial commitments;
- 4 (ii) the degree to which financing
5 sources are dedicated to the purposes pro-
6 posed;
- 7 (iii) any debt obligation that exists or
8 is proposed by the recipient for the pro-
9 posed project; and
- 10 (iv) the extent to which the project
11 has a non-Federal financial commitment
12 that exceeds the required non-Federal
13 share of the cost of the project.

14 (6) REGULATIONS.—Not later than 120 days
15 after the date of enactment of this Act, the Sec-
16 retary shall issue regulations on the manner in
17 which the Secretary will evaluate and rate the
18 projects based on the results of preliminary engi-
19 neering, project justification, and the degree of non-
20 Federal financial commitment, as required under
21 this subsection.

22 (7) PROJECT EVALUATION AND RATING.—A
23 proposed project may advance from preliminary en-
24 gineering to final design and construction only if the
25 Secretary finds that the project meets the require-

1 ments of this subsection and there is a reasonable
2 likelihood that the project will continue to meet such
3 requirements. In making such findings, the Sec-
4 retary shall evaluate and rate the project as “highly
5 recommended”, “recommended”, or “not rec-
6 ommended” based on the results of preliminary engi-
7 neering, the project justification criteria, and the de-
8 gree of non-Federal financial commitment, as re-
9 quired under this subsection. In rating the projects,
10 the Secretary shall provide, in addition to the overall
11 project rating, individual ratings for each of the cri-
12 teria established under the regulations issued under
13 paragraph (6).

14 (g) LETTERS OF INTENT AND FULL FUNDING
15 GRANT AGREEMENTS.—

16 (1) LETTER OF INTENT.—

17 (A) IN GENERAL.—The Secretary may
18 issue a letter of intent to an applicant announc-
19 ing an intention to obligate, for a project under
20 this section, an amount from future available
21 budget authority specified in law that is not
22 more than the amount stipulated as the finan-
23 cial participation of the Secretary in the
24 project.

1 (B) NOTIFICATION.—At least 60 days be-
2 fore issuing a letter under subparagraph (A) or
3 entering into a full funding grant agreement,
4 the Secretary shall notify in writing the Com-
5 mittee on Transportation and Infrastructure of
6 the House of Representatives and the Com-
7 mittee on Environment and Public Works of the
8 Senate of the proposed letter or agreement. The
9 Secretary shall include with the notification a
10 copy of the proposed letter or agreement as well
11 as the evaluations and ratings for the project.

12 (C) NOT AN OBLIGATION.—The issuance
13 of a letter is deemed not to be an obligation
14 under sections 1108(c) and (d), 1501, and
15 1502(a) of title 31, United States Code, or an
16 administrative commitment.

17 (D) OBLIGATION OR COMMITMENT.—An
18 obligation or administrative commitment may
19 be made only when contract authority is allo-
20 cated to a project.

21 (2) FULL FUNDING GRANT AGREEMENT.—

22 (A) IN GENERAL.—A project financed
23 under this subsection shall be carried out
24 through a full funding grant agreement. The
25 Secretary shall enter into a full funding grant

1 agreement based on the evaluations and ratings
2 required under subsection (f)(7).

3 (B) TERMS.—If the Secretary makes a full
4 funding grant agreement with an applicant, the
5 agreement shall—

6 (i) establish the terms of participation
7 by the United States Government in a
8 project under this section;

9 (ii) establish the maximum amount of
10 Government financial assistance for the
11 project;

12 (iii) cover the period of time for com-
13 pleting the project, including a period ex-
14 tending beyond the period of an authoriza-
15 tion; and

16 (iv) make timely and efficient man-
17 agement of the project easier according to
18 the laws of the United States.

19 (C) AGREEMENT.—An agreement under
20 this paragraph obligates an amount of available
21 budget authority specified in law and may in-
22 clude a commitment, contingent on amounts to
23 be specified in law in advance for commitments
24 under this paragraph, to obligate an additional
25 amount from future available budget authority

1 specified in law. The agreement shall state that
2 the contingent commitment is not an obligation
3 of the Government. Interest and other financing
4 costs of efficiently carrying out a part of the
5 project within a reasonable time are a cost of
6 carrying out the project under a full funding
7 grant agreement, except that eligible costs may
8 not be more than the cost of the most favorable
9 financing terms reasonably available for the
10 project at the time of borrowing. The applicant
11 shall certify, in a way satisfactory to the Sec-
12 retary, that the applicant has shown reasonable
13 diligence in seeking the most favorable financ-
14 ing terms.

15 (3) AMOUNTS.—The total estimated amount of
16 future obligations of the Government and contingent
17 commitments to incur obligations covered by all out-
18 standing letters of intent and full funding grant
19 agreements may be not more than the greater of the
20 amount authorized to carry out this section or an
21 amount equivalent to the last 2 fiscal years of fund-
22 ing authorized to carry out this section less an
23 amount the Secretary reasonably estimates is nec-
24 essary for grants under this section not covered by
25 a letter. The total amount covered by new letters

1 and contingent commitments included in full funding
2 grant agreements may be not more than a limitation
3 specified in law.

4 (h) GRANT REQUIREMENTS.—

5 (1) IN GENERAL.—A grant for a project under
6 this section shall be subject to all of the require-
7 ments of title 23, United States Code, and chapter
8 52 of title 49, United States Code.

9 (2) OTHER TERMS AND CONDITIONS.—The Sec-
10 retary shall require that all grants under this section
11 be subject to all terms, conditions, and requirements
12 that the Secretary decides are necessary or appro-
13 priate for purposes of this section, including require-
14 ments for the disposition of net increases in value of
15 real property resulting from the project assisted
16 under this section.

17 (i) GOVERNMENT'S SHARE OF PROJECT COST.—
18 Based on engineering studies, studies of economic feasi-
19 bility, and information on the expected use of equipment
20 or facilities, the Secretary shall estimate the cost of a
21 project receiving assistance under this section. A grant for
22 the project is for 80 percent of the project cost, unless
23 the grant recipient requests a lower grant percentage. A
24 refund or reduction of the remainder may be made only

1 if a refund of a proportional amount of the grant of the
2 Government is made at the same time.

3 (j) FISCAL CAPACITY CONSIDERATIONS.—If the Sec-
4 retary gives priority consideration to financing projects
5 that include more than the non-Government share re-
6 quired under subsection (i) the Secretary shall give equal
7 consideration to differences in the fiscal capacity of State
8 and local governments.

9 (k) REPORTS.—

10 (1) ANNUAL REPORT.—Not later than the first
11 Monday in February of each year, the Secretary
12 shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Environment and Public
15 Works of the Senate a report that includes a pro-
16 posal on the allocation of amounts to be made avail-
17 able to finance grants under this section.

18 (2) RECOMMENDATIONS ON FUNDING.—The
19 annual report under this paragraph shall include
20 evaluations and ratings, as required under sub-
21 section (f). The report shall also include rec-
22 ommendations of projects for funding based on the
23 evaluations and ratings and on existing commit-
24 ments and anticipated funding levels for the next 3

1 fiscal years and for the next 10 fiscal years based
2 on information currently available to the Secretary.

3 (l) **APPLICABILITY OF TITLE 23.**—Funds made avail-
4 able to carry out this section shall be available for obliga-
5 tion in the same manner as if such funds were apportioned
6 under chapter 1 of title 23, United States Code; except
7 that such funds shall not be transferable and shall remain
8 available until expended and the Federal share of the cost
9 of a project under this section shall be as provided in this
10 section.

11 **SEC. 1305. DEDICATED TRUCK LANES.**

12 [Reserved.]

13 **SEC. 1306. TRUCK PARKING FACILITIES.**

14 [Reserved.]

15 **Subtitle D—Highway Safety**

16 **SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

17 (a) **SAFETY IMPROVEMENT PROJECT DEFINED.**—
18 Section 101(a)(30) of title 23, United States Code, is
19 amended by inserting “installs fluorescent, yellow-green
20 signs at pedestrian or bicycle crossings or school zones,”
21 after “call boxes,”.

22 (b) **OPERATION LIFESAVER.**—Section 104(d)(1) of
23 such title is amended—

24 (1) by striking “subsection (b)(3) of this sec-
25 tion” and inserting “section 130(f)”; and

1 (2) by striking “\$500,000” and inserting
2 “\$600,000”.

3 (c) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
4 NATION IN HIGH SPEED RAIL CORRIDORS.—Section
5 104(d)(2) of such title is amended—

6 (1) in subparagraph (A)—

7 (A) by striking “subsection (b)(3)” and in-
8 serting “section 130(f)”; and

9 (B) by striking “\$5,250,000 of the funds
10 made available for the surface transportation
11 program for the fiscal year” and inserting
12 “from the funds made available for the surface
13 transportation program \$7,500,000 for fiscal
14 year 2004, \$10,000,000 for fiscal year 2005,
15 \$12,500,000 for fiscal year 2006, \$15,000,000
16 for fiscal year 2007, \$17,500,000 for fiscal year
17 2008, and \$20,000,000 for fiscal year 2009”;
18 and

19 (2) in subparagraph (E)—

20 (A) by striking “Not less than \$250,000 of
21 such set-aside” and inserting “Of such set-
22 aside, not less than \$875,000 for fiscal year
23 2004, \$1,500,000 for fiscal year 2005,
24 \$2,125,000 for fiscal year 2006, \$2,750,000 for
25 fiscal year 2007, \$3,375,000 for fiscal year

1 2008, and \$4,000,000 for fiscal year 2009”;
2 and

3 (B) by striking “per fiscal year”.

4 (d) RAILWAY-HIGHWAY CROSSINGS.—

5 (1) FUNDS FOR PROTECTIVE DEVICES.—Sec-
6 tion 130(e) of such title is amended by striking “At
7 least ½” and inserting “For each fiscal year, at
8 least \$150,000,000”.

9 (2) APPORTIONMENT.—Section 130(f) of such
10 title is amended to read as follows:

11 “(f) APPORTIONMENT.—

12 “(1) FORMULA.—Fifty percent of the funds au-
13 thorized to be appropriated to carry out this section
14 shall be apportioned to the States in accordance with
15 the formula set forth in section 104(b)(3)(A), and
16 50 percent of such funds shall be apportioned to the
17 States in the ratio that total public railway-highway
18 crossings in each State bears to the total of such
19 crossings in all States.

20 “(2) MINIMUM APPORTIONMENT.—Notwith-
21 standing paragraph (1), each State shall receive a
22 minimum of ½ of 1 percent of the funds appor-
23 tioned under paragraph (1).

24 “(3) FEDERAL SHARE.—The Federal share
25 payable on account of any project financed with

1 funds authorized to be appropriated to carry out this
2 section shall be 90 percent of the cost thereof.”.

3 (3) BIENNIAL REPORT TO CONGRESS.—The
4 third sentence of section 130(g) of such title is
5 amended by striking “not later than April 1 of each
6 year,” and inserting “, not later than April 1, 2005,
7 and every 2 years thereafter,”.

8 (4) EXPENDITURE OF FUNDS.—Section 130 of
9 such title is further amended by adding at the end
10 the following:

11 “(k) EXPENDITURE OF FUNDS.—Not more than 2
12 percent of funds apportioned to a State to carry out this
13 section may be used by the State for compilation and anal-
14 ysis of data in support of activities carried out under sub-
15 section (g).”.

16 (e) SURFACE TRANSPORTATION PROGRAM.—

17 (1) IN GENERAL.—Section 133(d) of such title
18 is amended—

19 (A) by striking paragraph (1); and

20 (B) by redesignating paragraphs (2)
21 through (5) as paragraphs (1) through (4), re-
22 spectively; and

23 (C) in paragraph (2) (as so redesign-
24 nated)—

- 1 (i) in subparagraph (A) by striking
2 “80 percent” and inserting “90 percent”;
3 (ii) in subparagraph (B) by striking
4 “tobe” and inserting “to be”; and
5 (iii) in subparagraph (D) by adding a
6 period at the end.

7 (2) CONFORMING AMENDMENTS.—

8 (A) SECTION 133.—Section 133(e) is
9 amended by striking “(d)(2)” and inserting
10 “(d)(1)” in each of paragraphs (3)(B)(i),
11 (5)(A), and (5)(B).

12 (B) SECTION 126.—Section 126(b) of such
13 title is amended—

14 (i) by striking “to the last sentence of
15 section 133(d)(1) or”;

16 (ii) by striking “section 133(d)(3)”
17 and inserting “section 133(d)(2)”; and

18 (iii) by striking “or 133(d)(2)”.

19 (f) HAZARD ELIMINATION PROGRAM.—

20 (1) PURPOSES.—Section 152(a)(1) of such title
21 is amended—

22 (A) by striking “and” after “bicyclists,”;
23 and

24 (B) by inserting after “pedestrians,” the
25 following: “and the disabled, identify roadway

1 safety improvement needs for such locations,
2 sections, and elements,”.

3 (2) HAZARDS.—Section 152(a)(2)(A) of such
4 title is amended by inserting “the disabled,” after
5 “pedestrians,”.

6 (3) APPROVAL OF PROJECTS.—Section 152(b)
7 of such title is amended by inserting before the pe-
8 riod at the end the following: “that reduces the like-
9 lihood of crashes involving road departures, intersec-
10 tions, pedestrians, the disabled, bicyclists, older driv-
11 ers, or construction work zones”.

12 (4) EXPENDITURE OF FUNDS.—Section 152(c)
13 of such title is amended—

14 (A) in paragraph (2) by striking “or” at
15 the end;

16 (B) in paragraph (3) by striking the period
17 at the end and inserting a semicolon; and

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

19 “(4) police assistance for traffic and speed
20 management in construction work zones;

21 “(5) installation of barriers between construc-
22 tion work zones and traffic lanes for the safety of
23 motorists and workers; and

24 “(6) compilation and analysis of data under
25 subsections (f) and (g) if the funds used for this

1 purpose by a State do not exceed 2 percent of the
2 amount apportioned to such State to carry out this
3 section.”.

4 (5) APPORTIONMENT.—Section 152(d) of such
5 title is amended to read as follows:

6 “(d) APPORTIONMENT.—

7 “(1) FORMULA.—Funds authorized to be ap-
8 propriated to carry out this section shall be appor-
9 tioned to the States in accordance with the formula
10 set forth in section 104(b)(3)(A).

11 “(2) MINIMUM APPORTIONMENT.—Notwith-
12 standing paragraph (1), each State shall receive a
13 minimum of $\frac{1}{2}$ of 1 percent of the funds appor-
14 tioned under paragraph (1).

15 “(3) FEDERAL SHARE.—The Federal share
16 payable on account of any project financed with
17 funds authorized to be appropriated to carry out this
18 section shall be 90 percent of the cost thereof.”.

19 (6) BIENNIAL REPORT TO CONGRESS.—

20 (A) IN GENERAL.—Section 152 of such
21 title is amended by adding at the end the fol-
22 lowing:

23 “(i) BIENNIAL REPORT TO CONGRESS.—Not later
24 than 2 years after the date of enactment of this sub-
25 section, and every 2 years thereafter, the Secretary shall

1 transmit to the Committee on Transportation and Infra-
2 structure of the House of Representatives and the Com-
3 mittee on Environment and Public Works of the Senate
4 a report on the results of the program under this section.
5 The report shall include, at a minimum, the following:

6 “(1) A summary of State projects completed
7 under this section categorized by the types of haz-
8 ards and a statement of the cost of such projects.

9 “(2) An analysis of the effectiveness of such
10 categories of projects in reducing the number and
11 severity of crashes at high hazard locations.

12 “(3) An assessment of the adequacy of author-
13 ized funding for the program and State use of such
14 funding to address the national need for such
15 projects.

16 “(4) Recommendations for funding and pro-
17 gram improvements to reduce the number of high
18 hazard locations.

19 “(5) An analysis and evaluation of each State
20 program, an identification of any State found not to
21 be in compliance with the schedule of improvements
22 required by subsection (a), and recommendations for
23 future implementation of the hazard elimination pro-
24 gram.”.

1 (B) CONFORMING AMENDMENT.—Section
2 152(g) of such title is amended by striking the
3 third sentence through the last sentence.

4 **SEC. 1402. WORKER INJURY PREVENTION AND FREE FLOW**
5 **OF VEHICULAR TRAFFIC.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary shall issue regulations to de-
8 crease the likelihood of worker injury and maintain the
9 free flow of vehicular traffic by requiring workers whose
10 duties place them on or in close proximity to a Federal-
11 aid highway (as defined in section 101 of title 23, United
12 States Code) to wear high visibility garments. Such regu-
13 lations may also require such other worker-safety meas-
14 ures for workers with those duties as the Secretary deter-
15 mines appropriate.

16 **SEC. 1403. HIGH RISK RURAL ROAD SAFETY IMPROVEMENT**
17 **PROGRAM.**

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

21 (b) ELIGIBLE PROJECTS.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), a State may obligate funds apportioned
24 to it under this section only for construction and
25 operational improvement projects on high risk rural

1 roads and only if the primary purpose of the project
2 is to improve highway safety on a high risk rural
3 road.

4 (2) SPECIAL RULE.—A State may use funds
5 apportioned to it under this section for any project
6 approved by the Secretary under section 152 of title
7 23, United States Code, if the State certifies to the
8 Secretary that it has no projects described in para-
9 graph (1).

10 (c) STATE ALLOCATION SYSTEM.—Each State shall
11 establish a system for allocating funds apportioned to it
12 under this section among projects eligible for assistance
13 under this section that have the highest benefits to high-
14 way safety. Such system may include a safety manage-
15 ment system established by the State under section 303
16 of title 23, United States Code, or a survey established
17 pursuant to section 152(a) of such title.

18 (d) APPORTIONMENT OF FUNDS.—On October 1 of
19 each fiscal year, the Secretary shall apportion among
20 States sums authorized to be appropriated to carry out
21 this section for such fiscal year as follows:

22 (1) $\frac{1}{3}$ in the ratio that—

23 (A) each State's public road lane mileage
24 for rural minor collectors and rural local roads;
25 bears to

1 (B) the total public road lane mileage for
2 rural minor collectors and rural local roads of
3 all States.

4 (2) $\frac{1}{3}$ in the ratio that—

5 (A) the population of areas other than ur-
6 banized areas in each State, as shown by the
7 most recent Government decennial census of
8 population; bears to

9 (B) the population of all areas other than
10 urbanized areas in the United States, as shown
11 by that census.

12 (3) $\frac{1}{3}$ in the ratio that—

13 (A) the total vehicle miles traveled on pub-
14 lic roads in each State; bears to

15 (B) the total number of vehicle miles trav-
16 eled on public roads in all States.

17 (e) APPLICABILITY OF TITLE 23.—Funds made
18 available to carry out this section shall be available for
19 obligation in the same manner as if such funds were ap-
20 portioned under chapter 1 of title 23, United States Code;
21 except that such funds shall not be transferable and shall
22 remain available until expended and the Federal share of
23 the cost of a project under this section shall be 80 percent.
24 Notwithstanding any other provision of law, projects as-

1 sisted under this section shall be treated as projects on
2 a Federal-aid system under such chapter.

3 (f) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) HIGH RISK RURAL ROAD.—The term “high
6 risk rural road” means any roadway functionally
7 classified as a rural major or minor collector or a
8 rural local road—

9 (A) on which the accident rate for fatali-
10 ties and incapacitating injuries exceeds the
11 statewide average for these functional classes of
12 roadway; or

13 (B) which will likely have increases in traf-
14 fic volume that are likely to create an accident
15 rate for fatalities and incapacitating injuries
16 that exceeds the statewide average for these
17 functional classes of roadway.

18 (2) STATE AND URBANIZED AREA.—The terms
19 “State” and “urbanized area” have the meaning
20 such terms have under section 101(a) of title 23,
21 United States Code.

1 **SEC. 1404. TRANSFERS OF APPORTIONMENTS TO SAFETY**
2 **PROGRAMS.**

3 (a) USE OF SAFETY BELTS AND MOTORCYCLE HEL-
4 METS.—Section 153(h) of title 23, United States Code,
5 is amended—

6 (1) in paragraph (2)—

7 (A) in the paragraph heading by striking
8 “THEREAFTER.—” and inserting “FISCAL
9 YEARS 1995–2003.—”; and

10 (B) by inserting “and ending before Octo-
11 ber 1, 2003,” after “September 30, 1994,”;

12 (2) by redesignating paragraphs (3) through
13 (5) as paragraphs (4) through (6), respectively;

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) FISCAL YEAR 2004 AND THEREAFTER.—On
17 October 1, 2003, and each October 1 thereafter, if
18 a State does not have in effect a law described in
19 subsection (a)(2), the Secretary shall transfer from
20 the funds apportioned to the State on that date
21 under each of subsections (b)(1), (b)(2), and (b)(3)
22 of section 104 to the apportionment of the State
23 under section 402 an amount equal to 3 percent of
24 the funds apportioned to the State under such sub-
25 sections for fiscal year 2003.”; and

26 (4) in paragraph (5) (as so redesignated)—

1 (A) by striking “which is determined by
2 multiplying” and inserting “which, for fiscal
3 year 2004 and each fiscal year thereafter, is de-
4 termined by multiplying”; and

5 (B) in subparagraph (B) by striking “such
6 fiscal year” each place it appears and inserting
7 “fiscal year 2003”.

8 (b) OPEN CONTAINER REQUIREMENTS.—Section
9 154(c) of title 23, United States Code, is amended—

10 (1) in paragraph (2)—

11 (A) in the paragraph heading by striking
12 “AND FISCAL YEARS THEREAFTER”; and

13 (B) by striking “and each October 1 there-
14 after,”;

15 (2) by redesignating paragraphs (3) through
16 (7) as paragraphs (4) through (8), respectively;

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

19 “(3) FISCAL YEAR 2004 AND THEREAFTER.—On
20 October 1, 2003, and each October 1 thereafter, if
21 a State has not enacted or is not enforcing an open
22 container law described in subsection (b), the Sec-
23 retary shall transfer from the funds apportioned to
24 the State on that date under each of paragraphs (1),
25 (3), and (4) of section 104(b) an amount equal to

1 3 percent of the funds apportioned to the State
2 under such paragraphs for fiscal year 2003 to be
3 used or directed as described in subparagraph (A) or
4 (B) of paragraph (1).”;

5 (4) in paragraph (5) (as so redesignated) by
6 striking “paragraph (3)” and inserting “paragraph
7 (4)”;

8 (5) in paragraphs (4), (5), and (6) (as so redesi-
9 gnated) by striking “paragraph (1) or (2)” and in-
10 sserting “paragraph (1), (2), or (3)”;

11 (6) in paragraph (7)(B) (as so redesignated)—

12 (A) by striking “The amount” and insert-
13 ing “For fiscal year 2004 and each fiscal year
14 thereafter, the amount”;

15 (B) in subclauses (I) and (II) of clause (ii)
16 by striking “the fiscal year” and inserting “fis-
17 cal year 2003”.

18 (c) MINIMUM PENALTIES FOR CERTAIN REPEAT OF-
19 FENDERS.—Section 164(b) of title 23, United States
20 Code, is amended—

21 (1) in paragraph (2)—

22 (A) in the paragraph heading by striking
23 “AND FISCAL YEARS THEREAFTER”; and

24 (B) by striking “and each October 1 there-
25 after,”;

1 (2) by redesignating paragraphs (3) through
2 (7) as paragraphs (4) through (8), respectively;

3 (3) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) FISCAL YEAR 2004 AND THEREAFTER.—On
6 October 1, 2003, and each October 1 thereafter, if
7 a State has not enacted or is not enforcing a repeat
8 intoxicated driver law, the Secretary shall transfer
9 from the funds apportioned to the State on that date
10 under each of paragraphs (1), (3), and (4) of section
11 104(b) an amount equal to 3 percent of the funds
12 apportioned to the State under such paragraphs for
13 fiscal year 2003 to be used or directed as described
14 in subparagraph (A) or (B) of paragraph (1).”;

15 (4) in paragraph (5) (as so redesignated) by
16 striking “paragraph (3)” and inserting “paragraph
17 (4)”;

18 (5) in paragraphs (4), (5), and (6) (as so redesi-
19 gnated) by striking “paragraph (1) or (2)” and in-
20 serting “paragraph (1), (2), or (3)”;

21 (6) in paragraph (7)(B) (as so redesignated)—

22 (A) by striking “The amount” and insert-
23 ing “For fiscal year 2004 and each fiscal year
24 thereafter, the amount”; and

1 (B) in subclauses (I) and (II) of clause (ii)
2 by striking “the fiscal year” and inserting “fis-
3 cal year 2003”.

4 **SEC. 1405. SAFETY INCENTIVES TO PREVENT OPERATION**
5 **OF MOTOR VEHICLES BY INTOXICATED PER-**
6 **SONS.**

7 (a) CODIFICATION OF PENALTY.—Section 163 of
8 title 23, United States Code, is amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) PENALTY.—

14 “(1) IN GENERAL.—On October 1, 2003, and
15 October 1 of each fiscal year thereafter, if a State
16 has not enacted or is not enforcing a law described
17 in subsection (a), the Secretary shall withhold from
18 amounts apportioned to the State on that date
19 under each of paragraphs (1), (3), and (4) of section
20 104(b) an amount equal to the amount specified in
21 paragraph (2).

22 “(2) AMOUNT TO BE WITHHELD.—If a State is
23 subject to a penalty under paragraph (1), the Sec-
24 retary shall withhold for a fiscal year from the ap-
25 portionments of the State described in paragraph

1 (1) an amount equal to a percentage of the funds
2 apportioned to the State under paragraphs (1), (3),
3 and (4) of section 104(b) for fiscal year 2003. The
4 percentage shall be as follows:

5 “(A) For fiscal year 2004, 2 percent.

6 “(B) For fiscal year 2005, 4 percent.

7 “(C) For fiscal year 2006, 6 percent.

8 “(D) For fiscal year 2007, and each fiscal
9 year thereafter, 8 percent.

10 “(3) FAILURE TO COMPLY.—If, within 4 years
11 from the date that an apportionment for a State is
12 withheld in accordance with this subsection, the Sec-
13 retary determines that the State has enacted and is
14 enforcing a law described in subsection (a), the ap-
15 portionment of the State shall be increased by an
16 amount equal to the amount withheld. If, at the end
17 of such 4-year period, any State has not enacted or
18 is not enforcing a law described in subsection (a)
19 any amounts so withheld from such State shall
20 lapse.”.

21 (b) REPEAL.—Section 351 of the Department of
22 Transportation and Related Agencies Appropriations Act,
23 2001 (114 Stat. 1356A–34) is repealed.

1 **Subtitle E—Construction and**
2 **Contract Efficiencies**

3 **SEC. 1501. DESIGN-BUILD.**

4 [Reserved.]

5 **SEC. 1502. WARRANTY HIGHWAYS.**

6 [Reserved.]

7 **SEC. 1503. PUBLIC-PRIVATE VENTURE.**

8 [Reserved.]

9 **SEC. 1504. HIGHWAYS FOR LIFE PILOT PROGRAM.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—The Secretary shall establish
12 and implement a pilot program to be known as the
13 “Highways for LIFE pilot program”.

14 (2) PURPOSE.—The purpose of the pilot pro-
15 gram shall be to advance longer-lasting highways
16 using innovative technologies and practices to ac-
17 complish the fast construction of efficient and safe
18 highways and bridges.

19 (3) OBJECTIVES.—Under the pilot program,
20 the Secretary shall provide leadership and incentives
21 to demonstrate and promote state-of-the-art tech-
22 nologies, elevated performance standards, and new
23 business practices in the highway construction pro-
24 cess that result in improved safety, faster construc-

1 tion, reduced congestion from construction, and im-
2 proved quality and user satisfaction.

3 (b) PROJECTS.—

4 (1) APPLICATIONS.—To be eligible to partici-
5 pate in the pilot program, a State shall submit to
6 the Secretary an application that is in such form
7 and contains such information as the Secretary re-
8 quires. Each application shall contain a description
9 of proposed projects to be carried by the State under
10 the pilot program.

11 (2) ELIGIBILITY.—A proposed project shall be
12 eligible for assistance under the pilot program if the
13 project—

14 (A) constructs, reconstructs, or rehabili-
15 tates a route or connection on a Federal-aid
16 highway eligible for assistance under chapter 1
17 of title 23, United States Code;

18 (B) uses innovative technologies, manufac-
19 turing processes, financing, or contracting
20 methods that improve safety, reduce congestion
21 due to construction, and improve quality; and

22 (C) meets additional criteria as determined
23 by the Secretary.

24 (3) PROJECT PROPOSAL.—A project proposal
25 submitted under paragraph (1) shall contain—

1 (A) an identification and description of the
2 projects to be delivered;

3 (B) a description of how the projects will
4 result in improved safety, faster construction,
5 reduced congestion due to construction, user
6 satisfaction, and improved quality;

7 (C) a description of the innovative tech-
8 nologies, manufacturing processes, financing,
9 and contracting methods that will be used for
10 the proposed projects; and

11 (D) such other information as the Sec-
12 retary may require.

13 (4) SELECTION CRITERIA.—In selecting
14 projects for approval under this section, the Sec-
15 retary shall ensure that the projects provide an eval-
16 uation of a broad range of technologies in a wide va-
17 riety of project types and shall give priority to the
18 projects that—

19 (A) address achieving the Highways for
20 LIFE performance standards for quality, safe-
21 ty, and speed of construction;

22 (B) deliver and deploy innovative tech-
23 nologies, manufacturing processes, financing,
24 contracting practices, and performance meas-
25 ures that will demonstrate substantial improve-

1 ments in safety, congestion, quality, and cost-
2 effectiveness;

3 (C) include innovation that will lead to
4 change in the administration of the State's
5 transportation program to more quickly con-
6 struct long-lasting, high-quality, cost-effective
7 projects that improve safety and reduce conges-
8 tion;

9 (D) are or will be ready for construction
10 within 12 months of approval of the project
11 proposal; and

12 (E) meet such other criteria as the Sec-
13 retary determines appropriate.

14 (5) FINANCIAL ASSISTANCE.—

15 (A) FUNDS FOR HIGHWAYS FOR LIFE
16 PROJECTS.—Out of amounts made available to
17 carry out this section for a fiscal year, the Sec-
18 retary may allocate to a State up to 20 percent,
19 but not more than \$15,000,000, of the total
20 cost of a project approved under this section.
21 Notwithstanding any other provision of law,
22 funds allocated to a State under this subpara-
23 graph may be applied to the non-Federal share
24 of the cost of construction of a project under
25 title 23, United States Code.

1 (B) USE OF APPORTIONED FUNDS.—A
2 State may obligate not more than 10 percent of
3 the amount apportioned to the State under 1 or
4 more of paragraphs (1), (2), (3), and (4) of sec-
5 tion 104(b) of title 23, United States Code, for
6 a fiscal year for projects approved under this
7 section.

8 (C) INCREASED FEDERAL SHARE.—Not-
9 withstanding sections 120 and 129 of title 23,
10 United States Code, the Federal share payable
11 on account of any project constructed with Fed-
12 eral funds allocated under this section, or ap-
13 portioned under section 104(b) of such title, to
14 a State under such title and approved under
15 this section may amount to 100 percent of the
16 cost of construction of such project.

17 (D) LIMITATION ON STATUTORY CON-
18 STRUCTION.—Except as provided in subpara-
19 graph (C), nothing in this subsection shall be
20 construed as altering or otherwise affecting the
21 applicability of the requirements of chapter 1 of
22 title 23, United States Code (including require-
23 ments relating to the eligibility of a project for
24 assistance under the program and the location
25 of the project), to amounts apportioned to a

1 State for a program under section 104(b) that
2 are obligated by the State for projects approved
3 under this subsection.

4 (6) PROJECT SELECTIONS.—In the period of
5 fiscal years 2004 through 2009, the Secretary shall
6 approve at least one project in each State for par-
7 ticipation in the pilot program and for financial as-
8 sistance under paragraph (5) if the State submits an
9 application and the project meets the eligibility re-
10 quirements and selection criteria under this sub-
11 section.

12 (c) TECHNOLOGY PARTNERSHIPS.—

13 (1) IN GENERAL.—The Secretary may make
14 grants or enter into cooperative agreements or other
15 transactions to foster the development, improvement,
16 and creation of innovative technologies and facilities
17 to improve safety, enhance the speed of highway
18 construction, and improve the quality and durability
19 of highways.

20 (2) FEDERAL SHARE.—The Federal share of
21 the cost of an activity carried out under this sub-
22 section shall not exceed 80 percent.

23 (d) TECHNOLOGY TRANSFER AND INFORMATION
24 DISSEMINATION.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 a Highways for LIFE technology transfer program.

3 (2) AVAILABILITY OF INFORMATION.—The Sec-
4 retary shall ensure that the information and tech-
5 nology used, developed, or deployed under this sub-
6 section is made available to the transportation com-
7 munity and the public.

8 (e) STAKEHOLDER INPUT AND INVOLVEMENT.—The
9 Secretary shall establish a process for stakeholder input
10 and involvement in the development, implementation, and
11 evaluation of the Highways for LIFE pilot program. The
12 process may include participation by representatives of
13 State departments of transportation and other interested
14 persons.

15 (f) PROJECT MONITORING AND EVALUATION.—The
16 Secretary shall monitor and evaluate the effectiveness of
17 any activity carried out under this section.

18 (g) CONTRACT AUTHORITY.—Funds authorized to be
19 appropriated to carry out this section shall be available
20 for obligation in the same manner as if the funds were
21 apportioned under chapter 1 of title 23, United States
22 Code.

23 (h) STATE DEFINED.—In this section, the term
24 “State” has the meaning such term has under section
25 101(a) of title 23, United States Code.

1 **SEC. 1505. UNIT BID PRICING.**

2 [Reserved.]

3 **Subtitle F—Finance**

4 **SEC. 1601. TRANSPORTATION INFRASTRUCTURE FINANCE**
5 **AND INNOVATION ACT.**

6 (a) DEFINITIONS.—Section 181 of title 23, United
7 States Code, is amended—

8 (1) in paragraph (3)—

9 (A) by striking “category”; and

10 (B) by striking “offered into the capital
11 markets”;

12 (2) by striking paragraph (7);

13 (3) by redesignating paragraphs (8) through
14 (15) as paragraphs (7) through (14), respectively;
15 and

16 (4) in paragraph (10) (as so redesignated) by
17 striking “bond” and inserting “credit”.

18 (b) DETERMINATION OF ELIGIBILITY.—Section
19 182(a) of such title is amended—

20 (1) by striking paragraphs (1) and (2) and in-
21 serting the following:

22 “(1) INCLUSION IN TRANSPORTATION PLANS
23 AND PROGRAMS.—The project shall satisfy the appli-
24 cable planning and programming requirements of
25 sections 134 and 135 at such time as an agreement

1 to make available a Federal credit instrument is en-
2 tered into under this subchapter.

3 “(2) APPLICATION.—A State, a local govern-
4 ment, public authority, public-private partnership, or
5 any other legal entity undertaking the project and
6 authorized by the Secretary, shall submit a project
7 application to the Secretary.”;

8 (2) in paragraph (3)(A)(i) by striking
9 “\$100,000,000” and inserting “\$50,000,000”;

10 (3) in paragraph (3)(B) by striking
11 “\$30,000,000” and inseting “\$15,000,000”; and

12 (4) in paragraph (4)—

13 (A) by striking “Project financing” and in-
14 serting “The Federal credit instrument”; and

15 (B) by inserting before the period at the
16 end “that also secure the project obligations”.

17 (c) PROJECT SELECTION.—Section 182(b) of such
18 title is amended—

19 (1) in paragraph (1) by striking “criteria” the
20 second place it appears and inserting “require-
21 ments”; and

22 (2) in paragraph (2)(B) by inserting “, which
23 may be the Federal credit instrument,” after “obli-
24 gations”.

25 (d) SECURED LOANS.—

1 (1) AGREEMENTS.—Section 183(a)(1) of such
2 title is amended—

3 (A) in each of subparagraphs (A) and (B)
4 by inserting “of any project selected under sec-
5 tion 602” after “costs”; and

6 (B) by striking the semicolon at the end of
7 subparagraph (B) and all that follows through
8 “under section 602”.

9 (2) INVESTMENT-GRADE RATING REQUIRE-
10 MENT.—Section 183(a)(4) of such title is amend-
11 ed—

12 (A) by striking “The funding” and insert-
13 ing “The execution”; and

14 (B) by striking the first comma and all
15 that follows through “1 rating agency”.

16 (3) TERMS AND LIMITATIONS.—Section 183(b)
17 of such title is amended—

18 (A) in paragraph (2) by inserting “the
19 lesser of” after “exceed”;

20 (B) in paragraph (2) by inserting “or the
21 amount of the senior project obligations” after
22 “costs”;

23 (C) in paragraph (3)(A)(i) by inserting
24 “that also secure the senior project obligations”
25 after “sources”; and

1 (D) in paragraph (4) by striking “market-
2 able”.

3 (4) REPAYMENT.—Section 183(c) is amended—

4 (A) by striking paragraph (3); and

5 (B) by redesignating paragraphs (4) and
6 (5) as paragraphs (3) and (4), respectively.

7 (e) LINES OF CREDIT.—

8 (1) TERMS AND LIMITATIONS.—Section 184(b)
9 of such title is amended—

10 (A) in paragraph (3)—

11 (i) by striking the first comma; and

12 (ii) by striking “any debt service re-
13 serve fund, and any other available re-
14 serve” and inserting “but not including
15 reasonably required financing reserves”;

16 (B) in paragraph (4)—

17 (i) by striking “marketable”;

18 (ii) by striking “on which” and insert-
19 ing “of execution of”;

20 (iii) by striking “is obligated” and in-
21 serting “agreement”; and

22 (C) in paragraph (5)(A)(i) by inserting
23 “that also secure the senior project obligations”
24 after “sources”; and

1 (2) REPAYMENT.—Section 184(c) of such title
2 is amended—

3 (A) in paragraph (2)—

4 (i) by striking “scheduled”;

5 (ii) by inserting “be scheduled to”
6 after “shall”;

7 (iii) by striking “be fully repaid, with
8 interest,” and inserting “conclude, with
9 full repayment of principal and interest,”;
10 and

11 (B) by striking paragraph (3).

12 (f) PROGRAM ADMINISTRATION.—Section 185 of
13 such title is amended to read as follows:

14 **“§ 185. Program administration**

15 “(a) REQUIREMENT.—The Secretary shall establish
16 a uniform system to service the Federal credit instrument
17 made available under this chapter.

18 “(b) FEES.—The Secretary may establish fees at a
19 level to cover all or a portion of the costs to the Federal
20 Government of servicing the Federal credit instrument.

21 “(c) SERVICER.—The Secretary may identify a finan-
22 cial entity to assist the Secretary in servicing a Federal
23 credit instrument. The servicer—

24 “(1) shall act as the agent for the Secretary;

25 and

1 “(2) shall receive a servicing fee, subject to ap-
2 proval by the Secretary.

3 “(d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
4 retary may retain the services of one or more expert firms,
5 including counsel, in the field of municipal and project fi-
6 nance to assist in the underwriting and servicing of Fed-
7 eral credit instruments.”.

8 (g) FUNDING.—Section 188 of such title is amended
9 to read as follows:

10 **“§ 188. Funding**

11 “(a) FUNDING.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated from the Highway Trust Fund (other
14 than the Mass Transit Account) \$150,000,000 for
15 each of fiscal years 2004 through 2009 to carry out
16 this chapter.

17 “(2) ADMINISTRATIVE COSTS.—From funds
18 made available under paragraph (1), the Secretary
19 may use, for the administration of this subchapter,
20 not more than \$3,000,000 for each of fiscal years
21 2004 through 2009.

22 “(3) AVAILABILITY.—Amounts made available
23 under paragraph (1) shall remain available until ex-
24 pended.

25 “(b) CONTRACT AUTHORITY.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, approval by the Secretary of a Fed-
3 eral credit instrument that uses funds made avail-
4 able under this chapter shall be deemed to be ac-
5 ceptance by the United States of a contractual obli-
6 gation to fund the Federal credit instrument.

7 “(2) AVAILABILITY.—Amounts authorized
8 under this section for a fiscal year shall be available
9 for obligation on October 1 of the fiscal year.

10 “(c) LIMITATIONS ON CREDIT AMOUNTS.—For each
11 of fiscal years 2004 through 2009, principal amounts of
12 Federal credit instruments made available under this
13 chapter shall be limited to \$2,600,000,000.”.

14 **SEC. 1602. STATE INFRASTRUCTURE BANKS.**

15 (a) IN GENERAL.—Section 189 of title 23, United
16 States Code, is amended to read as follows:

17 **“§ 189. State infrastructure bank program**

18 “(a) DEFINITIONS.—In this section, the following
19 definitions apply:

20 “(1) CAPITAL PROJECT.—The term ‘capital
21 project’ has the meaning such term has under sec-
22 tion 5302 of title 49, United States Code.

23 “(2) OTHER FORMS OF CREDIT ASSISTANCE.—
24 The term ‘other forms of credit assistance’ includes
25 any use of funds in an infrastructure bank—

1 “(A) to provide credit enhancements;

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

4 “(C) to subsidize interest rates;

5 “(D) to insure or guarantee letters of cred-
6 it and credit instruments against credit risk of
7 loss;

8 “(E) to finance purchase and lease agree-
9 ments with respect to transit projects;

10 “(F) to provide bond or debt financing in-
11 strument security; and

12 “(G) to provide other forms of debt financ-
13 ing and methods of leveraging funds that are
14 approved by the Secretary and that relate to
15 the project with respect to which such assist-
16 ance is being provided.

17 “(3) STATE.—The term ‘State’ has the mean-
18 ing such term has under section 401 of this title.

19 “(4) CAPITALIZATION.—The term “capitaliza-
20 tion” means the process used for depositing funds as
21 initial capital into a State infrastructure bank to es-
22 tablish the infrastructure bank.

23 “(5) COOPERATIVE AGREEMENT.—The term
24 ‘cooperative agreement’ means written consent be-
25 tween a State and the Secretary which sets forth the

1 manner in which the infrastructure bank established
2 by the State in accordance with this section will be
3 administered.

4 “(6) LOAN.—The term ‘loan’ means any form
5 of direct financial assistance from a State infra-
6 structure bank that is required to be repaid over a
7 period of time and that is provided to a project
8 sponsor for all or part of the costs of the project.

9 “(7) GUARANTEE.—The term ‘guarantee’
10 means a contract entered into by a State infrastruc-
11 ture bank in which the bank agrees to take responsi-
12 bility for all or a portion of a project sponsor’s fi-
13 nancial obligations for a project under specified con-
14 ditions.

15 “(8) INITIAL ASSISTANCE.—The term ‘initial
16 assistance’ means the first round of funds that are
17 loaned or used for credit enhancement by a State in-
18 frastructure bank for projects eligible for assistance
19 under this section.

20 “(9) LEVERAGE.—The term ‘leverage’ means a
21 financial structure used to increase funds in a State
22 infrastructure bank through the issuance of debt in-
23 struments.

24 “(10) LEVERAGED.— The term ‘leveraged’, as
25 used with respect to a State infrastructure bank,

1 means that the bank has total potential liabilities
2 that exceed the capital of the bank.

3 “(b) COOPERATIVE AGREEMENTS.—Subject to the
4 provisions of this section, the Secretary may enter into co-
5 operative agreements with States for the establishment of
6 State infrastructure banks for making loans and providing
7 other forms of credit assistance to public and private enti-
8 ties carrying out or proposing to carry out projects eligible
9 for assistance under this section.

10 “(c) INTERSTATE COMPACTS.—Congress grants con-
11 sent to 2 or more of the States, entering into a cooperative
12 agreement under subsection (a) with the Secretary for the
13 establishment by such States of a multi-State infrastruc-
14 ture bank in accordance with this section, to enter into
15 an interstate compact establishing such bank in accord-
16 ance with this section.

17 “(d) FUNDING.—

18 “(1) HIGHWAY ACCOUNT.—Subject to sub-
19 section (j), the Secretary may permit a State enter-
20 ing into a cooperative agreement under this section
21 to establish a State infrastructure bank to deposit
22 into the highway account of the bank not to ex-
23 ceed—

24 “(A) 10 percent of the funds apportioned
25 to the State for each of fiscal years 2004

1 through 2009 under each of sections 104(b)(1),
2 104(b)(3), 104(b)(4), and 144; and

3 “(B) 10 percent of the funds allocated to
4 the State for each of such fiscal years under
5 section 105.

6 “(2) TRANSIT ACCOUNT.—Subject to subsection
7 (j), the Secretary may permit a State entering into
8 a cooperative agreement under this section to estab-
9 lish a State infrastructure bank, and any other re-
10 cipient of Federal assistance under section 5307,
11 5309, or 5311 of title 49, to deposit into the transit
12 account of the bank not to exceed 10 percent of the
13 funds made available to the State or other recipient
14 in each of fiscal years 2004 through 2009 for capital
15 projects under each of such sections.

16 “(3) RAIL ACCOUNT.—Subject to subsection (j),
17 the Secretary may permit a State entering into a co-
18 operative agreement under this section to establish
19 a State infrastructure bank, and any other recipient
20 of Federal assistance under subtitle V of title 49, to
21 deposit into the rail account of the bank funds made
22 available to the State or other recipient in each of
23 fiscal years 2004 through 2009 for capital projects
24 under such subtitle.

25 “(4) CAPITAL GRANTS.—

1 “(A) HIGHWAY ACCOUNT.—Federal funds
2 deposited into a highway account of a State in-
3 frastructure bank under paragraph (1) shall
4 constitute for purposes of this section a capital-
5 ization grant for the highway account of the
6 bank.

7 “(B) TRANSIT ACCOUNT.—Federal funds
8 deposited into a transit account of a State in-
9 frastructure bank under paragraph (2) shall
10 constitute for purposes of this section a capital-
11 ization grant for the transit account of the
12 bank.

13 “(C) RAIL ACCOUNT.—Federal funds de-
14 posited into a rail account of a State infrastruc-
15 ture bank under paragraph 3 shall constitute
16 for purposes of this section a capitalization
17 grant for the rail account of the bank.

18 “(5) SPECIAL RULE FOR URBANIZED AREAS OF
19 OVER 200,000.—Funds in a State infrastructure
20 bank that are attributed to urbanized areas of a
21 State with urbanized populations of over 200,000
22 under section 133(d)(3) may be used to provide as-
23 sistance with respect to a project only if the metro-
24 politan planning organization designated for such

1 area concurs, in writing, with the provision of such
2 assistance.

3 “(6) DISCONTINUANCE OF FUNDING.—If the
4 Secretary determines that a State is not imple-
5 menting the State’s infrastructure bank in accord-
6 ance with a cooperative agreement entered into
7 under subsection (b), the Secretary may prohibit the
8 State from contributing additional Federal funds to
9 the bank.

10 “(e) FORMS OF ASSISTANCE FROM INFRASTRUCTURE
11 BANKS.—An infrastructure bank established under this
12 section may make loans or provide other forms of credit
13 assistance to a public or private entity in an amount equal
14 to all or a part of the cost of carrying out a project eligible
15 for assistance under this section. The amount of any loan
16 or other form of credit assistance provided for the project
17 may be subordinated to any other debt financing for the
18 project. Initial assistance provided with respect to a
19 project from Federal funds deposited into an infrastruc-
20 ture bank under this section may not be made in the form
21 of a grant.

