105th Congress
2d Session

COMMITTEE PRINT

(105–85)

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

AS AMENDED BY THE

TEA 21 RESTORTATION ACT

Together With Updated Explanatory Materials

PREPARED BY THE

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

OCTOBER 1998

U.S. GOVERNMENT PRINTING OFFICE
51-777 CC WASHINGTON : 1998

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-057702-0

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

BUD SHUSTER, Pennsylvania, *Chairman*

DON YOUNG, Alaska
THOMAS E. PETRI, Wisconsin
SHERWOOD L. BOEHLERT, New York
HERBERT H. BATMAN, Virginia
HOWARD COBLE, North Carolina
JOHN J. DUNCAN, JR., Tennessee
SUSAN MOLINARI, New York
THOMAS W. EWING, Illinois
WAYNE T. GILCHREST, Maryland
JAY KIM, California
STEPHEN HORN, California
BOB FRANKS, New Jersey
JOHN L. MICA, Florida
JACK QUINN, New York
TILLIE K. FOWLER, Florida
VERNON J. EHLERS, Michigan
SPENCER BACHUS, Alabama
STEVEN C. LATOURETTE, Ohio
SUE W. KELLY, New York
RAY LAHOOD, Illinois
RICHARD H. BAKER, Louisiana
FRANK RIGGS, California
CHARLES F.BASS, New Hampshire
ROBERT W. NEY, Ohio
JACK METCALF, Washington
JO ANN EMERSON, Missouri
EDWARD A. PEASE, Indiana
ROY BLUNT, Missouri
JOSEPH R. PITTS, Pennsylvania
ASA HUTCHINSON, Arkansas
MERILL COOK, Utah
JOHN COOKSEY, Louisiana
JOHN R. THUNE, South Dakota
CHARLES W. "CHIP PICKERING, JR., Mississippi
KAY GRANGER, Texas
JON D. FOX, Pennsylvania
THOMAS M. DAVIS, Virginia
FRANK A. LOBIONDO, New Jersey
J.C. WATTS, JR., Oklahoma

JAMES L. OBERSTAR, Minnesota
NICK J. RAHALL II, West Virginia
ROBERT A. BORSKI, Pennsylvania
WILLIAM O. LIPINSKI, Illinois
ROBERT E. WISE, JR., West Virginia
JAMES A. TRAFICANT, JR., Ohio
PETER A. DEFAZIO, Oregon
BOB CLEMENT, Tennessee
JERRY F. COSTELLO, Illinois
GLENN POSHARD, Illinois
ROBERT E. (BUD) CRAMER, JR., Alabama
ELEANOR HOLMES NORTON, District of Columbia
JERROLD NADLER, New York
PAT DANNER, Missouri
ROBERT MENENDEZ, New Jersey
JAMES E. CLYBURN, South Carolina
CORRINE BROWN, Florida
JAMES A. BARCIA, Michigan
BOB FILNER, California
EDDIE BERNICE JOHNSON, Texas
FRANK MASCARA, Pennsylvania
GENE TAYLOR, Mississippi
JUANITA MILLENDER-MCDONALD, California
ELIJAH E. CUMMINGS, Maryland
EARL BLUMENAUER, Oregon
MAX SANDLIN, Texas
ELLEN O. TAUSCHER, California
BILL PASCRELL, JR., New Jersey
JAY W. JOHNSON, Wisconsin
LEONARD L. BOSWELL, Iowa
JAMES P. MCGOVERN, Massachusetts

INTRODUCTION

The Committee on Transportation and Infrastructure is pleased to publish the Transportation Equity Act for the 21st Century (TEA 21), as amended by the TEA 21 Restoration Act and the Omnibus Consolidated Appropriations Act for Fiscal Year 1999, and the accompanying revised Statement of Managers for titles I and V that was published in the Congressional Record on October 10, 1998. The remainder of the statement of managers is as published in the original Conference Report accompanying TEA 21.

I hope that this Committee Print of TEA 21 and the accompanying explanatory materials will be useful in interpreting TEA 21 since it was extensively amended soon after being signed into law, and since the original Statement of Managers did not properly reflect the legislation.

BUD SHUSTER,
CHAIRMAN,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY

[Public Law 105–178, as amended by title IX of Public Law 105–206]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Equity Act for the 21st Century".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Revenue aligned budget authority.
Sec. 1106. Federal-aid systems.
Sec. 1107. Interstate maintenance program.
Sec. 1108. Surface transportation program.
Sec. 1109. Highway bridge program.
Sec. 1110. Congestion mitigation and air quality improvement program.
Sec. 1111. Federal share.
Sec. 1112. Recreational trails program.
Sec. 1113. Emergency relief.
Sec. 1114. Highway use tax evasion projects.
Sec. 1115. Federal lands highways program.
Sec. 1116. Woodrow Wilson Memorial Bridge.
Sec. 1117. Appalachian development highway system.
Sec. 1118. National corridor planning and development program.
Sec. 1119. Coordinated border infrastructure program.