22 “(f) ELIGIBLE PROJECTS.—Subject to subsection (e),
23 funds in an infrastructure bank established under this sec-
24 tion may be used only to provide assistance for projects
25 eligible for assistance under this title and capital projects

1 defined in section 5302 of title 49, and any other projects
2 related to surface transportation that the Secretary deter-
3 mines to be appropriate.

4 “(g) INFRASTRUCTURE BANK REQUIREMENTS.—In
5 order to establish an infrastructure bank under this sec-
6 tion, the State establishing the bank shall—

7 “(1) deposit in cash, at a minimum, into each
8 account of the bank from non-Federal sources an
9 amount equal to 25 percent of the amount of each
10 capitalization grant made to the State and deposited
11 into such account; except that, if the deposit is into
12 the highway account of the bank and the State has
13 a non-Federal share under section 120(b) that is
14 less than 25 percent, the percentage to be deposited
15 from non-Federal sources shall be the lower percent-
16 age of such grant;

17 “(2) ensure that the bank maintains on a con-
18 tinuing basis an investment grade rating on its debt,
19 or has a sufficient level of bond or debt financing in-
20 strument insurance, to maintain the viability of the
21 bank;

22 “(3) ensure that investment income derived
23 from funds deposited to an account of the bank
24 are—

25 “(A) credited to the account;

1 “(B) available for use in providing loans
2 and other forms of credit assistance to projects
3 eligible for assistance from the account; and

4 “(C) invested in United States Treasury
5 securities, bank deposits, or such other financ-
6 ing instruments as the Secretary may approve
7 to earn interest to enhance the leveraging of
8 projects assisted by the bank;

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

13 “(5) ensure that repayment of any loan from
14 the bank will commence not later than 5 years after
15 the project has been completed or, in the case of a
16 highway project, the facility has opened to traffic,
17 whichever is later;

18 “(6) ensure that the term for repaying any loan
19 will not exceed 30 years after the date of the first
20 payment on the loan; and

21 “(7) require the bank to make an annual report
22 to the Secretary on its status no later than Sep-
23 tember 30 of each year and such other reports as
24 the Secretary may require under guidelines issued to
25 carry out this section.

1 “(h) APPLICABILITY OF FEDERAL LAW.—

2 “(1) IN GENERAL.—The requirements of this
3 title and title 49 that would otherwise apply to funds
4 made available under this title or such title and
5 projects assisted with those funds shall apply to—

6 “(A) funds made available under this title
7 or such title and contributed to an infrastruc-
8 ture bank established under this section, includ-
9 ing the non-Federal contribution required under
10 subsection (g); and

11 “(B) projects assisted by the bank through
12 the use of the funds;
13 except to the extent that the Secretary determines
14 that any requirement of such title (other than sec-
15 tions 113 and 114 of this title and section 5333 of
16 title 49), is not consistent with the objectives of this
17 section.

18 “(2) REPAYMENTS.—The requirements of this
19 title and title 49 shall apply to repayments from
20 non-Federal sources to an infrastructure bank from
21 projects assisted by the bank. Such a repayment
22 shall be considered to be Federal funds.

23 “(i) UNITED STATES NOT OBLIGATED.—The deposit
24 of Federal funds into an infrastructure bank established
25 under this section shall not be construed as a commitment,

1 guarantee, or obligation on the part of the United States
2 to any third party, nor shall any third party have any right
3 against the United States for payment solely by virtue of
4 the contribution. Any security or debt-financing instru-
5 ment issued by the infrastructure bank shall expressly
6 state that the security or instrument does not constitute
7 a commitment, guarantee, or obligation of the United
8 States.

9 “(j) MANAGEMENT OF FEDERAL FUNDS.—Sections
10 3335 and 6503 of title 31, shall not apply to funds depos-
11 ited into an infrastructure bank under this section.

12 “(k) PROGRAM ADMINISTRATION.—For each of fiscal
13 years 2004 through 2009, a State may expend not to ex-
14 ceed 2 percent of the Federal funds contributed to an in-
15 frastructure bank established by the State under this sec-
16 tion to pay the reasonable costs of administering the
17 bank.”.

18 (b) PREPARATORY AMENDMENTS.—

19 (1) SECTION 181.—Section 181 of such title is
20 further amended—

21 (A) by striking the section designator and
22 heading and inserting the following:

23 “§ 181. **Generally applicable provisions**”;

24 (B) by striking “In this subchapter” and
25 inserting “(a) DEFINITIONS.—In this chapter”;

1 (C) in paragraph (5) by striking “184”
2 and inserting “604”; and

3 (D) in paragraph (11) (as redesignated by
4 section 1601(a) of this Act) by striking “183”
5 and inserting “603”; and

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

7 “(b) TREATMENT OF CHAPTER.—For purposes of
8 this title, this chapter shall be treated as being part of
9 chapter 1.”.

10 (2) SECTION 182.—Section 182(b)(2)(A)(viii)
11 of such title is further amended by inserting “and
12 chapter 1” after “this chapter”.

13 (3) SECTION 183.—Section 183(a) of such title
14 is further amended—

15 (A) in paragraph (1) by striking “182”
16 and inserting “602”; and

17 (B) in paragraph (3) by striking
18 “182(b)(2)(B)” and inserting “602(b)(2)(B)”.

19 (4) SECTION 184.—Section 184 of such title is
20 further amended—

21 (A) in subsection (a)(1) by striking “182”
22 and inserting “602”;

23 (B) in subsection (a)(3) by striking
24 “182(b)(2)(B)” and inserting “602(b)(2)(B);
25 and

1 (C) in subsection (b)(10) by striking
2 “183” and inserting “603”.

3 (5) REFERENCES IN SUBCHAPTER.—Sub-
4 chapter II of chapter 1 of such title is amended by
5 striking “this subchapter” each place it appears and
6 inserting “chapter”.

7 (6) SUBCHAPTER HEADINGS.—Chapter 1 of
8 such title is further amended—

9 (A) by striking “SUBCHAPTER I—GEN-
10 ERAL PROVISIONS” preceding section 101;
11 and

12 (B) by striking “SUBCHAPTER II—IN-
13 FRASTRUCTURE FINANCE” preceding sec-
14 tion 181.

15 (c) CHAPTER 6.—Such title is further amended by
16 adding at the end the following:

“CHAPTER 6—INFRASTRUCTURE FINANCE

“Sec.

“601. Generally applicable provisions.

“602. Determination of eligibility and project selection.

“603. Secured loans.

“604. Lines of credit.

“605. Program administration.

“606. State and local permits.

“607. Regulations.

“608. Funding.

“609. State infrastructure bank program.”.

17 (d) MOVING AND REDESIGNATING.—Such title is fur-
18 ther amended—

1 (1) by redesignating sections 181 through 189
2 as sections 601 through 609, respectively;

3 (2) by moving such sections from chapter 1 to
4 chapter 6 (as added by subsection (c)); and

5 (3) by inserting such sections after the analysis
6 for chapter 6.

7 (e) ANALYSIS FOR CHAPTER 1 AND TABLE OF CHAP-
8 TERS.—

9 (1) ANALYSIS FOR CHAPTER 1.—The analysis
10 for chapter 1 of such title is amended—

11 (A) by striking the headings for sub-
12 chapters I and II; and

13 (B) by striking the items relating to sec-
14 tions 181 through 189.

15 (2) TABLE OF CHAPTERS.—The table of chap-
16 ters for such title is amended by inserting after the
17 item relating to chapter 5 the following:

6. Infrastructure and Finance 601

18 **SEC. 1603. INTERSTATE SYSTEM RECONSTRUCTION AND**
19 **REHABILITATION PILOT PROGRAM.**

20 [Reserved.]

21 **Subtitle G—High Priority Projects**

22 **SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.**

23 (a) AUTHORIZATION OF HIGH PRIORITY
24 PROJECTS.—Section 117(a) of title 23, United States
25 Code, is amended by striking “1602 of the Transportation

1 Equity Act for the 21st Century” and inserting “1701 of
2 the Transportation Equity Act: A Legacy for Users”.

3 (b) ALLOCATION PERCENTAGES.—Section 117(b) of
4 such title is amended by striking paragraphs (1) through
5 (6) and inserting the following:

6 “(1) 13 percent of such amount shall be avail-
7 able for obligation beginning in fiscal year 2004;

8 “(2) 14.3 percent of such amount shall be avail-
9 able for obligation beginning in fiscal year 2005;

10 “(3) 15.7 percent of such amount shall be avail-
11 able for obligation beginning in fiscal year 2006;

12 “(4) 17.2 percent of such amount shall be avail-
13 able for obligation beginning in fiscal year 2007;

14 “(5) 18.9 percent of such amount shall be avail-
15 able for obligation beginning in fiscal year 2008; and

16 “(6) 20.9 percent of such amount shall be avail-
17 able for obligation beginning in fiscal year 2009.”.

18 (c) FEDERAL SHARE.—Section 117(c) of such title
19 is amended by striking “; except” and all that follows
20 through “cost thereof”.

21 (d) ADVANCE CONSTRUCTION.—Section 117(e) of
22 such title is amended by striking “1602 of the Transpor-
23 tation Equity Act for the 21st Century” each place it ap-
24 pears and inserting “1701 of the Transportation Equity
25 Act: A Legacy for Users”.

1 (e) AVAILABILITY OF OBLIGATION LIMITATION.—
2 Section 117(g) of such title is amended by striking
3 “Transportation Equity Act for the 21st Century” and in-
4 serting “Transportation Equity Act: A Legacy for Users”.

5 **TITLE II—HIGHWAY SAFETY**

6 **SEC. 2001. AUTHORIZATIONS OF APPROPRIATIONS.**

7 (a) IN GENERAL.—The following sums are author-
8 ized to be appropriated out of the Highway Trust Fund
9 (other than the Mass Transit Account):

10 (1) HIGHWAY SAFETY PROGRAMS.—For car-
11 rying out section 402 of title 23, United States
12 Code, \$245,000,000 for fiscal year 2004,
13 \$250,000,000 for fiscal year 2005, \$255,000,000 for
14 fiscal year 2006, \$260,000,000 for fiscal year 2007,
15 \$265,000,000 for fiscal year 2008, and
16 \$270,000,000 for fiscal year 2009.

17 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
18 OPMENT.—For carrying out section 403 of title 23,
19 United States Code, \$91,000,000 for each of fiscal
20 years 2004 through 2009.

21 (3) OCCUPANT PROTECTION INCENTIVE
22 GRANTS.—For carrying out section 405 of title 23,
23 United States Code, \$140,000,000 for fiscal year
24 2004, \$145,000,000 for fiscal year 2005,
25 \$150,000,000 for fiscal year 2006, \$155,000,000 for

1 fiscal year 2007, \$160,000,000 for fiscal year 2008,
2 and \$165,000,000 for fiscal year 2009.

3 (4) ALCOHOL-IMPAIRED DRIVING COUNTER-
4 MEASURES INCENTIVE GRANT PROGRAM.—For car-
5 rying out section 410 of title 23, United States
6 Code, \$135,000,000 for fiscal year 2004,
7 \$140,000,000 for fiscal year 2005, \$145,000,000 for
8 fiscal year 2006, \$150,000,000 for fiscal year 2007,
9 \$155,000,000 for fiscal year 2008, and
10 \$160,000,000 for fiscal year 2009.

11 (5) STATE TRAFFIC SAFETY INFORMATION IM-
12 PROVEMENTS.—For carrying out section 412 of title
13 23, United States Code, \$25,000,000 for fiscal year
14 2004, \$30,000,000 for fiscal year 2005,
15 \$35,000,000 for fiscal year 2006, \$40,000,000 for
16 fiscal year 2007, \$45,000,000 for fiscal year 2008,
17 and \$50,000,000 for fiscal year 2009.

18 (6) NATIONAL DRIVER REGISTER.—For car-
19 rying out chapter 303 of title 49, United States
20 Code, by the National Highway Traffic Safety Ad-
21 ministration, \$4,000,000 for each of fiscal years
22 2004 through 2009.

23 (7) HIGH VISIBILITY ENFORCEMENT PRO-
24 GRAM.—For carrying out section 2005 of this title,

1 \$10,000,000 for each of fiscal years 2004 through
2 2009.

3 (b) **APPLICABILITY OF TITLE 23.**—Amounts made
4 available under subsection (a) for each of fiscal years 2004
5 through 2009 shall be available for obligation in the same
6 manner as if such funds were apportioned under chapter
7 1 of title 23, United States Code.

8 (c) **TRANSFERS.**—In each fiscal year, the Secretary
9 may transfer any amounts remaining available under
10 paragraph (3), (4), or (5) of subsection (a) to the amounts
11 made available under any other of such paragraphs in
12 order to ensure, to the maximum extent possible, that each
13 State receives the maximum incentive funding for which
14 the State is eligible under sections 405, 410, and 412 of
15 title 23, United States Code.

16 **SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS.**

17 (a) **GENERAL AUTHORITY.**—Section 405(a) of title
18 23, United States Code, is amended—

19 (1) in paragraph (2) by striking “Transpor-
20 tation Equity Act for the 21st Century” and insert-
21 ing “Transportation Equity Act: A Legacy for
22 Users”;

23 (2) in paragraph (3) by striking “1997” and in-
24 serting “2003”; and

1 (3) in paragraphs (4)(A), (4)(B), and (4)(C) by
2 inserting after “years” the following: “beginning
3 after September 30, 2003,”.

4 (b) GRANT ELIGIBILITY.—Section 405(b) of title 23,
5 United States Code, is amended by striking “A State shall
6 become eligible” and inserting the following: “A State
7 shall be eligible for a grant under this section if the State
8 has a seat belt usage rate of 85 percent or greater as of
9 the date of the grant, as determined by the Secretary. A
10 State may also become eligible”.

11 (c) GRANT AMOUNTS.—Section 405(c) of title 23,
12 United States Code, is amended—

13 (1) by striking “25 percent” and inserting “100
14 percent”; and

15 (2) by striking “1997” and inserting “2003”.

16 **SEC. 2003. ALCOHOL-IMPAIRED DRIVING COUNTER-**
17 **MEASURES.**

18 (a) GENERAL AUTHORITY.—Section 410(a) of title
19 23, United States Code, is amended—

20 (1) in paragraph (2) by striking “Transpor-
21 tation Equity Act for the 21st Century” and insert-
22 ing “Transportation Equity Act: A Legacy for
23 Users”;

24 (2) in paragraph (3) by striking “1997” and in-
25 serting “2003”; and

1 (3) in paragraphs (4)(A), (4)(B), and (4)(C) by
2 inserting after “years” the following: “beginning
3 after September 30, 2003,”.

4 (b) BASIC GRANT A.—Section 410(b)(1) of title 23,
5 United States Code, is amended—

6 (1) by striking “A State shall become eligible”
7 and inserting the following: “A State shall be eligible
8 for a grant under this paragraph if the State has an
9 alcohol-related fatality rate per 100,000,000 vehicle
10 miles traveled of 0.5 or less as of the date of the
11 grant, as determined by the Secretary using the Fa-
12 tality Analysis Reporting System of the National
13 Highway Traffic Safety Administration. A State
14 may also become eligible”;

15 (2) by striking “at least 5 of” and inserting “at
16 least 6 of”;

17 (3) in subparagraph (A) is amended—

18 (A) by striking “and” at the end of clause
19 (i)(II);

20 (B) by striking the period at the end of
21 clause (ii) and inserting “; and”; and

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

23 “(iii) the suspension and revocation
24 referred to under clause (i) may allow an
25 individual to operate a motor vehicle to

1 and from employment or in pursuit of em-
2 ployment if an ignition interlock device is
3 installed on each of the motor vehicles
4 owned or operated, or both, by the indi-
5 vidual.”;

6 (4) by striking subparagraph (F) and inserting
7 the following:

8 “(F) OUTREACH PROGRAM.—A judicial
9 and prosecutorial education, training, and out-
10 reach program that provides information on the
11 appropriateness and effectiveness of sentencing
12 options.”; and

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

14 “(H) SELF-SUSTAINING DRUNK DRIVING
15 PREVENTION PROGRAM.—A self-sustaining
16 drunk driving prevention program under which
17 a significant portion of the fines or surcharges
18 collected from individuals apprehended and
19 fined for operating a motor vehicle while under
20 the influence of alcohol are returned to those
21 communities that have comprehensive programs
22 for the prevention of such operations of motor
23 vehicles.

24 “(I) PROGRAMS FOR EFFECTIVE ALCOHOL
25 REHABILITATION.—A program for effective in-

1 patient and outpatient alcohol rehabilitation
2 based on mandatory assessment and appro-
3 priate treatment for repeat offenders described
4 in subparagraph (A)(i)(II).”.

5 (c) BASIC GRANT B.—Section 410(b) of title 23,
6 United States Code, is amended—

7 (1) by striking paragraph (2) and inserting the
8 following:

9 “(2) BASIC GRANT B.—A State shall become el-
10 igible for a grant under this paragraph if the
11 State—

12 “(A) has an alcohol-related fatality rate
13 per 100,000,000 vehicle miles traveled of 0.8 or
14 more as of the date of the grant, as determined
15 by the Secretary using the Fatality Analysis
16 Reporting System of the National Highway
17 Traffic Safety Administration; and

18 “(B) establishes, subject to such require-
19 ments as the Secretary may prescribe, a task
20 force to evaluate and recommend changes to the
21 State’s drunk driving programs.”; and

22 (2) in paragraph (3)—

23 (A) by striking “25 percent” and inserting
24 “100 percent”; and

1 (B) by striking “1997” and inserting
2 “2003”.

3 (d) SUPPLEMENTAL GRANTS.—Section 410(c) of title
4 23, United States Code, is amended to read as follows:

5 “(c) ALLOCATION FOR BASIC GRANTS B.—Not more
6 than \$20,000,000 per fiscal year of amounts made avail-
7 able to carry out this section shall be available for making
8 grants under subsection (b)(2).”.

9 **SEC. 2004. STATE TRAFFIC SAFETY INFORMATION SYSTEM**
10 **IMPROVEMENTS.**

11 (a) IN GENERAL.—Chapter 4 of title 23, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 412. State traffic safety information system im-**
15 **provements**

16 “(a) GENERAL AUTHORITY.—

17 “(1) AUTHORITY TO MAKE GRANTS.—Subject
18 to the requirements of this section, the Secretary
19 shall make grants to States that adopt and imple-
20 ment effective programs to—

21 “(A) improve the timeliness, accuracy,
22 completeness, uniformity, integration, and ac-
23 cessibility of the safety data of the State that
24 is needed to identify priorities for national,

1 State, and local highway and traffic safety pro-
2 grams;

3 “(B) evaluate the effectiveness of efforts to
4 make such improvements;

5 “(C) link these State data systems, includ-
6 ing traffic records, with other data systems
7 within the State, such as systems that contain
8 medical, roadway, and economic data; and

9 “(D) improve the compatibility and inter-
10 operability of the data systems of the State
11 with national data systems and data systems of
12 other States and enhance the ability of the Sec-
13 retary to observe and analyze national trends in
14 crash occurrences, rates, outcomes, and cir-
15 cumstances.

16 “(2) USE OF GRANTS.—A State may use a
17 grant received under this section only to implement
18 such programs.

19 “(3) MODEL DATA ELEMENTS.—The Secretary,
20 in consultation with States and other appropriate
21 parties, shall determine the model data elements
22 necessary to observe and analyze State and national
23 trends in crash occurrences, rates, outcomes, and
24 circumstances. In order to become eligible for a
25 grant under this section, a State shall certify to the

1 Secretary the State's adoption and use of such
2 model data elements.

3 “(4) MAINTENANCE OF EFFORT.—No grant
4 may be made to a State under this section in any
5 fiscal year unless the State enters into such agree-
6 ments with the Secretary as the Secretary may re-
7 quire ensuring that the State will maintain its ag-
8 gregate expenditures from all other sources for high-
9 way safety data programs at or above the average
10 level of such expenditures in the 2 fiscal years pre-
11 ceding the date of enactment of this section.

12 “(5) FEDERAL SHARE.—The Federal share of
13 the cost of implementing in a fiscal year a program
14 of a State pursuant to paragraph (1) shall not ex-
15 ceed 80 percent.

16 “(b) FIRST-YEAR GRANTS.—To be eligible for a first-
17 year grant under this section, a State shall demonstrate
18 to the satisfaction of the Secretary that the State has—

19 “(1) established a highway safety data and traf-
20 fic records coordinating committee with a multidisci-
21 plinary membership that includes, among others,
22 managers, collectors, and users of traffic records
23 and public health and injury control data systems;
24 and

1 “(2) developed a multiyear highway safety data
2 and traffic records system strategic plan that ad-
3 dresses existing deficiencies in the State’s highway
4 safety data and traffic records system and is ap-
5 proved by the highway safety data and traffic
6 records coordinating committee and—

7 “(A) specifies how existing deficiencies in
8 the State’s highway safety data and traffic
9 records system were identified;

10 “(B) prioritizes, based on the identified
11 highway safety data and traffic records system
12 deficiencies, the highway safety data and traffic
13 records system needs and goals of the State, in-
14 cluding the activities described in subsection
15 (a)(1);

16 “(C) identifies performance-based meas-
17 ures by which progress toward those goals will
18 be determined;

19 “(D) specifies how the grant funds and
20 any other funds of the State will be used to ad-
21 dress needs and goals identified in the
22 multiyear plan; and

23 “(E) includes a current report on the
24 progress in implementing the multiyear plan

1 that documents progress toward the specified
2 goals.

3 “(c) SUCCEEDING-YEAR GRANTS.—

4 “(1) ELIGIBILITY.—A State shall be eligible for
5 a grant under this subsection in a fiscal year suc-
6 ceeding the first fiscal year in which the State re-
7 ceives a grant under subsection (b) if the State, to
8 the satisfaction of the Secretary—

9 “(A) submits an updated multiyear plan
10 that meets the requirements of subsection
11 (b)(2);

12 “(B) certifies that its highway safety data
13 and traffic records coordinating committee con-
14 tinues to operate and supports the multiyear
15 plan;

16 “(C) specifies how the grant funds and any
17 other funds of the State will be used to address
18 needs and goals identified in the multiyear plan;

19 “(D) demonstrates measurable progress to-
20 ward achieving the goals and objectives identi-
21 fied in the multiyear plan; and

22 “(E) includes a current report on the
23 progress in implementing the multiyear plan.

24 “(d) GRANT AMOUNTS.—

1 “(1) IN GENERAL.—The amount of a grant
2 made to a State for a fiscal year under this section
3 shall equal an amount determined by multiplying—

4 “(A) the amount appropriated to carry out
5 this section for such fiscal year; by

6 “(B) the ratio that the funds apportioned
7 to the State under section 402 for fiscal year
8 2003 bears to the funds apportioned to all
9 States under section 402 for fiscal year 2003.

10 “(2) MINIMUM AMOUNT.—Notwithstanding
11 subparagraph (A)—

12 “(A) a State eligible for a first-year grant
13 under this section shall not receive less than
14 \$300,000; and

15 “(B) a State eligible for a succeeding-year
16 grant under this section shall not receive less
17 than \$500,000.

18 “(e) ADMINISTRATIVE EXPENSES.—Funds author-
19 ized to be appropriated to carry out this section in a fiscal
20 year shall be subject to a deduction not to exceed 5 percent
21 for the necessary costs of administering the provisions of
22 this section.

23 “(f) APPLICABILITY OF CHAPTER 1.—The provisions
24 contained in section 402(d) shall apply to this section.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 4 of title 23, United States Code, is amended by
3 adding at the end the following:

“412. State traffic safety information system improvements.”.

4 **SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGRAM.**

5 The Secretary shall establish a program to support
6 national impaired driving mobilization and enforcement ef-
7 forts and national safety belt mobilization and enforce-
8 ment, including the purchase of national paid advertise-
9 ment (including production and placement) to support
10 such efforts.

11 **SEC. 2006. MOTORCYCLE CRASH CAUSATION STUDY.**

12 (a) IN GENERAL.—Using funds made available to
13 carry out section 403 of title 23, United States Code, the
14 Secretary shall conduct a study of the causes of motorcycle
15 crashes.

16 (b) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Secretary shall transmit to
18 Congress a report on the results of the study.

19 **SEC. 2007. CHILD SAFETY AND BOOSTER SEATS.**

20 [Reserved.]

1 **TITLE III—FEDERAL TRANSIT**
2 **ADMINISTRATION PROGRAMS**

3 **SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49,**
4 **UNITED STATES CODE.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Federal Public Transportation Act of 2004”.

7 (b) **AMENDMENTS TO TITLE 49, UNITED STATES**
8 **CODE.**—Except as otherwise specifically provided, when-
9 ever in this title an amendment or repeal is expressed in
10 terms of an amendment to, or repeal of, a section or other
11 provision of law, the reference shall be considered to be
12 made to a section or other provision of title 49, United
13 States Code.

14 **SEC. 3002. POLICIES, FINDINGS, AND PURPOSES.**

15 (a) **IN GENERAL.**—Section 5301(a) is amended to
16 read as follows:

17 “(a) **DEVELOPMENT AND REVITALIZATION OF PUB-**
18 **LIC TRANSPORTATION SYSTEMS.**—It is in the interest of
19 the United States to foster the development and revitaliza-
20 tion of public transportation systems that—

21 “(1) maximize the safe, secure, and efficient
22 mobility of individuals;

23 “(2) minimize environmental impacts; and

24 “(3) minimize transportation-related fuel con-
25 sumption and reliance on foreign oil.”.

1 (b) PRESERVING THE ENVIRONMENT.—Section
2 5301(e) is amended—

3 (1) by striking “an urban” and inserting “a”;
4 and

5 (2) by striking “under sections 5309 and 5310
6 of this title”.

7 (c) GENERAL PURPOSES.—Section 5301(f) is amend-
8 ed—

9 (1) in paragraph (1)—

10 (A) by striking “mass” the first place it
11 appears and inserting “public”; and

12 (B) by striking “public and private mass
13 transportation companies” and inserting “both
14 public transportation companies and private
15 companies engaged in public transportation”;

16 (2) in paragraph (2)—

17 (A) by striking “urban mass” and insert-
18 ing “public”; and

19 (B) by striking “public and private mass
20 transportation companies” and inserting “both
21 public transportation companies and private
22 companies engaged in public transportation”;

23 (3) in paragraph (3)—

24 (A) by striking “urban mass” and insert-
25 ing “public”; and

1 (B) by striking “public or private mass
2 transportation companies” and inserting “pub-
3 lic transportation companies or private compa-
4 nies engaged in public transportation”; and
5 (4) in paragraph (5) by striking “urban mass”
6 and inserting “public”.

7 **SEC. 3003. DEFINITIONS.**

8 (a) **LEAD-IN.**—Section 5302(a) is amended in the
9 matter preceding paragraph (1) by striking “In this chap-
10 ter” and inserting “Except as otherwise specifically pro-
11 vided, in this chapter”.

12 (b) **CAPITAL PROJECT.**—Section 5302(a)(1) is
13 amended—

14 (1) in subparagraph (G) by inserting “construc-
15 tion, renovation, and improvement of intercity bus
16 stations and terminals,” before “and the renovation
17 and improvement of historic transportation facili-
18 ties,”;

19 (2) in subparagraph (G)(ii) by inserting “(other
20 than a intercity bus station or terminal)” after
21 “commercial revenue-producing facility”;

22 (3) by striking “or” at the end of subparagraph
23 (H);

24 (4) by striking the period at the end of sub-
25 paragraph (I) and inserting a semicolon; and

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

2 “(J) crime prevention and security—

3 “(i) including—

4 “(I) projects to refine and de-
5 velop security and emergency response
6 plans;

7 “(II) projects aimed at detecting
8 chemical and biological agents in pub-
9 lic transportation;

10 “(III) the conduct of emergency
11 response drills with public transpor-
12 tation agencies and local first re-
13 sponse agencies; and

14 “(IV) security training for public
15 transportation employees; but

16 “(ii) excluding all expenses related to
17 operations, other than such expenses in-
18 curred in conducting activities described in
19 subclauses (III) and (IV);

20 “(K) establishment of a debt service re-
21 serve made up of deposits with a bondholders’
22 trustee in a noninterest bearing account for the
23 purpose of ensuring timely payment of principal
24 and interest on bonds issued by a grant recipi-

1 ent for purposes of financing an eligible project
2 under this chapter; or

3 “(L) mobility management—

4 “(i) consisting of short-range planning
5 and management activities and projects for
6 improving coordination among public
7 transportation and other transportation
8 service providers carried out by a recipient
9 or subrecipient through an agreement en-
10 tered into with a person, including a gov-
11 ernmental entity, under this chapter (other
12 than section 5309); but

13 “(ii) excluding operating public trans-
14 portation services.”.

15 (c) INDIVIDUAL WITH A DISABILITY.—Section
16 5302(a)(5) is amended—

17 (1) by striking “HANDICAPPED INDIVIDUAL”
18 and inserting “INDIVIDUAL WITH A DISABILITY”;
19 and

20 (2) by striking “handicapped individual” and
21 inserting “individual with a disability”.

22 (d) MASS TRANSPORTATION.—Section 5302(a)(7) is
23 amended to read as follows:

24 “(7) MASS TRANSPORTATION.—The term ‘mass
25 transportation’ means public transportation.”.

1 (e) PUBLIC TRANSPORTATION.—Section 5302(a)(10)
2 is amended to read as follows:

3 “(10) PUBLIC TRANSPORTATION.—The term
4 ‘public transportation’ means transportation by a
5 conveyance that provides regular and continuing
6 general or special transportation to the public, but
7 does not include schoolbus, charter, or sightseeing
8 transportation.”.

9 (f) URBANIZED AREA.—Section 5302(a)(17) is
10 amended to read as follows:

11 “(17) URBANIZED AREA.—The term ‘urbanized
12 area’ means an area encompassing a population of
13 at least 50,000 people that has been defined and
14 designated in the latest decennial census as an ur-
15 banized area by the Secretary of Commerce.”.

16 (g) AUTHORITY TO MODIFY DEFINITION.—Section
17 5302(b) is amended—

18 (1) by striking “HANDICAPPED INDIVIDUAL”
19 and inserting “INDIVIDUAL WITH A DISABILITY”;
20 and

21 (2) by striking “handicapped individual” and
22 inserting “individual with a disability”.

23 **SEC. 3004. METROPOLITAN PLANNING.**

24 Section 5303 is amended to read as follows:

1 **“§ 5303. Metropolitan planning**

2 “(a) IN GENERAL.—Grants made under sections
3 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be
4 carried out in accordance with the metropolitan planning
5 provisions of chapter 52.

6 “(b) CERTIFICATION.—

7 “(1) IN GENERAL.—The Secretary shall ensure
8 and certify that each metropolitan planning organi-
9 zation in each transportation management area is
10 carrying out its responsibilities under applicable laws
11 of the United States. The Secretary may make the
12 certification only if the organization is complying
13 with chapter 52 and other applicable requirements
14 of laws of the United States and the organization
15 and chief executive officer have approved a transpor-
16 tation improvement program for the area.

17 “(2) LIMITATION ON WITHHOLDING CERTIFI-
18 CATION.—The Secretary may not withhold certifi-
19 cation based on the policies and criteria a metropoli-
20 tan planning organization or mass transportation
21 grant recipient establishes under section 5306(a) for
22 deciding the feasibility of private enterprise partici-
23 pation.”.

24 **SEC. 3005. STATEWIDE PLANNING.**

25 (a) IN GENERAL.—Section 5304 is amended to read
26 as follows:

1 **“§ 5304. Statewide planning**

2 “Grants made under sections 5307, 5308, 5309,
3 5310, 5311, 5316, and 5317 shall be carried out in ac-
4 cordance with the statewide planning provisions of chapter
5 52.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
7 chapter 53 is amended by striking the item relating to
8 section 5304 and inserting the following:

“5304. Statewide planning.”.

9 **SEC. 3006. PLANNING PROGRAMS.**

10 (a) IN GENERAL.—Section 5305 is amended to read
11 as follows:

12 **“§ 5305. Planning programs**

13 “(a) STATE DEFINED.—In this section the term
14 ‘State’ means a State of the United States, the District
15 of Columbia, and Puerto Rico.

16 “(b) GENERAL AUTHORITY.—

17 “(1) ASSISTANCE.—Under criteria to be estab-
18 lished by the Secretary, the Secretary may provide
19 assistance for—

20 “(A) the development of transportation
21 plans and programs;

22 “(B) planning, engineering, designing, and
23 evaluating a public transportation project; and

24 “(C) for other technical studies.

1 “(2) GRANTS, AGREEMENTS, AND CON-
2 TRACTS.—The Secretary may provide assistance
3 under paragraph (1)—

4 “(A) by making grants to States, authori-
5 ties of States, metropolitan planning organiza-
6 tions, and local governmental authorities; or

7 “(B) by making agreements with other de-
8 partments, agencies, and instrumentalities of
9 the Government.

10 “(3) ELIGIBLE ACTIVITIES.—Activities eligible
11 for assistance under paragraph (1) include the fol-
12 lowing:

13 “(A) Studies related to management, plan-
14 ning, operations, capital requirements, and eco-
15 nomic feasibility.

16 “(B) Evaluating previously financed
17 projects.

18 “(C) Peer reviews and exchanges of tech-
19 nical data, information, assistance, and related
20 activities in support of planning and environ-
21 mental analyses among metropolitan planning
22 organizations and other transportation plan-
23 ners.

24 “(D) Other similar and related activities
25 preliminary to and in preparation for con-

1 structing, acquiring, or improving the operation
2 of facilities and equipment.

3 “(c) PURPOSE.—To the extent practicable, the Sec-
4 retary shall ensure that amounts appropriated or made
5 available under section 5338 to carry out this section and
6 sections 5303 and 5304 are used to support balanced and
7 comprehensive transportation planning that considers the
8 relationships among land use and all transportation
9 modes, without regard to the programmatic source of the
10 planning amounts.

11 “(d) METROPOLITAN PLANNING PROGRAM.—

12 “(1) APPORTIONMENT TO STATES.—

13 “(A) IN GENERAL.—The Secretary shall
14 apportion 80 percent of the amounts made
15 available under subsection (g)(1) among the
16 States to carry out sections 5303 and 5306 in
17 the ratio that—

18 “(i) the population of urbanized areas
19 in each State, as shown by the latest avail-
20 able decennial census of population; bears
21 to

22 “(ii) the total population of urbanized
23 areas in all States, as shown by that cen-
24 sus.

1 “(B) MINIMUM APPORTIONMENT.—Not-
2 withstanding subparagraph (A), a State may
3 not receive less than 0.5 percent of the amount
4 apportioned under this paragraph.

5 “(2) ALLOCATION TO MPO’S.—Amounts appor-
6 tioned to a State under paragraph (1) shall be made
7 available promptly after allocation to metropolitan
8 planning organizations in the State designated under
9 this section under a formula that—

10 “(A) considers population of urbanized
11 areas;

12 “(B) provides an appropriate distribution
13 for urbanized areas to carry out the cooperative
14 processes described in this section;

15 “(C) the State develops in cooperation with
16 the metropolitan planning organizations; and

17 “(D) the Secretary approves.

18 “(3) SUPPLEMENTAL AMOUNTS—

19 “(A) IN GENERAL.—The Secretary shall
20 apportion 20 percent of the amounts made
21 available under subsection (g)(1) among the
22 States to supplement allocations made under
23 paragraph (1) for metropolitan planning organi-
24 zations.

1 “(B) FORMULA.—The Secretary shall ap-
2 portion amounts referred to in subparagraph
3 (A) under a formula that reflects the additional
4 cost of carrying out planning, programming,
5 and project selection responsibilities under sec-
6 tions 5303 and 5306 in certain urbanized
7 areas.

8 “(e) STATE PLANNING AND RESEARCH PROGRAM.—

9 “(1) APPORTIONMENT TO STATES.—

10 “(A) IN GENERAL.—The Secretary shall
11 apportion the amounts made available under
12 subsection (g)(2) among the States for grants
13 and contracts to carry out sections 5303
14 through 5306, 5312, 5315, and 5322 in the
15 ratio that—

16 “(i) the population of urbanized areas
17 in each State, as shown by the latest avail-
18 able decennial census; bears to

19 “(ii) the population of urbanized areas
20 in all States, as shown by that census.

21 “(B) MINIMUM APPORTIONMENT.—Not-
22 withstanding subparagraph (A), a State may
23 not receive less than 0.5 percent of the amount
24 apportioned under this paragraph.

1 “(2) SUPPLEMENTAL AMOUNTS—A State, as
2 the State considers appropriate, may authorize part
3 of the amount made available under this subsection
4 to be used to supplement amounts made available
5 under subsection (d).

6 “(f) GOVERNMENT’S SHARE OF COSTS.—The Gov-
7 ernment’s share of the cost of an activity funded using
8 amounts made available under this section may not exceed
9 80 percent of the cost of the activity unless the Secretary
10 determines that it is in the interests of the Government
11 not to require a State or local match.

12 “(g) ALLOCATION OF FUNDS.—Of the funds made
13 available by or appropriated to carry out this section
14 under section 5338(c) for fiscal years 2004 through
15 2009—

16 “(1) 82.72 percent shall be available for the
17 metropolitan planning program under subsection (d);
18 and

19 “(2) 17.28 percent shall be available to carry
20 out subsection (e).

21 “(h) AVAILABILITY OF FUNDS.—Funds apportioned
22 under this section in a State shall remain available for
23 obligation in that State for a period of 3 years after the
24 last day of the fiscal year for which the funds are author-
25 ized. Any amounts so apportioned that remain unobligated

1 at the end of that period shall be reapportioned among
2 the States.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 chapter 53 is amended by striking the item relating to
5 section 5305 and inserting the following:

“5305. Planning programs.”.

6 **SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION.**

7 (a) SECTION HEADING.—Section 5306 is amended by
8 striking the section heading and inserting the following:

9 **“§ 5306. Private enterprise participation in planning;
10 relationship to other limitations”.**

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 53 is amended by striking the item relating to
13 section 5306 and inserting the following:

“5306. Private enterprise participation in planning; relationship to other limita-
tions.”.

14 **SEC. 3008. URBANIZED AREA FORMULA GRANTS.**

15 (a) TECHNICAL AMENDMENTS.—Section 5307 is
16 amended—

17 (1) by striking subsections (h) and (k); and

18 (2) by redesignating subsections (i), (j), (l),
19 (m), and (n) as subsections (h), (i), (j), (k), and (l),
20 respectively.

21 (b) DEFINITIONS.—Section 5307(a)(2)(A) is amend-
22 ed—

1 (1) by striking by striking “a person” and in-
2 serting “an entity”; and

3 (2) by striking “section 5305(a) of this title”
4 and inserting “chapter 52”.

5 (c) GENERAL AUTHORITY.—Section 5307(b) is
6 amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) GRANTS.—The Secretary may make
10 grants under this section for—

11 “(A) capital projects and associated capital
12 maintenance items;

13 “(B) planning;

14 “(C) transit enhancements; and

15 “(D) operating costs of equipment and fa-
16 cilities for use in public transportation in an ur-
17 banized area with a population of less than
18 200,000.”;

19 (2) in the heading to paragraph (2) by striking
20 “FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTO-
21 BER 1, 2003, THROUGH FEBRUARY 29, 2004” and in-
22 serting “FISCAL YEARS 2003 THROUGH 2005”;

23 (3) in paragraph (2)(A) by striking “fiscal year
24 2003” and all that follows through “2004” and in-
25 serting “fiscal years 2003, 2004, and 2005,”;

1 (4) in paragraph (3) by striking “section
2 5305(a) of this title” and inserting “chapter 52”;
3 and

4 (5) in paragraph (3)(A) by striking “section
5 5305 of this title” and inserting “chapter 52”.

6 (d) GRANT RECIPIENT REQUIREMENTS.—Section
7 5307(d)(1) is amended—

8 (1) in subparagraph (A) by inserting “, includ-
9 ing safety and security aspects of the program”
10 after “program”;

11 (2) in subparagraph (H) by striking “sections
12 5301(a) and (d), 5303–5306, and 5310(a)–(d) of
13 this title” and inserting “subsections (a) and (d) of
14 section 5301 and sections 5303 through 5306”;

15 (3) in subparagraph (I) by striking “and” at
16 the end; and

17 (4) by adding at the end the following:

18 “(K) in the case of a recipient for an ur-
19 banized area with a population of at least
20 200,000—

21 “(i) will expend one percent of the
22 amount the recipient receives each fiscal
23 year under this section for projects for
24 transit enhancements, as defined in section
25 5302(a); and

1 “(ii) will submit an annual report list-
2 ing projects carried out in the preceding
3 fiscal year with those funds; and”.

4 (e) GOVERNMENT’S SHARE OF COSTS.—Section
5 5307(e) is amended to read as follows:

6 “(e) GOVERNMENT’S SHARE OF COSTS.—

7 “(1) CAPITAL PROJECTS.—A grant for a capital
8 project (including associated capital maintenance
9 items) under this section shall be for 80 percent of
10 the net project cost of the project. The recipient may
11 provide additional local matching amounts.

12 “(2) OPERATING EXPENSES.—A grant for oper-
13 ating expenses under this section may not exceed 50
14 percent of the net project cost of the project.

15 “(3) REMAINDER.—The remainder of the net
16 project cost shall be provided—

17 “(A) in cash from sources other than
18 amounts of the Government or revenues from
19 providing public transportation (excluding reve-
20 nues derived from the sale of advertising and
21 concessions);

22 “(B) from an undistributed cash surplus, a
23 replacement or depreciation cash fund or re-
24 serve, or new capital; and

1 “(C) from amounts received under a serv-
2 ice agreement with a State or local social serv-
3 ice agency or private social service organiza-
4 tion.”.

5 (f) **REVIEWS, AUDITS, AND EVALUATIONS.**—Section
6 5307(h)(1)(A) (as redesignated by subsection (a) of this
7 section) is amended by striking “shall” and inserting
8 “may”.

9 (g) **RELATIONSHIP TO OTHER LAWS.**—Section
10 5307(l) (as redesignated by subsection (a) of this section)
11 is amended—

12 (1) by striking paragraph (1);

13 (2) by redesignating paragraph (1) as para-
14 graph (2);

15 (3) by inserting “THIS CHAPTER.—” before
16 “Section 5302”;

17 (4) by adding at the end the following:

18 “(2) **CHAPTER 15 OF TITLE 5.**—The provision
19 of assistance under this chapter shall not be con-
20 strued as bringing within the application of chapter
21 15 of title 5 any nonsupervisory employee of a public
22 transportation system (or any other agency or entity
23 performing related functions) to which such chapter
24 is otherwise inapplicable.”; and

1 (5) by aligning the left margin of paragraph (1)
2 (as so redesignated) with paragraph (2) (as added
3 by paragraph (4) of this subsection).

4 **SEC. 3009. CLEAN FUELS FORMULA GRANT PROGRAM.**

5 Section 5308 is amended to read as follows:

6 **“§ 5308. Clean fuels formula grant program**

7 “(a) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) CLEAN FUEL BUS.—The term ‘clean fuel
10 bus’ means a passenger vehicle used to provide pub-
11 lic transportation that—

12 “(A) is powered by—

13 “(i) compressed natural gas;

14 “(ii) liquefied natural gas;

15 “(iii) biodiesel fuels;

16 “(iv) batteries;

17 “(v) alcohol-based fuels;

18 “(vi) hybrid electric;

19 “(vii) fuel cell;

20 “(viii) clean diesel, to the extent al-
21 lowed under this section; or

22 “(ix) other low or zero emissions tech-
23 nology; and

1 “(B) the Administrator of the Environ-
2 mental Protection Agency has certified suffi-
3 ciently reduces harmful emissions.

4 “(2) DESIGNATED RECIPIENT.—The term ‘des-
5 ignated recipient’ has the meaning that term has in
6 section 5307(a)(2).

7 “(3) ELIGIBLE PROJECT.—The term ‘eligible
8 project’—

9 “(A) means a project for—

10 “(i) purchasing or leasing clean fuel
11 buses, including buses that employ a light-
12 weight composite primary structure;

13 “(ii) constructing or leasing clean fuel
14 buses or electrical recharging facilities and
15 related equipment for such buses;

16 “(iii) improving existing mass trans-
17 portation facilities to accommodate clean
18 fuel buses;

19 “(iv) repowering pre-1993 bus engines
20 with clean fuel technology that meets the
21 current urban bus emission standards; or

22 “(v) retrofitting or rebuilding pre-
23 1993 bus engines if before half life to re-
24 build; and

1 “(B) in the discretion of the Secretary,
2 may include projects relating to clean fuel, bio-
3 diesel, hybrid electric, or zero emissions tech-
4 nology buses that exhibit equivalent or superior
5 emissions reductions to existing clean fuel or
6 hybrid electric technologies.

7 “(b) AUTHORITY.—The Secretary shall make grants
8 in accordance with this section to designated recipients to
9 finance eligible projects.

10 “(c) APPLICATION.—

11 “(1) IN GENERAL.—Not later than January 1
12 of each year, any designated recipient seeking to
13 apply for a grant under this section for an eligible
14 project shall submit an application to the Secretary,
15 in such form and in accordance with such require-
16 ments as the Secretary shall establish by regulation.

17 “(2) CERTIFICATION REQUIRED.—An applica-
18 tion submitted under paragraph (1) shall contain a
19 certification by the applicant that the grantee will
20 operate buses purchased with a grant under this sec-
21 tion only with clean fuels.

22 “(d) APPORTIONMENT OF FUNDS.—

23 “(1) FORMULA.—Not later than February 1 of
24 each year, the Secretary shall apportion amounts
25 made available to carry out this section to des-

1 ignated recipients submitting applications under sub-
2 section (c), of which—

3 “(A) two-thirds shall be apportioned to
4 designated recipients with eligible projects in
5 urban areas with a population of at least
6 1,000,000, of which—

7 “(i) 50 percent shall be apportioned,
8 such that each such designated recipient
9 receives a grant under this section in an
10 amount equal to the ratio that—

11 “(I) the number of vehicles in the
12 bus fleet of the eligible project of the
13 designated recipient, weighted by se-
14 verity of nonattainment for the area
15 in which the eligible project is located,
16 as provided in paragraph (2); bears to

17 “(II) the total number of vehicles
18 in the bus fleets of all eligible projects
19 in areas with a population of at least
20 1,000,000 funded under this section,
21 weighted by severity of nonattainment
22 for all areas in which those eligible
23 projects are located, as provided in
24 paragraph (2); and

1 “(ii) 50 percent shall be apportioned,
2 such that each such designated recipient
3 receives a grant under this section in an
4 amount equal to the ratio that—

5 “(I) the number of bus passenger
6 miles (as that term is defined in sec-
7 tion 5336(c)) of the eligible project of
8 the designated recipient, weighted by
9 severity of nonattainment of the area
10 in which the eligible project is located,
11 as provided in paragraph (2); bears to

12 “(II) the total number of bus
13 passenger miles of all eligible projects
14 in areas with a population of at least
15 1,000,000 funded under this section,
16 weighted by severity of nonattainment
17 of all areas in which those eligible
18 projects are located, as provided in
19 paragraph (2); and

20 “(B) one-third shall be apportioned to des-
21 ignated recipients with eligible projects in urban
22 areas with a population of less than 1,000,000,
23 of which—

24 “(i) 50 percent shall be apportioned,
25 such that each such designated recipient

1 receives a grant under this section in an
2 amount equal to the ratio that—

3 “(I) the number of vehicles in the
4 bus fleet of the eligible project of the
5 designated recipient, weighted by se-
6 verity of nonattainment for the area
7 in which the eligible project is located,
8 as provided in paragraph (2); bears to

9 “(II) the total number of vehicles
10 in the bus fleets of all eligible projects
11 in areas with a population of less than
12 1,000,000 funded under this section,
13 weighted by severity of nonattainment
14 for all areas in which those eligible
15 projects are located, as provided in
16 paragraph (2); and

17 “(ii) 50 percent shall be apportioned,
18 such that each such designated recipient
19 receives a grant under this section in an
20 amount equal to the ratio that—

21 “(I) the number of bus passenger
22 miles (as that term is defined in sec-
23 tion 5336(c) of the eligible project of
24 the designated recipient, weighted by
25 severity of nonattainment of the area

1 in which the eligible project is located,
2 as provided in paragraph (2); and

3 “(II) the total number of bus
4 passenger miles of all eligible projects
5 in areas with a population of less than
6 1,000,000 funded under this section,
7 weighted by severity of nonattainment
8 of all areas in which those eligible
9 projects are located, as provided in
10 paragraph (2).

11 “(2) WEIGHTING OF SEVERITY OF NONATTAIN-
12 MENT.—

13 “(A) IN GENERAL.—For purposes of para-
14 graph (1), subject to subparagraph (B), the
15 number of buses in the bus fleet, or the number
16 of passenger miles, shall be multiplied by a fac-
17 tor of—

18 “(i) 1.0 if, at the time of the appor-
19 tionment, the area is a maintenance area
20 (as that term is defined in section 101 of
21 title 23) for ozone or carbon monoxide;

22 “(ii) 1.1 if, at the time of the appor-
23 tionment, the area is classified as a mar-
24 ginal ozone nonattainment area under sub-

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

3 “(iii) 1.2 if, at the time of the appor-
4 tionment, the area is classified as—

5 “(I) a moderate ozone nonattain-
6 ment area under subpart 2 of part D
7 of title I of the Clean Air Act (42
8 U.S.C. 7511 et seq.); or

9 “(II) a moderate carbon mon-
10 oxide nonattainment area under sub-
11 part 3 of part D of title I of the Clean
12 Air Act (42 U.S.C. 7512 et seq.);

13 “(iv) 1.3 if, at the time of the appor-
14 tionment, the area is classified as a serious
15 ozone nonattainment area under subpart 2
16 of part D of title I of the Clean Air Act
17 (42 U.S.C. 7511 et seq.); or

18 “(v) 1.4 if, at the time of the appor-
19 tionment, the area is classified as a severe
20 ozone nonattainment area under subpart 2
21 of part D of title I of the Clean Air Act
22 (42 U.S.C. 7511 et seq.); or

23 “(vi) 1.5 if, at the time of the appor-
24 tionment, the area is classified as an ex-
25 treme ozone nonattainment area under

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

3 “(B) ADDITIONAL ADJUSTMENT FOR CAR-
4 BON MONOXIDE AREAS.—If, in addition to
5 being classified as a nonattainment or mainte-
6 nance area (as that term is defined in section
7 101 of title 23) for ozone under subpart 2 of
8 part D of title I of the Clean Air Act (42
9 U.S.C. 7511 et seq.), the area was also classi-
10 fied under subpart 3 of part D of title I of that
11 Act (42 U.S.C. 7512 et seq.) as a nonattain-
12 ment area for carbon monoxide, the weighted
13 nonattainment or maintenance area fleet and
14 passenger miles for the eligible project, as cal-
15 culated under subparagraph (A), shall be fur-
16 ther multiplied by a factor of 1.2.

17 “(3) MAXIMUM GRANT AMOUNT.—

18 “(A) IN GENERAL.—The amount of a
19 grant made to a designated recipient under this
20 section shall not exceed the lesser of—

21 “(i) for an eligible project in an
22 area—

23 “(I) with a population of less
24 than 1,000,000, \$15,000,000; and

1 “(II) with a population of at
2 least 1,000,000, \$25,000,000; or

3 “(ii) 80 percent of the total cost of
4 the eligible project.

5 “(B) REAPPORTIONMENT.—Any amounts
6 that would otherwise be apportioned to a des-
7 ignated recipient under this subsection that ex-
8 ceed the amount described in subparagraph (A)
9 shall be reapportioned among other designated
10 recipients in accordance with paragraph (1).

11 “(e) ADDITIONAL REQUIREMENTS.—

12 “(1) LIMITATION ON USES.—Not less than 5
13 percent of the amount made available by or appro-
14 priated under section 5338 in each fiscal year to
15 carry out this section shall be available for any eligi-
16 ble projects for which an application is received from
17 a designated recipient, for—

18 “(A) the purchase or construction of hy-
19 brid electric or battery-powered buses; or

20 “(B) facilities specifically designed to serv-
21 ice those buses.

22 “(2) CLEAN DIESEL BUSES.—Not more than 35
23 percent of the amount made available by or appro-
24 priated under section 5338 in each fiscal year to

1 carry out this section may be made available to fund
2 clean diesel buses.

3 “(f) AVAILABILITY OF FUNDS.—Any amount made
4 available or appropriated under this section—

5 “(1) shall remain available to a project for 1
6 year after the fiscal year for which the amount is
7 made available or appropriated; and

8 “(2) that remains unobligated at the end of the
9 period described in paragraph (1) shall be added to
10 the amount made available in the following fiscal
11 year.”.

12 **SEC. 3010. CAPITAL INVESTMENT GRANTS.**

13 (a) SECTION HEADING.—Section 5309 is amended by
14 striking the section heading and inserting the following:

15 **“§ 5309. Capital investment grants”.**

16 (b) LOANS FOR REAL PROPERTY INTERESTS.—Sec-
17 tion 5309 is amended—

18 (1) in subsections (a)(1) and (a)(2) by striking

19 “and loans”;

20 (2) by striking subsections (b) and (c); and

21 (3) by redesignating subsection (d) as sub-
22 section (b).

23 (c) PROJECT AS PART OF APPROVED PROGRAM OF
24 PROJECTS.—Section 5309(b) (as redesignated by sub-
25 section (b) of this section) is amended—

1 (1) by striking “Except as provided in sub-
2 sections (b)(2) and (e) of the section, the” and in-
3 serting “The”; and

4 (2) by striking “or loan”.

5 (d) CRITERIA AND FUNDING.—Section 5309 is
6 amended by striking subsections (e) through (p) and in-
7 serting the following:

8 “(c) MAJOR CAPITAL INVESTMENT GRANTS OF
9 \$75,000,000 OR MORE.—

10 “(1) FULL FUNDING GRANT AGREEMENT.—A
11 major new fixed guideway capital project financed
12 under this subsection shall be carried out through a
13 full funding grant agreement. The Secretary shall
14 enter into a full funding grant agreement based on
15 the evaluations and ratings required under this sub-
16 section. The Secretary shall not enter into a full
17 funding grant agreement for a project unless that
18 project is authorized for final design and construc-
19 tion.

20 “(2) APPROVAL OF GRANTS.—The Secretary
21 may approve a grant under this section for a major
22 new fixed guideway capital project only if the Sec-
23 retary, based upon evaluations and considerations
24 set forth in paragraph (3), determines that the pro-
25 posal is—

1 “(A) based on the results of an alter-
2 natives analysis and preliminary engineering;

3 “(B) justified based on a comprehensive
4 review of its mobility improvements, environ-
5 mental benefits, cost effectiveness, operating ef-
6 ficiencies, transit supportive policies, and exist-
7 ing land use; and

8 “(C) supported by an acceptable degree of
9 local financial commitment (including evidence
10 of stable and dependable financing sources) to
11 construct, maintain, and operate the system or
12 extension.

13 “(3) CONSIDERATIONS.—

14 “(A) RESULTS OF ALTERNATIVES ANAL-
15 YSIS AND PRELIMINARY ENGINEERING.—In
16 evaluating a proposed project for purposes of
17 making the finding required by paragraph
18 (2)(A), the Secretary shall analyze and consider
19 the results of the alternatives analysis and pre-
20 liminary engineering for the project.

21 “(B) PROJECT JUSTIFICATION.—In evalu-
22 ating a proposed project for purposes of making
23 the finding required by paragraph (2)(B), the
24 Secretary shall—

1 “(i) consider the direct and indirect
2 costs of relevant alternatives;

3 “(ii) consider factors such as conges-
4 tion relief, improved mobility, air pollution,
5 noise pollution, energy consumption, and
6 all associated ancillary and mitigation
7 costs necessary to carry out each alter-
8 native analyzed and recognize reductions in
9 local infrastructure costs achieved through
10 compact land use development;

11 “(iii) identify and consider public
12 transportation supportive existing land use
13 policies and future patterns and the cost of
14 suburban sprawl;

15 “(iv) consider the degree to which the
16 project increases the mobility of the public
17 transportation dependent population or
18 promotes economic development;

19 “(v) consider population density and
20 current transit ridership in the corridor;

21 “(vi) consider the technical capability
22 of the grant recipient to construct the
23 project;

1 “(vii) adjust the project justification
2 to reflect differences in local land, con-
3 struction, and operating costs; and

4 “(viii) consider other factors that the
5 Secretary determines appropriate to carry
6 out this chapter.

7 “(C) LOCAL FINANCIAL COMMITMENT.—In
8 evaluating a proposed project under paragraph
9 (2)(C), the Secretary shall require that—

10 “(i) the proposed project plan pro-
11 vides for the availability of contingency
12 amounts that the Secretary determines to
13 be reasonable to cover unanticipated cost
14 increases;

15 “(ii) each proposed local source of
16 capital and operating financing is stable,
17 reliable, and available within the proposed
18 project timetable; and

19 “(iii) local resources are available to
20 operate the overall proposed public trans-
21 portation system (including essential feeder
22 bus and other services necessary to achieve
23 the projected ridership levels) without re-
24 quiring a reduction in existing public

1 transportation services to operate the pro-
2 posed project.

3 “(D) ASSESSMENT OF LOCAL FINANC-
4 ING.—In assessing the stability, reliability, and
5 availability of proposed sources of local financ-
6 ing under paragraph (2)(C), the Secretary shall
7 consider—

8 “(i) existing grant commitments;

9 “(ii) the degree to which financing
10 sources are dedicated to the purposes pro-
11 posed;

12 “(iii) any debt obligation that exists
13 or is proposed by the recipient for the pro-
14 posed project or other public transpor-
15 tation purpose; and

16 “(iv) the extent to which the project
17 has a local financial commitment that ex-
18 ceeds the required non-Federal share of
19 the cost of the project.

20 “(4) EVALUATION AND RATING OF
21 PROJECTS.—A proposed project under this sub-
22 section may advance from alternatives analysis to
23 preliminary engineering, and may advance from pre-
24 liminary engineering to final design and construc-
25 tion, only if the Secretary finds that the project

1 meets the requirements of this section and there is
2 a reasonable likelihood that the project will continue
3 to meet such requirements. In making the findings,
4 the Secretary shall evaluate and rate the project as
5 ‘highly recommended’, ‘recommended’, or ‘not rec-
6 ommended’ based on the results of alternatives anal-
7 ysis, the project justification criteria, and the degree
8 of local financial commitment, as required under this
9 subsection. In rating the projects, the Secretary
10 shall provide, in addition to the overall project rat-
11 ing, individual ratings for each of the criteria estab-
12 lished by regulation.

13 “(5) MAJOR DEFINED.—In this section, the
14 term ‘major’, as used with respect to a new fixed
15 guideway capital project, means the Federal assist-
16 ance provided or to be provided under this section
17 for the project is \$75,000,000 or more.

18 “(d) CAPITAL INVESTMENT GRANTS LESS THAN
19 \$75,000,000.—

20 “(1) IN GENERAL.—Subject to the provisions of
21 this subsection, if the Federal assistance provided or
22 to be provided under this section with respect to a
23 new fixed guideway capital project is less than
24 \$75,000,000, and not less than \$25,000,000, the

1 project shall be subject to the requirements in this
2 subsection.

3 “(2) SELECTION CRITERIA.—The Secretary
4 may provide Federal assistance under this sub-
5 section with respect to a proposed project only if the
6 Secretary finds that the project is—

7 “(A) based on the results of planning and
8 alternatives analysis;

9 “(B) justified based on a review of its pub-
10 lic transportation supportive land use policies,
11 cost effectiveness, and effect on local economic
12 development; and

13 “(C) supported by an acceptable degree of
14 local financial commitment.

15 “(3) PLANNING AND ALTERNATIVES.—In evalu-
16 ating a project under paragraph (1)(A), the Sec-
17 retary shall analyze and consider the results of plan-
18 ning and alternatives analysis for the project.

19 “(4) PROJECT JUSTIFICATION.—For purposes
20 of making the finding under paragraph (1)(B), the
21 Secretary shall—

22 “(A) determine the degree to which public
23 transportation supportive land use policies re-
24 lated to the project are consistent with local

1 land use policies and are likely to achieve local
2 developmental goals;

3 “(B) determine the cost effectiveness of
4 the project at the time of the initiation of rev-
5 enue service;

6 “(C) determine the degree to which the
7 project will have a positive effect on local eco-
8 nomic development;

9 “(D) consider the reliability of the fore-
10 casts of costs and ridership associated with the
11 project; and

12 “(E) consider other factors that the Sec-
13 retary determines appropriate to carry out this
14 subsection.

15 “(5) LOCAL FINANCIAL COMMITMENT.—For
16 purposes of paragraph (1)(C), the Secretary shall re-
17 quire that each proposed local source of capital and
18 operating financing is stable, reliable, and available
19 within the proposed project timetable.

20 “(6) ADVANCEMENT OF PROJECT TO DEVELOP-
21 MENT AND CONSTRUCTION.—

22 “(A) GENERAL RULE.—A proposed project
23 under this subsection may advance from plan-
24 ning and alternatives analysis to project devel-
25 opment and construction only if—

1 “(i) the Secretary finds that the
2 project meets the requirements of this sub-
3 section and there is a reasonable likelihood
4 that the project will continue to meet such
5 requirements; and

6 “(ii) the metropolitan planning orga-
7 nization has adopted the locally preferred
8 alternative for the project into the long-
9 range transportation plan.

10 “(B) EVALUATION.—In making the find-
11 ings under subparagraph (A), the Secretary
12 shall evaluate and rate the project as ‘rec-
13 ommended’ or ‘not recommended’ based on the
14 results of the analysis of the project justifica-
15 tion criteria and the degree of local financial
16 commitment, as required by this subsection.

17 “(7) CONTENTS OF PROJECT CONSTRUCTION
18 GRANT AGREEMENT.—A project construction grant
19 agreement under this subsection shall specify the
20 scope of the project to be constructed, the estimated
21 net project cost of the project, the schedule under
22 which the project shall be constructed, the maximum
23 amount of funding to be obtained under this sub-
24 section, the proposed schedule for obligation of fu-
25 ture Federal grants, and the sources of funding

1 from other than the Government. The agreement
2 may include a commitment on the part of the Sec-
3 retary to provide funding for the project in future
4 fiscal years.

5 “(8) LIMITATION ON ENTRY INTO CONSTRUCC-
6 TION GRANT AGREEMENT.—The Secretary may
7 enter into a project construction grant agreement
8 for a project under this subsection only if the project
9 is authorized for construction and has been rated as
10 ‘recommended’ under this subsection.

11 “(9) REGULATIONS.—Not later than 120 days
12 after the date of enactment of the Federal Public
13 Transportation Act of 2004, the Secretary shall
14 issue regulations establishing an evaluation and rat-
15 ing process for proposed projects under this sub-
16 section that is based on the results of project jus-
17 tification and local financial commitment, as re-
18 quired under this subsection.

19 “(10) FIXED GUIDEWAY CAPITAL PROJECT.—In
20 this subsection, the term ‘fixed guideway capital
21 project’ includes a corridor-based public transpor-
22 tation bus capital project if the majority of the
23 project’s corridor right-of-way is dedicated alignment
24 for exclusive use by public transportation vehicles for
25 all or part of the day.

1 “(e) PREVIOUSLY ISSUED LETTER OF INTENT OR
2 FULL FUNDING GRANT AGREEMENT.—Subsections (c)
3 and (d) do not apply to projects for which the Secretary
4 has issued a letter of intent or entered into a full funding
5 grant agreement before the date of enactment of the Fed-
6 eral Public Transportation Act of 2004.

7 “(f) LETTERS OF INTENT, FULL FUNDING GRANT
8 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-
9 MENTS.—

10 “(1) LETTERS OF INTENT.—

11 “(A) AMOUNTS INTENDED TO BE OBLI-
12 GATED.—The Secretary may issue a letter of
13 intent to an applicant announcing an intention
14 to obligate, for a capital project under this sec-
15 tion, an amount from future available budget
16 authority specified in law that is not more than
17 the amount stipulated as the financial partici-
18 pation of the Secretary in the project. When a
19 letter is issued for fixed guideway projects, the
20 amount shall be sufficient to complete at least
21 an operable segment.

22 “(B) TREATMENT.—The issuance of a let-
23 ter under subparagraph (A) is deemed not to be
24 an obligation under sections 1108(c), 1108(d),

1 1501, and 1502(a) of title 31 or an administra-
2 tive commitment.

3 “(2) FULL FUNDING GRANT AGREEMENTS.—

4 “(A) TERMS.—The Secretary may make a
5 full funding grant agreement with an applicant.

6 The agreement shall—

7 “(i) establish the terms of participa-
8 tion by the Government in a project under
9 this section;

10 “(ii) establish the maximum amount
11 of Government financial assistance for the
12 project;

13 “(iii) cover the period of time for com-
14 pleting the project, including a period ex-
15 tending beyond the period of an authoriza-
16 tion; and

17 “(iv) make timely and efficient man-
18 agement of the project easier according to
19 the law of the United States.

20 “(B) SPECIAL FINANCIAL RULES.—

21 “(i) IN GENERAL.—An agreement
22 under this paragraph obligates an amount
23 of available budget authority specified in
24 law and may include a commitment, con-
25 tingent on amounts to be specified in law

1 in advance for commitments under this
2 paragraph, to obligate an additional
3 amount from future available budget au-
4 thority specified in law.

5 “(ii) STATEMENT OF CONTINGENT
6 COMMITMENT.—The agreement shall state
7 that the contingent commitment is not an
8 obligation of the Government.

9 “(iii) INTEREST AND OTHER FINANC-
10 ING COSTS.—Interest and other financing
11 costs of efficiently carrying out a part of
12 the project within a reasonable time are a
13 cost of carrying out the project under a
14 full funding grant agreement, except that
15 eligible costs may not be more than the
16 cost of the most favorable financing terms
17 reasonably available for the project at the
18 time of borrowing. The applicant shall cer-
19 tify, in a way satisfactory to the Secretary,
20 that the applicant has shown reasonable
21 diligence in seeking the most favorable fi-
22 nancing terms.

23 “(iv) COMPLETION OF OPERABLE
24 SEGMENT.—The amount stipulated in an
25 agreement under this paragraph for a fixed

1 guideway project shall be sufficient to com-
2 plete at least an operable segment.

3 “(3) EARLY SYSTEM WORK AGREEMENTS.—

4 “(A) CONDITIONS.—The Secretary may
5 make an early systems work agreement with an
6 applicant if a record of decision under the Na-
7 tional Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.) has been issued on the
9 project and the Secretary finds there is reason
10 to believe—

11 “(i) a full funding grant agreement
12 for the project will be made; and

13 “(ii) the terms of the work agreement
14 will promote ultimate completion of the
15 project more rapidly and at less cost.

16 “(B) CONTENTS.—

17 “(i) IN GENERAL.—A work agreement
18 under this paragraph obligates an amount
19 of available budget authority specified in
20 law and shall provide for reimbursement of
21 preliminary costs of carrying out the
22 project, including land acquisition, timely
23 procurement of system elements for which
24 specifications are decided, and other activi-
25 ties the Secretary decides are appropriate

1 to make efficient, long-term project man-
2 agement easier.

3 “(ii) PERIOD COVERED.—A work
4 agreement under this paragraph shall
5 cover the period of time the Secretary con-
6 siders appropriate. The period may extend
7 beyond the period of current authorization.

8 “(iii) INTEREST AND OTHER FINANC-
9 ING COSTS.—Interest and other financing
10 costs of efficiently carrying out the work
11 agreement within a reasonable time are a
12 cost of carrying out the agreement, except
13 that eligible costs may not be more than
14 the cost of the most favorable financing
15 terms reasonably available for the project
16 at the time of borrowing. The applicant
17 shall certify, in a way satisfactory to the
18 Secretary, that the applicant has shown
19 reasonable diligence in seeking the most
20 favorable financing terms.

21 “(iv) FAILURE TO CARRY OUT
22 PROJECT.—If an applicant does not carry
23 out the project for reasons within the con-
24 trol of the applicant, the applicant shall
25 repay all Government payments made

1 under the work agreement plus reasonable
2 interest and penalty charges the Secretary
3 establishes in the agreement.

4 “(4) LIMITATION ON AMOUNTS.—

5 “(A) PROGRAMMATIC.—The total esti-
6 mated amount of future obligations of the Gov-
7 ernment and contingent commitments to incur
8 obligations covered by all outstanding letters of
9 intent, full funding grant agreements, and early
10 systems work agreements under this subsection
11 may be not more than the greater of the
12 amount authorized under section 5338(b) for
13 new fixed guideway capital projects or an
14 amount equivalent to the last 3 fiscal years of
15 funding allocated under subsection (m)(1)(B)
16 for new fixed guideway capital projects, less an
17 amount the Secretary reasonably estimates is
18 necessary for grants under this section not cov-
19 ered by a letter. The total amount covered by
20 new letters and contingent commitments in-
21 cluded in full funding grant agreements and
22 early systems work agreements may be not
23 more than a limitation specified in law.

24 “(B) INCLUSION OF CERTAIN COMMIT-
25 MENTS.—Future obligations of the Government

1 and contingent commitments made against the
2 contingent commitment authority under section
3 3032(g)(2) of the Intermodal Surface Trans-
4 portation Efficiency Act of 1991 (106 Stat.
5 2125) for the San Francisco BART to the Air-
6 port project for fiscal years 2002, 2003, 2004,
7 2005, and 2006 shall be charged against sec-
8 tion 3032(g)(2) of that Act.

9 “(C) APPROPRIATION REQUIRED.—An ob-
10 ligation may be made under this subsection only
11 when amounts are appropriated for the obliga-
12 tion.

13 “(5) NOTIFICATION OF CONGRESS.—At least 60
14 days before issuing a letter of intent or entering into
15 a full funding grant agreement under this sub-
16 section, the Secretary shall notify, in writing, the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives and the Committee on
19 Banking, Housing, and Urban Affairs of the Senate
20 of the proposed letter or agreement. The Secretary
21 shall include with the notification a copy of the pro-
22 posed letter or agreement as well as the evaluations
23 and ratings for the project.

24 “(g) GOVERNMENT’S SHARE OF NET PROJECT
25 COST.—

1 “(1) FEDERAL SHARE.—Based on engineering
2 studies, studies of economic feasibility, and informa-
3 tion on the expected use of equipment or facilities,
4 the Secretary shall estimate the net project cost. A
5 grant for the project shall be for 80 percent of the
6 net capital project cost, unless the grant recipient
7 requests a lower grant percentage.

8 “(2) REMAINDER OF NET PROJECT COST.—The
9 remainder of net project costs shall be provided from
10 an undistributed cash surplus, a replacement or de-
11 preciation cash fund or reserve, or new capital.

12 “(3) LIMITATION ON STATUTORY CONSTRUC-
13 TION.—Nothing in this section, including paragraph
14 (1) and subsections (c)(3)(D)(iv) and (c)(4), shall be
15 construed as authorizing the Secretary to require a
16 non-Federal financial commitment for a project that
17 is more than 20 percent of the net capital project
18 cost.

19 “(4) SPECIAL RULE FOR ROLLING STOCK
20 COSTS.—In addition to amounts allowed pursuant to
21 paragraph (1), a planned extension to a fixed guide-
22 way system may include the cost of rolling stock pre-
23 viously purchased if the applicant satisfies the Sec-
24 retary that only amounts other than amounts of the
25 Government were used and that the purchase was

1 made for use on the extension. A refund or reduc-
2 tion of the remainder may be made only if a refund
3 of a proportional amount of the grant of the Govern-
4 ment is made at the same time.

5 “(5) LIMITATION ON APPLICABILITY.—This
6 subsection does not apply to projects for which the
7 Secretary has entered into a full funding grant
8 agreement before the date of enactment of the Fed-
9 eral Public Transportation Act of 2004.

10 “(h) FISCAL CAPACITY CONSIDERATIONS.—If the
11 Secretary gives priority consideration to financing projects
12 that include more than the non-Government share re-
13 quired under subsection (g), the Secretary shall give equal
14 consideration to differences in the fiscal capacity of State
15 and local governments.

16 “(i) REPORTS ON NEW STARTS.—

17 “(1) ANNUAL DOT REPORT.—Not later than
18 the first Monday in February of each year, the Sec-
19 retary shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Represent-
21 atives and the Committee on Banking, Housing, and
22 Urban Affairs of the Senate a report that includes—

23 “(A) a proposal of allocations of amounts
24 to be available to finance grants for new fixed

1 guideway capital projects among applicants for
2 these amounts;

3 “(B) evaluations and ratings, as required
4 under subsection (e), for each such project that
5 is authorized by the Federal Public Transpor-
6 tation Act of 2004; and

7 “(C) recommendations of such projects for
8 funding based on the evaluations and ratings
9 and on existing commitments and anticipated
10 funding levels for the next 3 fiscal years and for
11 the next 10 fiscal years based on information
12 currently available to the Secretary.

13 “(2) ANNUAL GAO REVIEW.—The Comptroller
14 General shall—

15 “(A) conduct an annual review of—

16 “(i) the processes and procedures for
17 evaluating, rating, and recommending new
18 fixed guideway capital projects; and

19 “(ii) the Secretary’s implementation
20 of such processes and procedures; and

21 “(B) report to Congress on the results of
22 such review by May 31 of each year.

23 “(j) UNDERTAKING PROJECTS IN ADVANCE.—

24 “(1) IN GENERAL.—The Secretary may pay the
25 Government’s share of the net capital project cost to

1 a State or local governmental authority that carries
2 out any part of a project described in this section
3 without the aid of amounts of the Government and
4 according to all applicable procedures and require-
5 ments if—

6 “(A) the State or local governmental au-
7 thority applies for the payment;

8 “(B) the Secretary approves the payment;
9 and

10 “(C) before carrying out the part of the
11 project, the Secretary approves the plans and
12 specifications for the part in the same way as
13 other projects under this section.

14 “(2) FINANCING COSTS.—

15 “(A) IN GENERAL.—The cost of carrying
16 out part of a project includes the amount of in-
17 terest earned and payable on bonds issued by
18 the State or local governmental authority to the
19 extent proceeds of the bonds are expended in
20 carrying out the part.

21 “(B) LIMITATION ON AMOUNT OF INTER-
22 EST.—The amount of interest under this para-
23 graph may not be more than the most favorable
24 interest terms reasonably available for the
25 project at the time of borrowing.

1 “(C) CERTIFICATION.—The applicant shall
2 certify, in a manner satisfactory to the Sec-
3 retary, that the applicant has shown reasonable
4 diligence in seeking the most favorable financial
5 terms.

6 “(3) CAPITAL PROJECT COST INDICES.—The
7 Secretary shall consider changes in capital project
8 cost indices when determining the estimated cost
9 under paragraph (2).

10 “(k) BUS AND BUS FACILITY GRANTS.—In making
11 grants under subsection (m)(1)(C), the Secretary shall
12 consider the age of buses, bus fleets, related equipment,
13 and bus-related facilities.

14 “(l) AVAILABILITY OF AMOUNTS.—An amount made
15 available or appropriated under section 5338(b) for re-
16 placement, rehabilitation, and purchase of buses and re-
17 lated equipment and construction of bus-related facilities
18 or for new fixed guideway capital projects shall remain
19 available for 3 fiscal years, including the fiscal year in
20 which the amount is made available or appropriated. Any
21 of such amounts that are unobligated at the end of the
22 3-fiscal-year period shall be deobligated and may be used
23 by the Secretary for any purpose under this section.

24 “(m) ALLOCATING AMOUNTS.—

1 “(1) IN GENERAL.—After the allocation under
2 section 5338(b)(2)(C) for a fiscal year and subject
3 to paragraph (4), the remainder of the amounts
4 made available by or appropriated under section
5 5338(b) for grants under this section for such fiscal
6 year shall be allocated as follows:

7 “(A) 40 percent for fixed guideway mod-
8 ernization;

9 “(B) 40 percent for major new fixed guide-
10 way capital projects; and

11 “(C) 20 percent to replace, rehabilitate,
12 and purchase buses and related equipment and
13 to construct bus-related facilities.

14 “(2) LIMITATION ON AMOUNTS.—Not more
15 than 8 percent of the amounts made available in
16 each fiscal year by paragraph (1)(B) shall be avail-
17 able for alternatives analysis and preliminary engi-
18 neering.

19 “(3) FUNDING FOR FERRY BOAT SYSTEMS.—Of
20 the amounts made available under paragraph (1)(B),
21 \$10,400,000 shall be available in each of fiscal years
22 2004 through 2009 for new fixed guideway capital
23 projects in Alaska or Hawaii that are for ferry boats
24 or ferry terminal facilities or that are for approaches
25 to ferry terminal facilities.

1 “(4) SOURCES OF FUNDING.—All amounts allo-
2 cated for fixed guideway modernization and all
3 amounts allocated to replace, rehabilitate, and pur-
4 chase buses and related equipment and to construct
5 bus-related facilities under paragraph (1) shall be
6 derived from the Mass Transit Account of the High-
7 way Trust Fund. All amounts allocated for new
8 fixed guideway capital projects under paragraph (1)
9 shall be derived from the general fund of the Treas-
10 ury.

11 “(n) NEW FIXED GUIDEWAY CAPITAL PROJECT DE-
12 FINED.—In this section, the term ‘new fixed guideway
13 capital project’ means a minimum operable segment of a
14 capital project for a new fixed guideway system or exten-
15 sion to an existing fixed guideway system.”.

16 (e) CONFORMING AMENDMENTS.—

17 (1) CHAPTER ANALYSIS.—The analysis for
18 chapter 53 is amended by striking the item relating
19 to section 5309 and inserting the following:

“5309. Capital investment grants.”.

20 (2) SECTION 5328.—Section 5328(a) is amend-
21 ed—

22 (A) in paragraph (2) by striking “5309(e)”
23 and inserting “5309(c)”; and

1 (B) in paragraph (4) by striking “under
2 section 5309(o)(1)” and inserting “under sec-
3 tion 5309(i)(1)”.

4 **SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF EL-**
5 **DERLY INDIVIDUALS AND INDIVIDUALS WITH**
6 **DISABILITIES.**

7 (a) IN GENERAL.—Section 5310 is amended—

8 (1) by striking the section heading and insert-
9 ing the following:

10 **“§ 5310. Formula grants for special needs of elderly**
11 **individuals and individuals with disabili-**
12 **ties”;**

13 (2) by striking subsections (a) through (g) and
14 inserting the following:

15 “(a) GENERAL AUTHORITY.—

16 “(1) GRANTS.—The Secretary may make
17 grants to States and local governmental authorities
18 under this section for public transportation capital
19 projects, and operating costs associated with public
20 transportation capital projects, planned, designed,
21 and carried out to meet the special needs of elderly
22 individuals and individuals with disabilities.

23 “(2) SUBRECIPIENTS.—A State that receives a
24 grant under this section may allocate the amounts of
25 the grant to—

1 “(A) a private nonprofit organization if the
2 public transportation service provided under
3 paragraph (1) is unavailable, insufficient, or in-
4 appropriate; or

5 “(B) a governmental authority that—

6 “(i) is approved by the State to co-
7 ordinate services for elderly individuals and
8 individuals with disabilities; or

9 “(ii) certifies that there are not any
10 nonprofit organizations readily available in
11 the area to provide the services described
12 under paragraph (1).

13 “(3) ACQUIRING PUBLIC TRANSPORTATION
14 SERVICES.—A public transportation capital project
15 under this section may include acquisition by a re-
16 cipient of public transportation services as an eligi-
17 ble capital expense.

18 “(4) ADMINISTRATIVE EXPENSES.—A State or
19 local governmental authority may use not more than
20 10 percent of the amounts apportioned to the State
21 under this section to administer, plan, and provide
22 technical assistance for a project funded under this
23 section.

24 “(b) APPORTIONMENT AND TRANSFERS.—

1 “(1) APPORTIONMENT FORMULA.—The Sec-
2 retary shall apportion amounts made available to
3 carry out this section under a formula the Secretary
4 administers that considers the number of elderly in-
5 dividuals and individuals with disabilities in each
6 State.

7 “(2) TRANSFERS.—Any State’s apportionment
8 remaining available for obligation at the beginning
9 of the 90-day period before the end of the period of
10 availability of the apportionment is available to the
11 State for transfer to supplement amounts appor-
12 tioned to the State under section 5311(c) or
13 5336(a)(1), or both. Any funds transferred pursuant
14 to this paragraph shall be made available only for el-
15 igible projects as described in this section.

16 “(c) GOVERNMENT’S SHARE OF COSTS.—

17 “(1) CAPITAL PROJECTS.—A grant for a capital
18 project under this section shall be for 80 percent of
19 the net capital costs of the project, as determined by
20 the Secretary; except that in the case of a State de-
21 scribed in section 120(b)(1) of title 23, such percent-
22 age shall be increased in accordance with such sec-
23 tion.

24 “(2) OPERATING ASSISTANCE.—A grant made
25 under this section for operating assistance may not

1 exceed 50 percent of the net operating costs of the
2 project, as determined by the Secretary.

3 “(3) REMAINDER.—The remainder of the net
4 project costs—

5 “(A) may be provided from an undistrib-
6 uted cash surplus, a replacement or deprecia-
7 tion cash fund or reserve, a service agreement
8 with a State or local social service agency or a
9 private social service organization, or new cap-
10 ital; and

11 “(B) may be derived from amounts appro-
12 priated to or made available to a department or
13 agency of the Government (other than the De-
14 partment of Transportation) that are eligible to
15 be expended for transportation.

16 “(4) USE OF CERTAIN FUNDS.—For purposes
17 of paragraph (3)(B), the prohibitions on the use of
18 funds for matching requirements under section
19 403(a)(5)(C)(vii) of the Social Security Act (42
20 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
21 or State funds to be used for transportation pur-
22 poses.

23 “(d) GRANT REQUIREMENTS.—

24 “(1) IN GENERAL.—A grant under this section
25 shall be subject to all requirements of a grant under

1 section 5307. A grant to a subrecipient under this
2 section shall be subject to such requirements to the
3 extent the Secretary considers appropriate.

4 “(2) COORDINATION WITH NONPROFIT PRO-
5 VIDERS.—A recipient that transfers funds to an ap-
6 portionment under section 5336(a)(1) pursuant to
7 subsection (b)(2) shall certify that the project for
8 which the funds are requested under this section has
9 been coordinated with nonprofit providers of serv-
10 ices.

11 “(3) PROJECT SELECTION AND PLANNING.—A
12 recipient of funds under this section shall certify
13 that—

14 “(A) the projects selected were derived
15 from a locally developed, coordinated public
16 transit-human services transportation plan; and

17 “(B) the plan was developed through a
18 process that included representatives of public,
19 private, and nonprofit transportation and
20 human services providers and participation by
21 the public.

22 “(4) FAIR AND EQUITABLE DISTRIBUTION.—A
23 recipient of a grant under this section shall certify
24 that allocations of the grant to subrecipients are dis-
25 tributed on a fair and equitable basis.

1 “(e) STATE PROGRAM.—

2 “(1) IN GENERAL.—Amounts made available to
3 carry out this section may be used for transportation
4 projects to assist in providing transportation services
5 for elderly individuals and individuals with disabili-
6 ties that are included in a State program of
7 projects.

8 “(2) SUBMISSION AND APPROVAL.—A program
9 shall be submitted annually to the Secretary for ap-
10 proval and shall contain an assurance that the pro-
11 gram provides for maximum feasible coordination of
12 transportation services assisted under this section
13 with transportation services assisted by other Gov-
14 ernment sources.

15 “(f) LEASING VEHICLES.—Vehicles acquired under
16 this section may be leased to local governmental authori-
17 ties to improve transportation services designed to meet
18 the special needs of elderly individuals and individuals
19 with disabilities.”; and

20 (3) by redesignating subsections (h) through (j)
21 as subsections (g) through (i), respectively.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 53 is amended by striking the item relating to
24 section 5310 and inserting the following:

“5310. Formula grants for special needs of elderly individuals and individuals
with disabilities.”.

1 **SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBAN-**
2 **IZED AREAS.**

3 (a) DEFINITIONS.—Section 5311(a) is amended to
4 read as follows:

5 “(a) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) RECIPIENT.—The term ‘recipient’ means a
8 State that receives a Federal transit program grant
9 directly from the Government.

10 “(2) SUBRECIPIENT.—The term ‘subrecipient’
11 means a State or local governmental authority, non-
12 profit organization, or operator of public transpor-
13 tation services that receives a Federal transit pro-
14 gram grant indirectly through a recipient.”.

15 (b) GENERAL AUTHORITY.—Section 5311(b) is
16 amended to read as follows:

17 “(b) GENERAL AUTHORITY.—

18 “(1) GRANTS.—Except as provided in para-
19 graph (2), the Secretary may make grants to other
20 than urbanized areas under this section for the fol-
21 lowing:

22 “(A) Public transportation capital projects.

23 “(B) Operating costs of equipment and fa-
24 cilities for use in public transportation.

1 “(C) Acquisition of public transportation
2 services, including service agreements with pri-
3 vate providers of public transportation services.

4 “(2) STATE PROGRAM.—

5 “(A) IN GENERAL.—Amounts made avail-
6 able to carry out this section shall be used for
7 projects included in a State program for public
8 transportation projects, including service agree-
9 ments with private providers of public transpor-
10 tation.

11 “(B) SUBMISSION.—The program shall be
12 submitted annually to the Secretary for ap-
13 proval.

14 “(C) APPROVAL.—The Secretary may ap-
15 prove the program only if the Secretary finds
16 that the program provides a fair distribution of
17 amounts in the State, including Indian reserva-
18 tions, and the maximum feasible coordination of
19 public transportation service assisted under this
20 section with transportation service assisted by
21 other Federal sources.

22 “(3) RURAL TRANSPORTATION ASSISTANCE
23 PROGRAM.—

1 “(A) IN GENERAL.—The Secretary shall
2 carry out a rural transportation assistance pro-
3 gram in other than urbanized areas.

4 “(B) GRANTS AND CONTRACTS.—In car-
5 rying out this paragraph, the Secretary may use
6 not more than 2 percent of the amount made
7 available to carry out this section to make
8 grants and contracts for transportation re-
9 search, technical assistance, training, and re-
10 lated support services in other than urbanized
11 areas.

12 “(C) PROJECTS OF A NATIONAL SCOPE.—
13 Not more than 15 percent of the amounts avail-
14 able under subparagraph (B) may be used by
15 the Secretary to carry out projects of a national
16 scope, with the remaining balance provided to
17 the States.”.

18 (c) APPORTIONMENTS.—Section 5311(c) is amended
19 to read as follows:

20 “(c) APPORTIONMENTS.—

21 “(1) IN GENERAL.—The Secretary shall appor-
22 tion amounts made available to carry out this sec-
23 tion among the States in the ratio that—

24 “(A) the population of other than urban-
25 ized areas in each State, as shown by the most

1 recent Government decennial census of popu-
2 lation; bears to

3 “(B) the population of all other than ur-
4 banized areas in the United States, as shown by
5 that census.

6 “(2) AVAILABILITY.—The amount apportioned
7 to a State under this subsection may be obligated by
8 the State for 2 fiscal years after the fiscal year in
9 which the amount is apportioned. An amount that is
10 not obligated at the end of that period shall be re-
11 apportioned among the States for the next fiscal
12 year.”.

13 (d) USE FOR ADMINISTRATION, PLANNING, AND
14 TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

15 (1) in the subsection heading by inserting “,
16 PLANNING,” after “ADMINISTRATION”;

17 (2) by striking “(1) The Secretary” and insert-
18 ing “The Secretary”;

19 (3) by striking paragraph (2); and

20 (4) by striking “recipient” and inserting “sub-
21 recipient”.

22 (e) INTERCITY BUS TRANSPORTATION.—Section
23 5311(f) is amended—

24 (1) in paragraph (1) by striking “after Sep-
25 tember 30, 1993,”; and

1 (2) in paragraph (2) by striking “A State” and
2 inserting “After consultation with affected intercity
3 bus service providers, a State”.

4 (f) GOVERNMENT’S SHARE OF COSTS.—Section
5 5311(g) is amended to read as follows:

6 “(g) GOVERNMENT’S SHARE OF COSTS.—

7 “(1) CAPITAL PROJECTS.—A grant for a capital
8 project under this section shall be for 80 percent of
9 the net capital costs of the project, as determined by
10 the Secretary; except that in the case of a State de-
11 scribed in section 120(b)(1) of title 23, such percent-
12 age shall be increased in accordance with such sec-
13 tion.

14 “(2) OPERATING ASSISTANCE.—A grant made
15 under this section for operating assistance may not
16 exceed 50 percent of the net operating costs of the
17 project, as determined by the Secretary.

18 “(3) REMAINDER.—The remainder of net
19 project costs—

20 “(A) may be provided from an undistrib-
21 uted cash surplus, a replacement or deprecia-
22 tion cash fund or reserve, a service agreement
23 with a State or local social service agency or a
24 private social service organization, or new cap-
25 ital; and

1 “(B) may be derived from amounts appro-
2 priated to or made available to a department or
3 agency of the Government (other than the De-
4 partment of Transportation) that are eligible to
5 be expended for transportation.

6 “(4) USE OF CERTAIN FUNDS.—For purposes
7 of paragraph (3)(B), the prohibitions on the use of
8 funds for matching requirements under section
9 403(a)(5)(C)(vii) of the Social Security Act (42
10 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
11 or State funds to be used for transportation pur-
12 poses.

13 “(5) LIMITATION ON OPERATING ASSIST-
14 ANCE.—A State carrying out a program of operating
15 assistance under this section may not limit the level
16 or extent of use of the Government grant for the
17 payment of operating expenses.”.

18 (g) RELATIONSHIP TO OTHER LAWS.—Section 5311
19 is amended—

20 (1) by striking subsection (h); and

21 (2) by redesignating subsections (i) and (j) as
22 subsections (h) and (i), respectively.

23 (h) CORRECTION TO CHAPTER ANALYSIS.—The anal-
24 ysis for chapter 53 is amended by striking the item relat-
25 ing to section 5311 and inserting the following:

“5311. Formula grants for other than urbanized areas.”.

1 **SEC. 3013. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
2 **AND DEPLOYMENT PROJECTS.**

3 (a) IN GENERAL.—Section 5312 is amended—

4 (1) in subsection (a)—

5 (A) by striking the first parenthetical
6 phrase;

7 (B) by striking “or contracts” and insert-
8 ing “, contracts, cooperative agreements, or
9 other transactions”;

10 (C) by striking “help reduce urban trans-
11 portation needs, improve mass transportation
12 service,” and inserting “improve transportation
13 service”;

14 (D) by striking “urban” each place it ap-
15 pears; and

16 (E) by striking “and demonstration
17 projects” and inserting “, demonstration or de-
18 ployment projects, or evaluation of technology
19 of national significance”;

20 (2) by striking subsections (b) and (c);

21 (3) by redesignating subsections (d) and (e) as
22 subsections (b) and (c), respectively;

23 (4) in subsection (b)(2) (as so redesignated) by
24 striking “other agreements” and inserting “other
25 transactions”; and

1 (5) in subsection (c)(2) (as so redesignated) by
2 striking “public and” and inserting “public or”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) SECTION HEADING.—Section 5312 is
5 amended by striking the section heading and insert-
6 ing the following:

7 **“§ 5312. Research, development, demonstration, and**
8 **deployment projects”.**

9 (2) CHAPTER ANALYSIS.—The analysis for
10 chapter 53 is amended by striking the item relating
11 to section 5312 and inserting the following:

“5312. Research, development, demonstration, and deployment projects.”.

12 **SEC. 3014. COOPERATIVE RESEARCH PROGRAM.**

13 (a) IN GENERAL.—Section 5313 is amended—

14 (1) in subsection (a) by striking “(1) The
15 amounts made available under paragraphs (1) and
16 (2)(C)(ii) of section 5338(d) of this title” and insert-
17 ing “The amounts made available under paragraphs
18 (1) and (2)(B)(i) of section 5338(d)”;

19 (2) by striking subsection (b);

20 (3) in subsection (a)(2) by striking “(2) The”
21 and inserting “(b) FEDERAL ASSISTANCE.—The”;
22 and

23 (4) in subsection (c) by striking “subsection (a)
24 of”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) IN GENERAL.—Section 5313 is amended by
2 striking the section heading and inserting the fol-
3 lowing:

4 **“§ 5313. Cooperative research program”.**

5 (2) CHAPTER ANALYSIS.—The analysis for
6 chapter 53 is amended by striking the item relating
7 to section 5313 and inserting the following:

“5313. Cooperative research program.”.

8 **SEC. 3015. NATIONAL RESEARCH AND TECHNOLOGY PRO-**
9 **GRAMS.**

10 (a) IN GENERAL.—Section 5314 is amended—

11 (1) by striking the section heading and insert-
12 ing the following:

13 **“§ 5314. National research and technology programs”;**

14 (2) in subsection (a)(1)—

15 (A) by striking “subsections (d) and (h)(7)
16 of section 5338 of this title” and inserting “sec-
17 tion 5338(d)”;

18 (B) by striking “and contracts” and insert-
19 ing “, contracts, cooperative agreements, or
20 other transactions”;

21 (C) by striking “5303–5306,”; and

22 (D) by striking “5317,”;

23 (3) in subsection (a)(2) by striking “Of the
24 amounts” and all that follows through “\$3,000,000
25 to” and inserting “The Secretary shall”;

1 (4) by striking subsection (a)(4)(B);

2 (5) by redesignating subsection (a)(4)(C) as
3 subsection (a)(4)(B); and

4 (6) in subsection (b) by striking “or contract”
5 and all that follows through “section,” and inserting
6 “, contract, cooperative agreement, or other trans-
7 action under subsection (a) or section 5312,”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 53 is amended by striking the item relating to
10 section 5314 and inserting the following:

“5314. National research and technology programs.”.

11 **SEC. 3016. NATIONAL TRANSIT INSTITUTE.**

12 Section 5315 is amended—

13 (1) in subsection (a) by striking “public mass
14 transportation” and inserting “public transpor-
15 tation”; and

16 (2) in subsection (d) by striking “mass” each
17 place it appears.