Subtitle B—General Provisions

Sec. 1201. Definitions.
Sec. 1202. Bicycle transportation and pedestrian walkways.
Sec. 1203. Metropolitan planning.
Sec. 1204. Statewide planning.
Sec. 1205. Contracting for engineering and design services.
Sec. 1206. Access of motorcycles.
Sec. 1207. Construction of ferry boats and ferry terminal facilities.
Sec. 1208. Training.
Sec. 1209. Use of HOV lanes by inherently low-emission vehicles.
Sec. 1210. Advanced travel forecasting procedures program.
Sec. 1211. Amendments to prior surface transportation laws.
Sec. 1212. Miscellaneous.
Sec. 1213. Studies and reports.
Sec. 1214. Federal activities.
Sec. 1215. Designated transportation enhancement activities.

Sec. 1216. Innovative surface transportation financing methods.
Sec. 1217. Eligibility.
Sec. 1218. Magnetic levitation transportation technology deployment program.
Sec. 1219. National scenic byways program.
Sec. 1220. Elimination of regional office responsibilities.
Sec. 1221. Transportation and community and system preservation pilot program.
Sec. 1222. Additions to Appalachian region.
Sec. 1223. Transportation assistance for Olympic cities.
Sec. 1224. National historic covered bridge preservation.
Sec. 1225. Substitute project.
Sec. 1226. Fiscal, administrative, and other amendments.

Subtitle C—Program Streamlining and Flexibility

Sec. 1301. Real property acquisition and corridor preservation.
Sec. 1302. Payments to States for construction.
Sec. 1303. Proceeds from the sale or lease of real property.
Sec. 1304. Engineering cost reimbursement.
Sec. 1305. Project approval and oversight.
Sec. 1306. Standards.
Sec. 1307. Design-build contracting.
Sec. 1308. Major investment study integration.
Sec. 1309. Environmental streamlining.
Sec. 1310. Uniform transferability of Federal-aid highway funds.
Sec. 1311. Discretionary grant selection criteria and process.

Subtitle D—Safety

Sec. 1401. Hazard elimination program.
Sec. 1402. Roadside safety technologies.
Sec. 1403. Safety incentive grants for use of seat belts.
Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.
Sec. 1405. Open container laws.
Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 1501. Short title.
Sec. 1502. Findings.
Sec. 1503. Establishment of program.
Sec. 1504. Duties of the Secretary.

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

Sec. 1511. State infrastructure bank pilot program.

Subtitle F—High Priority Projects

Sec. 1601. High priority projects program.
Sec. 1602. Project authorizations.
Sec. 1603. Special rule.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Highway safety programs.
Sec. 2002. Highway safety research and development.
Sec. 2003. Occupant protection.
Sec. 2004. Alcohol-impaired driving countermeasures.
Sec. 2005. State highway safety data improvements.
Sec. 2006. National Driver Register.
Sec. 2007. Safety studies.
Sec. 2008. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 2009. Authorizations of appropriations.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title.
Sec. 3002. Amendments to title 49, United States Code.

Sec. 3003. Definitions.
Sec. 3004. Metropolitan planning.
Sec. 3005. Transportation improvement program.
Sec. 3006. Transportation management areas.
Sec. 3007. Urbanized area formula grants.
Sec. 3008. Clean fuels formula grant program.
Sec. 3009. Capital investment grants and loans.
Sec. 3010. Dollar value of mobility improvements.
Sec. 3011. Local share.
Sec. 3012. Intelligent transportation systems applications.
Sec. 3013. Formula grants and loans for special needs of elderly individuals and individuals with disabilities.
Sec. 3014. Formula program for other than urbanized areas.
Sec. 3015. Research, development, demonstration, and training projects.
Sec. 3016. National planning and research programs.
Sec. 3017. National Transit Institute.
Sec. 3018. Bus testing facilities.
Sec. 3019. Bicycle facilities.
Sec. 3020. General provisions on assistance.
Sec. 3021. Pilot program for intercity rail infrastructure investment from mass transit account of highway trust fund.
Sec. 3022. Contract requirements.
Sec. 3023. Special procurements.
Sec. 3024. Project management oversight and review.
Sec. 3025. Administrative procedures.
Sec. 3026. Reports and audits.
Sec. 3027. Apportionment of appropriations for formula grants.
Sec. 3028. Apportionment of appropriations for fixed guideway modernization.
Sec. 3029. Authorizations.
Sec. 3030. Projects for new fixed guideway systems and extensions to existing systems.
Sec. 3031. Projects for bus and bus-related facilities.
Sec. 3032. Contracting out study.
Sec. 3033. Urbanized area formula study.
Sec. 3034. Coordinated transportation services.
Sec. 3035. Final assembly of buses.
Sec. 3036. Clean fuel vehicles.
Sec. 3037. Job access and reverse commute grants.
Sec. 3038. Rural transportation accessibility incentive program.
Sec. 3039. Study of transit needs in national parks and related public lands.
Sec. 3040. Obligation ceiling.
Sec. 3041. Adjustments for the Surface Transportation Extension Act of 1997.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 4001. Amendments to title 49, United States Code.
Sec. 4002. Statement of purposes.
Sec. 4003. State grants.
Sec. 4004. Information systems.
Sec. 4005. Automobile transporter defined.
Sec. 4006. Inspections and reports.
Sec. 4007. Waivers, exemptions, and pilot programs.
Sec. 4008. Safety regulation.
Sec. 4009. Safety fitness.
Sec. 4010. Repeal of certain obsolete miscellaneous authorities.
Sec. 4011. Commercial vehicle operators.
Sec. 4012. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 4013. Participation in international registration plan and international fuel tax agreement.
Sec. 4014. Safety performance history of new drivers; limitation on liability.
Sec. 4015. Penalties.
Sec. 4016. Authority over charter bus transportation.
Sec. 4017. Telephone hotline for reporting safety violations.
Sec. 4018. Insulin treated diabetes mellitus.
Sec. 4019. Performance-based CDL testing.
Sec. 4020. Post-accident alcohol testing.
Sec. 4021. Driver fatigue.