18 **SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA**
19 **GRANTS.**

20 (a) IN GENERAL.—Chapter 53 is amended by insert-
21 ing after section 5315 the following:

22 **“§ 5316. Job access and reverse commute formula**
23 **grants**

24 “(a) DEFINITIONS.—In this section, the following
25 definitions apply:

1 “(1) ACCESS TO JOBS PROJECT.—The term ‘ac-
2 cess to jobs project’ means a project relating to the
3 development and maintenance of transportation
4 services designed to transport welfare recipients and
5 eligible low-income individuals to and from jobs and
6 activities related to their employment, including—

7 “(A) transportation projects to finance
8 planning, capital, and operating costs of pro-
9 viding access to jobs under this chapter;

10 “(B) promoting public transportation by
11 low-income workers, including the use of public
12 transportation by workers with nontraditional
13 work schedules;

14 “(C) promoting the use of transit vouchers
15 for welfare recipients and eligible low-income in-
16 dividuals; and

17 “(D) promoting the use of employer-pro-
18 vided transportation, including the transit pass
19 benefit program under section 132 of the Inter-
20 nal Revenue Code of 1986.

21 “(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The
22 term ‘eligible low-income individual’ means an indi-
23 vidual whose family income is at or below 150 per-
24 cent of the poverty line (as that term is defined in
25 section 673(2) of the Community Services Block

1 Grant Act (42 U.S.C. 9902(2)), including any revision
2 sion required by that section) for a family of the size
3 involved.

4 “(3) RECIPIENT.—The term ‘recipient’ means a
5 designated recipient (as defined in section
6 5307(a)(2)) or State that receives a grant under this
7 section directly.

8 “(4) REVERSE COMMUTE PROJECT.—The term
9 ‘reverse commute project’ means a public transpor-
10 tation project designed to transport residents of ur-
11 banized areas and other than urbanized areas to
12 suburban employment opportunities, including any
13 projects to—

14 “(A) subsidize the costs associated with
15 adding reverse commute bus, train, carpool, van
16 routes, or service from urbanized areas and
17 other than urbanized areas to suburban work-
18 places;

19 “(B) subsidize the purchase or lease by a
20 nonprofit organization or public agency of a van
21 or bus dedicated to shuttling employees from
22 their residences to a suburban workplace; or

23 “(C) otherwise facilitate the provision of
24 public transportation services to suburban em-
25 ployment opportunities.

1 “(5) SUBRECIPIENT.—The term ‘subrecipient’
2 means a State or local governmental authority, non-
3 profit organization, or operator of public transpor-
4 tation services that receives a grant under this sec-
5 tion indirectly through a recipient.

6 “(6) WELFARE RECIPIENT.—The term ‘welfare
7 recipient’ means an individual who has received as-
8 sistance under a State or tribal program funded
9 under part A of title IV of the Social Security Act
10 at any time during the 3-year period before the date
11 on which the applicant applies for a grant under this
12 section.

13 “(b) GENERAL AUTHORITY.—

14 “(1) GRANTS.—The Secretary may make
15 grants under this section to a recipient for access to
16 jobs and reverse commute projects carried out by the
17 recipient or a subrecipient.

18 “(2) ADMINISTRATIVE EXPENSES.—A recipient
19 may use not more than 10 percent of the amounts
20 apportioned to the recipient under this section to ad-
21 minister, plan, and provide technical assistance for
22 a project funded under this section.

23 “(c) APPORTIONMENTS.—

1 “(1) FORMULA.—The Secretary shall apportion
2 amounts made available to carry out this section as
3 follows:

4 “(A) 60 percent of the funds shall be ap-
5 portioned among designated recipients (as de-
6 fined in section 5307(a)(2)) for urbanized areas
7 with a population of 200,000 or more in the
8 ratio that—

9 “(i) the number of eligible low-income
10 individuals and welfare recipients in each
11 such urbanized area; bears to

12 “(ii) the number of eligible low-income
13 individuals and welfare recipients in all
14 such urbanized areas.

15 “(B) 20 percent of the funds shall be ap-
16 portioned among the States in the ratio that—

17 “(i) the number of eligible low-income
18 individuals and welfare recipients in urban-
19 ized areas with a population of less than
20 200,000 in each State; bears to

21 “(ii) the number of eligible low-income
22 individuals and welfare recipients in urban-
23 ized areas with a population of less than
24 200,000 in all States.

1 “(C) 20 percent of the funds shall be ap-
2 portioned among the States in the ratio that—

3 “(i) the number of eligible low-income
4 individuals and welfare recipients in other
5 than urbanized areas in each State; bears
6 to

7 “(ii) the number of eligible low-income
8 individuals and welfare recipients in other
9 than urbanized areas in all States.

10 “(2) USE OF APPORTIONED FUNDS.—Except as
11 provided in paragraph (3)—

12 “(A) funds apportioned under paragraph
13 (1)(A) shall be used for projects serving urban-
14 ized areas with a population of 200,000 or
15 more;

16 “(B) funds apportioned under paragraph
17 (1)(B) shall be used for projects serving urban-
18 ized areas with a population of less than
19 200,000; and

20 “(C) funds apportioned under paragraph
21 (1)(C) shall be used for projects serving other
22 than urbanized areas.

23 “(3) EXCEPTIONS.—A State may use funds ap-
24 portioned under paragraphs (1)(B) and (1)(C)—

1 “(A) for projects serving areas other than
2 the area specified in paragraph (2)(B) or
3 (2)(C), as the case may be, if the Governor of
4 the State certifies that all of the objectives of
5 this section are being met in the specified area;
6 or

7 “(B) for projects anywhere in the State if
8 the State has established a statewide program
9 for meeting the objectives of this section.

10 “(d) COMPETITIVE PROCESS FOR GRANTS TO SUB-
11 RECIPIENTS.—

12 “(1) AREAWIDE SOLICITATIONS.—A recipient of
13 funds apportioned under subsection (c)(1)(A) shall
14 conduct, in cooperation with the appropriate metro-
15 politan planning organization, an areawide sollicita-
16 tion for applications for grants to the recipient and
17 subrecipients under this section.

18 “(2) STATEWIDE SOLICITATION.—A recipient of
19 funds apportioned under subsection (c)(1)(B) or
20 (c)(1)(C) shall conduct a statewide solicitation for
21 applications for grants to the recipient and sub-
22 recipients under this section.

23 “(3) APPLICATION.—Recipients and subrecipi-
24 ents seeking to receive a grant from funds appor-
25 tioned under subsection (c) shall submit to the re-

1 recipient an application in the form and in accordance
2 with such requirements as the recipient shall estab-
3 lish.

4 “(4) GRANT AWARDS.—The recipient shall
5 award grants under paragraphs (1) and (2) on a
6 competitive basis.

7 “(e) TRANSFERS.—

8 “(1) IN GENERAL.—A State may transfer any
9 funds apportioned to it under subparagraph (B) or
10 (C) of subsection (c)(1), or both, to an appor-
11 tionment under section 5311(c) or 5336, or both.

12 “(2) LIMITED TO ELIGIBLE PROJECTS.—Any
13 apportionment transferred under this subsection
14 shall be made available only for eligible job access
15 and reverse commute projects as described in this
16 section.

17 “(3) CONSULTATION.—A State may make a
18 transfer of an amount under this subsection only
19 after consulting with responsible local officials and
20 publicly owned operators of public transportation in
21 each area for which the amount originally was
22 awarded under this section.

23 “(f) GRANT REQUIREMENTS.—

24 “(1) IN GENERAL.—A grant under this section
25 shall be subject to the requirements of section 5307.

1 “(2) FAIR AND EQUITABLE DISTRIBUTION.—A
2 recipient of a grant under this section shall certify
3 to the Secretary that allocations of the grant to sub-
4 recipients are distributed on a fair and equitable
5 basis.

6 “(g) COORDINATION.—

7 “(1) IN GENERAL.—The Secretary shall coordi-
8 nate activities under this section with related activi-
9 ties under programs of other Federal departments
10 and agencies.

11 “(2) WITH NONPROFIT PROVIDERS.—A State
12 that transfers funds to an apportionment under sec-
13 tion 5336 pursuant to subsection (e) shall certify to
14 the Secretary that any project for which the funds
15 are requested under this section has been coordi-
16 nated with nonprofit providers of services.

17 “(3) PROJECT SELECTION AND PLANNING.—A
18 recipient of funds under this section shall certify to
19 the Secretary that—

20 “(A) the projects selected were derived
21 from a locally developed, coordinated public
22 transit-human services transportation plan; and

23 “(B) the plan was developed through a
24 process that included representatives of public,
25 private, and nonprofit transportation and

1 human services providers and participation by
2 the public.

3 “(h) GOVERNMENT’S SHARE OF COSTS.—

4 “(1) CAPITAL PROJECTS.—A grant for a capital
5 project under this section may not exceed 80 percent
6 of the net capital costs of the project, as determined
7 by the Secretary.

8 “(2) OPERATING ASSISTANCE.—A grant made
9 under this section for operating assistance may not
10 exceed 50 percent of the net operating costs of the
11 project, as determined by the Secretary.

12 “(3) REMAINDER.—The remainder of the net
13 project costs—

14 “(A) may be provided from an undistrib-
15 uted cash surplus, a replacement or deprecia-
16 tion cash fund or reserve, a service agreement
17 with a State or local social service agency or a
18 private social service organization, or new cap-
19 ital; and

20 “(B) may be derived from amounts appro-
21 priated to or made available to a department or
22 agency of the Government (other than the De-
23 partment of Transportation) that are eligible to
24 be expended for transportation.

1 “(4) USE OF CERTAIN FUNDS.—For purposes
2 of paragraph (3)(B), the prohibitions on the use of
3 funds for matching requirements under section
4 403(a)(5)(C)(vii) of the Social Security Act (42
5 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
6 or State funds to be used for transportation pur-
7 poses.

8 “(5) LIMITATION ON OPERATING ASSIST-
9 ANCE.—A recipient carrying out a program of oper-
10 ating assistance under this section may not limit the
11 level or extent of use of the Government grant for
12 the payment of operating expenses.

13 “(i) PROGRAM EVALUATION.—

14 “(1) COMPTROLLER GENERAL.—Beginning 1
15 year after the date of enactment of the Federal Pub-
16 lic Transportation Act of 2004, and every 2 years
17 thereafter, the Comptroller General shall—

18 “(A) conduct a study to evaluate the grant
19 program authorized by this section; and

20 “(B) transmit to the Committee on Trans-
21 portation and Infrastructure of the House of
22 Representatives and the Committee on Bank-
23 ing, Housing, and Urban Affairs of the Senate
24 a report describing the results of the study
25 under subparagraph (A).

1 “(2) DEPARTMENT OF TRANSPORTATION.—Not
2 later than 3 years after the date of enactment of
3 Federal Public Transportation Act of 2004, the Sec-
4 retary shall—

5 “(A) conduct a study to evaluate the effec-
6 tiveness of the grant program authorized by
7 this section and the effectiveness of recipients
8 making grants to subrecipients under this sec-
9 tion; and

10 “(B) transmit to the committees referred
11 to in paragraph (1)(B) a report describing the
12 results of the study under subparagraph (A).”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 53 is amended by inserting after the item relating
15 to section 5315 the following:

“5316. Job access and reverse commute formula grants.”.

16 (c) REPEAL.—Section 3037 of the Transportation
17 Equity Act for the 21st Century (49 U.S.C. 5309 note;
18 112 Stat. 387) is repealed.

19 **SEC. 3018. NEW FREEDOM PROGRAM.**

20 (a) IN GENERAL.—Chapter 53 is further amended by
21 inserting after section 5316 the following:

22 **“§ 5317. New freedom program**

23 “(a) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) RECIPIENT.—The term ‘recipient’ means a
2 designated recipient (as defined in section
3 5307(a)(2)) or State that receives a grant under this
4 section directly.

5 “(2) SUBRECIPIENT.—The term ‘subrecipient’
6 means a State or local governmental authority, non-
7 profit organization, or operator of public transpor-
8 tation services that receives a grant under this sec-
9 tion indirectly through a recipient.

10 “(b) GENERAL AUTHORITY.—

11 “(1) GRANTS.—The Secretary may make
12 grants to under this section to a recipient for new
13 public transportation services and public transpor-
14 tation alternatives beyond those required by the
15 Americans with Disabilities Act of 1990 (42 U.S.C.
16 12101 et seq.) that assist individuals with disabil-
17 ities with transportation, including transportation to
18 and from jobs and employment support services.

19 “(2) ADMINISTRATIVE EXPENSES.—A recipient
20 may use not more than 10 percent of the amounts
21 apportioned to the recipient under this section to ad-
22 minister, plan, and provide technical assistance for
23 a project funded under this section.

24 “(c) APPORTIONMENTS.—

1 “(1) FORMULA.—The Secretary shall apportion
2 amounts made available to carry out this section as
3 follows:

4 “(A) 60 percent of the funds shall be ap-
5 portioned among designated recipients (as de-
6 fined in section 5307(a)(2)) for urbanized areas
7 with a population of 200,000 or more in the
8 ratio that—

9 “(i) the number of individuals with
10 disabilities in each such urbanized area;
11 bears to

12 “(ii) the number of individuals with
13 disabilities in all such urbanized areas.

14 “(B) 20 percent of the funds shall be ap-
15 portioned among the States in the ratio that—

16 “(i) the number of individuals with
17 disabilities in urbanized areas with a popu-
18 lation of less than 200,000 in each State;
19 bears to

20 “(ii) the number of individuals with
21 disabilities in urbanized areas with a popu-
22 lation of less than 200,000 in all States.

23 “(C) 20 percent of the funds shall be ap-
24 portioned among the States in the ratio that—

1 “(i) the number of individuals with
2 disabilities in other than urbanized areas
3 in each State; bears to

4 “(ii) the number of individuals with
5 disabilities in other than urbanized areas
6 in all States.

7 “(2) USE OF APPORTIONED FUNDS.—Except as
8 provided in paragraph (3)—

9 “(A) funds apportioned under paragraph
10 (1)(A) shall be used for projects serving urban-
11 ized areas with a population of 200,000 or
12 more;

13 “(B) funds apportioned under paragraph
14 (1)(B) shall be used for projects serving urban-
15 ized areas with a population of less than
16 200,000; and

17 “(C) funds apportioned under paragraph
18 (1)(C) shall be used for projects serving other
19 than urbanized areas.

20 “(3) TRANSFERS.—

21 “(A) IN GENERAL.—A State may transfer
22 any funds apportioned to it under subparagraph
23 (B) or (C) of subsection (c)(1), or both, to an
24 apportionment under section 5311(c) or 5336,
25 or both.

1 “(B) LIMITED TO ELIGIBLE PROJECTS.—
2 Any funds transferred pursuant to this para-
3 graph shall be made available only for eligible
4 projects selected under this section.

5 “(C) CONSULTATION.—A State may make
6 a transfer of an amount under this subsection
7 only after consulting with responsible local offi-
8 cials and publicly owned operators of public
9 transportation in each area for which the
10 amount originally was awarded under this sec-
11 tion.

12 “(d) COMPETITIVE PROCESS FOR GRANTS TO SUB-
13 RECIPIENTS.—

14 “(1) AREAWIDE SOLICITATIONS.—A recipient of
15 funds apportioned under subsection (c)(1)(A) shall
16 conduct, in cooperation with the appropriate metro-
17 politan planning organization, an areawide sollicita-
18 tion for applications for grants to the recipient and
19 subrecipients under this section.

20 “(2) STATEWIDE SOLICITATION.—A recipient of
21 funds apportioned under subsection (c)(1)(B) or
22 (c)(1)(C) shall conduct a statewide solicitation for
23 applications for grants to the recipient and sub-
24 recipients under this section.

1 “(3) APPLICATION.—Recipients and subrecipi-
2 ents seeking to receive a grant from funds appor-
3 tioned under subsection (c) shall submit to the re-
4 cipient an application in the form and in accordance
5 with such requirements as the recipient shall estab-
6 lish.

7 “(4) GRANT AWARDS.—The recipient shall
8 award grants under paragraphs (1) and (2) on a
9 competitive basis.

10 “(e) GRANT REQUIREMENTS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), a grant under this section shall be subject
13 to all the requirements of section 5307.

14 “(2) EMPLOYEE PROTECTIVE ARRANGE-
15 MENTS.—Section 5333(b) shall apply to grants
16 under this section, except that the Secretary of
17 Labor shall utilize, for urbanized areas with a popu-
18 lation of less than 200,000 and for other than ur-
19 banized areas, a special warranty described in sec-
20 tion 215.7 of title 29, Code of Federal Regulations,
21 that provides a fair and equitable arrangement to
22 protect the interest of employees.

23 “(3) FAIR AND EQUITABLE DISTRIBUTION.—A
24 recipient of a grant under this section shall certify

1 that allocations of the grant to subrecipients are dis-
2 tributed on a fair and equitable basis.

3 “(f) COORDINATION.—

4 “(1) IN GENERAL.—The Secretary shall coordi-
5 nate activities under this section with related activi-
6 ties under programs of other Federal departments
7 and agencies.

8 “(2) WITH NONPROFIT PROVIDERS.—A recipi-
9 ent that transfers funds to an apportionment under
10 section 5336 pursuant to subsection (c)(2) shall cer-
11 tify that the project for which the funds are re-
12 quested under this section has been coordinated with
13 nonprofit providers of services.

14 “(3) PROJECT SELECTION AND PLANNING.—A
15 recipient of funds under this section shall certify
16 that—

17 “(A) the projects selected were derived
18 from a locally developed, coordinated public
19 transit-human services transportation plan; and

20 “(B) the plan was developed through a
21 process that included representatives of public,
22 private, and nonprofit transportation and
23 human services providers and participation by
24 the public.

25 “(g) GOVERNMENT’S SHARE OF COSTS.—

1 “(1) CAPITAL PROJECTS.—A grant for a capital
2 project under this section may not exceed 80 percent
3 of the net capital costs of the project, as determined
4 by the Secretary.

5 “(2) OPERATING ASSISTANCE.—A grant made
6 under this section for operating assistance may not
7 exceed 50 percent of the net operating costs of the
8 project, as determined by the Secretary.

9 “(3) REMAINDER.—The remainder of the net
10 project costs—

11 “(A) may be provided from an undistrib-
12 uted cash surplus, a replacement or deprecia-
13 tion cash fund or reserve, a service agreement
14 with a State or local social service agency or a
15 private social service organization, or new cap-
16 ital; and

17 “(B) may be derived from amounts appro-
18 priated to or made available to a department or
19 agency of the Government (other than the De-
20 partment of Transportation) that are eligible to
21 be expended for transportation.

22 “(4) USE OF CERTAIN FUNDS.—For purposes
23 of paragraph (3)(B), the prohibitions on the use of
24 funds for matching requirements under section
25 403(a)(5)(C)(vii) of the Social Security Act (42

1 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
2 or State funds to be used for transportation pur-
3 poses.

4 “(5) LIMITATION ON OPERATING ASSIST-
5 ANCE.—A recipient carrying out a program of oper-
6 ating assistance under this section may not limit the
7 level or extent of use of the Government grant for
8 the payment of operating expenses.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 chapter 53 is amended by inserting after the item relating
11 to section 5316 the following:

“5317. New freedom program.”.

12 **SEC. 3019. BUS TESTING FACILITY.**

13 (a) IN GENERAL.—Section 5318 is amended—

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

16 “(a) FACILITY.—The Secretary of Transportation
17 shall maintain one facility for testing a new bus model
18 for maintainability, reliability, safety, performance (in-
19 cluding braking performance), structural integrity, fuel
20 economy, emissions, and noise.”;

21 (2) in subsection (d) by striking “under section
22 5309(m)(1)(C) of this title” and inserting “to carry
23 out this section”; and

24 (3) by striking subsection (e) and inserting the
25 following:

1 “(e) ACQUIRING NEW BUS MODELS.—Amounts ap-
2 propriated or made available under this chapter may be
3 obligated or expended to acquire a new bus model only
4 if a bus of that model has been tested at the facility main-
5 tained by the Secretary under subsection (a).”.

6 (b) CONFORMING AMENDMENT.—Section 5323(c) is
7 repealed.

8 **SEC. 3020. BICYCLE FACILITIES.**

9 The first sentence of section 5319 is amended—

10 (1) by striking “5309(h),” and inserting
11 “5309(g),”; and

12 (2) by striking “and 5311” and inserting
13 “5311, and 5320”.

14 **SEC. 3021. TRANSIT IN THE PARKS PILOT PROGRAM.**

15 (a) IN GENERAL.—Section 5320 of title 49, United
16 States Code, is amended to read as follows:

17 **“§ 5320. Transit in the parks pilot program**

18 “(a) PUBLIC TRANSPORTATION DEFINED.—In this
19 section, the term ‘public transportation’ means general or
20 special transportation to the public by a conveyance that
21 is publicly or privately owned. Such term does not include
22 schoolbus or charter transportation but does include sight-
23 seeing transportation.

24 “(b) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of the Federal Public Transpor-

1 tation Act of 2004, the Secretary of Transportation and
2 the Secretary of the Interior shall enter into a memo-
3 randum of understanding to establish a transit in the
4 parks pilot program in accordance with the requirements
5 of this section.

6 “(c) PURPOSE.—The purpose of the pilot program
7 shall be to encourage and promote the development of
8 transportation systems described in section 5301(a) within
9 units of the National Park System to improve visitor mo-
10 bility and enjoyment (including visitors with disabilities),
11 reduce pollution and congestion, and enhance resource
12 protection through the use of public transportation.

13 “(d) ADMINISTRATION OF PROGRAM.—The program
14 shall be administered by the Secretary of Transportation,
15 in consultation with the Secretary of the Interior.

16 “(e) MEMORANDUM OF UNDERSTANDING.—

17 “(1) PLANNING.—The memorandum of under-
18 standing under subsection (b) shall include transpor-
19 tation planning procedures that are consistent with
20 the metropolitan and statewide planning processes
21 required under chapter 52.

22 “(2) PROGRAMS.—The memorandum of under-
23 standing shall include descriptions of programs and
24 activities eligible for assistance under the pilot pro-
25 gram.

1 “(3) EXCEPTIONS.—The memorandum of un-
2 derstanding shall limit or modify the applicability of
3 the provisions referred to in subsection (f) to the ex-
4 tent necessary to carry out the objectives of this sec-
5 tion and to be compatible with the laws and regula-
6 tions governing units of the National Park System.

7 “(f) ELIGIBLE USE OF FUNDS.—Except as provided
8 under subsection (e)(3), the Secretary may provide funds
9 made available to carry out this section to the Secretary
10 of the Interior under interagency agreements for the fol-
11 lowing purposes:

12 “(1) PLANNING, ENGINEERING, DESIGN, AND
13 EVALUATION.—Planning, engineering, design, and
14 evaluation of public transportation projects in units
15 of the National Park System, and for technical stud-
16 ies, in accordance with section 5305(b)(2).

17 “(2) PUBLIC TRANSPORTATION CAPITAL
18 PROJECTS.—Public transportation capital projects
19 (as defined in section 5302(a)(1)) for such units in
20 accordance with all the terms and conditions to
21 which a grant is made under subsections (a), (b),
22 (c), and (d) of section 5307 and such other terms
23 and conditions as are determined by the Secretary.
24 The Secretary of the Interior shall act as the des-

1 ignated recipient for the purposes of subsection
2 (a)(2) of section 5307.

3 “(3) OPERATING COSTS.—Operating costs of
4 equipment and facilities used in public transpor-
5 tation for such units.

6 “(g) GOVERNMENT SHARE OF COSTS.—

7 “(1) CAPITAL PROJECTS.—The Government
8 share of the cost of any capital project or activity
9 under this section shall be 100 percent of the costs
10 of the project, as determined by the Secretary.

11 “(2) OPERATING ASSISTANCE.—A grant made
12 under this section for operating assistance may not
13 exceed 50 percent of the net operating costs of the
14 project, as determined by the Secretary.

15 “(h) SAVINGS CLAUSE.—Nothing in this section shall
16 be construed as superseding, amending, modifying, or re-
17 pealing any provision of law applicable to units of the Na-
18 tional Park System.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 such chapter is further amended by inserting after the
21 item relating to section 5319 the following:

“5320. Transit in the parks pilot program.”.

22 **SEC. 3022. HUMAN RESOURCE PROGRAMS.**

23 Section 5322 is amended—

24 (1) by inserting “(a) IN GENERAL.—” before
25 “The Secretary”; and

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

2 “(b) GRANTS TO HIGHER LEARNING INSTITU-
3 TIONS.—

4 “(1) AUTHORITY TO MAKE GRANTS.—The Sec-
5 retary may make grants to nonprofit institutions of
6 higher learning—

7 “(A) to conduct research and investiga-
8 tions into the theoretical or practical problems
9 of public transportation; and

10 “(B) to train individuals to conduct fur-
11 ther research or obtain employment in an orga-
12 nization that plans, builds, operates, or man-
13 ages a public transportation system.

14 “(2) RESEARCH AND INVESTIGATIONS.—Re-
15 search and investigations under this subsection in-
16 clude—

17 “(A) the design and use of public transpor-
18 tation systems and public roads and highways;

19 “(B) the interrelationship between various
20 modes of urban, suburban, rural, and intercity
21 transportation;

22 “(C) the role of transportation planning in
23 overall urban planning;

24 “(D) public preferences in transportation;

1 “(E) the economic allocation of transpor-
2 tation resources; and

3 “(F) the legal, financial, engineering, and
4 esthetic aspects of public transportation.

5 “(3) PREFERENCE.—When making a grant
6 under this subsection, the Secretary shall give pref-
7 erence to an institution that brings together knowl-
8 edge and expertise in the various social science and
9 technical disciplines related to public transportation
10 problems.

11 “(c) FELLOWSHIPS.—

12 “(1) AUTHORITY TO MAKE GRANTS.—The Sec-
13 retary may make grants to States, local govern-
14 mental authorities, and operators of public transpor-
15 tation systems to provide fellowships to train per-
16 sonnel employed in managerial, technical, and pro-
17 fessional positions in the public transportation field.

18 “(2) TERMS.—

19 “(A) PERIOD OF TRAINING.—A fellowship
20 under this subsection may be for not more than
21 one year of training in an institution that offers
22 a program applicable to the public transpor-
23 tation industry.

24 “(B) SELECTION OF INDIVIDUALS.—The
25 recipient of the grant shall select an individual

1 on the basis of demonstrated ability and for the
2 contribution the individual reasonably can be
3 expected to make to an efficient public trans-
4 portation operation.

5 “(C) AMOUNT.—A grant for a fellowship
6 may not be more than the lesser of \$65,000 or
7 75 percent of—

8 “(i) tuition and other charges to the
9 fellowship recipient;

10 “(ii) additional costs incurred by the
11 training institution and billed to the grant
12 recipient; and

13 “(iii) the regular salary of the fellow-
14 ship recipient for the period of the fellow-
15 ship to the extent the salary is actually
16 paid or reimbursed by the grant recipi-
17 ent.”.

18 **SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.**

19 (a) INTERESTS IN PROPERTY.—Section 5323(a)(1) is
20 amended—

21 (1) in the matter preceding subparagraph (A)—

22 (A) by striking “private mass transpor-
23 tation company” each place it appears and in-
24 serting “private company engaged in public
25 transportation”;

1 (B) by striking “mass transportation
2 equipment or a mass transportation facility”
3 and inserting “a public transportation facility
4 or equipment”; and

5 (C) by striking “mass transportation com-
6 pany” and inserting “public transportation
7 company”; and

8 (2) in subparagraph (B) by striking “private
9 mass transportation companies” and inserting “pri-
10 vate companies engaged in public transportation”.

11 (b) NOTICE AND PUBLIC HEARING.—Section
12 5323(b) is amended—

13 (1) in paragraph (1)—

14 (A) by striking “(1) An application” and
15 inserting the following:

16 “(1) APPLICATIONS.—An application”;

17 (B) in the matter preceding subparagraph

18 (A) by striking “or loan”; and

19 (C) by moving subparagraphs (A) through

20 (D) 2 ems to the right;

21 (2) in paragraph (2) by striking “(2) Notice of”

22 and inserting the following:

23 “(2) NOTICE.—Notice of”; and

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

1 “(3) ENVIRONMENTAL RECORD.—An applicant
2 shall include in the environmental record for a
3 project under this chapter evidence that the appli-
4 cant has complied with the requirements of subpara-
5 graphs (A) through (D) of paragraph (1).”.

6 (c) CONDITION ON CHARTER BUS TRANSPORTATION
7 SERVICE.—Section 5323(d) is amended—

8 (1) by striking “(1) Financial assistance” and
9 inserting the following:

10 “(1) AGREEMENTS.—Financial assistance”; and

11 (2) by striking paragraph (2) and inserting the
12 following:

13 “(2) VIOLATIONS.—

14 “(A) INVESTIGATIONS.—On receiving a
15 complaint about a violation of the agreement
16 required under paragraph (1), the Secretary
17 shall investigate and decide whether a violation
18 has occurred.

19 “(B) ENFORCEMENT OF AGREEMENTS.—If
20 the Secretary decides that a violation has oc-
21 curred, the Secretary shall correct the violation
22 under terms of the agreement.

23 “(C) ADDITIONAL REMEDIES.—In addition
24 to any remedy specified in the agreement, the
25 Secretary shall bar a recipient or an operator

1 from receiving Federal transit assistance in an
2 amount the Secretary considers appropriate if
3 the Secretary finds a pattern of violations of
4 the agreement.”.

5 (d) BOND PROCEEDS ELIGIBLE FOR LOCAL
6 SHARE.—Section 5323(e) is amended to read as follows:

7 “(e) BOND PROCEEDS ELIGIBLE FOR LOCAL
8 SHARE.—

9 “(1) USE AS LOCAL MATCHING FUNDS.—Not-
10 withstanding any other provision of law, a recipient
11 of assistance under section 5307 or 5309 may use
12 the proceeds from the issuance of revenue bonds as
13 part of the local matching funds for a capital
14 project.

15 “(2) MAINTENANCE OF EFFORT.—The Sec-
16 retary shall approve of the use of the proceeds from
17 the issuance of revenue bonds for the remainder of
18 the net project cost only if the Secretary finds that
19 the aggregate amount of financial support for public
20 transportation in the urbanized area provided by the
21 State and affected local governmental authorities
22 during the next 3 fiscal years, as programmed in the
23 State transportation improvement program under
24 chapter 52 is not less than the aggregate amount
25 provided by the State and affected local govern-

1 mental authorities in the urbanized area during the
2 preceding 3 fiscal years.

3 “(3) DEBT SERVICE RESERVE.—The Secretary
4 may reimburse an eligible recipient for deposits of
5 bond proceeds in a debt service reserve that recipient
6 established pursuant to section 5302(a)(1)(K) from
7 amounts made available to the recipient under sec-
8 tion 5307 or 5309, or both; except that such reim-
9 bursement in a fiscal year may not exceed 10 per-
10 cent of the amounts made available to the recipient
11 under section 5307 in such fiscal year.”.

12 (e) SCHOOLBUS TRANSPORTATION.—Section 5323(f)
13 is amended—

14 (1) by striking “(1) Financial assistance” and
15 inserting the following:

16 “(1) AGREEMENTS.—Financial assistance”;

17 (2) in paragraph (1) by moving subparagraphs
18 (A), (B), and (C) 2 ems to the right; and

19 (3) by striking paragraph (2) and inserting the
20 following:

21 “(2) VIOLATIONS.—If the Secretary finds that
22 an applicant, governmental authority, or publicly
23 owned operator has violated the agreement required
24 under paragraph (1), the Secretary shall bar a re-
25 cipient or an operator from receiving Federal transit

1 assistance in an amount the Secretary considers ap-
2 propriate.”.

3 (f) BUYING BUSES UNDER OTHER LAWS.—Section
4 5323(g) is amended by striking “103(e)(4)” each place
5 it appears and inserting “133”.

6 (g) BUY AMERICA.—Section 5323(j)(5) is amended
7 by striking “the Intermodal Surface Transportation Effi-
8 ciency Act of 1991 (Public Law 102–240, 105 Stat.
9 1914)” and inserting “the Federal Public Transportation
10 Act of 2004”.

11 (h) RELATIONSHIP TO OTHER LAWS.—Section
12 5323(l) is amended to read as follows:

13 “(l) RELATIONSHIP TO OTHER LAWS.—Section 1001
14 of title 18 applies to a certificate, submission, or statement
15 provided under this chapter. The Secretary may terminate
16 financial assistance under this chapter and seek reim-
17 bursement directly, or by offsetting amounts, available
18 under this chapter, when a false or fraudulent statement
19 or related act within the meaning of section 1001 is made
20 in connection with a Federal transit program.”.

21 (i) GRANT REQUIREMENTS.—Section 5323(o) is
22 amended by striking “the Transportation Infrastructure
23 Finance and Innovation Act of 1998” and inserting
24 “chapter 6 (other than section 609) of title 23”.

1 (j) TRANSFER OF LANDS OR INTERESTS IN LANDS
2 OWNED BY THE UNITED STATES.—Section 5323 is
3 amended by adding at the end the following:

4 “(p) TRANSFER OF LANDS OR INTERESTS IN LANDS
5 OWNED BY THE UNITED STATES.—

6 “(1) IDENTIFICATION OF LANDS NECESSARY
7 FOR TRANSIT PURPOSES.—If the Secretary deter-
8 mines that any part of the lands or interests in
9 lands owned by the United States and made avail-
10 able as a result of a military base closure is nec-
11 essary for public transportation purposes eligible
12 under this chapter, including corridor preservation,
13 the Secretary shall file with the Secretary of the De-
14 partment supervising the administration of such
15 lands or interests in lands a map showing the por-
16 tion of such lands or interests in lands which is de-
17 sired to be transferred for public transportation pur-
18 poses.

19 “(2) DEADLINE FOR CERTIFICATION.—If, with-
20 in 4 months of such filing, the Secretary of such De-
21 partment has not certified to the Secretary that the
22 proposed transfer of such land is contrary to the
23 public interest or inconsistent with the purposes for
24 which such land has been reserved or has agreed to
25 the transfer under conditions that the Secretary of

1 such Department considers necessary for the ade-
2 quate protection and utilization of the reserve, then
3 such land and materials may be appropriated and
4 transferred to a State, or local government, or public
5 transportation operator for such purposes and sub-
6 ject to the conditions so specified.

7 “(3) REVERSION.—If at any time such lands
8 are no longer needed for public transportation pur-
9 poses, notice shall be given to the Secretary by the
10 State, local government, or public transportation op-
11 erator that received the land, and such lands shall
12 immediately revert to the control of the Secretary of
13 the Department from which the land was originally
14 transferred.”.

15 **SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.**

16 (a) IN GENERAL.—Section 5324 is amended to read
17 as follows:

18 **“§ 5324. Special provisions for capital projects**

19 “(a) RELOCATION PROGRAM REQUIREMENTS.—Fi-
20 nancial assistance may be provided under section 5309
21 only if the Secretary decides that—

22 “(1) an adequate relocation program is being
23 carried out for families displaced by a project; and

24 “(2) an equal number of decent, safe, and sani-
25 tary dwellings are being, or will be, provided to those

1 families in the same area or in another area gen-
2 erally not less desirable for public utilities and public
3 and commercial facilities, at rents or prices within
4 the financial means of those families, and with rea-
5 sonable access to their places of employment.

6 “(b) ADVANCE REAL PROPERTY ACQUISITIONS.—

7 [Reserved.]

8 “(c) CONSIDERATION OF ECONOMIC, SOCIAL, AND
9 ENVIRONMENTAL INTERESTS.—

10 “(1) COOPERATION AND CONSULTATION.—In
11 carrying out the policy of section 5301(e), the Sec-
12 retary shall cooperate and consult with the Secre-
13 taries of the Interior, Health and Human Services,
14 and Housing and Urban Development and the Ad-
15 ministrator of the Environmental Protection Agency
16 on each project that may have a substantial impact
17 on the environment.

18 “(2) PUBLIC PARTICIPATION IN ENVIRON-
19 MENTAL REVIEWS.—In performing environmental
20 reviews, the Secretary shall review each transcript of
21 a hearing submitted under section 5323(b) to estab-
22 lish that an adequate opportunity to present views
23 was given to all parties having a significant eco-
24 nomic, social, or environmental interest in the

1 project, and that the project application includes a
2 record of—

3 “(A) the environmental impact of the pro-
4 posal;

5 “(B) adverse environmental effects that
6 cannot be avoided;

7 “(C) alternatives to the proposal; and

8 “(D) irreversible and irretrievable impacts
9 on the environment.

10 “(3) APPROVAL OF APPLICATIONS FOR ASSIST-
11 ANCE.—

12 “(A) FINDINGS BY THE SECRETARY.—The
13 Secretary may approve an application for finan-
14 cial assistance for a capital project in accord-
15 ance with this chapter only if the Secretary
16 makes written findings, after reviewing the ap-
17 plication and the transcript of any hearing held
18 before a State or local governmental authority
19 under section 5323(b), that—

20 “(i) an adequate opportunity to
21 present views was given to all parties hav-
22 ing a significant economic, social, or envi-
23 ronmental interest;

24 “(ii) the preservation and enhance-
25 ment of the environment and the interest

1 of the community in which the project is
2 located were considered; and

3 “(iii) no adverse environmental effect
4 is likely to result from the project, or no
5 feasible and prudent alternative to the ef-
6 fect exists and all reasonable steps have
7 been taken to minimize the effect.

8 “(B) HEARING.—If a hearing has not been
9 conducted or the Secretary decides that the
10 record of the hearing is inadequate for making
11 the findings required by this subsection, the
12 Secretary shall conduct a hearing on an envi-
13 ronmental issue raised by the application after
14 giving adequate notice to interested persons.

15 “(C) AVAILABILITY OF FINDINGS.—The
16 Secretary’s findings under subparagraph (A)
17 shall be made a matter of public record.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
19 chapter 53 is amended by striking the item relating to
20 section 5324 and inserting the following:

“5324. Special provisions for capital projects.”.

21 **SEC. 3025. CONTRACT REQUIREMENTS.**

22 (a) IN GENERAL.—Section 5325 is amended—

23 (1) by striking subsections (a) and (b) and in-
24 serting the following:

1 “(a) COMPETITION.—Recipients of Federal assist-
2 ance under this chapter shall conduct all procurement
3 transactions involving such assistance in a manner pro-
4 viding full and open competition, as determined by the
5 Secretary.

6 “(b) ARCHITECTURAL, ENGINEERING, AND DESIGN
7 CONTRACTS.—

8 “(1) PROCEDURES FOR AWARDING CON-
9 TRACT.—A contract or requirement for program
10 management, architectural engineering, construction
11 management, a feasibility study, and preliminary en-
12 gineering, design, architectural, engineering, sur-
13 veying, mapping, or related services for a project for
14 which Federal assistance is provided under this
15 chapter shall be awarded in the same way as a con-
16 tract for architectural and engineering services is ne-
17 gotiated under chapter 11 of title 40 or an equiva-
18 lent qualifications-based requirement of a State.

19 “(2) EFFECT OF STATE LAWS.—This sub-
20 section does not apply to the extent a State has
21 adopted, before the date of enactment of the Federal
22 Public Transportation Act of 2004, by law a formal
23 procedure for procuring those services.

24 “(3) ADMINISTRATION OF CONTRACTS.—When
25 awarding such contracts, recipients of assistance

1 under this chapter shall maximize efficiencies of ad-
2 ministration by accepting nondisputed audits con-
3 ducted by other governmental agencies as follows:

4 “(A) PERFORMANCE OF AUDITS.—Any
5 contract or subcontract awarded under this
6 chapter shall be performed and audited in com-
7 pliance with cost principles contained in the
8 Federal Acquisition Regulation (part 31 of title
9 48, Code of Federal Regulations).

10 “(B) INDIRECT COST RATES.—Instead of
11 performing its own audits, a recipient of funds
12 under a contract or subcontract awarded under
13 this chapter shall accept indirect cost rates es-
14 tablished in accordance with the Federal Acqui-
15 sition Regulation for one-year applicable ac-
16 counting periods by a cognizant Federal or
17 State government agency, if such rates are not
18 currently under dispute.

19 “(C) APPLICATION OF RATES.—Once a
20 firm’s indirect cost rates are accepted under
21 this paragraph, the recipient of the funds shall
22 apply such rates for the purposes of contract
23 estimation, negotiation, administration, report-
24 ing, and contract payment and shall not be lim-
25 ited by administrative or de facto ceilings.

1 “(D) PRENOTIFICATION; CONFIDEN-
2 TIALITY OF DATA.—A recipient of funds re-
3 questing or using the cost and rate data de-
4 scribed in paragraph (3) shall notify any af-
5 fected firm before such request or use. Such
6 data shall be confidential and shall not be ac-
7 cessible or provided, in whole or in part, to an-
8 other firm or to any government agency that is
9 not part of the group of agencies sharing cost
10 data under this paragraph, except by written
11 permission of the audited firm. If prohibited by
12 law, such cost and rate data shall not be dis-
13 closed under any circumstances.”; and

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

15 “(d) DESIGN-BUILD SYSTEM PROJECTS.—

16 “(1) DEFINITION.—In this section, the term
17 ‘design-build system project’ means a project under
18 which a recipient enters into a contract with a seller,
19 firm, or consortium of firms to design and build a
20 public transportation system or an operable segment
21 thereof that meets specific performance criteria.
22 Such project may also include an option to finance,
23 or operate for a period of time, the system or seg-
24 ment or any combination of designing, building, op-
25 erating, or maintaining such system or segment.

1 “(2) FINANCIAL ASSISTANCE.—Government fi-
2 nancial assistance under this chapter may be made
3 available for the capital costs of a design-build sys-
4 tem project after the recipient complies with Govern-
5 ment requirements.

6 “(e) MULTIYEAR ROLLING STOCK.—

7 “(1) CONTRACTS.—A recipient procuring roll-
8 ing stock with Government financial assistance
9 under this chapter may make a multiyear contract
10 to buy the rolling stock and replacement parts under
11 which the recipient has an option to buy additional
12 rolling stock or replacement parts for not more than
13 5 years after the date of the original contract.

14 “(2) COOPERATION AMONG RECIPIENTS.—The
15 Secretary shall allow at least 2 recipients to act on
16 a cooperative basis to procure rolling stock in com-
17 pliance with this subsection and other Government
18 procurement requirements.

19 “(f) ACQUIRING ROLLING STOCK.—A recipient of fi-
20 nancial assistance under this chapter may enter into a
21 contract to expend that assistance to acquire rolling
22 stock—

23 “(1) based on—

24 “(A) initial capital costs; or

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

2 “(13) safety and security management.”.

3 (b) LIMITATIONS.—Section 5327(c) is amended to
4 read as follows:

5 “(c) LIMITATIONS.—

6 “(1) LIMITATIONS ON USE OF AVAILABLE
7 AMOUNTS.—The Secretary may use not more than
8 .5 percent of amounts made available for a fiscal
9 year to carry out section 5311, not more than .75
10 percent of amounts made available for a fiscal year
11 to carry out section 5307, and not more than 1 per-
12 cent of amounts made available for a fiscal year to
13 carry out section 5309 to make contracts for the fol-
14 lowing activities:

15 “(A) To oversee the construction of a
16 major project.

17 “(B) To review and audit the safety and
18 security, procurement, management, and finan-
19 cial compliance of a recipient or subrecipient of
20 funds under sections 5307, 5309, and 5311.

21 “(C) To provide technical assistance to
22 correct deficiencies identified in compliance re-
23 views and audits carried out under this section.

24 “(2) LIMITATIONS ON APPLICABILITY.—Sub-
25 sections (a), (b), and (e) do not apply to contracts

1 under this section for activities described in para-
2 graphs (1)(B) and (1)(C).

3 “(3) GOVERNMENT’S SHARE OF COSTS.—The
4 Government shall pay the entire cost of carrying out
5 a contract under this subsection.”.

6 **SEC. 3027. INVESTIGATIONS OF SAFETY AND HAZARDS.**

7 (a) IN GENERAL.—Section 5329 is amended to read
8 as follows:

9 **“§ 5329. Investigation of safety and hazards**

10 “(a) IN GENERAL.—The Secretary may investigate
11 safety and security risks associated with a condition in
12 equipment, a facility, or an operation financed under this
13 chapter that the Secretary believes causes a serious hazard
14 of death or injury to establish the nature and extent of
15 the condition and how to eliminate, mitigate, or correct
16 it.

17 “(b) PLANS FOR ELIMINATING, MITIGATING, OR
18 CORRECTING HAZARDS.—If the Secretary establishes that
19 a condition causes a hazard, the Secretary shall require
20 the local governmental authority receiving amounts under
21 this chapter to submit a plan for eliminating, mitigating,
22 or correcting it.

23 “(c) WITHHOLDING FINANCIAL ASSISTANCE.—Fi-
24 nancial assistance under this chapter, in an amount to be

1 determined by the Secretary, may be withheld until a plan
2 is approved and carried out.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 chapter 53 is amended by striking the item relating to
5 section 5329 and inserting the following:

“5329. Investigation of safety and hazards.”.

6 **SEC. 3028. STATE SAFETY OVERSIGHT.**

7 (a) IN GENERAL.—Section 5330 is amended—

8 (1) by striking the section heading and all that
9 follows through subsection (a) and inserting the fol-
10 lowing:

11 **“§ 5330. State safety oversight**

12 “(a) APPLICATION.—This section applies only to—

13 “(1) States that have rail fixed guideway public
14 transportation systems not subject to regulation by
15 the Federal Railroad Administration; and

16 “(2) States that are designing rail fixed guide-
17 way public transportation systems that will not be
18 subject to regulation by the Federal Railroad Ad-
19 ministration.”;

20 (2) in subsection (d) by inserting “shall ensure
21 uniform safety standards and enforcement and”
22 after “affected States”; and

23 (3) by striking subsection (f).

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 53 is amended by striking the item relating to
3 section 5330 and inserting the following:

“5330. State safety oversight.”.

4 **SEC. 3029. CONTROLLED SUBSTANCES AND ALCOHOL MIS-**
5 **USE TESTING.**

6 (a) DEFINITIONS.—Section 5331(a)(3) is amended
7 by inserting after “title” the following: “or section 2303a,
8 7101(i), or 7302(e) of title 46. The Secretary may also
9 decide that a form of public transportation is covered ade-
10 quately, for employee alcohol and controlled substances
11 testing purposes, under the alcohol and controlled sub-
12 stance statutes or regulations of an agency within the De-
13 partment of Transportation or the Coast Guard.”.

14 (b) TECHNICAL CORRECTIONS.—Subsections (b)(1)
15 and (g) of section 5331 are each amended by striking “or
16 section 103(e)(4) of title 23”.

17 (c) REGULATIONS.—Section 5331(f) is amended by
18 striking paragraph (3).

19 **SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS.**

20 Section 5333(b)(1) is amended by striking “5318(d),
21 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)”
22 each place it appears and inserting “5316, 5317, 5318,
23 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, and
24 5338(b)”.

1 **SEC. 3031. ADMINISTRATIVE PROCEDURES.**

2 Section 5334 is amended—

3 (1) in subsection (a)—

4 (A) by striking “and” at the end of para-
5 graph (9);

6 (B) by striking the period at the end of
7 paragraph (10) and inserting “; and”; and

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

9 “(11) issue regulations as necessary to carry
10 out the purposes of this chapter.”;

11 (2) by striking subsection (i);

12 (3) by redesignating subsections (b) through (h)
13 as subsections (c) through (i), respectively;

14 (4) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) PROHIBITIONS AGAINST REGULATING OPER-
17 ATIONS AND CHARGES.—

18 “(1) IN GENERAL.—Except for purposes of na-
19 tional defense or in the event of a national or re-
20 gional emergency, the Secretary may not regulate
21 the operation, routes, or schedules of a public trans-
22 portation system for which a grant is made under
23 this chapter, nor may the Secretary regulate the
24 rates, fares, tolls, rentals, or other charges pre-
25 scribed by any provider of public transportation.

1 “(2) LIMITATION ON STATUTORY CONSTRUC-
2 TION.—Nothing in this subsection shall be construed
3 to prevent the Secretary from requiring a recipient
4 of funds under this chapter to comply with the
5 terms and conditions of its Federal assistance agree-
6 ment.”; and

7 (5) in subsection (c)(4) (as so redesignated)—

8 (A) by striking “subsections (h) and (i)”
9 and inserting “subsection (i)”; and

10 (B) by striking “5323(c), 5323(e),
11 5324(c),”.

12 **SEC. 3032. NATIONAL TRANSIT DATABASE.**

13 (a) IN GENERAL.—Section 5335 is amended—

14 (1) by striking the section heading and insert-
15 ing the following:

16 **“§ 5335. National transit database”;**

17 (2) by striking subsection (b); and

18 (3) in subsection (a)—

19 (A) by striking “(1) To help” and insert-
20 ing “To help”; and

21 (B) by striking “(2) The Secretary” and
22 inserting “(b) REPORTING AND UNIFORM SYS-
23 TEMS.—The Secretary”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 53 is amended by striking the item relating to
3 section 5335 and inserting the following:

“5335. National transit database.”.

4 **SEC. 3033. APPORTIONMENTS BASED ON FIXED GUIDEWAY**
5 **FACTORS.**

6 (a) DISTRIBUTION.—Section 5337 is amended by
7 striking the section designation and all that follows before
8 paragraph (1) of subsection (a) and inserting the fol-
9 lowing:

10 **“§ 5337. Apportionment based on fixed guideway fac-**
11 **tors**

12 “(a) DISTRIBUTION.—The Secretary shall apportion
13 amounts made available for fixed guideway modernization
14 under section 5338(b) as follows:”.

15 (b) ROUTE SEGMENTS TO BE INCLUDED IN APPOR-
16 TIONMENT FORMULAS.—Section 5337(e) is amended by
17 striking paragraph (1) and all that follows through “(2)
18 OTHER STANDARDS.—”.

19 (c) CONFORMING AMENDMENT.—The item relating
20 to section 5337 in the table of sections for chapter 53 is
21 amended to read as follows:

“5337. Apportionment based on fixed guideway factors.”.

22 **SEC. 3034. AUTHORIZATIONS.**

23 Section 5338 is amended to read as follows:

1 **“§ 5338. Authorizations**

2 “(a) FORMULA GRANTS.—

3 “(1) FISCAL YEAR 2004.—

4 “(A) FROM TRUST FUND.—There shall be
5 available from the Mass Transit Account of the
6 Highway Trust Fund to carry out sections
7 5307, 5310, 5311, 5316, 5317, and 5320 of
8 this chapter, 1118(c) of the Transportation Eq-
9 uity Act: A Legacy for Users (relating to the
10 nonmotorized transportation pilot program),
11 and section 3038 of the Transportation Equity
12 Act for the 21st Century (49 U.S.C. 5310 note;
13 112 Stat. 392–393) \$3,582,400,000 for fiscal
14 year 2004.

15 “(B) FROM GENERAL FUND.—In addition
16 to amounts made available under subparagraph
17 (A), there are authorized to be appropriated to
18 carry out sections 5307, 5310, 5311, 5316, and
19 5317, of this chapter, 1118(c) of the Transpor-
20 tation Equity Act: A Legacy for Users (relating
21 to the nonmotorized transportation pilot pro-
22 gram) and section 3038 of the Transportation
23 Equity Act for the 21st Century (49 U.S.C.
24 5310 note; 112 Stat. 392–393) \$885,700,000
25 for fiscal year 2004.

1 “(C) ALLOCATION OF FUNDS.—Of the ag-
2 gregate of amounts made available by and ap-
3 propriated under this paragraph for a fiscal
4 year—

5 “(i) \$4,849,950 shall be available to
6 the Alaska Railroad for improvements to
7 its passenger operations under section
8 5307;

9 “(ii) \$175,000,000 shall be available
10 to provide job access and reverse commute
11 formula grants under section 5316;

12 “(iii) \$100,000,000 shall be available
13 to carry out the New Freedom program
14 under section 5317;

15 “(iv) \$100,000,000 shall be available
16 to provide clean fuels formula grants under
17 section 5308;

18 “(v) \$10,000,000 shall be available to
19 carry out the transit in the parks pilot pro-
20 gram under section 5320;

21 “(vi) \$5,000,000 shall be available to
22 carry out the nonmotorized transportation
23 pilot program under section 1118(c) of the
24 Transportation Equity Act: A Legacy for
25 Users;

1 “(vii) \$10,000,000 shall be available
2 to provide over-the-road bus accessibility
3 grants under section 3038 of the Trans-
4 portation Equity Act for the 21st Century
5 (49 U.S.C. 5310 note);

6 “(viii) \$100,503,751 shall be available
7 to provide transportation services to elderly
8 individuals and individuals with disabilities
9 under section 5310;

10 “(ix) \$321,612,004 shall be available
11 to provide financial assistance for other
12 than urbanized areas under section 5311;
13 and

14 “(x) \$3,598,034,295 shall be available
15 to provide financial assistance for urban-
16 ized areas under section 5307, subject to
17 section 3041(h) of the Federal Public
18 Transportation Act of 2004.

19 “(2) FISCAL YEARS 2005 THROUGH 2009.—

20 “(A) FROM TRUST FUND.—There shall be
21 available from the Mass Transit Account of the
22 Highway Trust Fund to carry out sections
23 5307, 5308, 5310, 5311, 5316, 5317, 5318,
24 and 5320 of this chapter, section 3038 of the
25 Transportation Equity Act for the 21st Century

1 (49 U.S.C. 5310 note; 112 Stat. 392–393), and
2 section 1118(c) of the Transportation Equity
3 Act: A Legacy for Users (relating to the non-
4 motorized transportation pilot program)—

5 “(i) \$5,249,750,000 for fiscal year
6 2005;

7 “(ii) \$5,908,750,000 for fiscal year
8 2006;

9 “(iii) \$6,623,500,000 for fiscal year
10 2007;

11 “(iv) \$7,282,500,000 for fiscal year
12 2008; and

13 “(v) \$8,053,000,000 for fiscal year
14 2009.

15 “(B) ALLOCATION OF FUNDS FOR CLEAN
16 FUELS FORMULA GRANTS, BUS TESTING, OVER-
17 THE-ROAD BUS ACCESSIBILITY, AND ALASKA
18 RAILROAD.—Of the aggregate of amounts made
19 available by this paragraph for a fiscal year—

20 “(i) \$100,000,000 shall be available
21 to carry out section 5308;

22 “(ii) \$3,500,000 shall be available to
23 carry out section 5318;

24 “(iii) \$10,000,000 shall be available
25 to carry out section 3038 of the Transpor-

1 tation Equity Act for the 21st Century (49
2 U.S.C. 5310 note); and

3 “(iv) \$4,849,950 shall be available to
4 the Alaska Railroad for improvements to
5 its passenger operations under section
6 5307.

7 “(C) ALLOCATION OF FUNDS FOR JOB AC-
8 CESS AND REVERSE COMMUTE FORMULA
9 GRANTS.—Of the aggregate of amounts made
10 available by this paragraph, \$185,000,000 for
11 fiscal year 2005, \$195,000,000 for fiscal year
12 2006, \$205,000,000 for fiscal year 2007,
13 \$215,000,000 for fiscal year 2008, and
14 \$225,000,000 for fiscal year 2009 shall be
15 available to carry out section 5316.

16 “(D) ALLOCATION OF FUNDS FOR NEW
17 FREEDOM PROGRAM.—Of the aggregate of
18 amounts made available by this paragraph,
19 \$120,000,000 for fiscal year 2005,
20 \$125,000,000 for fiscal year 2006,
21 \$150,000,000 for fiscal year 2007,
22 \$150,000,000 for fiscal year 2008, and
23 \$175,000,000 for fiscal year 2009 shall be
24 available to carry out section 5317.

1 “(E) ALLOCATION OF FUNDS FOR TRANSIT
2 IN THE PARKS PILOT PROGRAM.—Of the aggregate
3 of amounts made available by this paragraph,
4 \$10,000,000 for fiscal year 2005,
5 \$20,000,000 for fiscal year 2006, \$20,000,000
6 for fiscal year 2007, \$20,000,000 for fiscal year
7 2008, and \$20,000,000 for fiscal year 2009
8 shall be available to carry out section 5320.

9 “(F) ALLOCATION OF FUNDS FOR NON-
10 MOTORIZED TRANSPORTATION PILOT PROGRAM.—Of the aggregate of amounts made
11 available by this paragraph, \$5,000,000 for fiscal
12 year 2005, \$5,000,000 for fiscal year 2006,
13 \$10,000,000 for fiscal year 2007, \$10,000,000
14 for fiscal year 2008, and \$10,000,000 for fiscal
15 year 2009 shall be available to carry out section
16 1118(c) of the Transportation Equity Act: A
17 Legacy for Users (relating to the nonmotorized
18 transportation pilot program).

19 “(G) REMAINDER.—Of the remainder of
20 the aggregate amounts made available by this
21 paragraph for a fiscal year after the allocations
22 under subparagraphs (B) through (F) for such
23 fiscal year—
24

1 “(i) 2.5 percent shall be available to
2 provide transportation services to elderly
3 individuals and individuals with disabilities
4 under section 5310;

5 “(ii) 8.0 percent shall be available to
6 provide financial assistance for other than
7 urbanized areas under section 5311; and

8 “(iii) 89.5 percent shall be available to
9 provide financial assistance for urbanized
10 areas under section 5307, subject to sec-
11 tion 3041(h) of the Federal Public Trans-
12 portation Act of 2004.

13 “(b) CAPITAL PROGRAM GRANTS.—

14 “(1) FISCAL YEAR 2004.—

15 “(A) FROM TRUST FUND.—There shall be
16 available from the Mass Transit Account of the
17 Highway Trust Fund to carry out section 5309,
18 \$2,820,800,000 for fiscal year 2004.

19 “(B) FROM GENERAL FUND.—In addition
20 to amounts made available by subparagraph
21 (A), there is authorized to be appropriated to
22 carry out section 5309, \$705,200,000 for fiscal
23 year 2004.

24 “(2) FISCAL YEARS 2005 THROUGH 2009.—

1 “(A) FROM TRUST FUND.—There shall be
2 available from the Mass Transit Account of the
3 Highway Trust Fund to carry out section
4 5309—

5 “(i) \$2,394,600,000 for fiscal year
6 2005;

7 “(ii) \$2,686,200,000 for fiscal year
8 2006;

9 “(iii) \$3,003,600,000 for fiscal year
10 2007;

11 “(iv) \$3,295,200,000 for fiscal year
12 2008; and

13 “(v) \$3,638,400,000 for fiscal year
14 2009.

15 “(B) FROM GENERAL FUND.—In addition
16 to amounts made available by subparagraph
17 (A), there are authorized to be appropriated to
18 carry out section 5309—

19 “(i) \$1,776,400,000 for fiscal year
20 2005;

21 “(ii) \$2,000,800,000 for fiscal year
22 2006;

23 “(iii) \$2,242,400,000 for fiscal year
24 2007;

1 “(iv) \$2,466,800,000 for fiscal year
2 2008; and

3 “(v) \$2,725,600,000 for fiscal year
4 2009.

5 “(C) SMALL CAPITAL PROJECTS.—Before
6 allocating under section 5309(m) amounts ap-
7 propriated under subparagraphs (A) and (B),
8 the Secretary shall make available for capital
9 investment grants of less than \$75,000,000
10 under section 5309(d)—

11 “(i) \$150,000,000 for fiscal year
12 2004;

13 “(ii) \$180,000,000 for fiscal year
14 2005;

15 “(iii) \$210,000,000 for fiscal year
16 2006;

17 “(iv) \$240,000,000 for fiscal year
18 2007;

19 “(v) \$270,000,000 for fiscal year
20 2008; and

21 “(vi) \$300,000,000 for fiscal year
22 2009.

23 “(c) PLANNING.—

24 “(1) FISCAL YEAR 2004.—

1 “(A) FROM TRUST FUND.—There shall be
2 available from the Mass Transit Account of the
3 Highway Trust Fund to carry out sections
4 5303, 5304, and 5305, \$82,000,000 for fiscal
5 year 2004.

6 “(B) FROM GENERAL FUND.—In addition
7 to amounts made available by subparagraph
8 (A), there is authorized to be appropriated to
9 carry out sections 5303, 5304, and 5305,
10 \$20,500,000 for fiscal year 2004.

11 “(2) FISCAL YEARS 2005 THROUGH 2009.—

12 “(A) FROM THE TRUST FUND.—There
13 shall be available from the Mass Transit Ac-
14 count of the Highway Trust Fund to carry out
15 sections 5303, 5304, and 5305—

16 “(i) \$121,250,000 for fiscal year
17 2005;

18 “(ii) \$136,250,000 for fiscal year
19 2006;

20 “(iii) \$152,500,000 for fiscal year
21 2007;

22 “(iv) \$167,500,000 for fiscal year
23 2008; and

24 “(v) \$185,000,000 for fiscal year
25 2009.

1 “(B) ALLOCATION OF FUNDS.—Of the
2 funds made available by this paragraph for a
3 fiscal year—

4 “(i) 82.72 percent shall be available
5 for metropolitan planning under sections
6 5303, 5304, and 5305 (other than
7 5305(e)); and

8 “(ii) 17.28 percent shall be available
9 for State planning under section 5305(e).

10 “(d) RESEARCH.—

11 “(1) FISCAL YEAR 2004.—

12 “(A) FROM TRUST FUND.—There shall be
13 available from the Mass Transit Account of the
14 Highway Trust Fund to carry out sections
15 5311(b), 5312, 5313, 5314, 5315, and 5322,
16 \$44,800,000 for fiscal year 2004.

17 “(B) FROM GENERAL FUND.—In addition
18 to amounts made available by subparagraph
19 (A), there is authorized to be appropriated to
20 carry out sections 5311(b), 5312, 5313, 5314,
21 5315, and 5322, \$11,200,000 for fiscal year
22 2004.

23 “(2) FISCAL YEARS 2005 THROUGH 2009.—

1 “(A) FROM THE GENERAL FUND.—There
2 is authorized to be appropriated to carry out
3 sections 5312, 5313, 5314, 5315, and 5322—

4 “(i) \$67,000,000 for fiscal year 2005;

5 “(ii) \$74,000,000 for fiscal year 2006;

6 “(iii) \$81,000,000 for fiscal year
7 2007;

8 “(iv) \$88,000,000 for fiscal year
9 2008; and

10 “(v) \$95,000,000 for fiscal year 2009.

11 “(B) ALLOCATION OF FUNDS FOR NA-
12 TIONAL TRANSIT INSTITUTE, NATIONAL TRAN-
13 SIT DATABASE, AND PROJECT ACTION EASTER
14 SEALS.—Of the funds appropriated pursuant to
15 this paragraph for a fiscal year—

16 “(i) not less than \$5,000,000 shall be
17 available to carry out programs under the
18 National Transit Institute under section
19 5315;

20 “(ii) not less than \$4,000,000 shall be
21 available to carry out section 5335; and

22 “(iii) not less than \$4,000,000 shall
23 be available to carry out section
24 5314(a)(2).

1 “(C) ALLOCATION OF FUNDS FOR TRANSIT
2 COOPERATIVE RESEARCH PROGRAM.—Of the
3 funds appropriated pursuant to this paragraph,
4 \$12,500,000 for fiscal year 2005, \$12,500,000
5 for fiscal year 2006, \$15,000,000 for fiscal year
6 2007, \$15,000,000 for fiscal year 2008, and
7 \$15,000,000 for fiscal year 2009 shall be avail-
8 able to carry out section 5313(a).

9 “(D) REMAINDER.—The remainder of the
10 funds appropriated pursuant to this paragraph
11 for a fiscal year after the allocations under sub-
12 paragraphs (A) and (B) for such fiscal year
13 shall be available to carry out national research
14 and technology programs under sections 5312,
15 5314, and 5322.

16 “(e) UNIVERSITY TRANSPORTATION RESEARCH.—

17 “(1) FISCAL YEAR 2004.—

18 “(A) FROM TRUST FUND.—There shall be
19 available from the Mass Transit Account of the
20 Highway Trust Fund to carry out sections
21 5505 and 5506, \$8,000,000 for fiscal year
22 2004.

23 “(B) FROM GENERAL FUND.—In addition
24 to amounts made available by subparagraph
25 (A), there is authorized to be appropriated to

1 carry out sections 5505 and 5506, \$2,000,000
2 for fiscal year 2004.

3 “(2) FISCAL YEARS 2005 THROUGH 2009.—Sub-
4 ject to paragraph (3), there is authorized to be ap-
5 propriated to carry out sections 5505 and 5506,
6 \$10,000,000 for each of fiscal years 2005 through
7 2009.

8 “(3) FUNDING OF UNIVERSITY TRANSPOR-
9 TATION CENTERS.—

10 “(A) IN GENERAL.—Of the amounts made
11 available by and appropriated under paragraphs
12 (1) and (2)—

13 “(i) \$2,000,000 for each fiscal year
14 shall be available for the institution identi-
15 fied in section 5505(j)(4)(A), as in effect
16 on the day before the date of enactment of
17 the Federal Public Transportation Act of
18 2004;

19 “(ii) \$2,000,000 for each fiscal year
20 shall be available for the institution identi-
21 fied in section 5505(j)(4)(F), as so in ef-
22 fect; and

23 “(iii) \$2,000,000 for each of fiscal
24 years 2004, 2005, and 2006 shall be avail-

1 able for the institution identified in section
2 5505(j)(3)(E), as so in effect.

3 “(B) USE OF FUNDS.—Funds made avail-
4 able for each of the institutions identified in
5 subparagraphs (A)(i) and (A)(ii) shall be used
6 to make grants under section 5505(d) for those
7 institutions. Funds made available for the insti-
8 tution identified in subparagraph (A)(iii) shall
9 be used to make grants under 5506(f)(5) for
10 that institution.

11 “(C) SPECIAL RULE.—Nothing in this sub-
12 section shall be construed to limit the transpor-
13 tation research conducted by the centers funded
14 by this section.

15 “(f) ADMINISTRATION.—

16 “(1) FISCAL YEAR 2004.—

17 “(A) FROM TRUST FUND.—There shall be
18 available from the Mass Transit Account of the
19 Highway Trust Fund to carry out section 5334,
20 \$61,600,000 for fiscal year 2004.

21 “(B) FROM GENERAL FUND.—In addition
22 to amounts made available under subparagraph
23 (A), there are authorized to be appropriated to
24 carry out section 5334, \$15,400,000 for fiscal
25 year 2004.

1 “(2) FISCAL YEARS 2005 THROUGH 2009.—
2 There are authorized to be appropriated to carry out
3 section 5334—

4 “(A) \$81,000,000 for fiscal year 2005;

5 “(B) \$84,000,000 for fiscal year 2006;

6 “(C) \$87,000,000 for fiscal year 2007;

7 “(D) \$90,000,000 for fiscal year 2008;

8 and

9 “(E) \$93,000,000 for fiscal year 2009.

10 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

11 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
12 FUND.—A grant or contract approved by the Sec-
13 retary, that is financed with amounts made available
14 under subsection (a)(1)(A), (a)(2), (b)(1)(A), (b)(2),
15 (c)(2), (d)(1)(A), (e)(1)(A), or (f)(1)(A) is a contrac-
16 tual obligation of the Government to pay the Gov-
17 ernment’s share of the cost of the project.

18 “(2) GRANTS FINANCED FROM GENERAL
19 FUND.—A grant or contract, approved by the Sec-
20 retary, that is financed with amounts made available
21 under subsection (a)(1)(B), (b)(1)(B), (b)(2)(B),
22 (c)(1)(B), (d)(1)(B), (d)(2), (e)(1)(B), (e)(2),
23 (f)(1)(B), or (f)(2) is a contractual obligation of the
24 Government to pay the Government’s share of the

1 cost of the project only to the extent that amounts
2 are provided in advance in an appropriations Act.

3 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
4 available by or appropriated under subsections (a) through
5 (f) shall remain available until expended.”.

6 **SEC. 3035. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.**

7 (a) IN GENERAL.—Section 3038 of the Transpor-
8 tation Equity Act for the 21st Century (49 U.S.C. 5310
9 note; 112 Stat. 392) is amended—

10 (1) by striking the section heading and insert-
11 ing the following:

12 **“SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PRO-**
13 **GRAM”;**

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

16 “(e) FEDERAL SHARE OF COSTS.—The Federal
17 share of costs under this section shall be provided from
18 funds made available to carry out this section. The Fed-
19 eral share of the costs for a project shall not exceed 50
20 percent of the project cost.”; and

21 (3) by striking subsection (g) and inserting the
22 following:

23 “(g) FUNDING.—

24 “(1) Of the amounts made available to carry
25 out this section in each fiscal year, 75 percent shall

1 be available for operators of over-the-road buses
2 used substantially or exclusively in intercity, fixed-
3 route over-the-road bus service to finance the incre-
4 mental capital and training costs of the Department
5 of Transportation’s final rule regarding accessibility
6 of over-the-road buses. Such amounts shall remain
7 available until expended.

8 “(2) Of the amounts made available to carry
9 out this section in each fiscal year, 25 percent shall
10 be available for operators of other over-the-road bus
11 service to finance the incremental capital and train-
12 ing costs of the Department of Transportation’s
13 final rule regarding accessibility of over-the-road
14 buses. Such amounts shall remain available until ex-
15 pended.”.

16 (b) CONFORMING AMENDMENTS.—The table of con-
17 tents contained in section 1(b) of the Transportation Eq-
18 uity Act for the 21st Century (112 Stat. 107) is amended
19 by striking the item relating to section 3038 and inserting
20 the following:

“Sec. 3038. Over-the-road bus accessibility program.”.

21 **SEC. 3036. UPDATED TERMINOLOGY.**

22 Chapter 53, including the chapter analysis, is amend-
23 ed by striking “mass” each place it appears before “trans-
24 portation” and inserting “public”, except in sections

1 5301(f), 5302(a)(7), 5315, 5323(a)(1), and
2 5323(a)(1)(B).

3 **SEC. 3037. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS**
4 **AND EXTENSIONS TO EXISTING SYSTEMS.**

5 (a) EXISTING FULL FUNDING GRANT AGREE-
6 MENTS.—The following projects are authorized for final
7 design and construction for existing full funding grant
8 agreements:

- 9 (1) Atlanta-North Springs Extension.
- 10 (2) Baltimore-Central LRT Double Tracking.
- 11 (3) Boston-South Boston Piers Transitway
12 MOS-2.
- 13 (4) Chicago-Chicago Transit Authority Douglas
14 Branch Reconstruction.
- 15 (5) Dallas-North Central LRT Extension.
- 16 (6) Denver Southeast Corridor LRT.
- 17 (7) Fort Lauderdale-Tri-Rail Commuter Rail
18 Upgrade.
- 19 (8) Los Angeles-North Hollywood MOS-3.
- 20 (9) Memphis-Medical Center Extension.
- 21 (10) Metra North Central Corridor Commuter
22 Rail.
- 23 (11) Metra Southwest Corridor Commuter Rail.
- 24 (12) Metra Union-Pacific West Line Extension.
- 25 (13) Minneapolis-Hiawatha Corridor LRT.

- 1 (14) New Jersey Urban Core-Hudson-Bergen
2 LRT.
- 3 (15) Newark Rail Link.
- 4 (16) New Orleans-Canal Street.
- 5 (17) Northern New Jersey—Hudson-Bergen
6 LRT MOS-2.
- 7 (18) Pittsburgh-Stage II LRT Reconstruction.
- 8 (19) Portland-Interstate MAX LRT Extension.
- 9 (20) Salt Lake City-CBD to University LRT.
- 10 (21) Salt Lake City-Medical Center.
- 11 (22) San Diego-Mission Valley East LRT Ex-
12 tension.
- 13 (23) San Diego-Oceanside Escondido Rail Cor-
14 ridor.
- 15 (24) San Francisco-BART Extension to San
16 Francisco Airport.
- 17 (25) San Juan-Tren Urbano.
- 18 (26) Seattle-Central Link Initial Segment LRT.
- 19 (27) St. Louis St. Clair-MetroLink Extension
20 Phase IIa.
- 21 (28) Washington DC/MD-Largo Metrorail Ex-
22 tension.
- 23 (b) ALTERNATIVES ANALYSIS, PRELIMINARY ENGI-
24 NEERING, FINAL DESIGN, AND CONSTRUCTION.—The fol-
25 lowing projects are authorized for alternatives analysis,

1 preliminary engineering, final design, and construction for
2 fiscal years 2004 through 2009 under section
3 5309(m)(I)(B) of title 49, United States Code: [List to
4 be supplied.]

5 **SEC. 3038. PROJECTS FOR BUS AND BUS-RELATED FACILI-**
6 **TIES.**

7 Of the amounts made available to carry out section
8 5309(m)(1)(C) of title 49, United States Code, for each
9 of fiscal years 2004 through 2006, the Secretary shall
10 make funds available for the following projects in not less
11 than the amounts specified for the fiscal year: [List to
12 be supplied.]

13 **SEC. 3039. FUEL CELL BUS PROGRAM.**

14 [Reserved.]

15 **SEC. 3040. EXTENSION OF PUBLIC TRANSIT VEHICLE EX-**
16 **EMPTION FROM AXLE WEIGHT RESTRIC-**
17 **TIONS.**

18 Section 1023(h)(1) of the Intermodal Surface Trans-
19 portation Efficiency Act of 1991 (23 U.S.C. 127 note; 106
20 Stat. 1552) is amended by striking “2003” and inserting
21 “2009”.

22 **SEC. 3041. HIGH-INTENSITY SMALL-URBANIZED AREA FOR-**
23 **MULA GRANT PROGRAM.**

24 (a) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) ELIGIBLE AREA.—The term “eligible area”
2 means an urbanized area with a population of less
3 than 200,000 that meets or exceeds in one or more
4 performance categories the industry average for all
5 urbanized areas with a population of at least
6 200,000 but not more than 999,999, as determined
7 by the Secretary in accordance with subsection
8 (c)(2).

9 (2) PERFORMANCE CATEGORY.—The term
10 “performance category” means each of the following:

11 (A) Passenger miles traveled per vehicle
12 revenue mile.

13 (B) Passenger miles traveled per vehicle
14 revenue hour.

15 (C) Vehicle revenue miles per capita.

16 (D) Vehicle revenue hours per capita.

17 (E) Passenger miles traveled per capita.

18 (F) Passengers per capita.

19 (b) GENERAL AUTHORITY.—In order to address the
20 needs of small urbanized areas with unusually high levels
21 of public transportation service, the Secretary shall make
22 capital and operating grants under this section to eligible
23 recipients described in subsection (d) for use in eligible
24 areas.

25 (c) APPORTIONMENT.—

1 (1) APPORTIONMENT FORMULA.—Funds made
2 available for grants under this section in a fiscal
3 year shall be apportioned among eligible areas in the
4 ratio that—

5 (A) the number of performance categories
6 for which each eligible area meets or exceeds
7 the industry average in urbanized areas with a
8 population of at least 200,000 but not more
9 than 999,999; bears to

10 (B) the aggregate number of performance
11 categories for which all eligible areas meet or
12 exceed the industry average in urbanized areas
13 with a population of at least 200,000 but not
14 more than 999,999.

15 (2) DATA USED IN FORMULA.—The Secretary
16 shall calculate apportionments under this subsection
17 for a fiscal year using data from the national transit
18 database used to calculate apportionments for that
19 fiscal year under section 5336 of title 49, United
20 States Code.

21 (d) ELIGIBLE RECIPIENT.—Grant amounts appor-
22 tioned to an eligible area under this section shall be made
23 available to a public transportation agency or other gov-
24 ernmental entity in the eligible area for obligation in the
25 eligible area.

1 (e) GOVERNMENT'S SHARE OF COSTS.—

2 (1) CAPITAL GRANTS.—A grant for a capital
3 project under this section (including associated cap-
4 ital maintenance items) shall be for 80 percent of
5 the net capital costs of the project, as determined by
6 the Secretary. The recipient may provide additional
7 local matching amounts for such projects.

8 (2) OPERATING GRANTS.—A grant under this
9 section for operating assistance may not exceed 50
10 percent of the net operating costs of the project, as
11 determined by the Secretary.

12 (3) REMAINDER.—The remainder of the net
13 project costs may be provided from an undistributed
14 cash surplus, a replacement or depreciation cash
15 fund or reserve, or new capital.

16 (f) PERIOD OF AVAILABILITY.—Funds apportioned
17 under this section to an eligible area shall remain available
18 for obligation in that eligible area for a period of 3 years
19 after the last day of the fiscal year for which the funds
20 are authorized. Any amounts so apportioned that remain
21 unobligated at the end of that period shall be added to
22 the amount that may be apportioned under this section
23 in the next fiscal year.

24 (g) APPLICATION OF OTHER SECTIONS.—Sections
25 5302, 5318, 5323, 5332, 5333, and 5336(e) of title 49,

1 United States Code, apply to this section and to a grant
2 made under this section.

3 (h) FUNDING.—Of the amounts made available to
4 carry out section 5307 of title 49, United States Code,
5 \$35,000,000 for fiscal year 2004, \$38,000,000 for fiscal
6 year 2005, \$41,000,000 for fiscal year 2006, \$44,000,000
7 for fiscal year 2007, \$47,000,000 for fiscal year 2008, and
8 \$50,000,000 for fiscal year 2009 shall be available to
9 carry out this section.

10 (i) TECHNICAL AMENDMENTS.—Section 5336 is
11 amended—

12 (1) in subsection (a) by striking “of this title”
13 and inserting “to carry out section 5307”;

14 (2) in subsection (j) by striking “a grant made
15 under” each place it appears and inserting “a grant
16 made with funds apportioned under”; and

17 (3) in subsection (k)(1) by striking “section
18 5302(a)(13) of this title” and inserting “section
19 5302(a)”.

20 **SEC. 3042. ALLOCATIONS FOR NATIONAL RESEARCH AND**
21 **TECHNOLOGY PROGRAMS.**

22 (a) IN GENERAL.—Amounts appropriated pursuant
23 to section 5338(d) of title 49, United States Code, for na-
24 tional research and technology programs under sections

1 5312, 5314, and 5322 of such title shall be allocated as
2 follows:

3 (1) SAFETY AND EMERGENCY PREPARED-
4 NESS.—For carrying out safety and emergency pre-
5 paredness research activities consisting of technical
6 assistance, training, and data analysis and reporting
7 to improve public transportation system safety and
8 security and emergency preparedness—

- 9 (A) \$6,300,000 for fiscal year 2004;
10 (B) \$7,900,000 for fiscal year 2005;
11 (C) \$9,200,000 for fiscal year 2006;
12 (D) \$10,100,000 for fiscal year 2007;
13 (E) \$11,400,000 for fiscal year 2008; and
14 (F) \$12,750,000 for fiscal year 2009.

15 (2) EQUIPMENT AND INFRASTRUCTURE.—For
16 carrying out equipment and infrastructure research
17 activities on public transportation and infrastructure
18 technologies and methods and voluntary industry
19 standards development—

- 20 (A) \$5,200,000 for fiscal year 2004;
21 (B) \$6,500,000 for fiscal year 2005;
22 (C) \$7,700,000 for fiscal year 2006;
23 (D) \$8,400,000 for fiscal year 2007;
24 (E) \$9,500,000 for fiscal year 2008; and
25 (F) \$10,600,000 for fiscal year 2009.

1 (3) PUBLIC TRANSPORTATION OPERATIONS EF-
2 FICIENCY.—For carrying out public transportation
3 operations efficiency research activities on high-per-
4 formance public transportation services and other in-
5 novations in fleet operations and maintenance—

6 (A) \$4,200,000 for fiscal year 2004;

7 (B) \$5,300,000 for fiscal year 2005;

8 (C) \$6,100,000 for fiscal year 2006;

9 (D) \$6,700,000 for fiscal year 2007;

10 (E) \$7,600,000 for fiscal year 2008; and

11 (F) \$8,500,000 for fiscal year 2009.

12 (4) ENERGY INDEPENDENCE AND ENVIRON-
13 MENTAL PROTECTION.—For carrying out energy
14 independence and environmental protection research
15 activities on improved public transportation energy
16 use and propulsion systems and public transpor-
17 tation oriented development—

18 (A) \$3,100,000 for fiscal year 2004;

19 (B) \$4,000,000 for fiscal year 2005;

20 (C) \$4,600,000 for fiscal year 2006;

21 (D) \$5,000,000 for fiscal year 2007;

22 (E) \$5,700,000 for fiscal year 2008; and

23 (F) \$6,400,000 for fiscal year 2009.

24 (5) MOBILITY MANAGEMENT.—For carrying out
25 research activities on mobility management, as de-

1 scribed in section 5302(a)(1) of title 49, United
2 States Code—

- 3 (A) \$6,300,000 for fiscal year 2004;
- 4 (B) \$7,900,000 for fiscal year 2005;
- 5 (C) \$9,200,000 for fiscal year 2006;
- 6 (D) \$10,100,000 for fiscal year 2007;
- 7 (E) \$11,400,000 for fiscal year 2008; and
- 8 (F) \$12,750,000 for fiscal year 2009.

9 (6) PUBLIC TRANSPORTATION CAPACITY BUILD-
10 ING.—For carrying out public transportation capac-
11 ity building activities consisting of workforce and in-
12 dustry development, the International Mass Trans-
13 portation Program, and technology transfer and in-
14 dustry adoption activities—

- 15 (A) \$2,100,000 for fiscal year 2004;
- 16 (B) \$2,600,000 for fiscal year 2005;
- 17 (C) \$3,100,000 for fiscal year 2006;
- 18 (D) \$3,400,000 for fiscal year 2007;
- 19 (E) \$3,800,000 for fiscal year 2008; and
- 20 (F) \$4,300,000 for fiscal year 2009.

21 (7) STRATEGIC PLANNING AND PERFORMANCE
22 MEASURES.—For carrying out strategic planning
23 and performance measures consisting of policy and
24 program development, research program planning

1 and performance, evaluation, and industry out-
2 reach—

3 (A) \$3,100,000 for fiscal year 2004;

4 (B) \$4,000,000 for fiscal year 2005;

5 (C) \$4,600,000 for fiscal year 2006;

6 (D) \$5,000,000 for fiscal year 2007;

7 (E) \$5,700,000 for fiscal year 2008; and

8 (F) \$6,400,000 for fiscal year 2009.

9 (b) REMAINDER.—After making allocations under
10 subsection (a) of this section and section 5338(d)(2) of
11 title 49, United States Code, the remainder of funds made
12 available by section 5338(d)(2) of such title for national
13 research and technology programs under sections 5312,
14 5314, and 5322 for a fiscal year shall be allocated at the
15 discretion of the Secretary to other transit research, devel-
16 opment, demonstration and deployment projects author-
17 ized by sections 5312, 5314 and 5322 of such title.

18 **SEC. 3043. OBLIGATION CEILING.**

19 Notwithstanding any other provision of law, the total
20 of all obligations from amounts made available from the
21 Mass Transit Account of the Highway Trust Fund by, and
22 amounts appropriated under, subsections (a) through (f)
23 of section 5338 of title 49, United States Code, shall not
24 exceed—

25 (1) \$8,200,000,000 for fiscal year 2004;

- 1 (2) \$9,700,000,000 for fiscal year 2005;
2 (3) \$10,900,000,000 for fiscal year 2006;
3 (4) \$12,200,000,000 for fiscal year 2007;
4 (5) \$13,400,000,000 for fiscal year 2008; and
5 (6) \$14,800,000,000 for fiscal year 2009.

6 **SEC. 3044. ADJUSTMENTS FOR THE SURFACE TRANSPOR-**
7 **TATION EXTENSION ACT OF 2003.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-
9 sion of law, the Secretary shall ensure that the total ap-
10 portionments and allocations made to a designated grant
11 recipient under section 5338 of title 49, United States
12 Code, for fiscal year 2004 shall be reduced by the amount
13 apportioned to such designated recipient pursuant to sec-
14 tion 8 of the Surface Transportation Extension Act of
15 2003 (117 Stat. 1121).

16 (b) **FIXED GUIDEWAY MODERNIZATION ADJUST-**
17 **MENT.**—In making the apportionments described in sub-
18 section (a), the Secretary shall adjust the amount appor-
19 tioned to each urbanized area for fixed guideway mod-
20 ernization for fiscal year 2004 to reflect the method for
21 apportioning funds in section 5337(a) of title 49, United
22 States Code.

1 **TITLE IV—MOTOR CARRIER**
2 **SAFETY**

3 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) ADMINISTRATIVE EXPENSES.—Section 31104 of
5 title 49, United States Code, is amended by adding the
6 following at the end:

7 “(i) ADMINISTRATIVE EXPENSES.—

8 “(1) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated from the
10 Highway Trust Fund (other than the Mass Transit
11 Account) for the Secretary of Transportation to pay
12 administrative expenses of the Federal Motor Car-
13 rier Safety Administration—

14 “(A) \$235,000,000 for fiscal year 2004;

15 “(B) \$244,000,000 for fiscal year 2005;

16 “(C) \$252,000,000 for fiscal year 2006;

17 “(D) \$261,000,000 for fiscal year 2007;

18 “(E) \$269,000,000 for fiscal year 2008;

19 and

20 “(F) \$279,000,000 for fiscal year 2009.

21 “(2) USE OF FUNDS.—The funds authorized by
22 this subsection shall be used for personnel costs; ad-
23 ministrative infrastructure; rent; information tech-
24 nology; programs for research and technology, infor-
25 mation management, regulatory development (in-

1 including a medical review board), the administration
2 of the performance and registration information sys-
3 tem management, and outreach and education; other
4 operating expenses; and such other expenses as may
5 from time to time become necessary to implement
6 statutory mandates of the Administration not fund-
7 ed from other sources.

8 “(3) PERIOD OF AVAILABILITY.—The amounts
9 made available under this section shall remain avail-
10 able until expended.

11 “(4) INITIAL DATE OF AVAILABILITY.—Author-
12 izations from the Highway Trust Fund (other than
13 the Mass Transit Account) to carry out subtitle IV,
14 part B, and subtitle VI, part B, of this title, or the
15 provisions of title IV of the Transportation Equity
16 Act: A Legacy for Users, shall be available for obli-
17 gation on the date of their apportionment or alloca-
18 tion or on October 1 of the fiscal year for which they
19 are authorized, whichever occurs first.

20 “(5) CONTRACT AUTHORITY.—Approval by the
21 Secretary of a grant with funds made available
22 under paragraph (4) imposes upon the United
23 States a contractual obligation for payment of the
24 Government’s share of costs incurred in carrying out
25 the objectives of the grant.”.

1 (b) GRANT PROGRAMS.—There are authorized to be
2 appropriated from the Highway Trust Fund (other than
3 the Mass Transit Account) the following sums for the fol-
4 lowing Federal Motor Carrier Safety Administration pro-
5 grams:

6 (1) For commercial driver’s license program im-
7 provement grants under section 31313 of title 49,
8 United States Code—

9 (A) \$22,000,000 for fiscal year 2004;

10 (B) \$22,000,000 for fiscal year 2005;

11 (C) \$23,000,000 for fiscal year 2006;

12 (D) \$23,000,000 for fiscal year 2007;

13 (E) \$24,000,000 for fiscal year 2008; and

14 (F) \$25,000,000 for fiscal year 2009.

15 (2) For border enforcement grants under sec-
16 tion 31107 of such title—

17 (A) \$32,000,000 for fiscal year 2004;

18 (B) \$33,000,000 for fiscal year 2005;

19 (C) \$33,000,000 for fiscal year 2006;

20 (D) \$34,000,000 for fiscal year 2007;

21 (E) \$35,000,000 for fiscal year 2008; and

22 (F) \$36,000,000 for fiscal year 2009.

23 (3) For the performance and registration infor-
24 mation system management grant program under
25 section 31109 of such title—

- 1 (A) \$4,000,000 for fiscal year 2004;
2 (B) \$4,000,000 for fiscal year 2005;
3 (C) \$4,000,000 for fiscal year 2006;
4 (D) \$4,000,000 for fiscal year 2007;
5 (E) \$4,000,000 for fiscal year 2008; and
6 (F) \$4,000,000 for fiscal year 2009.

7 (4) COMMERCIAL VEHICLE INFORMATION SYS-
8 TEMS AND NETWORKS DEPLOYMENT.—For carrying
9 out the commercial vehicle information systems and
10 networks deployment program under section 4009 of
11 this Act, \$25,000,000 for each of fiscal years 2004
12 through 2009.

13 (c) PERIOD OF AVAILABILITY.—The amounts made
14 available under subsection (b) of this section shall remain
15 available until expended.

16 (d) INITIAL DATE OF AVAILABILITY.—Amounts au-
17 thorized to be appropriated from the Highway Trust Fund
18 (other than the Mass Transit Account) by subsection (b)
19 shall be available for obligation on the date of their appor-
20 tionment or allocation or on October 1 of the fiscal year
21 for which they are authorized, whichever occurs first.

22 (e) CONTRACT AUTHORITY.—Approval by the Sec-
23 retary of a grant with funds made available under sub-
24 section (b) imposes upon the United States a contractual

1 obligation for payment of the Government's share of costs
2 incurred in carrying out the objectives of the grant.

3 **SEC. 4002. MOTOR CARRIER SAFETY GRANTS.**

4 (a) STATE PLAN CONTENTS.—Section 31102(b)(1)
5 of title 49, United States Code, is amended—

6 (1) by striking subparagraph (A) and inserting
7 the following:

8 “(A) implements performance-based activities,
9 including deployment of technology to enhance the
10 efficiency and effectiveness of commercial motor ve-
11 hicle safety programs;”;

12 (2) by striking subparagraph (Q) and inserting
13 the following:

14 “(Q) provides that the State has established a
15 program to ensure accurate, complete, and timely
16 motor carrier safety data is collected and reported to
17 the Secretary and includes a procedure to allow nec-
18 essary corrections of incorrect data;”;

19 (3) by aligning subparagraph (R) with subpara-
20 graph (S);

21 (4) by striking “and” at the end of subpara-
22 graph (S);

23 (5) by striking the period at the end of sub-
24 paragraph (T) and inserting a semicolon; and

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

1 “(U) provides that the State will include in
2 the training manual for the licensing examina-
3 tion to drive a noncommercial motor vehicle and
4 a commercial motor vehicle, information on best
5 practices for driving safely in the vicinity of
6 commercial motor vehicles and in the vicinity of
7 noncommercial motor vehicles, respectively;

8 “(V) provides that the State will enforce
9 the registration requirements of section 13902
10 by placing out of service any vehicle discovered
11 to be operated by a motor carrier without a reg-
12 istration issued under such section or to be op-
13 erating beyond the scope of such registration;
14 and

15 “(W) provides that the State will conduct
16 comprehensive and highly visible traffic enforce-
17 ment and commercial motor vehicle safety in-
18 spection programs in high-risk locations and
19 corridors.”.

20 (b) USE OF GRANTS TO ENFORCE OTHER LAWS.—

21 Section 31102 of such title is amended—

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

1 “(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—
2 A State may use amounts received under a grant under
3 subsection (a)—

4 “(1) for the following activities if the activities
5 are carried out in conjunction with an appropriate
6 inspection of the commercial motor vehicle to enforce
7 Government or State commercial motor vehicle safe-
8 ty regulations:

9 “(A) enforcement of commercial motor ve-
10 hicle size and weight limitations at locations
11 other than fixed weight facilities, at specific lo-
12 cations such as steep grades or mountainous
13 terrains where the weight of a commercial
14 motor vehicle can significantly affect the safe
15 operation of the vehicle, or at ports where inter-
16 modal shipping containers enter and leave the
17 United States; and

18 “(B) detection of the unlawful presence of
19 a controlled substance (as defined under section
20 102 of the Comprehensive Drug Abuse Preven-
21 tion and Control Act of 1970 (21 U.S.C. 802))
22 in a commercial motor vehicle or on the person
23 of any occupant (including the operator) of the
24 vehicle; and

1 “(2) for documented enforcement of State traf-
2 fic laws and regulations designed to promote the
3 safe operation of commercial motor vehicles, includ-
4 ing documented enforcement of such laws and regu-
5 lations relating to noncommercial motor vehicles
6 when necessary to promote the safe operation of
7 commercial motor vehicles if the number of roadside
8 safety inspections conducted in the State is main-
9 tained at a level at least equal to the average num-
10 ber conducted in the State in fiscal years 2001,
11 2002, and 2003; except that the State may not use
12 more than 5 percent of the aggregate amount the
13 State receives under the grant under subsection (a)
14 for enforcement activities relating to noncommercial
15 motor vehicles described in this paragraph.”; and

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

17 “(e) ANNUAL REPORT.—The Secretary shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Commerce, Science and Transportation of the Senate an
21 annual report that describes the effect of activities carried
22 out with funds from grants made under this section on
23 commercial motor vehicle safety.”.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
25 31104(a) of such title is amended to read as follows:

1 “(a) IN GENERAL.—Subject to subsection (f), there
2 are authorized to be appropriated from the Highway Trust
3 Fund (other than the Mass Transit Account) to carry out
4 section 31102—

5 “(1) \$182,000,000 for fiscal year 2004;

6 “(2) \$187,000,000 for fiscal year 2005;

7 “(3) \$193,000,000 for fiscal year 2006;

8 “(4) \$198,000,000 for fiscal year 2007;

9 “(5) \$204,000,000 for fiscal year 2008; and

10 “(6) \$210,000,000 for fiscal year 2009.”.

11 (d) NEW ENTRANT AUDITS.—Section 31104(f) of
12 such title is amended—

13 (1) in paragraph (1) by striking “deduction
14 under subsection (e)” and inserting “deductions
15 under subsection (e) and paragraphs (2) and (3)”;

16 (2) the first sentence of paragraph (2)(A)—

17 (A) by striking “or”; and

18 (B) by inserting after “technologies” the
19 following: “, or improve the quality and accu-
20 racy of data provided by the State”;

21 (3) in paragraph (2)—

22 (A) by striking “AND BORDER ACTIVI-
23 TIES.—” and all that follows through “5 per-
24 cent” and inserting “ACTIVITIES.—The Sec-
25 retary may designate up to 10 percent”; and

1 (B) by striking subparagraph (B); and

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

3 “(3) NEW ENTRANT AUDITS.—The Secretary
4 may deduct up to \$17,000,000 of the amounts avail-
5 able under subsection (a) for a fiscal year for audits
6 of new entrant motor carriers under section
7 31144(g).”.

8 (e) TECHNICAL AMENDMENT.—Section 31102(b) of
9 such title is amended by striking “(1)(D)” and inserting
10 “(1)(E)”.

11 **SEC. 4003. BORDER ENFORCEMENT GRANTS.**

12 (a) IN GENERAL.—Chapter 311 of title 49, United
13 States Code, is amended—

14 (1) by striking

15 “SUBCHAPTER I—STATE GRANTS AND OTHER
16 COMMERCIAL MOTOR VEHICLE PROGRAMS”

17 and inserting the following:

18 “SUBCHAPTER I—GENERAL AUTHORITY AND
19 STATE GRANTS”

20 ; and

21 (2) by striking section 31107 and inserting the
22 following:

23 **“§ 31107. Border enforcement grants**

24 “(a) GENERAL AUTHORITY.—The Secretary of
25 Transportation may make a grant in a fiscal year to a

1 State that shares a land border with another country for
2 carrying out border commercial motor vehicle safety pro-
3 grams and related enforcement activities and projects.

4 “(b) MAINTENANCE OF EXPENDITURES.—The Sec-
5 retary may make a grant to a State under this section
6 only if the State agrees that the total expenditure of
7 amounts of the State and political subdivisions of the
8 State, exclusive of amounts from the United States, for
9 carrying out border commercial motor vehicle safety pro-
10 grams and related enforcement activities and projects will
11 be maintained at a level at least equal to the average level
12 of that expenditure by the State and political subdivisions
13 of the State for the last 2 fiscal years of the State ending
14 before the date of enactment of the Transportation Equity
15 Act: A Legacy for Users.

16 “(c) GOVERNMENTS SHARE OF COSTS.—The Sec-
17 retary shall reimburse a State under a grant made under
18 this section an amount that is not more than 100 percent
19 of the costs incurred by the State in a fiscal year for car-
20 rying out border commercial motor vehicle safety pro-
21 grams and related enforcement activities and projects.

22 “(d) AVAILABILITY AND REALLOCATION OF
23 AMOUNTS.—Allocations to a State remain available for ex-
24 penditure in the State for the fiscal year in which they
25 are allocated and for the next fiscal year. Amounts not

1 expended by a State during those 2 fiscal years are avail-
 2 able to the Secretary for reallocation under this section.”.

3 (b) CONFORMING AMENDMENTS.—The analysis for
 4 such chapter is amended—

5 (1) by striking

“SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL
 MOTOR VEHICLE PROGRAMS”

6 and inserting the following:

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”

7 ; and

8 (2) by striking the item relating to section
 9 31107 and inserting the following:

“31107. Border enforcement grants.”.

10 **SEC. 4004. COMMERCIAL DRIVER’S LICENSE IMPROVE-**
 11 **MENTS.**

12 (a) STATE GRANTS.—Chapter 313 of title 49, United
 13 States Code, is amended by inserting after section 31312
 14 the following:

15 **“§ 31313. Grants for commercial driver’s license pro-**
 16 **gram improvements**

17 **“(a) GRANTS FOR COMMERCIAL DRIVER’S LICENSE**
 18 **PROGRAM IMPROVEMENTS.—**

19 **“(1) GENERAL AUTHORITY.—**The Secretary of
 20 Transportation may make a grant to a State in a
 21 fiscal year—

1 “(A) to comply with the requirements of
2 section 31311; and

3 “(B) in the case of a State that is in sub-
4 stantial compliance with the requirements of
5 section 31311 and this section, to improve its
6 implementation of its commercial driver’s li-
7 cense program.

8 “(2) PURPOSES FOR WHICH GRANTS MAY BE
9 USED.—A State may use grants under paragraphs
10 (1)(A) and (1)(B) only for expenses directly related
11 to its compliance with section 31311; except that a
12 grant under paragraph (1)(B) may be used for im-
13 proving implementation of the State’s commercial
14 driver’s license program, including expenses for com-
15 puter hardware and software, publications, testing,
16 personnel, training, and quality control. The grant
17 may not be used to rent, lease, or buy land or build-
18 ings.

19 “(3) APPLICATION.—In order to receive a grant
20 under this section, a State must submit an applica-
21 tion for such grant that is in such form, and con-
22 tains such information, as the Secretary may re-
23 quire. The application shall include the State’s as-
24 sessment of its commercial drivers license program.

1 “(4) MAINTENANCE OF EXPENDITURES.—The
2 Secretary may make a grant to a State under this
3 subsection only if the State agrees that the total ex-
4 penditure of amounts of the State and political sub-
5 divisions of the State, exclusive of amounts from the
6 United States, for the State’s commercial driver’s li-
7 cense program will be maintained at a level at least
8 equal to the average level of that expenditure by the
9 State and political subdivisions of the State for the
10 last 2 fiscal years of the State ending before the
11 date of enactment of the Transportation Equity Act:
12 A Legacy for Users.

13 “(5) GOVERNMENT SHARE.—The Secretary
14 shall reimburse a State under a grant made under
15 this subsection an amount that is not more than 80
16 percent of the costs incurred by the State in a fiscal
17 year in complying with section 31311 and improving
18 its implementation of its commercial driver’s license
19 program. In determining such costs, the Secretary
20 shall include in-kind contributions by the State.
21 Amounts required to be expended by the State under
22 paragraph (4) may not be included as part of the
23 non-Federal share of such costs.

24 “(b) HIGH-PRIORITY ACTIVITIES.—

1 “(1) GRANTS FOR NATIONAL CONCERNS.—The
2 Secretary may make a grant to a State agency, local
3 government, or other person for 100 percent of the
4 costs of research, development, demonstration
5 projects, public education, and other special activi-
6 ties and projects relating to commercial driver li-
7 censing and motor vehicle safety that are of benefit
8 to all jurisdictions of the United States or are de-
9 signed to address national safety concerns and cir-
10 cumstances.

11 “(2) FUNDING.—The Secretary may deduct up
12 to 10 percent of the amounts made available to
13 carry out this section for a fiscal year to make
14 grants under this subsection.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 such chapter is amended by inserting after the item relat-
17 ing to section 31312 the following:

 “31313. Grants for commercial driver’s license program improvements.”.

18 (c) AMOUNTS WITHHELD.—Subsections (a) and (b)
19 of section 31314 of such title are each amended by insert-
20 ing “up to” after “withhold”.

21 **SEC. 4005. HOBBS ACT.**

22 (a) JURISDICTION OF COURT OF APPEALS OVER
23 COMMERCIAL MOTOR VEHICLE SAFETY REGULATION
24 AND OPERATORS AND MOTOR CARRIER SAFETY.—Section
25 2342(3)(A) of title 28, United States Code, is amended

1 by inserting before “of title 49” the following: “, sub-
2 chapter III of chapter 311, chapter 313, or chapter 315”.

3 (b) JUDICIAL REVIEW.—Section 351(a) of title 49,
4 United States Code, is amended by striking “Federal
5 Highway Administration” and inserting “Federal Motor
6 Carrier Safety Administration”.

7 (c) AUTHORITY TO CARRY OUT CERTAIN TRANS-
8 FERRED DUTIES AND POWERS.—Section 352 of title 49,
9 United States Code, is amended by striking “Federal
10 Highway Administration” and inserting “Federal Motor
11 Carrier Safety Administration”.

12 **SEC. 4006. PENALTY FOR DENIAL OF ACCESS TO RECORDS.**

13 Section 521(b) of title 49, United States Code, is
14 amended—

15 (1) by striking “(b)(1)(A) If the Secretary” and
16 inserting the following:

17 “(b) VIOLATIONS RELATING TO COMMERCIAL
18 MOTOR VEHICLE SAFETY REGULATION AND OPERA-
19 TORS.—

20 “(1) NOTICE.—

21 “(A) IN GENERAL.—If the Secretary”; and

22 (2) by adding at the end of paragraph (2) the
23 following:

24 “(E) COPYING OF RECORDS AND ACCESS
25 TO EQUIPMENT, LANDS, AND BUILDINGS.—A

1 person subject to chapter 51 or part B of sub-
2 title VI who fails to allow the Secretary, or an
3 employee designated by the Secretary, promptly
4 upon demand to inspect and copy any record or
5 inspect and examine equipment, lands, build-
6 ings, and other property in accordance with sec-
7 tion 504(c), 5121(c), or 14122(b) shall be liable
8 to the United States for a civil penalty not to
9 exceed \$1,000 for each offense. Each day the
10 Secretary is denied the right to inspect and
11 copy any record or inspect and examine equip-
12 ment, lands, buildings, and other property shall
13 constitute a separate offense; except that the
14 total of all civil penalties against any violator
15 for all offenses related to a single violation shall
16 not exceed \$10,000. It shall be a defense to
17 such penalty that the records did not exist at
18 the time of the Secretary's request or could not
19 be timely produced without unreasonable ex-
20 pense or effort. Nothing in this subparagraph
21 shall be construed as amending or superseding
22 any remedy available to the Secretary under
23 section 502(d), section 507(c), or any other
24 provision of this title.”.

1 **SEC. 4007. MEDICAL REVIEW BOARD.**

2 Section 113 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(j) MEDICAL REVIEW BOARD.—

5 “(1) ESTABLISHMENT AND FUNCTION.—The
6 Administrator shall establish a Medical Review
7 Board as an advisory committee to provide the Ad-
8 ministration with medical advice and recommenda-
9 tions on driver qualification medical standards and
10 guidelines, medical examiner education, and medical
11 research.

12 “(2) COMPOSITION.—The Medical Review
13 Board shall consist of 5 members appointed for a
14 term not to exceed 3 years by the Secretary from
15 medical institutions and private medical practice.
16 The membership shall reflect expertise in a variety
17 of medical specialties relevant to the functions of the
18 Administration.”.

19 **SEC. 4008. INCREASED PENALTIES FOR OUT-OF-SERVICE**
20 **VIOLATIONS AND FALSE RECORDS.**

21 (a) RECORDKEEPING AND REPORTING VIOLA-
22 TIONS.—Section 521(b)(2)(B) of title 49, United States
23 Code, is amended—

24 (1) in clause (i) by striking “\$500” and insert-
25 ing “\$1,000”; and

1 (2) by striking “\$5,000” each place it appears
2 and inserting “\$10,000”.

3 (b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Sec-
4 tion 31310(i)(2) of title 49, United States Code, is amend-
5 ed—

6 (1) by striking “Not later than December 18,
7 1992, the” and inserting “The”;

8 (2) in subparagraph (A)—

9 (A) by striking “90 days” and inserting
10 “180 days”; and

11 (B) by striking “\$1,000” and inserting
12 “\$2,500”;

13 (3) in subparagraph (B)—

14 (A) by striking “one year” and inserting
15 “2 years”; and

16 (B) by striking “\$1,000; and” and insert-
17 ing “\$5,000;”;

18 (4) in subparagraph (C) by striking “\$10,000.”
19 and inserting “\$25,000; and”; and

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

21 “(D) an employer that knowingly and will-
22 fully allows or requires an employee to operate
23 a commercial motor vehicle in violation of an
24 out-of-service order shall, upon conviction, be
25 subject for each offense to imprisonment for a

1 term not to exceed one year or a fine under title
2 18, or both.”.

3 **SEC. 4009. COMMERCIAL VEHICLE INFORMATION SYSTEMS**
4 **AND NETWORKS DEPLOYMENT.**

5 (a) IN GENERAL.—The Secretary shall carry out a
6 commercial vehicle information systems and networks pro-
7 gram to—

8 (1) improve the safety and productivity of com-
9 mercial vehicles and drivers; and

10 (2) reduce costs associated with commercial ve-
11 hicle operations and Federal and State commercial
12 vehicle regulatory requirements.

13 (b) PURPOSE.—The program shall advance the tech-
14 nological capability and promote the deployment of intel-
15 ligent transportation system applications for commercial
16 motor vehicle operations, commercial driver, and carrier-
17 specific information systems and networks.

18 (c) CORE DEPLOYMENT GRANTS.—

19 (1) IN GENERAL.—The Secretary shall make
20 grants to eligible States for the core deployment of
21 commercial vehicle information systems and net-
22 works.

23 (2) AMOUNT OF GRANTS.—The maximum ag-
24 gregate amount the Secretary may grant to a State
25 for the core deployment of commercial vehicle infor-

1 mation systems and networks under this subsection
2 and sections 5001(a)(5) and 5001(a)(6) of the
3 Transportation Equity Act for the 21st Century
4 (112 Stat. 420) may not exceed \$2,500,000.

5 (3) USE OF FUNDS.—Funds from a grant
6 under this subsection may only be used for the core
7 deployment of commercial vehicle information sys-
8 tems and networks. An eligible State that has either
9 completed the core deployment of commercial vehicle
10 information systems and networks or completed such
11 deployment before grant funds are expended under
12 this subsection may use the grant funds for the ex-
13 panded deployment of commercial vehicle informa-
14 tion systems and networks in the State.

15 (d) EXPANDED DEPLOYMENT GRANTS.—

16 (1) IN GENERAL.—For each fiscal year, from
17 the funds remaining after the Secretary has made
18 grants under subsection (c), the Secretary may make
19 grants to each eligible State, upon request, for the
20 expanded deployment of commercial vehicle informa-
21 tion systems and networks.

22 (2) ELIGIBILITY.—Each State that has com-
23 pleted the core deployment of commercial vehicle in-
24 formation systems and networks in such State is eli-

1 gible for an expanded deployment grant under this
2 subsection.

3 (3) AMOUNT OF GRANTS.—Each fiscal year, the
4 Secretary may distribute funds available for ex-
5 panded deployment grants equally among the eligible
6 States, but not to exceed \$1,000,000 per State.

7 (4) USE OF FUNDS.—A State may use funds
8 from a grant under this subsection only for the ex-
9 panded deployment of commercial vehicle informa-
10 tion systems and networks.

11 (e) ELIGIBILITY.— To be eligible for a grant under
12 this section, a State—

13 (1) shall have a commercial vehicle information
14 systems and networks program plan approved by the
15 Secretary that describes the various systems and
16 networks at the State level that need to be refined,
17 revised, upgraded, or built to accomplish deployment
18 of core capabilities;

19 (2) shall certify to the Secretary that its com-
20 mercial vehicle information systems and networks
21 deployment activities, including hardware procure-
22 ment, software and system development, and infra-
23 structure modifications—

24 (A) are consistent with the national intel-
25 ligent transportation systems and commercial

1 vehicle information systems and networks archi-
2 tectures and available standards; and

3 (B) promote interoperability and efficiency
4 to the extent practicable; and

5 (3) shall agree to execute interoperability tests
6 developed by the Federal Motor Carrier Safety Ad-
7 ministration to verify that its systems conform with
8 the national intelligent transportation systems archi-
9 tecture, applicable standards, and protocols for com-
10 mercial vehicle information systems and networks.

11 (f) FEDERAL SHARE.—The Federal share of the cost
12 of a project payable from funds made available to carry
13 out this section shall not exceed 50 percent. The total Fed-
14 eral share of the cost of a project payable from all eligible
15 sources shall not exceed 80 percent.

16 (g) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) COMMERCIAL VEHICLE INFORMATION SYS-
19 TEMS AND NETWORKS.—The term “commercial ve-
20 hicle information systems and networks” means the
21 information systems and communications networks
22 that provide the capability to—

23 (A) improve the safety of commercial
24 motor vehicle operations;

1 (B) increase the efficiency of regulatory in-
2 spection processes to reduce administrative bur-
3 dens by advancing technology to facilitate in-
4 spections and increase the effectiveness of en-
5 forcement efforts;

6 (C) advance electronic processing of reg-
7 istration information, driver licensing informa-
8 tion, fuel tax information, inspection and crash
9 data, and other safety information;

10 (D) enhance the safe passage of commer-
11 cial motor vehicles across the United States and
12 across international borders; and

13 (E) promote the communication of infor-
14 mation among the States and encourage
15 multistate cooperation and corridor develop-
16 ment.

17 (2) COMMERCIAL MOTOR VEHICLE OPER-
18 ATIONS.—The term “commercial motor vehicle oper-
19 ations”—

20 (A) means motor carrier operations and
21 motor vehicle regulatory activities associated
22 with the commercial motor vehicle movement of
23 goods, including hazardous materials, and pas-
24 sengers; and

1 (B) with respect to the public sector, in-
2 cludes the issuance of operating credentials, the
3 administration of motor vehicle and fuel taxes,
4 and roadside safety and border crossing inspec-
5 tion and regulatory compliance operations.

6 (3) CORE DEPLOYMENT.—The term “core de-
7 ployment” means the deployment of systems in a
8 State necessary to provide the State with the fol-
9 lowing capabilities:

10 (A) Safety information exchange to—

11 (i) electronically collect and transmit
12 commercial motor vehicle and driver in-
13 spection data at a majority of inspection
14 sites in the State;

15 (ii) connect to the safety and fitness
16 electronic records system for access to
17 interstate carrier and commercial motor
18 vehicle data, summaries of past safety per-
19 formance, and commercial motor vehicle
20 credentials information; and

21 (iii) exchange carrier data and com-
22 mercial motor vehicle safety and creden-
23 tials information within the State and con-
24 nect to such system for access to interstate
25 carrier and commercial motor vehicle data.

1 (B) Interstate credentials administration
2 to—

3 (i) perform end-to-end processing, in-
4 cluding carrier application, jurisdiction ap-
5 plication processing, and credential
6 issuance, of at least the international reg-
7 istration plan and international fuel tax
8 agreement credentials and extend this
9 processing to other credentials, including
10 intrastate registration, vehicle titling, over-
11 size vehicle permits, overweight vehicle per-
12 mits, carrier registration, and hazardous
13 materials permits;

14 (ii) connect to such plan and agree-
15 ment clearinghouses; and

16 (iii) have at least 10 percent of the
17 credentialing transaction volume in the
18 State handled electronically and have the
19 capability to add more carriers and to ex-
20 tend to branch offices where applicable.

21 (C) Roadside electronic screening to elec-
22 tronically screen transponder-equipped commer-
23 cial vehicles at a minimum of one fixed or mo-
24 bile inspection site in the State and to replicate
25 this screening at other sites in the State.

1 (4) EXPANDED DEPLOYMENT.—The term “ex-
2 panded deployment” means the deployment of sys-
3 tems in a State that exceed the requirements of a
4 core deployment of commercial vehicle information
5 systems and networks, improve safety and the pro-
6 ductivity of commercial motor vehicle operations,
7 and enhance transportation security.

8 (h) REPEAL.—Section 5209 of the Transportation
9 Equity Act for the 21st Century (23 U.S.C. 502 note; 112
10 Stat. 460–461) is repealed.

11 **SEC. 4010. SAFETY FITNESS.**

12 (a) IN GENERAL.—Subsection (a) of section 31144
13 of title 49, United States Code, is amended to read as
14 follows:

15 “(a) IN GENERAL.—The Secretary shall—

16 “(1) determine whether an owner or operator is
17 fit to operate safely commercial motor vehicles, uti-
18 lizing among other things the accident record of an
19 owner or operator operating in interstate commerce
20 and the accident record and safety inspection record
21 of such owner or operator in operations that affect
22 interstate commerce;

23 “(2) periodically update such safety fitness de-
24 terminations;

1 “(3) make such final safety fitness determina-
2 tions readily available to the public; and

3 “(4) prescribe by regulation penalties for viola-
4 tions of this section consistent with section 521.”.

5 (b) PROHIBITED TRANSPORTATION.—The first sub-
6 section (c) of such section 31144 is amended by adding
7 at the end the following:

8 “(5) TRANSPORTATION AFFECTING INTER-
9 STATE COMMERCE.—Owners or operators of com-
10 mercial motor vehicles prohibited from operating in
11 interstate commerce pursuant to paragraphs (1)
12 through (3) may not operate any commercial motor
13 vehicle that affects interstate commerce until the
14 Secretary determines that such owner or operator is
15 fit.”.

16 (c) DETERMINATION OF UNFITNESS BY A STATE.—
17 Such section 31144 is further amended—

18 (1) by redesignating subsections (d), (e), and
19 the second subsection (c) as subsections (e), (f), and
20 (g), respectively;

21 (2) by inserting after the first subsection (c)
22 the following:

23 “(d) DETERMINATION OF UNFITNESS BY A STATE.—
24 If a State that receives a grant under section 31102 deter-
25 mines, by applying the standards prescribed by the Sec-

1 retary under subsection (b), that an owner or operator of
2 commercial motor vehicles that has its principal place of
3 business in that State and operates in intrastate com-
4 merce is unfit under such standards and prohibits the
5 owner or operator from operating such vehicles in the
6 State, the Secretary shall prohibit the owner or operator
7 from operating such vehicles in interstate commerce until
8 the State determines that the owner or operator is fit.”;
9 and

10 (3) in subsection (g) (as redesignated by para-
11 graph (1) of this subsection) by adding at the end
12 the following:

13 “(5) GRANTS FOR AUDITS.—From amounts de-
14 ducted under section 31104(f)(3), the Secretary may
15 make grants to States and local governments for
16 new entrant motor carrier audits under this sub-
17 section without requiring a matching contribution
18 from such States or local governments.

19 “(6) DOT AUDITS.—If the Secretary deter-
20 mines that a State or local government is unable to
21 use government employees to conduct new entrant
22 motor carrier audits, the Secretary may utilize the
23 funds deducted under section 31104(f)(3) to conduct
24 such audits in areas under the jurisdiction of such
25 State or local government.”.

1 **SEC. 4011. PATTERN OF SAFETY VIOLATIONS BY MOTOR**
2 **CARRIER OR BROKER MANAGEMENT.**

3 (a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Sec-
4 tion 31135 of title 49, United States Code, is amended—

5 (1) by inserting “(a) IN GENERAL.—” before
6 “Each”; and

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

8 “(b) PATTERN OF NONCOMPLIANCE.—If an officer of
9 a motor carrier or broker engages in a pattern or practice
10 of avoiding compliance, or masking or otherwise con-
11 cealing noncompliance, with regulations prescribed under
12 this chapter, the Secretary may suspend, amend, or revoke
13 any part of the registration of the motor carrier or broker
14 under section 13905.

15 “(c) LIST OF PROPOSED OFFICERS.—Each person
16 seeking registration as a motor carrier under section
17 13902 or as a broker under section 13904 shall submit
18 a list of the proposed officers of the motor carrier or
19 broker. If the Secretary determines that any of the pro-
20 posed officers has previously engaged in a pattern or prac-
21 tice of avoiding compliance, or masking or otherwise con-
22 cealing noncompliance, with regulations prescribed under
23 this chapter, the Secretary may deny the person’s applica-
24 tion for registration as a motor carrier under section
25 13902(a)(3) or as a broker under section 13904(a).

1 “(d) REGULATIONS.—The Secretary shall by regula-
2 tion establish standards to implement subsections (b) and
3 (c) and a procedure to allow a person who is denied reg-
4 istration under subsection (c) or whose registration is sus-
5 pended, amended, or revoked under subsection (b) to rem-
6 edy the pattern or practice that results in the denial, sus-
7 pension, amendment, or revocation.

8 “(e) DEFINITIONS.—In this section, the following
9 definitions shall apply:

10 “(1) MOTOR CARRIER AND BROKER.—The
11 terms ‘motor carrier’ and ‘broker’ have the meanings
12 such terms have under section 13102.

13 “(2) OFFICER.—The term ‘officer’ means an
14 owner, chief executive officer, chief operating officer,
15 chief financial officer, safety director, vehicle mainte-
16 nance supervisor, and driver supervisor of a motor
17 carrier, regardless of the title attached to those
18 functions.”.

19 (b) MOTOR CARRIER REGISTRATION.—Section
20 13902(a)(1)(B) of such title is amended to read as follows:

21 “(B)(i) any safety regulations imposed by
22 the Secretary;

23 “(ii) the duties of employers and employees
24 established by the Secretary under section
25 31135; and

1 “(iii) the safety fitness requirements estab-
2 lished by the Secretary under section 31144;
3 and”.

4 **SEC. 4012. MOTOR CARRIER RESEARCH AND TECHNOLOGY**
5 **PROGRAM.**

6 (a) IN GENERAL.—Section 31108 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 31108. Motor carrier research and technology pro-**
9 **gram**

10 “(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY
11 TRANSFER ACTIVITIES.—

12 “(1) ESTABLISHMENT.—The Secretary of
13 Transportation shall establish and carry out a motor
14 carrier research and technology program.

15 “(2) MULTI-YEAR PLAN.—The program must
16 include a multi-year research plan that focuses on
17 nonredundant innovative research.

18 “(3) RESEARCH, DEVELOPMENT, AND TECH-
19 NOLOGY TRANSFER ACTIVITIES.—The Secretary may
20 carry out under the program research, development,
21 technology, and technology transfer activities with
22 respect to—

23 “(A) the causes of accidents, injuries, and
24 fatalities involving commercial motor vehicles;

1 “(B) means of reducing the number and
2 severity of accidents, injuries, and fatalities in-
3 volving commercial motor vehicles;

4 “(C) improving commercial motor vehicle
5 and motor carrier safety, and industry effi-
6 ciency, through technological improvement;

7 “(D) improving technology used by en-
8 forcement officers when conducting roadside in-
9 spections and compliance reviews to increase ef-
10 ficiency and information transfers; and

11 “(E) increasing the safety and security of
12 hazardous materials transportation.

13 “(4) TESTS AND DEVELOPMENT.—The Sec-
14 retary may test, develop, or assist in testing and de-
15 veloping any material, invention, patented article, or
16 process related to the research and technology pro-
17 gram.

18 “(5) TRAINING.—The Secretary may use the
19 funds made available to carry out this section for
20 training or education of commercial motor vehicle
21 safety personnel, including training in accident re-
22 construction and detection of controlled substances
23 or other contraband and stolen cargo or vehicles.

24 “(6) PROCEDURES.—The Secretary may carry
25 out this section—

1 “(A) independently;

2 “(B) in cooperation with other Federal de-
3 partments, agencies, and instrumentalities and
4 Federal laboratories; or

5 “(C) by making grants to, or entering into
6 contracts, cooperative agreements, and other
7 transactions with, any Federal laboratory, State
8 agency, authority, association, institution, for-
9 profit or nonprofit corporation, organization,
10 foreign country, or person.

11 “(7) DEVELOPMENT AND PROMOTION OF USE
12 OF PRODUCTS.—The Secretary shall use funds made
13 available to carry out this section to develop, admin-
14 ister, communicate, and promote the use of products
15 of research, technology, and technology transfer pro-
16 grams under this section.

17 “(b) COLLABORATIVE RESEARCH AND DEVELOP-
18 MENT.—

19 “(1) IN GENERAL.—To advance innovative solu-
20 tions to problems involving commercial motor vehicle
21 and motor carrier safety, security, and efficiency,
22 and to stimulate the deployment of emerging tech-
23 nology, the Secretary may carry out, on a cost-
24 shared basis, collaborative research and development
25 with—

1 “(A) non-Federal entities, including State
2 and local governments, foreign governments,
3 colleges and universities, corporations, institu-
4 tions, partnerships, and sole proprietorships
5 that are incorporated or established under the
6 laws of any State; and

7 “(B) Federal laboratories.

8 “(2) COOPERATIVE AGREEMENTS.—In carrying
9 out this subsection, the Secretary may enter into co-
10 operative research and development agreements (as
11 defined in section 12 of the Stevenson-Wydler Tech-
12 nology Innovation Act of 1980 (15 U.S.C. 3710a)).

13 “(3) COST SHARING.—

14 “(A) FEDERAL SHARE.—The Federal
15 share of the cost of activities carried out under
16 a cooperative research and development agree-
17 ment entered into under this subsection shall
18 not exceed 50 percent; except that, if there is
19 substantial public interest or benefit associated
20 with any such activity, the Secretary may ap-
21 prove a greater Federal share.

22 “(B) TREATMENT OF DIRECTLY INCURRED
23 NON-FEDERAL COSTS.—All costs directly in-
24 curred by the non-Federal partners, including
25 personnel, travel, and hardware or software de-

1 velopment costs, shall be credited toward the
2 non-Federal share of the cost of the activities
3 described in subparagraph (A).

4 “(4) USE OF TECHNOLOGY.—The research, de-
5 velopment, or use of a technology under a coopera-
6 tive research and development agreement entered
7 into under this subsection, including the terms
8 under which the technology may be licensed and the
9 resulting royalties may be distributed, shall be sub-
10 ject to the Stevenson-Wydler Technology Innovation
11 Act of 1980 (15 U.S.C. 3701 et seq.).

12 “(c) FUNDING.—From amounts made available
13 under section 31104(i), the Secretary shall make available
14 \$7,000,000 for each of fiscal years 2004 and 2005,
15 \$8,000,000 for each of fiscal years 2006 and 2007,
16 \$9,000,000 for fiscal year 2008, and \$10,000,000 for fis-
17 cal year 2009 to carry out this section.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
19 chapter 311 of such title is amended by striking the item
20 relating to section 31108 and inserting the following:

“31108. Motor carrier research and technology program.”.

21 **SEC. 4013. INTERNATIONAL COOPERATION.**

22 (a) IN GENERAL.—Chapter 311 of title 49, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “SUBCHAPTER IV—MISCELLANEOUS

2 **“§ 31161. International cooperation**

3 “The Secretary of Transportation is authorized to
4 use funds made available by section 31104(i) to partici-
5 pate and cooperate in international activities to enhance
6 motor carrier, driver, and highway safety by such means
7 as exchanging information, conducting research, and ex-
8 amining needs, best practices, and new technology.”.

9 (b) CLERICAL AMENDMENT.—The analysis for such
10 chapter is amended by adding at the end the following:

 “SUBCHAPTER IV—MISCELLANEOUS

 “31161. International cooperation.”.

11 **SEC. 4014. PERFORMANCE AND REGISTRATION INFORMA-**
12 **TION SYSTEM MANAGEMENT.**

13 (a) DESIGN AND CONDITIONS FOR PARTICIPATION.—
14 Section 31106(b) of title 49, United States Code, is
15 amended by striking paragraphs (2), (3), and (4) and in-
16 serting the following:

17 “(2) DESIGN.—The program shall link Federal
18 motor carrier safety information systems with State
19 commercial vehicle registration and licensing systems
20 and shall be designed to enable a State to—

21 “(A) determine the safety fitness of a
22 motor carrier or registrant when licensing or
23 registering the registrant or motor carrier or
24 while the license or registration is in effect; and

1 “(B) deny, suspend, or revoke the commer-
 2 cial motor vehicle registrations of a motor car-
 3 rier or registrant that has been issued an oper-
 4 ations out-of-service order by the Secretary.

5 “(3) CONDITIONS FOR PARTICIPATION.—The
 6 Secretary shall require States, as a condition of par-
 7 ticipation in the program, to—

8 “(A) comply with the uniform policies, pro-
 9 cedures, and technical and operational stand-
 10 ards prescribed by the Secretary under sub-
 11 section (a)(4); and

12 “(B) possess or seek the authority to deny,
 13 suspend, or revoke commercial motor vehicle
 14 registrations based on the issuance of an oper-
 15 ations out-of-service order by the Secretary.”.

16 (b) PERFORMANCE AND REGISTRATION INFORMA-
 17 TION SYSTEM MANAGEMENT GRANTS.—

18 (1) IN GENERAL.—Subchapter I of chapter 311
 19 of title 49, United States Code, is further amended
 20 by adding at the end the following:

21 **“§ 31109. Performance and registration information**
 22 **system management**

23 “(a) IN GENERAL.—The Secretary of Transportation
 24 may make a grant to a State to implement the perform-

1 ance and registration information system management re-
2 quirements of section 31106(b).

3 “(b) AVAILABILITY OF AMOUNTS.—Amounts made
4 available to a State under this section shall remain avail-
5 able until expended.”.

6 (2) CONFORMING AMENDMENT.—The analysis
7 for such subchapter is amended by adding at the
8 end the following:

“31109. Performance and registration information system management.”.

9 **SEC. 4015. DATA QUALITY IMPROVEMENT.**

10 Section 31106(a)(3) of title 49, United States Code,
11 is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (D);

14 (2) by striking the period at the end of sub-
15 paragraph (E) and inserting “; and”; and

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

17 “(F) ensure, to the maximum extent prac-
18 tically, all the data is complete, timely, and ac-
19 curate across all information systems and ini-
20 tiatives.”.

21 **SEC. 4016. COMPLETION OF UNIFORM CARRIER REGISTRA-**
22 **TION.**

23 (a) IN GENERAL.—Section 14504 of title 49, United
24 States Code, and the item relating to such section in anal-
25 ysis for chapter 145 of such title, are repealed.

1 (b) CONFORMING AMENDMENTS.—Section 13908 of
2 such title is amended—

3 (1) in subsection (a) by striking “the single
4 State registration system under section 14504,”;

5 (2) in subsection (b)—

6 (A) by striking paragraphs (2) and (3);

7 and

8 (B) by redesignating paragraphs (4), (5),

9 and (6) as paragraphs (2), (3), and (4), respec-
10 tively;

11 (3) by striking subsection (d); and

12 (4) by striking “(e) DEADLINE FOR CONCLU-
13 SION; MODIFICATION.—” and all that follows
14 through “1996,” and inserting the following:

15 “(d) DEADLINE FOR COMPLETION.—Not later than
16 1 year after the date of enactment of the Transportation
17 Equity Act: A Legacy for Users,”.

18 **SEC. 4017. REGISTRATION OF MOTOR CARRIERS AND**

19 **FREIGHT FORWARDERS.**

20 (a) DEFINITIONS RELATING TO MOTOR CARRIERS.—

21 Paragraphs (6), (7), (12), and (13) of section 13102 of
22 title 49, United States Code, are each amended by striking
23 “motor vehicle” and inserting “commercial motor vehicle
24 (as defined in section 31132)”.

1 (b) FREIGHT FORWARDERS.—Section 13903(a) of
2 title 49, United States Code, is amended—

3 (1) by striking “The Secretary” and inserting
4 the following:

5 “(1) HOUSEHOLD GOODS.—The Secretary”;

6 (2) by inserting “of household goods” after
7 “freight forwarder”; and

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

9 “(2) OTHERS.—The Secretary may register a
10 person to provide service subject to jurisdiction
11 under subchapter III of chapter 135 as a freight for-
12 warder (other than a freight forwarder of household
13 goods) if the Secretary finds that such registration
14 is needed for the protection of shippers and that the
15 person is fit, willing, and able to provide the service
16 and to comply with this part and applicable regula-
17 tions of the Secretary and Board.”.

18 **SEC. 4018. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO**
19 **HIGHWAY TRUST FUND.**

20 Sections 31138(d)(5) and 31139(f)(5) of title 49,
21 United States Code, are each amended by striking “Treas-
22 ury as miscellaneous receipts” and inserting “Highway
23 Trust Fund (other than the Mass Transit Account)”.

1 **SEC. 4019. OUTREACH AND EDUCATION.**

2 (a) IN GENERAL.—The Secretary shall conduct,
3 through any combination of grants, contracts, or coopera-
4 tive agreements, an outreach and education program to
5 be administered by the Federal Motor Carrier Safety Ad-
6 ministration and the National Highway Traffic Safety Ad-
7 ministration.

8 (b) PROGRAM ELEMENTS.—The program shall in-
9 clude, at a minimum, the following:

10 (1) A program to promote a more comprehen-
11 sive and national effort to educate commercial motor
12 vehicle drivers and passenger vehicle drivers about
13 how commercial motor vehicle drivers and passenger
14 vehicle drivers can more safely share the road with
15 each other.

16 (2) A program to promote enhanced traffic en-
17 forcement efforts aimed at reducing the incidence of
18 the most common unsafe driving behaviors that
19 cause or contribute to crashes involving commercial
20 motor vehicles and passenger vehicles.

21 (3) A program to establish a public-private
22 partnership to provide resources and expertise for
23 the development and dissemination of information
24 relating to sharing the road referred to in para-
25 graphs (1) and (2) to each partner's constituents
26 and to the general public through the use of bro-

1 chures, videos, paid and public advertisements, the
2 Internet, and other media.

3 (c) FEDERAL SHARE.—The Federal share of a pro-
4 gram or activity for which a grant is made under this sec-
5 tion shall be 100 percent of the cost of such program or
6 activity.

7 (d) ANNUAL REPORT.—The Secretary shall prepare
8 and transmit to Congress an annual report on the pro-
9 grams and activities carried out under this section.

10 (e) FUNDING.—From amounts made available under
11 section 31104(i) of title 49, United States Code, the Sec-
12 retary shall make available \$1,250,000 to the Federal
13 Motor Carrier Safety Administration, and \$3,750,000 to
14 the National Highway Traffic Safety Administration, for
15 each of fiscal years 2004, 2005, 2006, 2007, 2008, and
16 2009 to carry out this section.

17 **SEC. 4020. INSULIN TREATED DIABETES MELLITUS.**

18 (a) NO PERIOD OF COMMERCIAL DRIVING WHILE
19 USING INSULIN REQUIRED FOR QUALIFICATION.—The
20 Secretary may not require individuals with insulin-treated
21 diabetes mellitus to have experience operating commercial
22 motor vehicles while using insulin in order to qualify to
23 operate a commercial motor vehicle in interstate com-
24 merce.

1 (b) MINIMUM PERIOD OF INSULIN USE.—Subject to
2 subsection (a), the Secretary shall require individuals with
3 insulin-treated diabetes mellitus to have a minimum period
4 of insulin use to demonstrate stable control of diabetes
5 before operating a commercial motor vehicle in interstate
6 commerce. For individuals who have been newly diagnosed
7 with type 1 diabetes, the minimum period of insulin use
8 may not exceed 2 months, unless directed by the treating
9 physician. For individuals who have type 2 diabetes and
10 are converting to insulin use, the minimum period of insu-
11 lin use may not exceed 1 month, unless directed by the
12 treating physician.

13 (c) LIMITATIONS.—Insulin-treated individuals may
14 not be held by the Secretary to a higher standard of phys-
15 ical qualification in order to operate a commercial motor
16 vehicle in interstate commerce than other individuals ap-
17 plying to operate, or operating, a commercial motor vehicle
18 in interstate commerce; except to the extent that limited
19 operating, monitoring, and medical requirements are
20 deemed medically necessary under regulations issued by
21 the Secretary.

22 **SEC. 4021. GRANT PROGRAM FOR COMMERCIAL MOTOR VE-**
23 **HICLE OPERATORS.**

24 (a) ESTABLISHMENT.—The Secretary shall establish
25 a grant program for training operators of commercial

1 motor vehicles (as defined in section 31301 of title 49,
2 United States Code). The purpose of the program shall
3 be to train operators and future operators in the safe use
4 of such vehicle.

5 (b) FEDERAL SHARE.—The Federal share of the cost
6 for which a grant is made under this section shall be 80
7 percent.

8 (c) FUNDING.—From amounts made available under
9 section 31104(i) of title 49, United States Code, the Sec-
10 retary shall make available \$1,000,000 for each of fiscal
11 years 2004, 2005, 2006, 2007, 2008, and 2009 to carry
12 out this section.

13 **SEC. 4022. COMMERCIAL MOTOR VEHICLE SAFETY ADVI-**
14 **SORY COMMITTEE.**

15 (a) ESTABLISHMENT.—The Secretary shall establish
16 a commercial motor vehicle safety advisory committee to
17 provide advice and recommendations to the Secretary on
18 commercial motor vehicle safety regulations and other
19 matters relating to activities and functions of the Federal
20 Motor Carrier Safety Administration.

21 (b) COMPOSITION.—The members of the advisory
22 committee shall be appointed by the Secretary and shall
23 include representatives of the motor carrier industry, driv-
24 ers, safety advocates, manufacturers, safety enforcement
25 officials, law enforcement agencies of border States, and

1 other individuals affected by rulemakings under consider-
2 ation by the Department of Transportation. Representa-
3 tives of a single interest group may not constitute a major-
4 ity of the members of the advisory committee.

5 (c) TERMINATION DATE.—The advisory committee
6 shall remain in effect until September 30, 2009.

7 **SEC. 4023. SAFETY DATA IMPROVEMENT PROGRAM.**

8 (a) IN GENERAL.—The Secretary shall make grants
9 to States for projects and activities to improve the accu-
10 racy, timeliness, and completeness of commercial motor
11 vehicle safety data reported to the Secretary.

12 (b) ELIGIBILITY.—A State shall be eligible for a
13 grant under this section in a fiscal year if the Secretary
14 determines that the State has—

15 (1) conducted a comprehensive audit of its com-
16 mercial motor vehicle safety data system within the
17 preceding 2 years;

18 (2) developed a plan that identifies and
19 prioritizes its commercial motor vehicle safety data
20 needs and goals; and

21 (3) identified performance-based measures to
22 determine progress toward those goals.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated from the Highway Trust
25 Fund (other than the Mass Transit Account) to carry out

1 this section \$3,000,000 for each of fiscal years 2004
2 though 2009.

3 (d) **APPLICABILITY OF TITLE 23, UNITED STATES**
4 **CODE.**—Funds authorized to be appropriated by this sec-
5 tion shall be available for obligation in the same manner
6 as if such funds were apportioned under chapter 1 of title
7 23, United States Code, except that the Federal share of
8 the cost of a project or activity carried out using such
9 funds shall be 80 percent and such funds shall remain
10 available until expended.

11 (e) **BIENNIAL REPORT.**—Not later 2 years after the
12 date of enactment of this Act, and biennially thereafter,
13 the Secretary shall transmit to Congress a report on the
14 activities and results of the program carried out under this
15 section, together with any recommendations the Secretary
16 determines appropriate.

17 **SEC. 4024. HOUSEHOLD GOODS TRANSPORTATION.**

18 [Reserved.]

19 **SEC. 4025. COMMERCIAL DRIVER'S LICENSE INFORMATION**
20 **SYSTEM IMPROVEMENTS.**

21 [Reserved.]

22 **SEC. 4026. TECHNICAL CORRECTIONS.**

23 (a) **INTERMODAL TRANSPORTATION ADVISORY**
24 **BOARD.**—Section 5502(b) of title 49, United States Code,
25 is amended—

1 (1) by striking “and” at the end of paragraph
2 (4);

3 (2) by striking the period at the end of para-
4 graph (5) and inserting “; and”; and

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

6 “(6) the Federal Motor Carrier Safety Adminis-
7 tration.”.

8 (b) REFERENCE TO AGENCY.—Section 31502(e) of
9 such title is amended—

10 (1) in paragraph (2) by striking “Regional Di-
11 rector of the Federal Highway Administration” and
12 inserting “Field Administrator of the Federal Motor
13 Carrier Safety Administration”; and

14 (2) in paragraph (3) by striking “Regional Di-
15 rector” and inserting “Field Administrator”.

16 **TITLE V—TRANSPORTATION**
17 **RESEARCH AND EDUCATION**
18 **Subtitle A—Funding**

19 **SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—The following sums are author-
21 ized to be appropriated out of the Highway Trust Fund
22 (other than the Mass Transit Account):

23 (1) SURFACE TRANSPORTATION RESEARCH, DE-
24 VELOPMENT, AND DEPLOYMENT PROGRAM.—To
25 carry out sections 502, 503, 506, 507, 509, and 510

1 of title 23, United States Code, and sections 5207,
2 5210, 5211, and 5402 of this title—

3 (A) \$360,000,000 for fiscal year 2004;

4 (B) \$352,000,000 for fiscal year 2005;

5 (C) \$352,000,000 for fiscal year 2006;

6 (D) \$352,000,000 for fiscal year 2007;

7 (E) \$354,000,000 for fiscal year 2008; and

8 (F) \$356,000,000 for fiscal year 2009.

9 (2) TRAINING AND EDUCATION.—To carry out
10 section 504 of title 23, United States Code, and sec-
11 tion 5211 of this Act, \$40,000,000 for each of fiscal
12 years 2004 through 2009.

13 (3) BUREAU OF TRANSPORTATION STATIS-
14 TICS.—For the Bureau of Transportation Statistics
15 to carry out section 111 of title 49, United States
16 Code, \$35,000,000 for each of fiscal years 2004
17 through 2009.

18 (4) UNIVERSITY TRANSPORTATION RE-
19 SEARCH.—To carry out sections 5505 and 5506 of
20 title 49, United States Code, \$90,000,000 for each
21 of fiscal years 2004 through 2009.

22 (5) INTELLIGENT TRANSPORTATION SYSTEMS
23 RESEARCH.—To carry out subtitle F of this title,
24 \$138,000,000 for each of fiscal years 2004 through
25 2009.

1 (b) APPLICABILITY OF TITLE 23, UNITED STATES
2 CODE.—Funds authorized to be appropriated by sub-
3 section (a) shall be available for obligation in the same
4 manner as if such funds were apportioned under chapter
5 1 of title 23, United States Code; except that the Federal
6 share of the cost of a project or activity carried out using
7 such funds shall be 50 percent, unless otherwise expressly
8 provided by this Act (including the amendments made by
9 this Act) or otherwise determined by the Secretary, and
10 such funds shall remain available until expended.

11 **SEC. 5002. OBLIGATION CEILING.**

12 Notwithstanding any other provision of law, the total
13 of all obligations from amounts made available from the
14 Highway Trust Fund (other than the Mass Transit Ac-
15 count) by section 5001(a) of this Act shall not exceed
16 \$658,000,000 for fiscal year 2004, \$660,000,000 for fis-
17 cal year 2005, \$661,000,000 for fiscal year 2006,
18 \$662,000,000 for fiscal year 2007, \$663,000,000 for fis-
19 cal year 2008, and \$664,000,000 for fiscal year 2009.

20 **Subtitle B—Research, Technology,**
21 **and Education**

22 **SEC. 5201. RESEARCH, TECHNOLOGY, AND EDUCATION.**

23 (a) RESEARCH, TECHNOLOGY, AND EDUCATION.—
24 Title 23, United States Code, is amended—

1 nology transfer activities shall be considered a basic
2 responsibility of the Federal Government when the
3 work—

4 “(A) is of national significance;

5 “(B) supports research in which there is a
6 clear public benefit and private sector invest-
7 ment is less than optimal;

8 “(C) supports a Federal stewardship role
9 in assuring that State and local governments
10 use national resources efficiently; or

11 “(D) presents the best means to support
12 Federal policy goals compared to other policy
13 alternatives.

14 “(3) ROLE.—Consistent with these Federal re-
15 sponsibilities, the Secretary shall—

16 “(A) conduct research;

17 “(B) support and facilitate research and
18 technology transfer activities by State highway
19 agencies;

20 “(C) share results of completed research;

21 and

22 “(D) support and facilitate technology and
23 innovation deployment.

24 “(4) PROGRAM CONTENT.—A surface transpor-
25 tation research program shall include—

1 “(A) fundamental, long-term highway re-
2 search;

3 “(B) research aimed at significant highway
4 research gaps and emerging issues with na-
5 tional implications; and

6 “(C) research related to policy and plan-
7 ning.

8 “(5) STAKEHOLDER INPUT.—Federally spon-
9 sored surface transportation research and technology
10 development activities shall address the needs of
11 partners and stakeholders, and provide for stake-
12 holder input in preparation of a strategic plan for
13 surface transportation research and technology de-
14 velopment.

15 “(6) COMPETITION.—To the greatest extent
16 possible, investment decisions for surface transpor-
17 tation research and technology development activities
18 shall be based on the well-established principles of
19 competition and merit review.

20 “(7) PERFORMANCE REVIEW.—Surface trans-
21 portation research and technology development ac-
22 tivities shall include a component of performance
23 measurement.”.

24 (c) PROCUREMENT FOR RESEARCH, DEVELOPMENT,
25 AND TECHNOLOGY TRANSFER ACTIVITIES.—Section

1 502(b)(3) of such title (as redesignated by subsection (b)
2 of this section) is amended to read as follows:

3 “(3) COOPERATION, GRANTS, AND CON-
4 TRACTS.—The Secretary may carry out research, de-
5 velopment, and technology transfer activities related
6 to transportation—

7 “(A) independently;

8 “(B) in cooperation with other Federal de-
9 partments, agencies, and instrumentalities and
10 Federal laboratories; or

11 “(C) by making grants to, or entering into
12 contracts, cooperative agreements, and other
13 transactions with one or more of the following:
14 the National Academy of Sciences, the Amer-
15 ican Association of State Highway and Trans-
16 portation Officials, any Federal laboratory,
17 Federal agency, State agency, authority, asso-
18 ciation, institution, for-profit or nonprofit cor-
19 poration, organization, foreign country, any
20 other person.”.

21 (d) TRANSPORTATION POOLED FUND PROGRAM.—
22 Section 502(b) of such title (as redesignated by subsection
23 (b) of this section), is amended by adding at the end the
24 following:

25 “(6) POOLED FUNDING.—

1 “(A) COOPERATION.—To promote effective
2 utilization of available resources, the Secretary
3 may cooperate with the States and other appro-
4 priate agencies in funding research, develop-
5 ment, and technology transfer activities of mu-
6 tual interest on a pooled funds basis.

7 “(B) SECRETARY AS AGENT.—The Sec-
8 retary may enter into contracts, cooperative
9 agreements, grants, and other transactions as
10 agent for all participating parties in carrying
11 out such research, development, or technology
12 transfer.”.

13 (e) OPERATIONS ELEMENTS IN RESEARCH ACTIVI-
14 TIES.—Section 502 of such title is further amended—

15 (1) in subsection (b)(1) (as redesignated by
16 subsection (b) of this section) by striking subpara-
17 graphs (B) and (C) and inserting the following:

18 “(B) all phases of transportation planning
19 and development (including construction, oper-
20 ation, transportation system management and
21 operations, modernization, development, design,
22 maintenance, safety, financing, and traffic con-
23 ditions); and

24 “(C) the effect of State laws on the activi-
25 ties described in subparagraphs (A) and (B).”;

1 (2) in subsection (d)(5)(C) (as redesignated by
2 subsection (b) of this section) by inserting “system
3 management and” after “transportation”; and

4 (3) by inserting at the end of subsection (d) (as
5 redesignated by subsection (b) of this section) the
6 following:

7 “(12) Investigation and development of various
8 operational methodologies to reduce the occurrence
9 and impact of recurrent congestion and nonrecurrent
10 congestion and increase transportation system reli-
11 ability.

12 “(13) Investigation of processes, procedures,
13 and technologies to secure container and hazardous
14 material transport, including the evaluation of regu-
15 lations and the impact of good security practices on
16 commerce and productivity.

17 “(14) Research, development, and technology
18 transfer related to asset management.”.

19 (f) FACILITATING TRANSPORTATION RESEARCH AND
20 TECHNOLOGY DEPLOYMENT PARTNERSHIPS.—Section
21 502(c)(2) of such title (as redesignated by subsection (b)
22 of this section) is amended to read as follows:

23 “(2) COOPERATION, GRANTS, CONTRACTS, AND
24 AGREEMENTS.—Notwithstanding any other provision
25 of law, the Secretary may directly initiate contracts,

1 cooperative research and development agreements
2 (as defined in section 12 of the Stevenson-Wydler
3 Technology Innovation Act of 1980 (15 U.S.C.
4 3710a)), and other transactions to fund, and accept
5 funds from, the Transportation Research Board of
6 the National Research Council of the National Acad-
7 emy of Sciences, State departments of transpor-
8 tation, cities, counties, and their agents to conduct
9 joint transportation research and technology ef-
10 forts.”.

11 (g) EXPLORATORY ADVANCED RESEARCH PRO-
12 GRAM.—Section 502(e) of such title (as redesignated by
13 subsection (b) of this section) is amended to read as fol-
14 lows:

15 “(e) EXPLORATORY ADVANCED RESEARCH.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish an exploratory advanced research program, con-
18 sistent with the surface transportation research and
19 technology development strategic plan developed
20 under section 508 that involves and draws upon
21 basic research results to provide a better under-
22 standing of problems and develop innovative solu-
23 tions. In carrying out the program, the Secretary
24 shall strive to develop partnerships with public and
25 private sector entities.

1 “(2) RESEARCH AREAS.—In carrying out the
2 program, the Secretary may make grants and enter
3 into cooperative agreements and contracts in such
4 areas of surface transportation research and tech-
5 nology as the Secretary determines appropriate, in-
6 cluding the following:

7 “(A) Characterization of materials used in
8 highway infrastructure, including analytical
9 techniques, microstructure modeling, and the
10 deterioration processes.

11 “(B) Assessment of the effects of transpor-
12 tation decisions on human health.

13 “(C) Development of surrogate measures
14 of safety.

15 “(D) Environmental research.

16 “(E) Data acquisition techniques for sys-
17 tem condition and performance monitoring.

18 “(F) System performance data and infor-
19 mation processing needed to assess the day-to-
20 day operational performance of the system in
21 support of hour-to-hour operational decision-
22 making.”.

23 (h) LONG-TERM PAVEMENT PERFORMANCE PRO-
24 GRAM.—

1 (1) IN GENERAL.—Section 502(f) of such title
2 (as redesignated by subsection (b) of this section) is
3 amended to read as follows:

4 “(f) LONG-TERM PAVEMENT PERFORMANCE PRO-
5 GRAM.—

6 “(1) AUTHORITY.—The Secretary shall com-
7 plete the 20-year long-term pavement performance
8 program tests initiated under the strategic highway
9 research program established under section 307(d)
10 (as in effect on June 8, 1998).

11 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND
12 CONTRACTS.—Under the program, the Secretary
13 shall make grants and enter into cooperative agree-
14 ments and contracts to—

15 “(A) monitor, material-test, and evaluate
16 highway test sections in existence as of the date
17 of the grant, agreement, or contract;

18 “(B) analyze the data obtained under sub-
19 paragraph (A); and

20 “(C) prepare products to fulfill program
21 objectives and meet future pavement technology
22 needs.”.

23 (2) FUNDING.—Of the amounts made available
24 by section 5101(a)(1) of this Act, \$30,000,000 for
25 each of fiscal years 2004 through 2009 shall be

1 available to carry out section 502(f) of title 23,
2 United States Code.

3 (i) TURNER-FAIRBANK HIGHWAY RESEARCH CEN-
4 TER.—Section 502 of title 23, United States Code, is fur-
5 ther amended by adding at the end the following:

6 “(i) TURNER-FAIRBANK HIGHWAY RESEARCH CEN-
7 TER.—

8 “(1) IN GENERAL.—The Secretary shall operate
9 in the Federal Highway Administration a Turner-
10 Fairbank Highway Research Center.

11 “(2) USES OF THE CENTER.—The Turner-
12 Fairbank Highway Research Center shall support—

13 “(A) the conduct of highway research and
14 development related to new highway technology;

15 “(B) the development of understandings,
16 tools, and techniques that provide solutions to
17 complex technical problems through the devel-
18 opment of economical and environmentally sen-
19 sitive designs, efficient and quality-controlled
20 construction practices, and durable materials;
21 and

22 “(C) the development of innovative high-
23 way products and practices.”.

1 **SEC. 5202. LONG-TERM BRIDGE PERFORMANCE PROGRAM;**
2 **INNOVATIVE BRIDGE RESEARCH AND DE-**
3 **PLOYMENT PROGRAM.**

4 (a) LONG-TERM BRIDGE PERFORMANCE PRO-
5 GRAM.—

6 (1) IN GENERAL.—Section 502 of title 23,
7 United States Code, is further amended by adding
8 at the end the following:

9 “(j) LONG-TERM BRIDGE PERFORMANCE PRO-
10 GRAM.—

11 “(1) AUTHORITY.—The Secretary shall estab-
12 lish a 20-year long-term bridge performance pro-
13 gram.

14 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND
15 CONTRACTS.—Under the program, the Secretary
16 shall make grants and enter into cooperative agree-
17 ments and contracts to—

18 “(A) monitor, material-test, and evaluate
19 test bridges;

20 “(B) analyze the data obtained under sub-
21 paragraph (A); and

22 “(C) prepare products to fulfill program
23 objectives and meet future bridge technology
24 needs.”.

25 (2) FUNDING.—Of the amounts made available
26 by section 5101(a)(1) of this Act, \$25,000,000 for

1 each of fiscal years 2004 through 2009 shall be
2 available to carry out section 502(j) of title 23,
3 United States Code.

4 (b) INNOVATIVE BRIDGE RESEARCH AND DEPLOY-
5 MENT PROGRAM.—

6 (1) IN GENERAL.—Section 503(b)(1) of such
7 title is amended to read as follows:

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish and carry out a program to promote, dem-
10 onstrate, evaluate, and document the application of
11 innovative designs, materials, and construction
12 methods in the construction, repair, and rehabilita-
13 tion of bridges and other highway structures.”.

14 (2) GOALS.—Section 503(b)(2) of such title is
15 amended to read as follows:

16 “(2) GOALS.—The goals of the program shall
17 include—

18 “(A) the development of new, cost-effec-
19 tive, innovative highway bridge applications;

20 “(B) the development of construction tech-
21 niques to increase safety and reduce construc-
22 tion time and traffic congestion;

23 “(C) the development of engineering design
24 criteria for innovative products, materials, and

1 structural systems for use in highway bridges
2 and structures;

3 “(D) the reduction of maintenance costs
4 and life-cycle costs of bridges, including the
5 costs of new construction, replacement, or reha-
6 bilitation of deficient bridges;

7 “(E) the development of highway bridges
8 and structures that will withstand natural dis-
9 asters;

10 “(F) the documentation and wide dissemi-
11 nation of objective evaluations of the perform-
12 ance and benefits of these innovative designs,
13 materials, and construction methods;

14 “(G) the effective transfer of resulting in-
15 formation and technology; and

16 “(H) the development of improved methods
17 to detect bridge scour and economical bridge
18 foundation designs that will withstand bridge
19 scour.”.

20 (3) FUNDING.—Of the amounts made available
21 by section 5101(a)(1) of this Act, \$20,000,000 for
22 each of fiscal years 2004 through 2009 shall be
23 available to carry out section 503(b) of title 23,
24 United States Code.

1 **SEC. 5203. SURFACE TRANSPORTATION ENVIRONMENT AND**
2 **PLANNING COOPERATIVE RESEARCH PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—Section 507 of title 23, United
5 States Code, is amended to read as follows:

6 **“§ 507. Surface transportation environment and plan-**
7 **ning cooperative research program**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish and carry out a collaborative, public-private surface
10 transportation environment and planning cooperative re-
11 search program.

12 “(b) AGREEMENT.—The Secretary shall enter into an
13 agreement with the National Academy of Sciences to carry
14 out administrative and management activities relating to
15 the governance of the surface transportation environment
16 and planning cooperative research program.

17 “(c) ADVISORY COMMITTEE.—

18 “(1) ESTABLISHMENT.—The Secretary shall es-
19 tablish a committee that will be responsible for pro-
20 gram oversight and project selection.

21 “(2) MEMBERSHIP.—The members of the com-
22 mittee shall be appointed by the Secretary and shall
23 be composed of—

24 “(A) representatives of State, regional, and
25 local transportation agencies, including transit
26 agencies;

1 “(B) representatives of State environ-
2 mental agencies and other environmental orga-
3 nizations;

4 “(C) representatives of the transportation
5 private sector;

6 “(D) transportation and environmental sci-
7 entists and engineers; and

8 “(E) representatives of the Federal High-
9 way Administration, Federal Transit Adminis-
10 tration, Environmental Protection Agency,
11 United States Fish and Wildlife Service, Corps
12 of Engineers, American Association of State
13 Highway and Transportation Officials, and
14 American Public Transportation Association,
15 who shall serve in an ex officio capacity.

16 “(3) BALANCE.—The majority of the commit-
17 tee’s voting members shall be representatives of gov-
18 ernment transportation agencies.

19 “(4) MEETINGS.—The National Academy of
20 Sciences shall convene meetings of the committee.

21 “(d) GOVERNANCE.—The program established under
22 this section shall include the following administrative and
23 management elements:

24 “(1) NATIONAL RESEARCH AGENDA.—The advi-
25 sory committee, in consultation with interested par-

1 ties, shall develop, recommend, and periodically up-
2 date a national research agenda for the program.
3 The national research agenda shall include a
4 multiyear strategic plan.

5 “(2) INVOLVEMENT.—Interested parties may—

6 “(A) submit research proposals;

7 “(B) participate in merit reviews of re-
8 search proposals and peer reviews of research
9 products; and

10 “(C) receive research results.

11 “(3) OPEN COMPETITION AND PEER REVIEW OF
12 RESEARCH PROPOSALS.—The National Academy of
13 Sciences may award under the program research
14 contracts and grants through open competition and
15 merit review conducted on a regular basis.

16 “(4) EVALUATION OF RESEARCH.—

17 “(A) PEER REVIEW.—Research contracts
18 and grants may allow peer review of the re-
19 search results.

20 “(B) PROGRAMMATIC EVALUATIONS.—The
21 National Academy of Sciences may conduct
22 periodic programmatic evaluations on a regular
23 basis.

24 “(5) DISSEMINATION OF RESEARCH FIND-
25 INGS.—The National Academy of Sciences shall dis-

1 seminate research findings to researchers, practi-
2 tioners, and decisionmakers, through conferences
3 and seminars, field demonstrations, workshops,
4 training programs, presentations, testimony to gov-
5 ernment officials, World Wide Web, and publications
6 for the general public.

7 “(e) CONTENTS.—The national research agenda for
8 the program required under subsection (d)(1) shall include
9 research in the following areas for the purposes described:

10 “(1) HUMAN HEALTH.—Human health to es-
11 tablish the links between transportation activities
12 and human health; substantiate the linkages between
13 exposure to concentration levels, emissions, and
14 health impacts; examine the potential health impacts
15 from the implementation and operation of transpor-
16 tation infrastructure and services; develop strategies
17 for avoidance and reduction of these impacts; and
18 develop strategies to understand the economic value
19 of health improvements and for incorporating health
20 considerations into valuation methods.

21 “(2) ECOLOGY AND NATURAL SYSTEMS.—Ecol-
22 ogy and natural systems to measure transportation’s
23 short- and long-term impact on natural systems; de-
24 velop ecologically based performance measures; de-
25 velop insight into both the spatial and temporal

1 issues associated with transportation and natural
2 systems; study the relationship between highway
3 density and ecosystem integrity, including the im-
4 pacts of highway density on habitat integrity and
5 overall ecosystem health; develop a rapid assessment
6 methodology for use by transportation and regu-
7 latory agencies in determining the relationship be-
8 tween highway density and ecosystem integrity; and
9 develop ecologically based performance techniques to
10 evaluate the success of highway project mitigation
11 and enhancement measures.

12 “(3) ENVIRONMENTAL AND SOCIOECONOMIC
13 RELATIONSHIPS.—Environmental and socioeconomic
14 relationships to understand differences in mobility,
15 access, travel behavior, and travel preferences across
16 socioeconomic groups; develop improved planning ap-
17 proaches that better reflect and respond to commu-
18 nity needs; improve evaluation methods for exam-
19 ining the incidence of benefits and costs; examine
20 the differential impacts of current methods of fi-
21 nance and explore alternatives; understand the socio-
22 economic implications of emerging land development
23 patterns and new transportation technologies; de-
24 velop cost-effective applications of technology that
25 improve the equity of the transport system; and de-

1 velop improved methods for community involvement,
2 collaborative planning, and conflict resolution.

3 “(4) EMERGING TECHNOLOGIES.—Emerging
4 technologies to assist in the transition to environ-
5 mentally benign fuels and vehicles for passengers
6 and freight; develop responses to and demand for
7 new technologies that could offer improved environ-
8 mental performance; identify possible applications of
9 intelligent transportation systems technologies for
10 environmental benefit; develop policy instruments
11 that would encourage the development of beneficial
12 new technologies in a cost-effective manner; and re-
13 spond to the impact of new technologies.

14 “(5) LAND USE.—Land use to assess land con-
15 sumption trends and contributing factors of trans-
16 portation investment, housing policies, school qual-
17 ity, and consumer preferences; incorporate impacts
18 of transportation investments on location decision
19 and land use; identify the costs and benefits of cur-
20 rent development patterns and their transportation
21 implications; determine the effect of the built envi-
22 ronment on people’s willingness to walk, drive, or
23 take public transportation; determine the roles of
24 public policy and institutional arrangements in cur-
25 rent and prospective land use and transportation

1 choices; and develop improved data, methods, and
2 processes for considering land use, transportation,
3 and the environment in an integrated, systematic
4 fashion.

5 “(6) PLANNING AND PERFORMANCE MEAS-
6 URES.—Planning and performance measures to im-
7 prove understanding of travel needs and preferences;
8 improve planning methods for system analysis, fore-
9 casting, and decisionmaking; expand information on
10 consumer choice processes and travel and activity
11 patterns for both local and long-distance trips and
12 both passenger and freight transportation analysis
13 of social, environmental, and economic benefits and
14 cost of various transport options; develop tools for
15 measuring and forecasting complex transportation
16 decisions for all modes and users; and develop per-
17 formance measures and policy analysis approaches
18 that can be used to determine effectiveness.

19 “(7) OTHER RESEARCH AREAS.—Other re-
20 search areas to identify and address the emerging
21 and future surface transportation research needs re-
22 lated to planning and environment.

23 “(f) FUNDING.—

24 “(1) FEDERAL SHARE.—The Federal share of
25 the cost of an activity carried out under this section

1 shall be up to 100 percent, and such funds shall re-
2 main available until expended.

3 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
4 tion to using funds authorized to be appropriated to
5 carry out this section, the National Academy of
6 Sciences may seek and accept additional funding
7 sources to carry out this section from public and pri-
8 vate entities capable of attracting and accepting
9 funding from the Department of Transportation,
10 Environmental Protection Agency, Department of
11 Energy, United States Fish and Wildlife Service,
12 and other Federal environmental agencies, States,
13 local governments, nonprofit foundations, and the
14 private sector.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 chapter 5 of such title is amended by striking the item
17 relating to section 507 and inserting the following:

“507. Surface transportation environment and planning cooperative research
program.”.

18 (c) FUNDING.—Of the amounts made available by
19 section 5101(a)(1) of this Act, \$20,000,000 for each of
20 fiscal years 2004 through 2009 shall be available to carry
21 out section 507 of title 23, United States Code.

22 **SEC. 5204. TECHNOLOGY DEPLOYMENT.**

23 (a) TECHNOLOGY DEPLOYMENT PROGRAM.—Section
24 503(a) of title 23, United States Code, is amended—

1 (1) in the subsection heading by striking “INI-
2 TIATIVES AND PARTNERSHIPS”;

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

5 “(1) ESTABLISHMENT.—The Secretary shall
6 develop and administer a national technology deploy-
7 ment program.”;

8 (3) by striking paragraph (7) and inserting the
9 following:

10 “(7) GRANTS, COOPERATIVE AGREEMENTS, AND
11 CONTRACTS.—

12 “(A) IN GENERAL.—Under the program,
13 the Secretary shall make grants to, and enter
14 into cooperative agreements and contracts with,
15 States, other Federal agencies, universities and
16 colleges, private sector entities, and nonprofit
17 organizations to pay the Federal share of the
18 cost of research, development, and technology
19 transfer activities concerning innovative mate-
20 rials.

21 “(B) APPLICATIONS.—To receive a grant
22 under this subsection, an entity described in
23 subparagraph (A) shall submit an application to
24 the Secretary. The application shall be in such
25 form and contain such information as the Sec-

1 retary may require. The Secretary shall select
2 and approve an application based on whether
3 the project that is the subject of the grant
4 meets the purpose of the program described in
5 paragraph (2).”; and

6 (4) by striking paragraph (8) and inserting the
7 following:

8 “(8) TECHNOLOGY AND INFORMATION TRANS-
9 FER.—The Secretary shall ensure that the informa-
10 tion and technology resulting from research con-
11 ducted under paragraph (3) is made available to
12 State and local transportation departments and
13 other interested parties as specified by the Sec-
14 retary.”.

15 (b) INNOVATIVE PAVEMENT RESEARCH AND DE-
16 PLOYMENT PROGRAM.—

17 (1) IN GENERAL.—Section 503 of such title is
18 further amended by adding at the end the following:

19 “(c) INNOVATIVE PAVEMENT RESEARCH AND DE-
20 PLOYMENT PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish and implement a program to promote, dem-
23 onstrate, support, and document the application of
24 innovative pavement technologies, practices, per-
25 formance, and benefits.

1 “(2) GOALS.—The goals of the innovative pave-
2 ment research and deployment program shall in-
3 clude—

4 “(A) the deployment of new, cost-effective,
5 innovative designs, materials, and practices to
6 extend pavement life and performance and to
7 improve customer satisfaction;

8 “(B) the reduction of initial costs and life-
9 cycle costs of pavements, including the costs of
10 new construction, replacement, maintenance,
11 and rehabilitation;

12 “(C) the deployment of accelerated con-
13 struction techniques to increase safety and re-
14 duce construction time and traffic disruption
15 and congestion;

16 “(D) the deployment of engineering design
17 criteria and specifications for innovative prac-
18 tices, products, and materials for use in high-
19 way pavements;

20 “(E) the deployment of new nondestructive
21 and real-time pavement evaluation technologies
22 and techniques;

23 “(F) the evaluation, refinement, and docu-
24 mentation of the performance and benefits of
25 innovative technologies deployed to improve life,

1 performance, cost effectiveness, safety, and cus-
2 tomer satisfaction;

3 “(G) effective technology transfer and in-
4 formation dissemination to accelerate imple-
5 mentation of innovative technologies and to im-
6 prove life, performance, cost effectiveness, safe-
7 ty, and customer satisfaction; and

8 “(H) the development of designs and mate-
9 rials to reduce storm water runoff.

10 “(3) RESEARCH TO IMPROVE NHS PAVE-
11 MENT.—The Secretary shall obligate not less than
12 \$10,000,000 per fiscal year from funds made avail-
13 able to carry out this subsection to conduct research
14 to improve asphalt pavement, concrete pavement,
15 and aggregates used in highways on the National
16 Highway System.”.

17 (2) FUNDING.—Of the amounts made available
18 by section 5101(a)(1) of this Act, \$25,000,000 for
19 each of fiscal years 2004 through 2009 shall be
20 available to carry out section 503(c) of title 23,
21 United States Code.

22 (c) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

23 (1) IN GENERAL.—Section 503 of such title is
24 further amended by adding the following:

1 “(d) SAFETY INNOVATION DEPLOYMENT PRO-
2 GRAM.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish and implement a program to demonstrate the
5 application of innovative technologies in highway
6 safety.

7 “(2) GOALS.—The goals of the program shall
8 include—

9 “(A) the deployment and evaluation of
10 safety technologies and innovations at State
11 and local levels; and

12 “(B) the deployment of best practices in
13 training, management, design, and planning.

14 “(3) GRANTS, COOPERATIVE AGREEMENTS, AND
15 CONTRACTS.—

16 “(A) IN GENERAL.—Under the program,
17 the Secretary shall make grants to, and enter
18 into cooperative agreements and contracts with,
19 States, other Federal agencies, universities and
20 colleges, private sector entities, and nonprofit
21 organizations for research, development, and
22 technology transfer for innovative safety tech-
23 nologies.

24 “(B) APPLICATIONS.—To receive a grant
25 under this subsection, an entity described in

1 subparagraph (A) shall submit an application to
2 the Secretary. The application shall be in such
3 form and contain such information as the Sec-
4 retary may require. The Secretary shall select
5 and approve the applications based on whether
6 the project that is the subject of the application
7 meets the goals of the program described in
8 paragraph (2).

9 “(4) TECHNOLOGY AND INFORMATION TRANS-
10 FER.—The Secretary shall take such action as is
11 necessary to ensure that the information and tech-
12 nology resulting from research conducted under
13 paragraph (3) is made available to State and local
14 transportation departments and other interested
15 parties as specified by the Secretary.”.

16 (2) FUNDING.—Of the amounts made available
17 by section 5101(a)(1) of this Act, \$20,000,000 for
18 each of fiscal years 2004 through 2009 shall be
19 available to carry out section 503(d) of title 23,
20 United States Code.

21 (d) AUTHORITY TO PURCHASE PROMOTIONAL
22 ITEMS.—Section 503 of such title is further amended by
23 adding at the end the following:

24 “(e) PROMOTIONAL AUTHORITY.—Funds authorized
25 to be appropriated for necessary expenses for administra-

1 tion and operation of the Federal Highway Administration
2 shall be available to purchase promotional items of nomi-
3 nal value for use in the recruitment of individuals and to
4 promote the programs of the Federal Highway Adminis-
5 tration.”.

6 **SEC. 5205. TRAINING AND EDUCATION.**

7 (a) NATIONAL HIGHWAY INSTITUTE.—

8 (1) IN GENERAL.—Section 504(a)(3) of title
9 23, United States Code, is amended to read as fol-
10 lows:

11 “(3) COURSES.—The Institute may develop and
12 administer courses in modern developments, tech-
13 niques, methods, regulations, management, and pro-
14 cedures in areas, including surface transportation,
15 environmental mitigation, compliance, stewardship,
16 and streamlining, acquisition of rights-of-way, relo-
17 cation assistance, engineering, safety, transportation
18 system management and operations, construction,
19 maintenance, contract administration, inspection,
20 and highway finance.”.

21 (2) FUNDING.—Of the amounts made available
22 by section 5101(a)(2) of this Act, \$8,000,000 for
23 each of fiscal years 2004 through 2009 shall be
24 available to carry out section 504(a) of title 23,
25 United States Code.

1 (b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

2 (1) IN GENERAL.—Section 504(b) of such title
3 is amended by adding at the end the following:

4 “(3) FEDERAL SHARE.—

5 “(A) GRANTS.—A grant under this sub-
6 section may be used to pay up to 50 percent of
7 local technical assistance program costs. Funds
8 available for technology transfer and training
9 purposes under this title and title 49 may be
10 used to cover the remaining 50 percent of the
11 program costs.

12 “(B) TRIBAL TECHNICAL ASSISTANCE
13 CENTERS.—The Federal share of the cost of ac-
14 tivities carried out by the tribal technical assist-
15 ance centers under paragraph (2)(D)(ii) shall
16 be 100 percent.”.

17 (2) FUNDING.—Of the amounts made available
18 by section 5101(a)(2) of this Act, \$15,000,000 for
19 each of fiscal years 2004 through 2009 shall be
20 available to carry out section 504(b) of title 23,
21 United States Code.

22 (c) EISENHOWER TRANSPORTATION FELLOWSHIP
23 PROGRAM.—Of the amounts made available by section
24 5101(a)(2) of this Act, \$3,000,000 for each of fiscal years

1 2004 through 2009 shall be available to carry out section
2 504(c)(2) of title 23, United States Code.

3 (d) GARRETT MORGAN PROGRAM.—[Reserved.]

4 (e) SURFACE TRANSPORTATION WORKFORCE DE-
5 VELOPMENT, TRAINING, AND EDUCATION.—Section 504
6 of such title is amended by adding at the end the fol-
7 lowing:

8 “(d) SURFACE TRANSPORTATION WORKFORCE DE-
9 VELOPMENT, TRAINING, AND EDUCATION.—

10 “(1) FUNDING.—Subject to project approval by
11 the Secretary, a State may obligate funds appor-
12 tioned to the State under sections 104(b)(1),
13 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for sur-
14 face transportation workforce development, training
15 and education, including—

16 “(A) tuition and direct educational ex-
17 penses, excluding salaries, in connection with
18 the education and training of employees of
19 State and local transportation agencies;

20 “(B) employee professional development;

21 “(C) student internships;

22 “(D) university or community college sup-
23 port; and

1 “(E) education activities, including out-
2 reach, to develop interest and promote partici-
3 pation in surface transportation careers.

4 “(2) FEDERAL SHARE.—The Federal share of
5 the cost of activities carried out in accordance with
6 this subsection shall be 100 percent.

7 “(3) SURFACE TRANSPORTATION WORKFORCE
8 DEVELOPMENT, TRAINING, AND EDUCATION DE-
9 FINED.—In this subsection, the term ‘surface trans-
10 portation workforce development, training, and edu-
11 cation’ means activities associated with surface
12 transportation career awareness, student transpor-
13 tation career preparation, and training and profes-
14 sional development for surface transportation work-
15 ers, including activities for women and minorities.”.

16 (f) DEFINITIONS AND DECLARATION OF POLICY.—
17 Section 101(a)(3) of such title is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (G);

20 (2) by striking the period at the end of sub-
21 paragraph (H) and inserting “; and”; and

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

23 “(I) surface transportation workforce de-
24 velopment, training, and education.”.

1 **SEC. 5206. FREIGHT PLANNING CAPACITY BUILDING.**

2 (a) IN GENERAL.—Section 504 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(e) FREIGHT CAPACITY BUILDING PROGRAM.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a freight planning capacity building initiative
8 to support enhancements in freight transportation
9 planning in order to—

10 “(A) better target investments in freight
11 transportation systems to maintain efficiency
12 and productivity; and

13 “(B) strengthen the decisionmaking capac-
14 ity of State transportation departments and
15 local transportation agencies with respect to
16 freight transportation planning and systems.

17 “(2) AGREEMENTS.—The Secretary shall enter
18 into agreements to support and carry out adminis-
19 trative and management activities relating to the
20 governance of the freight planning capacity initia-
21 tive.

22 “(3) STAKEHOLDER INVOLVEMENT.—In car-
23 rying out this section, the Secretary shall consult
24 with the Association of Metropolitan Planning Orga-
25 nizations, the American Association of State High-
26 way and Transportation Officials, and other freight

1 planning stakeholders, including the other Federal
2 agencies, State transportation departments, local
3 governments, nonprofit entities, academia, and the
4 private sector.

5 “(4) ELIGIBLE ACTIVITIES.—The freight plan-
6 ning capacity building initiative shall include re-
7 search, training, and education in the following
8 areas:

9 “(A) The identification and dissemination
10 of best practices in freight transportation.

11 “(B) Providing opportunities for freight
12 transportation staff to engage in peer exchange.

13 “(C) Refinement of data and analysis tools
14 used in conjunction with assessing freight
15 transportation needs.

16 “(D) Technical assistance to State trans-
17 portation departments and local transportation
18 agencies reorganizing to address freight trans-
19 portation issues.

20 “(E) Facilitating relationship building be-
21 tween governmental and private entities in-
22 volved in freight transportation.

23 “(F) Identifying ways to target the capac-
24 ity of State transportation departments and
25 local transportation agencies to address freight

1 considerations in operations, security, asset
2 management, and environmental excellence in
3 connection with long-range multimodal trans-
4 portation planning and project implementation.

5 “(5) FUNDING.—

6 “(A) FEDERAL SHARE.—The Federal
7 share of the cost of an activity carried out
8 under this section shall be up to 100 percent,
9 and such funds shall remain available until ex-
10 pended.

11 “(B) USE OF NON-FEDERAL FUNDS.—

12 Funds made available for the program estab-
13 lished under this subsection may be used for re-
14 search, program development, information col-
15 lection and dissemination, and technical assist-
16 ance. The Secretary may use such funds inde-
17 pendently or make grants to, or enter into con-
18 tracts, cooperative agreements, and other trans-
19 actions with, a Federal agency, State agency,
20 local agency, Federally recognized Indian tribal
21 government or tribal consortium, authority, as-
22 sociation, nonprofit or for-profit corporation, or
23 institution of higher education, to carry out the
24 purposes of this subsection.”.

1 (b) FUNDING.—Of the amounts made available by
2 section 5101(a)(2) of this Act, \$10,000,000 for each of
3 fiscal years 2004 through 2009 shall be available to carry
4 out section 504(e) of title 23, United States Code.

5 (c) TECHNICAL AMENDMENT.—Section 508(e)(3)(C)
6 of such title is amended by inserting “of title 31” after
7 “1116”.

8 **SEC. 5207. ADVANCED TRAVEL FORECASTING PROCEDURES**
9 **PROGRAM.**

10 (a) CONTINUATION AND ACCELERATION OF
11 TRANSIMS DEPLOYMENT.—The Secretary shall accel-
12 erate the deployment of the advanced transportation
13 model known as the “Transportation Analysis Simulation
14 System” (in this section referred to as “TRANSIMS”),
15 developed by the Los Alamos National Laboratory. The
16 program shall assist State departments of transportation
17 and metropolitan planning organizations in the implemen-
18 tation of TRANSIMS, develop methods for TRANSIMS
19 applications to transportation planning and air quality
20 analysis, and provide training and technical assistance for
21 the implementation of TRANSIMS. The program may
22 support the development of methods to plan for the trans-
23 portation response to chemical and biological terrorism
24 and other security concerns.

1 (b) ELIGIBLE ACTIVITIES.—The Secretary shall use
2 funds made available by section 5101(a)(1) to—

3 (1) provide funding to State departments of
4 transportation and metropolitan planning organiza-
5 tions serving transportation management areas des-
6 ignated under chapter 52 of title 49, United States
7 Code, representing a diversity of populations, geo-
8 graphic regions, and analytic needs to implement
9 TRANSIMS;

10 (2) develop methods to demonstrate a wide
11 spectrum of TRANSIMS applications to support
12 metropolitan and statewide transportation planning,
13 including integrating highway and transit oper-
14 ational considerations into the transportation plan-
15 ning process; and

16 (3) provide training and technical assistance with
17 respect to the implementation and application of
18 TRANSIMS to States, local governments, and met-
19 ropolitan planning organizations with responsibility
20 for travel modeling.

21 (c) ALLOCATION OF FUNDS.—Not more than 75 per-
22 cent of the funds made available to carry out this section
23 may be allocated to activities described in subsection
24 (b)(1).

1 (d) FUNDING.—Of the amounts made available by
2 section 5101(a)(1) of this Act, \$5,000,000 for each of fis-
3 cal years 2004 through 2009 shall be available to carry
4 out this section.

5 **SEC. 5208. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**
6 **TATION RESEARCH PROGRAM.**

7 (a) IN GENERAL.—Chapter 5 of title 23, United
8 States Code, is further amended by adding at the end the
9 following:

10 **“§ 509. National cooperative freight transportation**
11 **research program**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
13 lish and support a national cooperative freight transpor-
14 tation research program.

15 “(b) AGREEMENT.—The Secretary shall enter into an
16 agreement with the National Academy of Sciences to sup-
17 port and carry out administrative and management activi-
18 ties relating to the governance of the national cooperative
19 freight transportation research program.

20 “(c) ADVISORY COMMITTEE.—The National Acad-
21 emy of Sciences shall select an advisory committee con-
22 sisting of a representative cross-section of freight stake-
23 holders, including the Department of Transportation,
24 other Federal agencies, State transportation departments,

1 local governments, nonprofit entities, academia, and the
2 private sector.

3 “(d) GOVERNANCE.—The national cooperative
4 freight transportation research program established under
5 this section shall include the following administrative and
6 management elements:

7 “(1) NATIONAL RESEARCH AGENDA.—The advi-
8 sory committee, in consultation with interested par-
9 ties, shall recommend a national research agenda for
10 the program. The agenda shall include a multiyear
11 strategic plan.

12 “(2) INVOLVEMENT.—Interested parties may—

13 “(A) submit research proposals to the advi-
14 sory committee;

15 “(B) participate in merit reviews of re-
16 search proposals and peer reviews of research
17 products; and

18 “(C) receive research results.

19 “(3) OPEN COMPETITION AND PEER REVIEW OF
20 RESEARCH PROPOSALS.—The National Academy of
21 Sciences may award research contracts and grants
22 under the program through open competition and
23 merit review conducted on a regular basis.

24 “(4) EVALUATION OF RESEARCH.—

1 “(A) PEER REVIEW.—Research contracts
2 and grants under the program may allow peer
3 review of the research results.

4 “(B) PROGRAMMATIC EVALUATIONS.—The
5 National Academy of Sciences may conduct
6 periodic programmatic evaluations on a regular
7 basis of research contracts and grants.

8 “(5) DISSEMINATION OF RESEARCH FIND-
9 INGS.—The National Academy of Sciences shall dis-
10 seminate research findings to researchers, practi-
11 tioners, and decisionmakers, through conferences
12 and seminars, field demonstrations, workshops,
13 training programs, presentations, testimony to gov-
14 ernment officials, World Wide Web, publications for
15 the general public, and other appropriate means.

16 “(e) CONTENTS.—The national research agenda re-
17 quired under subsection (d)(1) shall include research in
18 the following areas:

19 “(1) Techniques for estimating and quantifying
20 public benefits derived from freight transportation
21 projects.

22 “(2) Alternative approaches to calculating the
23 contribution of truck and rail traffic to congestion
24 on specific highway segments.

1 “(3) The feasibility of consolidating origins and
2 destinations for freight movement.

3 “(4) Methods for incorporating estimates of
4 international trade into landside transportation plan-
5 ning.

6 “(5) The use of technology applications to in-
7 crease capacity of highway lanes dedicated to truck-
8 only traffic.

9 “(6) Development of physical and policy alter-
10 natives for separating car and truck traffic.

11 “(7) Ways to synchronize infrastructure im-
12 provements with freight transportation demand.

13 “(8) The effect of changing patterns of freight
14 movement on transportation planning decisions re-
15 lating to rest areas.

16 “(9) Other research areas to identify and ad-
17 dress the emerging and future research needs re-
18 lated to freight transportation by all modes.

19 “(f) FUNDING.—

20 “(1) FEDERAL SHARE.—The Federal share of
21 the cost of an activity carried out under this section
22 shall be up to 100 percent, and such funds shall re-
23 main available until expended.

24 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
25 tion to using funds authorized for this section, the

1 National Academy of Sciences may seek and accept
2 additional funding sources from public and private
3 entities capable of accepting funding from the De-
4 partment of Transportation, States, local govern-
5 ments, nonprofit foundations, and the private sec-
6 tor.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 such chapter is further amended by adding at the end the
9 following:

“509. National cooperative freight transportation research program.”.

10 (c) FUNDING.—Of the amounts made available by
11 section 5101(a)(1) of this Act, \$10,000,000 for each of
12 fiscal years 2004 through 2009 shall be available to carry
13 out section 509 of title 23, United States Code.

14 **SEC. 5209. FUTURE STRATEGIC HIGHWAY RESEARCH PRO-**
15 **GRAM.**

16 (a) IN GENERAL.—Chapter 5 of title 23, United
17 States Code, is further amended by adding at the end the
18 following:

19 **“§ 510. Future strategic highway research program**

20 “(a) ESTABLISHMENT.—The Secretary, in consulta-
21 tion with the American Association of State Highway and
22 Transportation Officials, shall establish and carry out,
23 acting through the National Research Council of the Na-
24 tional Academy of Sciences, the future strategic highway
25 research program.

1 “(b) COOPERATIVE AGREEMENTS.—The Secretary
2 may make grants to, and enter into cooperative agree-
3 ments with, the American Association of State Highway
4 and Transportation Officials and the National Academy
5 of Sciences to carry out such activities under this sub-
6 section as the Secretary determines are appropriate.

7 “(c) PERIOD OF AVAILABILITY.—Funds made avail-
8 able to carry out this section shall remain available for
9 the fiscal year in which such funds are made available and
10 the 3 succeeding fiscal years.

11 “(d) PROGRAM PRIORITIES.—

12 “(1) PROGRAM ELEMENTS.—The program es-
13 tablished under this section shall be based on the
14 National Research Council Special Report 260, enti-
15 tled ‘Strategic Highway Research: Saving Lives, Re-
16 ducing Congestion, Improving Quality of Life’ and
17 the results of the detailed planning work subse-
18 quently carried out in 2002 and 2003 to identify the
19 research areas through National Cooperative Re-
20 search Program Project 20–58. The research pro-
21 gram shall include an analysis of the following:

22 “(A) Renewal of aging highway infrastruc-
23 ture with minimal impact to users of the facili-
24 ties.

1 “(B) Driving behavior and likely crash
2 causal factors to support improved counter-
3 measures.

4 “(C) Reducing highway congestion due to
5 nonrecurring congestion.

6 “(D) Planning and designing new road ca-
7 pacity to meet mobility, economic, environ-
8 mental, and community needs.

9 “(2) DISSEMINATION OF RESULTS.—The re-
10 search results of the program, expressed in terms of
11 technologies, methodologies, and other appropriate
12 categorizations, shall be disseminated to practicing
13 engineers for their use, as soon as practicable.

14 “(e) PROGRAM ADMINISTRATION.—In carrying out
15 the program under this section, the National Research
16 Council shall ensure, to the maximum extent practicable,
17 that—

18 “(1) projects and researchers are selected to
19 conduct research for the program on the basis of
20 merit and open solicitation of proposals and review
21 by panels of appropriate experts;

22 “(2) State department of transportation offi-
23 cials and other stakeholders, as appropriate, are in-
24 volved in the governance of the program at the over-

1 all program level and technical level through the use
2 of expert panels and committees;

3 “(3) the Council acquires a qualified, perma-
4 nent core staff with the ability and expertise to man-
5 age the program and multiyear budget; and

6 “(4) there is no duplication of research effort
7 between the program and any other research effort
8 of the Department.

9 “(f) REPORT ON IMPLEMENTATION OF RESULTS.—

10 “(1) REPORT.—The Transportation Research
11 Board of the National Research Council shall com-
12 plete a report on the strategies and administrative
13 structure to be used for implementation of the re-
14 sults of the future strategic highway research pro-
15 gram.

16 “(2) COMPONENTS.—The report under para-
17 graph (1) shall include with respect to the pro-
18 gram—

19 “(A) an identification of the most prom-
20 ising results of research under the program (in-
21 cluding the persons most likely to use the re-
22 sults);

23 “(B) a discussion of potential incentives
24 for, impediments to, and methods of, imple-
25 menting those results;

1 “(C) an estimate of costs of implementa-
2 tion of those results; and

3 “(D) recommendations on methods by
4 which implementation of those results should be
5 conducted, coordinated, and supported in future
6 years, including a discussion of the administra-
7 tive structure and organization best suited to
8 carry out those recommendations.

9 “(3) CONSULTATION.—In developing the report,
10 the Transportation Research Board shall consult
11 with a wide variety of stakeholders, including—

12 “(A) the Federal Highway Administration;

13 “(B) the National Highway Traffic Safety
14 Administration; and

15 “(C) the American Association of State
16 Highway and Transportation Officials.

17 “(4) SUBMISSION.—Not later than February 1,
18 2009, the report shall be submitted to the Com-
19 mittee on Environment and Public Works of the
20 Senate and the Committee on Transportation and
21 Infrastructure of the House of Representatives.

22 “(g) LIMITATION OF REMEDIES.—

23 “(1) SAME REMEDY AS IF UNITED STATES.—
24 The remedy against the United States provided by
25 sections 1346(b) and 2672 of title 28 for injury, loss

1 of property, personal injury, or death shall apply to
2 any claim against the National Academy of Sciences
3 for money damages for injury, loss of property, per-
4 sonal injury, or death caused by any negligent or
5 wrongful act or omission by employees and individ-
6 uals described in paragraph (3) arising from activi-
7 ties conducted under or in connection with this sec-
8 tion. Any such claim shall be subject to the limita-
9 tions and exceptions which would be applicable to
10 such claim if such claim were against the United
11 States. With respect to any such claim, the Sec-
12 retary shall be treated as the head of the appro-
13 priate Federal agency for purposes of sections 2672
14 and 2675 of title 28.

15 “(2) EXCLUSIVENESS OF REMEDY.—The rem-
16 edy referred to in paragraph (1) shall be exclusive
17 of any other civil action or proceeding for the pur-
18 pose of determining liability arising from any such
19 act or omission without regard to when the act or
20 omission occurred.

21 “(3) TREATMENT.—Employees of the National
22 Academy of Sciences and other individuals appointed
23 by the president of the National Academy of
24 Sciences and acting on its behalf in connection with
25 activities carried out under this section shall be

1 treated as if they are employees of the Federal Gov-
2 ernment under section 2671 of title 28 for purposes
3 of a civil action or proceeding with respect to a claim
4 described in paragraph (1). The civil action or pro-
5 ceeding shall proceed in the same manner as any
6 proceeding under chapter 171 of title 28 or action
7 against the United States filed pursuant to section
8 1346(b) of title 28 and shall be subject to the limita-
9 tions and exceptions applicable to such a proceeding
10 or action.

11 “(4) SOURCES OF PAYMENTS.—Payment of any
12 award, compromise, or settlement of a civil action or
13 proceeding with respect to a claim described in para-
14 graph (1) shall be paid first out of insurance main-
15 tained by the National Academy of Sciences, second
16 from funds made available to carry out this section,
17 and then from sums made available under section
18 1304 of title 31. For purposes of such section, such
19 an award, compromise, or settlement shall be
20 deemed to be a judgment, award, or settlement pay-
21 able under section 2414 or 2672 of title 28. The
22 Secretary may establish a reserve of funds made
23 available to carry out this section for making pay-
24 ments under this paragraph.

25 “(f) FUNDING.—

1 and local safety and transportation agencies, including
2 driver licensing, vehicle registration, emergency manage-
3 ment system, injury surveillance, roadway inventory, and
4 motor carrier databases.

5 (c) FUNDING.—

6 (1) FEDERAL CONTRIBUTION.—Of the amounts
7 made available by section 5101(a)(1) of this Act,
8 \$5,000,000 for each of fiscal years 2004 and 2005
9 shall be available to carry out the TSIMS project
10 under this section.

11 (2) STATE CONTRIBUTION.—The sums author-
12 ized in paragraph (1) are intended to supplement
13 voluntary contributions to be made by State depart-
14 ments of transportation and other State safety and
15 transportation agencies.

16 **SEC. 5211. SURFACE TRANSPORTATION CONGESTION RE-**
17 **LIEF SOLUTIONS RESEARCH INITIATIVE.**

18 (a) ESTABLISHMENT.—During fiscal year 2004, the
19 Secretary, acting through the Federal Highway Adminis-
20 tration, shall establish a surface transportation congestion
21 solutions research initiative consisting of 2 independent
22 research programs described in subsections (b)(1) and
23 (b)(2) and designed to develop information to assist State
24 transportation departments and metropolitan planning or-

1 ganizations measure and address surface transportation
2 congestion problems.

3 (b) SURFACE TRANSPORTATION CONGESTION SOLU-
4 TIONS RESEARCH PROGRAM.—

5 (1) IMPROVED SURFACE TRANSPORTATION CON-
6 GESTION MANAGEMENT SYSTEM MEASURES.—The
7 purposes of the first research program established
8 under this section shall be—

9 (A) to examine the effectiveness of surface
10 transportation congestion management systems
11 since enactment of the Intermodal Surface
12 Transportation Assistance Act of 1991 (Public
13 Law 102–240);

14 (B) to identify best case examples of lo-
15 cally designed reporting methods and incor-
16 porate such methods in research on national
17 models for developing and recommending im-
18 proved surface transportation congestion meas-
19 urement and reporting; and

20 (C) to incorporate such methods in the de-
21 velopment of national models and methods to
22 monitor, measure, and report surface transpor-
23 tation congestion information.

24 (2) ANALYTICAL TECHNIQUES FOR ACTION ON
25 SURFACE TRANSPORTATION CONGESTION.—The pur-

1 poses of the second research program established
2 under this section shall be—

3 (A) to analyze the effectiveness of proce-
4 dures used by State transportation departments
5 and metropolitan planning organizations to as-
6 sess surface transportation congestion problems
7 and communicate those problems to decision-
8 makers; and

9 (B) to identify methods to ensure that the
10 results of surface transportation congestion
11 analyses will lead to the targeting of funding
12 for programs, projects, or services with dem-
13 onstrated effectiveness in reducing travel delay,
14 congestion, and system unreliability.

15 (c) TECHNICAL ASSISTANCE AND TRAINING.—In fis-
16 cal year 2006, the Secretary, acting through the Federal
17 Highway Administration, shall develop a technical assist-
18 ance and training program to disseminate the results of
19 the surface transportation congestion solutions research
20 initiative for the purpose of assisting State transportation
21 departments and local transportation agencies with im-
22 proving their approaches to surface transportation conges-
23 tion measurement, analysis, and project programming.

24 (d) FUNDING.—Of the amounts made available by
25 sections 5101(a)(1) of this Act, \$18,000,000 for each of

1 fiscal years 2004 through 2009 shall be available to carry
2 out subsections (a) and (b). Of the amounts made avail-
3 able by section 5101(a)(2), \$2,000,000 for each of fiscal
4 years 2004 through 2009 shall be available to carry out
5 subsection (c).

6 **Subtitle C—University Transpor-**
7 **tation Research; Scholarship**
8 **Opportunities**

9 **SEC. 5301. NATIONAL UNIVERSITY TRANSPORTATION CEN-**
10 **TERS.**

11 (a) IN GENERAL.—Section 5505 of title 49, United
12 States Code, is amended to read as follows:

13 **“§ 5505. National university transportation centers**

14 “(a) IN GENERAL.—

15 “(1) ESTABLISHMENT AND OPERATION.—The
16 Secretary of Transportation shall make grants under
17 this section to eligible nonprofit institutions of high-
18 er learning to establish and operate national univer-
19 sity transportation centers.

20 “(2) ROLE OF CENTERS.—The role of each cen-
21 ter shall be to advance significantly transportation
22 research on critical national transportation issues
23 and to expand the workforce of transportation pro-
24 fessionals.

1 “(b) APPLICABILITY OF REQUIREMENTS.—A grant
2 received by an eligible nonprofit institution of higher
3 learning under this section shall be available for the same
4 purposes, and shall be subject to the same terms and con-
5 ditions, as a grant made to a nonprofit institution of high-
6 er learning under section 5506.

7 “(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER
8 LEARNING DEFINED.—In this section, the term ‘eligible
9 nonprofit institution of higher learning’ means each of the
10 lead institutions identified in subsections (j)(4)(A),
11 (j)(4)(B), and (j)(4)(F) of section 5505 as in effect on
12 the day before the date of enactment of the Transpor-
13 tation Equity Act: A Legacy for Users, the university re-
14 ferred to in section 704 of Public Law 103–206 (107 Stat.
15 2447), and the university that, as of the day before such
16 date of enactment, is the lead institution for the regional
17 university transportation center for region 5 of the Stand-
18 ard Federal Regional Boundary System.

19 “(d) GRANTS.—In each of fiscal years 2004 through
20 2009, the Secretary shall make a grant under this section
21 to each eligible nonprofit institution of higher learning in
22 an amount not to exceed \$4,000,000.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 subchapter I of chapter 55 of such title is amended by

1 striking the item relating to section 5505 and inserting
2 the following:

“5505. National university transportation centers.”.

3 **SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH.**

4 (a) IN GENERAL.—Section 5506 of title 49, United
5 States Code, is amended to read as follows:

6 **“§ 5506. University transportation research**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall make grants under this section to nonprofit institu-
9 tions of higher learning to establish and operate university
10 transportation centers.

11 “(b) OBJECTIVES.—Grants received under this sec-
12 tion shall be used by nonprofit institutions of higher learn-
13 ing to advance significantly the state-of-the-art in trans-
14 portation research and expand the workforce of transpor-
15 tation professionals through the following programs and
16 activities:

17 “(1) RESEARCH.—Basic and applied research,
18 the products of which are judged by peers or other
19 experts in the field of transportation to advance the
20 body of knowledge in transportation.

21 “(2) EDUCATION.—An education program re-
22 lating to transportation that includes multidisci-
23 plinary course work and participation in research.

24 “(3) TECHNOLOGY TRANSFER.—An ongoing
25 program of technology transfer that makes transpor-

1 tation research results available to potential users in
2 a form that can be implemented, utilized, or other-
3 wise applied.

4 “(c) REGIONAL, TIER I, AND TIER II CENTERS.—

5 “(1) IN GENERAL.—For each of fiscal years
6 2004 through 2009, the Secretary shall make grants
7 under subsection (a) to nonprofit institutions of
8 higher learning to establish and operate—

9 “(A) 10 regional university transportation
10 centers;

11 “(B) 10 Tier I university transportation
12 centers; and

13 “(C) 10 Tier II university transportation
14 centers.

15 “(2) LOCATION OF REGIONAL CENTERS.—One
16 regional university transportation center shall be lo-
17 cated in each of the 10 United States Government
18 regions that comprise the Standard Federal Re-
19 gional Boundary System.

20 “(3) LIMITATION.—A nonprofit institution of
21 higher learning may not directly receive a grant
22 under this section for a fiscal year for more than
23 one university transportation center.

24 “(d) COMPETITIVE SELECTION PROCESS.—

1 “(1) APPLICATIONS.—In order to be eligible to
2 receive a grant under this section, a nonprofit insti-
3 tution of higher learning shall submit to the Sec-
4 retary an application that is in such form and con-
5 tains such information as the Secretary may require.

6 “(2) GENERAL SELECTION CRITERIA.—Except
7 as otherwise provided by this section, the Secretary
8 shall select each recipient of a grant under this sec-
9 tion through a competitive process on the basis of
10 the following:

11 “(A) The demonstrated research and ex-
12 tension resources available to the recipient to
13 carry out this section.

14 “(B) The capability of the recipient to pro-
15 vide leadership in making national and regional
16 contributions to the solution of immediate and
17 long-range transportation problems.

18 “(C) The recipient’s demonstrated commit-
19 ment of at least \$400,000 each year in regu-
20 larly budgeted institutional amounts to support
21 ongoing transportation research and education
22 programs.

23 “(D) The recipient’s demonstrated ability
24 to disseminate results of transportation re-
25 search and education programs through a state-

1 wide or regionwide continuing education pro-
2 gram.

3 “(E) The strategic plan the recipient pro-
4 poses to carry out under the grant.

5 “(e) REGIONAL UNIVERSITY TRANSPORTATION CEN-
6 TERS.—

7 “(1) COMPETITION.—Not later than March 31,
8 2005, and not later than March 31st of every 4th
9 year thereafter, the Secretary shall complete a com-
10 petition among nonprofit institutions of higher
11 learning for grants to establish and operate the 10
12 regional university transportation centers referred to
13 in subsection (c)(1)(A).

14 “(2) SELECTION CRITERIA.—In conducting a
15 competition under paragraph (1), the Secretary shall
16 select a nonprofit institution of higher learning on
17 the basis of—

18 “(A) the criteria described in subsection
19 (d)(2);

20 “(B) the location of the center within the
21 Federal region to be served; and

22 “(C) whether or not the institution (or, in
23 the case of a consortium of institutions, the
24 lead institution) can demonstrate that it has a
25 well-established, nationally recognized program

1 in transportation research and education, as
2 evidenced by—

3 “(i) not less than \$2,000,000 in high-
4 way or public transportation research ex-
5 penditures per year for each of the pre-
6 ceding 5 years;

7 “(ii) not less than 10 graduate de-
8 grees awarded in professional fields closely
9 related to highways and public transpor-
10 tation per year for each of the preceding 5
11 years;

12 “(iii) not less than 5 tenured or ten-
13 ure-track faculty members who specialize
14 on a full-time basis in professional fields
15 closely related to highways and public
16 transportation; and

17 “(iv) a faculty that has published a
18 total of at least 50 refereed journal publi-
19 cations on highway or public transpor-
20 tation research during the preceding 5
21 years.

22 “(3) GRANT RECIPIENTS.—After selecting a
23 nonprofit institution of higher learning as a grant
24 recipient on the basis of a competition conducted
25 under this subsection, the Secretary shall make a

1 grant to the recipient to establish and operate a re-
2 gional university transportation center in each of the
3 first 4 fiscal years beginning after the date of the
4 competition.

5 “(4) SPECIAL RULE FOR FISCAL YEARS 2004
6 AND 2005.—For each of fiscal years 2004 and 2005,
7 the Secretary shall make a grant under this section
8 to each of the 10 nonprofit institutions of higher
9 learning that were competitively selected for grants
10 by the Secretary under this section in July 1999 to
11 operate regional university transportation centers.

12 “(5) AMOUNT OF GRANTS.—For each of fiscal
13 years 2004 through 2009, a grant made by the Sec-
14 retary to a nonprofit institution of higher learning
15 for a fiscal year to establish and operate a regional
16 university transportation center shall not exceed
17 \$4,000,000.

18 “(f) TIER I UNIVERSITY TRANSPORTATION CEN-
19 TERS.—

20 “(1) COMPETITION.—Not later than March 31,
21 2006, and not later than March 31st of every 4th
22 year thereafter, the Secretary shall complete a com-
23 petition among nonprofit institutions of higher
24 learning for grants to establish and operate the 10

1 Tier I university transportation centers referred to
2 in subsection (c)(1)(B).

3 “(2) SELECTION CRITERIA.—In conducting a
4 competition under paragraph (1), the Secretary shall
5 select a nonprofit institution of higher learning on
6 the basis of—

7 “(A) the criteria described in subsection
8 (d)(2); and

9 “(B) whether or not the institution (or, in
10 the case of a consortium of institutions, the
11 lead institution) can demonstrate that it has an
12 established, recognized program in transpor-
13 tation research and education, as evidenced
14 by—

15 “(i) not less than \$1,000,000 in high-
16 way or public transportation research ex-
17 penditures per year for each of the pre-
18 ceding 5 years;

19 “(ii) not less than 5 graduate degrees
20 awarded in professional fields closely re-
21 lated to highways and public transpor-
22 tation per year for each of the preceding 5
23 years;

24 “(iii) not less than 3 tenured or ten-
25 ure-track faculty members who specialize

1 on a full-time basis in professional fields
2 closely related to highways and public
3 transportation; and

4 “(iv) a faculty that has published a
5 total of at least 20 refereed journal publi-
6 cations on highway or public transpor-
7 tation research during the preceding 5
8 years.

9 “(3) GRANT RECIPIENTS.—After selecting a
10 nonprofit institution of higher learning as a grant
11 recipient on the basis of a competition conducted
12 under this subsection, the Secretary shall make a
13 grant to the recipient to establish and operate a Tier
14 I university transportation center in each of the first
15 4 fiscal years beginning after the date of the com-
16 petition.

17 “(4) SPECIAL RULE FOR FISCAL YEARS 2004,
18 2005, AND 2006.—For each of fiscal years 2004,
19 2005, and 2006, the Secretary shall make a grant
20 under this section to each of the 10 nonprofit insti-
21 tutions of higher learning that were competitively se-
22 lected for grant awards by the Secretary under this
23 section in May 2002 to operate university transpor-
24 tation centers (other than regional centers).

1 “(5) AMOUNT OF GRANTS.—For each of fiscal
2 years 2004 through 2009, a grant made by the Sec-
3 retary to a nonprofit institution of higher learning
4 for a fiscal year to establish and operate a Tier I
5 university transportation center shall not exceed
6 \$2,000,000.

7 “(g) TIER II UNIVERSITY TRANSPORTATION CEN-
8 TERS.—

9 “(1) COMPETITION.—Not later than August 31,
10 2004, not later than March 31, 2008, and not later
11 than March 31st of every 4th year thereafter, the
12 Secretary shall complete a competition among non-
13 profit institutions of higher learning for grants to
14 establish and operate the 10 Tier II university
15 transportation centers referred to in subsection
16 (c)(1)(C).

17 “(2) SELECTION CRITERIA.—In conducting a
18 competition under paragraph (1), the Secretary shall
19 select a nonprofit institution of higher learning on
20 the basis of the criteria described in subsection
21 (f)(2).

22 “(3) GRANT RECIPIENTS.—After selecting a
23 nonprofit institution of higher learning as a grant
24 recipient on the basis of a competition conducted
25 under this subsection, the Secretary shall—

1 “(A) in the case of the competition to be
2 completed not later than August 31, 2004,
3 make a grant to the recipient to establish and
4 operate a Tier II university transportation cen-
5 ter in each of fiscal years 2004 through 2008;
6 and

7 “(B) in the case of each subsequent com-
8 petition, make a grant to the recipient to estab-
9 lish and operate a Tier II university transpor-
10 tation center in each of the first 4 fiscal years
11 beginning after the date of the competition.

12 “(4) AMOUNT OF GRANTS.—For each of fiscal
13 years 2004 through 2009, a grant made by the Sec-
14 retary to a nonprofit institution of higher learning
15 for a fiscal year to establish and operate a Tier II
16 university transportation center shall not exceed
17 \$1,000,000.

18 “(h) SUPPORT OF NATIONAL STRATEGY FOR SUR-
19 FACE TRANSPORTATION RESEARCH.—In order to be eligi-
20 ble to receive a grant under this section, a nonprofit insti-
21 tution of higher learning shall provide assurances satisfac-
22 tory to the Secretary that the research and education ac-
23 tivities of its university transportation center will support
24 the national strategy for surface transportation research,
25 as identified by—

1 “(1) the report of the National Highway Re-
2 search and Technology Partnership entitled ‘High-
3 way Research and Technology: The Need for Great-
4 er Investment’, dated April 2002; and

5 “(2) the programs of the National Research
6 and Technology Program of the Federal Transit Ad-
7 ministration.

8 “(i) MAINTENANCE OF EFFORT.—In order to be eli-
9 gible to receive a grant under this section, a nonprofit in-
10 stitution of higher learning shall enter into an agreement
11 with the Secretary to ensure that the institution will main-
12 tain total expenditures from all other sources to establish
13 and operate a university transportation center and related
14 research activities at a level at least equal to the average
15 level of such expenditures in its 2 fiscal years prior to
16 award of a grant under this section.

17 “(j) FEDERAL SHARE.—The Federal share of the
18 costs of activities carried out using a grant made under
19 this section shall be 50 percent of such costs. The non-
20 Federal share may include funds provided to a recipient
21 under section 503, 504(b), or 505 of title 23.

22 “(k) PROGRAM COORDINATION.—

23 “(1) COORDINATION.—The Secretary shall co-
24 ordinate the research, education, and technology
25 transfer activities that grant recipients carry out

1 under this section, disseminate the results of the re-
2 search, and establish and operate a clearinghouse to
3 disseminate the results of the research.

4 “(2) ANNUAL REVIEW AND EVALUATION.—At
5 least annually, and consistent with the plan devel-
6 oped under section 508 of title 23, the Secretary
7 shall review and evaluate programs of grant recipi-
8 ents.

9 “(3) MANAGEMENT AND OVERSIGHT.—The Sec-
10 retary shall expend \$2,000,000 per fiscal year from
11 amounts made available to carry out this section to
12 carry out management and oversight of the centers
13 receiving assistance under this section.

14 “(1) PROGRAM ADMINISTRATION.—The Secretary
15 shall carry out this section acting through the Adminis-
16 trator of the Research and Special Programs Administra-
17 tion.

18 “(m) LIMITATION ON AVAILABILITY OF FUNDS.—
19 Funds made available to carry out this section shall re-
20 main available for obligation by the Secretary for a period
21 of 2 years after the last day of the fiscal year for which
22 such funds are authorized.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 subchapter I of chapter 55 of such title is amended by

1 striking the item relating to section 5506 and inserting
2 the following:

“5506. University transportation research.”.

3 **SEC. 5303. TRANSPORTATION SCHOLARSHIP OPPORTUNI-**
4 **TIES PROGRAM.**

5 (a) IN GENERAL.—

6 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
7 retary may establish and implement a scholarship
8 program for the purpose of attracting qualified stu-
9 dents for transportation-related critical jobs.

10 (2) PARTNERSHIP.—The Secretary may estab-
11 lish the program in partnership with appropriate
12 nongovernmental institutions.

13 (b) PARTICIPATION AND FUNDING.—An operating
14 administration of the Department of Transportation and
15 the Office of Inspector General may participate in the
16 scholarship program. Notwithstanding any other provision
17 of law, the Secretary may use funds available to an oper-
18 ating administration or from the Office of Inspector Gen-
19 eral of the Department of Transportation for the purpose
20 of carrying out this section.

1 **Subtitle D—Advanced Technologies**

2 **SEC. 5401. ADVANCED HEAVY-DUTY VEHICLE TECH-** 3 **NOLOGIES RESEARCH PROGRAM.**

4 (a) IN GENERAL.—Subchapter I of chapter 55 of title
5 49, United States Code, is amended by adding at the end
6 the following:

7 **“§ 5507. Advanced heavy-duty vehicle technologies** 8 **research program**

9 “(a) IN GENERAL.—The Secretary of Transportation
10 shall conduct research, development, demonstration, and
11 testing to integrate emerging advanced heavy-duty vehicle
12 technologies in order to provide seamless, safe, secure, and
13 efficient transportation and to benefit the environment.

14 “(b) CONSULTATION.—To ensure the activities per-
15 formed pursuant to this section achieve the maximum ben-
16 efit, the Secretary of Transportation shall consult with the
17 Secretary of Energy, the Administrator of the Environ-
18 mental Protection Agency, and other relevant Federal
19 agencies on research, development, and demonstration ac-
20 tivities authorized under this section related to advanced
21 heavy-duty vehicle technologies.

22 “(c) GRANTS, COOPERATIVE AGREEMENTS, AND
23 OTHER TRANSACTIONS.—The Secretary may make grants
24 to, and enter into cooperative agreements and other trans-
25 actions with, Federal and other public agencies (including

1 State and local governments) and persons to carry out
2 subsection (a).

3 “(d) COST SHARING.—At least 50 percent of the
4 funding for projects carried out under this section must
5 be provided by non-Federal sources.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated from the Highway Trust
8 Fund (other than the Mass Transit Account) to carry out
9 subsection (a) \$8,000,000 for fiscal year 2005,
10 \$8,000,000 for fiscal year 2006, \$8,000,000 for fiscal year
11 2007, \$6,000,000 for fiscal year 2008, and \$4,000,000
12 for fiscal year 2009.

13 “(f) CONTRACT AUTHORITY.—The funds authorized
14 to be appropriated by subsection (e) shall be available for
15 obligation in the same manner as if such funds were ap-
16 portioned under chapter 1 of title 23 and shall be subject
17 to any limitation on obligations imposed on funds made
18 available to carry out title V of the Transportation Equity
19 Act: A Legacy for Users.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 subchapter I of chapter 55 of such title is amended by
22 adding at the end the following:

“5507. Advanced heavy-duty vehicle technologies research program.”.

1 **SEC. 5402. COMMERCIAL REMOTE SENSING PRODUCTS AND**
2 **SPATIAL INFORMATION TECHNOLOGIES.**

3 (a) IN GENERAL.—The Secretary shall establish and
4 carry out a program to validate commercial remote sens-
5 ing products and spatial information technologies for ap-
6 plication to national transportation infrastructure develop-
7 ment and construction.

8 (b) PROGRAM.—

9 (1) NATIONAL POLICY.—The Secretary shall es-
10 tablish and maintain a national policy for the use of
11 commercial remote sensing products and spatial in-
12 formation technologies in national transportation in-
13 frastructure development and construction.

14 (2) POLICY IMPLEMENTATION.—The Secretary
15 shall develop new applications of commercial remote
16 sensing products and spatial information tech-
17 nologies for the implementation of the national pol-
18 icy established and maintained under paragraph (1).

19 (c) COOPERATION.—The Secretary shall carry out
20 this section in cooperation with the commercial remote
21 sensing program of the National Aeronautics and Space
22 Administration and a consortium of university research
23 centers.

24 (d) FUNDING.—Of the amounts made available by
25 section 5101(a)(1) of this Act, \$12,000,000 for each of

1 fiscal years 2004 through 2009 shall be available to carry
2 out this section.

3 **Subtitle E—Transportation Data**
4 **and Analysis**

5 **SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.**

6 Section 111 of title 49, United States Code, is
7 amended by striking subsections (b) through (k) and in-
8 serting the following:

9 “(b) DIRECTOR.—

10 “(1) IN GENERAL.—The Bureau shall be head-
11 ed by a Director who shall be appointed by the
12 President, by and with the advice and consent of the
13 Senate.

14 “(2) APPOINTMENT.—The Director shall be ap-
15 pointed from among individuals who are qualified to
16 serve as the Director by virtue of their training and
17 experience in the collection, analysis and use of
18 transportation data.

19 “(3) REPORTING TO SECRETARY.—The Direc-
20 tor shall report directly to the Secretary of Trans-
21 portation.

22 “(4) TERM.—The term of the Director shall be
23 4 years. The Director may continue to serve after
24 the expiration of the term until a successor is ap-
25 pointed and confirmed.

1 “(c) RESPONSIBILITIES.—The Director of the Bu-
2 reau shall serve as the Secretary’s senior advisor on data
3 and statistics and be responsible for carrying out the fol-
4 lowing duties:

5 “(1) Collecting, analyzing, and disseminating
6 data concerning the domestic and international
7 movement of freight.

8 “(2) Collecting, analyzing, and disseminating
9 data concerning travel patterns for local and long-
10 distance travel, at the local, State, national, and
11 international levels.

12 “(3) Developing, analyzing, and disseminating
13 information on the economics of transportation.

14 “(4) Building and disseminating the transpor-
15 tation layer of the National Spatial Data Infrastruc-
16 ture, including coordinating the development of
17 transportation geospatial data standards, compiling
18 intermodal geospatial data, and collecting geospatial
19 data that is not being collected by others.

20 “(5) Developing, publishing, and disseminating
21 a comprehensive set of measures of investment, use,
22 costs, performance, and impacts of the national
23 transportation system, including publishing an an-
24 nual transportation statistics abstract.

1 “(6) Identifying information needs of the De-
2 partment and reviewing such needs at least annually
3 with the Advisory Council on Transportation Statis-
4 tics of the Bureau.

5 “(7) Conducting or supporting research relating
6 to methods of gathering or analyzing transportation
7 statistics and issuing guidelines for the collection of
8 information by the Department in order to ensure
9 that such information is accurate, relevant, com-
10 parable, accessible, and in a form that permits sys-
11 tematic analysis.

12 “(d) COORDINATING COLLECTION OF INFORMA-
13 TION.—The Director shall work with the operating admin-
14 istrations of the Department to establish and implement
15 the Bureau’s data programs and to improve the coordina-
16 tion of information collection efforts with other Federal
17 agencies.

18 “(e) SUPPORTING TRANSPORTATION DECISION-
19 MAKING.—The Director shall ensure that the statistics
20 compiled under this section are relevant for transportation
21 policy, planning, and decisionmaking by the Federal Gov-
22 ernment, State and local governments, transportation-re-
23 lated associations, private businesses, and the public. The
24 Director shall provide to the Department’s other operating
25 administrations technical assistance on collecting, com-

1 piling, analyzing, and verifying transportation data and
2 statistics and the design of surveys.

3 “(f) NATIONAL TRANSPORTATION LIBRARY.—

4 “(1) IN GENERAL.—The Director shall establish
5 and maintain a National Transportation Library.
6 The Library shall contain a collection of statistical
7 and other information needed for transportation de-
8 cisionmaking at the Federal, State, and local levels.

9 “(2) ACCESS.—The Director shall facilitate and
10 promote access to the Library, with the goal of im-
11 proving the ability of the transportation community
12 to share information and the ability of the Director
13 to disseminate information under subsection (c).

14 “(3) COORDINATION.—The Director shall work
15 with other transportation libraries and other trans-
16 portation information providers, both public and pri-
17 vate, to achieve the goal specified in paragraph (2).

18 “(4) TRANSPORTATION RESEARCH INFORMA-
19 TION SERVICE.—The Director shall provide the full
20 financial support for the web-based version of the
21 Transportation Research Information Service.

22 “(g) RESEARCH AND DEVELOPMENT GRANTS.—

23 “(1) IN GENERAL.—The Secretary may make
24 grants to, or enter into cooperative agreements or
25 contracts with, public and nonprofit private entities

1 (including State transportation departments, metro-
2 politan planning organizations, and institutions of
3 higher education) if each of the grants, agreements,
4 and contracts—

5 “(A) provide for an alternative means of
6 accomplishing program-related research of the
7 Department;

8 “(B) contribute to research and develop-
9 ment of new methods of transportation data
10 collection; or

11 “(C) improve the methods for sharing geo-
12 graphic transportation data.

13 “(2) FUNDING LIMIT.—Not more than
14 \$500,000 of the amounts made available to carry
15 out this section in a fiscal year may be used for re-
16 search and development grants under this sub-
17 section.

18 “(h) TRANSPORTATION STATISTICS ANNUAL RE-
19 PORT.—By March 31 of each year, the Director shall
20 transmit to the President and Congress a report that in-
21 cludes information on the subjects described in subsection
22 (c), documentation of the methods used to obtain the in-
23 formation and ensure the quality of the statistics pre-
24 sented in the report, and recommendations for improving
25 transportation statistical information.

1 “(i) PROCEEDS OF DATA PRODUCT SALES.—Not-
2 withstanding section 3302 of title 31, funds received by
3 the Bureau from the sale of data products, for necessary
4 expenses incurred, may be credited to the Highway Trust
5 Fund (other than the Mass Transit Account) for the pur-
6 pose of reimbursing the Bureau for the expenses.

7 “(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—
8 Nothing in this section shall be construed to—

9 “(1) authorize the Bureau to require any other
10 department or agency to collect data; or

11 “(2) reduce the authority of any other officer of
12 the Department of Transportation to collect and dis-
13 seminate data independently.

14 “(k) MANDATORY RESPONSE AUTHORITY FOR
15 FREIGHT DATA COLLECTION.—Whoever, being the
16 owner, official, agent, person in charge, or assistant to the
17 person in charge of any corporation, company, business,
18 institution, establishment, or organization of any nature
19 whatsoever, neglects or refuses, when requested by the Di-
20 rector or other authorized officer, employee, or contractor
21 of the Bureau, to answer completely and correctly to the
22 best of his or her knowledge all questions relating to the
23 corporation, company, business, institution, establishment,
24 or other organization, or to make available records or sta-
25 tistics in his or her official custody, contained in a data

1 collection request prepared and submitted under the au-
2 thority of subsection (c)(1), shall be fined not more than
3 \$500; but if he or she willfully gives a false answer to
4 such a question, he or she shall be fined not more than
5 \$10,000.

6 “(1) PROHIBITION ON CERTAIN DISCLOSURES.—

7 “(1) IN GENERAL.—An officer, employee or
8 contractor of the Bureau may not—

9 “(A) make any disclosure in which the
10 data provided by an individual or organization
11 under subsection (c) can be identified;

12 “(B) use the information provided under
13 subsection (c) for a nonstatistical purpose; or

14 “(C) permit anyone other than an indi-
15 vidual authorized by the Director to examine
16 any individual report provided under subsection
17 (c).

18 “(2) COPIES OF REPORTS.—

19 “(A) IN GENERAL.—No department, bu-
20 reau, agency, officer, or employee of the United
21 States (except the Director in carrying out this
22 section) may require, for any reason, a copy of
23 any report that has been filed under subsection
24 (c) with the Bureau or retained by an indi-
25 vidual respondent.

1 “(B) LIMITATION ON JUDICIAL PRO-
2 CEEDINGS.—A copy of a report described in
3 subparagraph (A) that has been retained by an
4 individual respondent or filed with the Bureau
5 or any of its employees, contractors, or
6 agents—

7 “(i) shall be immune from legal proc-
8 ess; and

9 “(ii) shall not, without the consent of
10 the individual concerned, be admitted as
11 evidence or used for any purpose in any
12 action, suit, or other judicial or adminis-
13 trative proceeding.

14 “(C) APPLICABILITY.—This paragraph
15 shall apply only to reports that permit informa-
16 tion concerning an individual or organization to
17 be reasonably determined by direct or indirect
18 means.

19 “(3) INFORMING RESPONDENT OF USE OF
20 DATA.—In a case in which the Bureau is authorized
21 by statute to collect data or information for a non-
22 statistical purpose, the Director shall clearly distin-
23 guish the collection of the data or information, by
24 rule and on the collection instrument, so as to in-
25 form a respondent that is requested or required to

1 supply the data or information of the nonstatistical
2 purpose.

3 “(m) DATA ACCESS.—The Director shall have access
4 to transportation and transportation-related information
5 in the possession of any Federal agency except informa-
6 tion—

7 “(1) the disclosure of which to another Federal
8 agency is expressly prohibited by law; or

9 “(2) the disclosure of which the agency so re-
10 quested determines would significantly impair the
11 discharge of authorities and responsibilities which
12 have been delegated to, or vested by law, in such
13 agency.

14 “(n) ADVISORY COUNCIL ON TRANSPORTATION STA-
15 TISTICS.—

16 “(1) ESTABLISHMENT.—There is established in
17 the Bureau an Advisory Council on Transportation
18 Statistics.

19 “(2) FUNCTION.—It shall be the function of the
20 Advisory Council to advise the Director of the Bu-
21 reau on transportation statistics and analyses, in-
22 cluding whether or not the statistics and analysis
23 disseminated by the Bureau are of high quality and
24 are based upon the best available objective informa-
25 tion.

1 “(3) MEMBERSHIP.—The Advisory Council
2 shall be composed of not more than 6 members ap-
3 pointed by the Director who are not officers or em-
4 ployees of the United States. Each member shall
5 have expertise in transportation data collection or
6 analysis or application; except that 1 member shall
7 have expertise in economics and 1 member shall
8 have expertise in statistics. At least 1 member shall
9 be a senior official of a State department of trans-
10 portation.

11 “(4) APPLICABILITY OF FEDERAL ADVISORY
12 COMMITTEE ACT.—The Federal Advisory Committee
13 Act (5 App. U.S.C.) shall apply to the advisory
14 council established under this section, except that
15 section 14 of such Act shall not apply to the Advi-
16 sory Council.”.

17 **Subtitle F—Intelligent**
18 **Transportation Systems Research**

19 **SEC. 5601. SHORT TITLE.**

20 This subtitle may be cited as the “Intelligent Trans-
21 portation Systems Act of 2004”.

22 **SEC. 5602. GOALS AND PURPOSES.**

23 (a) GOALS.—The goals of the intelligent transpor-
24 tation system program include—

1 (1) enhancement of surface transportation effi-
2 ciency and facilitation of intermodalism and inter-
3 national trade to enable existing facilities to meet a
4 significant portion of future transportation needs,
5 including public access to employment, goods, and
6 services and to reduce regulatory, financial, and
7 other transaction costs to public agencies and sys-
8 tem users;

9 (2) achievement of national transportation safe-
10 ty goals, including the enhancement of safe oper-
11 ation of motor vehicles and nonmotorized vehicles as
12 well as improved emergency response to a crash,
13 with particular emphasis on decreasing the number
14 and severity of collisions;

15 (3) protection and enhancement of the natural
16 environment and communities affected by surface
17 transportation, with particular emphasis on assisting
18 State and local governments to achieve national en-
19 vironmental goals;

20 (4) accommodation of the needs of all users of
21 surface transportation systems, including operators
22 of commercial motor vehicles, passenger motor vehi-
23 cles, motorcycles, and bicycles and pedestrians, in-
24 cluding individuals with disabilities; and

1 (5) improvement of the Nation’s ability to re-
2 spond to security-related or other manmade emer-
3 gencies and natural disasters and enhancement of
4 national defense mobility.

5 (b) PURPOSES.—The Secretary shall implement ac-
6 tivities under the intelligent system transportation pro-
7 gram to, at a minimum—

8 (1) expedite, in both metropolitan and rural
9 areas, deployment and integration of intelligent
10 transportation systems for consumers of passenger
11 and freight transportation;

12 (2) ensure that Federal, State, and local trans-
13 portation officials have adequate knowledge of intel-
14 ligent transportation systems for full consideration
15 in the transportation planning process;

16 (3) improve regional cooperation and operations
17 planning for effective intelligent transportation sys-
18 tem deployment;

19 (4) promote the innovative use of private re-
20 sources;

21 (5) facilitate, in cooperation with the motor ve-
22 hicle industry, the introduction of a vehicle-based
23 safety enhancing systems;

1 (6) support the application of intelligent trans-
2 portation systems that increase the safety and effi-
3 ciency of commercial motor vehicle operations;

4 (7) develop a workforce capable of developing,
5 operating, and maintaining intelligent transportation
6 systems; and

7 (8) provide continuing support for operations
8 and maintenance of intelligent transportation sys-
9 tems.

10 **SEC. 5603. GENERAL AUTHORITIES AND REQUIREMENTS.**

11 (a) SCOPE.—Subject to the provisions of this subtitle,
12 the Secretary shall conduct an ongoing intelligent trans-
13 portation system program to research, develop, and oper-
14 ationally test intelligent transportation systems and ad-
15 vance nationwide deployment of such systems as a compo-
16 nent of the surface transportation systems of the United
17 States.

18 (b) POLICY.—Intelligent transportation system re-
19 search projects and operational tests funded pursuant to
20 this subtitle shall encourage and not displace public-pri-
21 vate partnerships or private sector investment in such
22 tests and projects.

23 (c) COOPERATION WITH GOVERNMENTAL, PRIVATE,
24 AND EDUCATIONAL ENTITIES.—The Secretary shall carry
25 out the intelligent transportation system program in co-

1 operation with State and local governments and other pub-
2 lic entities, the private sector of the United States, the
3 Federal laboratories, and colleges and universities, includ-
4 ing historically Black colleges and universities and other
5 minority institutions of higher education.

6 (d) CONSULTATION WITH FEDERAL OFFICIALS.—In
7 carrying out the intelligent transportation system pro-
8 gram, the Secretary shall consult with the heads of other
9 Federal departments and agencies, as appropriate.

10 (e) TECHNICAL ASSISTANCE, TRAINING, AND INFOR-
11 MATION.—The Secretary may provide technical assistance,
12 training, and information to State and local governments
13 seeking to implement, operate, maintain, or evaluate intel-
14 ligent transportation system technologies and services.

15 (f) TRANSPORTATION PLANNING.—The Secretary
16 may provide funding to support adequate consideration of
17 transportation systems management and operations, in-
18 cluding intelligent transportation systems, within metro-
19 politan and statewide transportation planning processes.

20 (g) INFORMATION CLEARINGHOUSE.—

21 (1) IN GENERAL.—The Secretary shall—

22 (A) maintain a repository for technical and
23 safety data collected as a result of federally
24 sponsored projects carried out under this sub-

1 title (including the amendments made by this
2 subtitle); and

3 (B) make, on request, that information
4 (except for proprietary information and data)
5 readily available to all users of the repository at
6 an appropriate cost.

7 (2) AGREEMENT.—

8 (A) IN GENERAL.—The Secretary may
9 enter into an agreement with a third party for
10 the maintenance of the repository for technical
11 and safety data under paragraph (1)(A).

12 (B) FEDERAL FINANCIAL ASSISTANCE.—If
13 the Secretary enters into an agreement with an
14 entity for the maintenance of the repository, the
15 entity shall be eligible for Federal financial as-
16 sistance under this section.

17 (3) AVAILABILITY OF INFORMATION.—Informa-
18 tion in the repository shall not be subject to section
19 555 of title 5, United States Code.

20 (h) ADVISORY COMMITTEES.—In carrying out this
21 subtitle, the Secretary may use one or more advisory com-
22 mittees that are subject to the Federal Advisory Com-
23 mittee Act (5 U.S.C. App.).

24 (i) REPORTING.—

25 (1) GUIDELINES AND REQUIREMENTS.—

1 (A) IN GENERAL.—The Secretary shall
2 issue guidelines and requirements for the re-
3 porting and evaluation of operational tests and
4 deployment projects carried out under this sub-
5 title.

6 (B) OBJECTIVITY AND INDEPENDENCE.—
7 The guidelines and requirements issued under
8 subparagraph (A) shall include provisions to en-
9 sure the objectivity and independence of the re-
10 porting entity so as to avoid any real or appar-
11 ent conflict of interest or potential influence on
12 the outcome by parties to any such test or de-
13 ployment project or by any other formal evalua-
14 tion carried out under this subtitle.

15 (C) FUNDING.—The guidelines and re-
16 quirements issued under subparagraph (A) shall
17 establish reporting funding levels based on the
18 size and scope of each test or project that en-
19 sure adequate reporting of the results of the
20 test or project.

21 (2) SPECIAL RULE.—Any survey, questionnaire,
22 or interview that the Secretary considers necessary
23 to carry out the reporting of any test, deployment
24 project, or program assessment activity under this
25 subtitle shall not be subject to chapter 35 of title 44.

1 **SEC. 5604. NATIONAL ARCHITECTURE AND STANDARDS.**

2 (a) IN GENERAL.—

3 (1) DEVELOPMENT, IMPLEMENTATION, AND
4 MAINTENANCE.—Consistent with section 12(d) of
5 the National Technology Transfer and Advancement
6 Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783),
7 the Secretary shall develop, implement, and maintain
8 a national architecture and supporting standards
9 and protocols to promote the widespread use and
10 evaluation of intelligent transportation system tech-
11 nology as a component of the surface transportation
12 systems of the United States.

13 (2) INTEROPERABILITY AND EFFICIENCY.—To
14 the maximum extent practicable, the national archi-
15 tecture shall promote interoperability among, and ef-
16 ficiency of, intelligent transportation system tech-
17 nologies implemented throughout the United States.

18 (3) USE OF STANDARDS DEVELOPMENT ORGA-
19 NIZATIONS.—In carrying out this section, the Sec-
20 retary shall use the services of such standards devel-
21 opment organizations as the Secretary determines to
22 be appropriate.

23 (4) USE OF EXPERT PANEL.—

24 (A) DESIGNATION.—The Secretary shall
25 designate a panel of experts to recommend ways
26 to expedite and streamline the process for de-

1 veloping the standards and protocols to be de-
2 veloped pursuant to paragraph (1).

3 (B) NONAPPLICABILITY OF ADVISORY COM-
4 MITTEE ACT.—The expert panel shall not be
5 subject to the Federal Advisory Committee Act
6 (5 U.S.C. App.).

7 (C) DEADLINE FOR RECOMMENDATION.—
8 No later than September 30, 2005, the expert
9 panel shall provide the Secretary with a rec-
10 ommendation relating to such standards devel-
11 opment.

12 (b) PROVISIONAL STANDARDS.—

13 (1) IN GENERAL.—If the Secretary finds that
14 the development or balloting of an intelligent trans-
15 portation system standard jeopardizes the timely
16 achievement of the objectives identified in subsection
17 (a), the Secretary may establish a provisional stand-
18 ard, after consultation with affected parties, using,
19 to the extent practicable, the work product of appro-
20 priate standards development organizations.

21 (2) PERIOD OF EFFECTIVENESS.—A provisional
22 standard established under paragraph (1) shall be
23 published in the Federal Register and remain in ef-
24 fect until the appropriate standards development or-
25 ganization adopts and publishes a standard.

1 (c) CONFORMITY WITH NATIONAL ARCHITECTURE.—
2 TURE.—

3 (1) IN GENERAL.—Except as provided in para-
4 graphs (2) and (3), the Secretary shall ensure that
5 intelligent transportation system projects carried out
6 using funds made available from the Highway Trust
7 Fund, including funds made available under this
8 subtitle to deploy intelligent transportation system
9 technologies, conform to the national architecture,
10 applicable standards or provisional standards, and
11 protocols developed under subsection (a).

12 (2) SECRETARY'S DISCRETION.—The Secretary
13 may authorize exceptions to paragraph (1) for—

14 (A) projects designed to achieve specific re-
15 search objectives outlined in the national intel-
16 ligent transportation system program plan or
17 the surface transportation research and devel-
18 opment strategic plan developed under section
19 508 of title 23, United States Code; or

20 (B) the upgrade or expansion of an intel-
21 ligent transportation system in existence on the
22 date of enactment of this Act if the Secretary
23 determines that the upgrade or expansion—

24 (i) would not adversely affect the
25 goals or purposes of this subtitle;

1 (ii) is carried out before the end of
2 the useful life of such system; and

3 (iii) is cost-effective as compared to
4 alternatives that would meet the con-
5 formity requirement of paragraph (1).

6 (3) EXCEPTIONS.—Paragraph (1) shall not
7 apply to funds used for operation or maintenance of
8 an intelligent transportation system in existence on
9 the date of enactment of this Act.

10 **SEC. 5605. RESEARCH AND DEVELOPMENT.**

11 (a) IN GENERAL.—The Secretary shall carry out a
12 comprehensive program of intelligent transportation sys-
13 tem research, development, and operational tests of intel-
14 ligent vehicles and intelligent infrastructure systems and
15 other similar activities that are necessary to carry out this
16 subtitle.

17 (b) PRIORITY AREAS.—Under the program, the Sec-
18 retary shall give higher priority to funding projects that—

19 (1) enhance mobility and productivity through
20 improved traffic management, incident management,
21 transit management, freight management, road
22 weather management, toll collection, traveler infor-
23 mation, or highway operations systems and remote
24 sensing products;

1 (2) enhance safety through improved crash
2 avoidance and protection, crash and other notifica-
3 tion, commercial motor vehicle operations, and infra-
4 structure-based or cooperative safety systems; and

5 (3) facilitate the integration of intelligent infra-
6 structure, vehicle, and control technologies.

7 (c) FEDERAL SHARE.—The Federal share of the cost
8 of operational tests and demonstrations under subsection
9 (a) shall not exceed 80 percent.

10 **SEC. 5606. INFRASTRUCTURE DEVELOPMENT.**

11 Funds made available to carry out this subtitle for
12 operational tests—

13 (1) shall be used primarily for the development
14 of intelligent transportation system infrastructure;
15 and

16 (2) to the maximum extent practicable, shall
17 not be used for the construction of physical highway
18 and transit infrastructure unless the construction is
19 incidental and critically necessary to the implemen-
20 tation of an intelligent transportation system
21 project.

22 **SEC. 5607. DEFINITIONS.**

23 In this subtitle, the following definitions apply:

24 (1) INCIDENT.—The term “incident” means a
25 crash, a natural disaster, workzone activity, special

1 event, or other emergency road user occurrence that
2 adversely affects or impedes the normal flow of traf-
3 fic.

4 (2) INTELLIGENT TRANSPORTATION INFRA-
5 STRUCTURE.—The term “intelligent transportation
6 infrastructure” means fully integrated public sector
7 intelligent transportation system components, as de-
8 fined by the Secretary.

9 (3) INTELLIGENT TRANSPORTATION SYSTEM.—
10 The term “intelligent transportation system” means
11 electronics, communications, or information proc-
12 essing used singly or in combination to improve the
13 efficiency or safety of a surface transportation sys-
14 tem.

15 (4) NATIONAL ARCHITECTURE.—The term “na-
16 tional architecture” means the common framework
17 for interoperability that defines—

18 (A) the functions associated with intel-
19 ligent transportation system user services;

20 (B) the physical entities or subsystems
21 within which the functions reside;

22 (C) the data interfaces and information
23 flows between physical subsystems; and

24 (D) the communications requirements as-
25 sociated with the information flows.

1 (5) PROJECT.—The term “project” means a
2 undertaking to research, develop, or operationally
3 test intelligent transportation systems or any other
4 undertaking eligible for assistance under this sub-
5 title.

6 (6) STANDARD.—The term “standard” means a
7 document that—

8 (A) contains technical specifications or
9 other precise criteria for intelligent transpor-
10 tation systems that are to be used consistently
11 as rules, guidelines, or definitions of character-
12 istics so as to ensure that materials, products,
13 processes, and services are fit for their pur-
14 poses; and

15 (B) may support the national architecture
16 and promote—

17 (i) the widespread use and adoption of
18 intelligent transportation system tech-
19 nology as a component of the surface
20 transportation systems of the United
21 States; and

22 (ii) interoperability among intelligent
23 transportation system technologies imple-
24 mented throughout the States.

1 (7) STATE.—The term “State” has the mean-
 2 ing given the term under section 101 of title 23,
 3 United States Code.

4 (8) TRANSPORTATION SYSTEMS MANAGEMENT
 5 AND OPERATIONS.—The term “transportation sys-
 6 tems management and operations” has the meaning
 7 given the term under section 101(a) of such title.

8 **SEC. 5608. REPEAL.**

9 Subtitle C of title V of The Transportation Equity
 10 Act for the 21st Century (23 U.S.C. 502 note; 112 Stat.
 11 452–463) is repealed.

12 **TITLE VI—PLANNING AND**
 13 **PROJECT DELIVERY**

14 This title will add to subtitle III of title 49, United
 15 States Code, a new chapter 52 relating to transportation
 16 planning. The chapter will incorporate Federal Highway
 17 Administration and Federal Transit Administration plan-
 18 ning provisions from sections 134 and 135 of title 23 of
 19 the Code and sections 5303–5305 of title 49 of the Code
 20 in order to create a single set of requirements for highway
 21 and public transportation planning. [Reserved.]

22 **TITLE VII—HAZARDOUS**
 23 **MATERIALS TRANSPORTATION**

24 This title will reauthorize the hazardous materials
 25 transportation program under chapter 5 of title 49,

1 United States Code, managed by the Research and Special
2 Programs Administration of the Department of Transpor-
3 tation. [Reserved.]

4 **TITLE VIII—TRANSPORTATION**
5 **DISCRETIONARY SPENDING**
6 **GUARANTEE**

7 The guaranteed funding levels provided under this
8 Act are dependent on identifying additional budgetary re-
9 sources. This title will continue sections 8101 and 8103
10 of the Transportation Equity Act for the 21st Century
11 that guarantee that specific levels of authorized funding
12 will be available for obligation each year by continuing the
13 highway category budgetary firewall, which protects the
14 Federal-aid highway program's obligation limitation, the
15 programs of the Federal Motor Carrier Safety Administra-
16 tion, and the portion of the National Highway Traffic
17 Safety Administration's programs funded from the High-
18 way Trust Fund, and the mass transit category budgetary
19 firewall, which protects the portion of the Federal Transit
20 Administration programs funded from the Mass Transit
21 Account of the Highway Trust Fund and the portion of
22 such programs funded from the general fund of the Treas-
23 ury.

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