Sec. 4022. Improved flow of driver history pilot program.
Sec. 4023. Employee protections.
Sec. 4024. Improved interstate school bus safety.
Sec. 4025. Truck trailer conspicuity.
Sec. 4026. DOT implementation plan.
Sec. 4027. Study of adequacy of parking facilities.
Sec. 4028. Qualifications of foreign motor carriers.
Sec. 4029. Federal motor carrier safety inspectors.
Sec. 4030. School transportation safety.
Sec. 4031. Designation of New Mexico commercial zone.
Sec. 4032. Effects of MCSAP grant reductions.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

Sec. 5001. Authorization of appropriations.
Sec. 5002. Obligation ceiling.
Sec. 5003. Notice.

Subtitle B—Research and Technology

Sec. 5101. Research and technology program.
Sec. 5102. Surface transportation research.
Sec. 5103. Technology deployment.
Sec. 5104. Training and education.
Sec. 5105. State planning and research.
Sec. 5106. International highway transportation outreach program.
Sec. 5107. Surface transportation-environment cooperative research program.
Sec. 5108. Surface transportation research strategic planning.
Sec. 5109. Bureau of Transportation Statistics.
Sec. 5110. University transportation research.
Sec. 5111. Advanced vehicle technologies program.
Sec. 5112. Study of future strategic highway research program.
Sec. 5113. Commercial remote sensing products and spatial information technologies.
Sec. 5114. Sense of the Congress on the year 2000 problem.
Sec. 5115. International trade traffic.
Sec. 5116. University grants.
Sec. 5117. Transportation technology innovation and demonstration program.
Sec. 5118. Drexel University Intelligent Infrastructure Institute.
Sec. 5119. Conforming amendments.

Subtitle C—Intelligent Transportation Systems

Sec. 5201. Short title.
Sec. 5202. Findings.
Sec. 5203. Goals and purposes.
Sec. 5204. General authorities and requirements.
Sec. 5205. National ITS program plan.
Sec. 5206. National architecture and standards.
Sec. 5207. Research and development.
Sec. 5208. Intelligent transportation system integration program.
Sec. 5209. Commercial vehicle intelligent transportation system infrastructure deployment.
Sec. 5210. Use of funds.
Sec. 5211. Definitions.
Sec. 5212. Project funding.
Sec. 5213. Repeal.

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

Sec. 6101. Findings and purpose.
Sec. 6102. Particulate matter monitoring program.
Sec. 6103. Ozone designation requirements.
Sec. 6104. Additional provisions.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Sec. 7101. Short title.

Sec. 7102. Authorization of appropriations.
Sec. 7103. Improving air bag safety.
Sec. 7104. Restrictions on lobbying activities.
Sec. 7105. Odometers.
Sec. 7106. Miscellaneous amendments.
Sec. 7107. Importation of motor vehicle for show or display.

Subtitle B—Railroads

Sec. 7201. High-speed rail.
Sec. 7202. Light density rail line pilot projects.
Sec. 7203. Railroad rehabilitation and improvement financing.
Sec. 7204. Alaska Railroad.

Subtitle C—Comprehensive One-Call Notification

Sec. 7301. Findings.
Sec. 7302. One-call notification programs.

Subtitle D—Sportfishing and Boating Safety

Sec. 7401. Short title; amendment of 1950 Act.
Sec. 7402. Outreach and communications programs.
Sec. 7403. Clean Vessel Act funding.
Sec. 7404. Boating infrastructure.
Sec. 7405. Boat safety funds.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

Sec. 8101. Discretionary spending categories.
Sec. 8102. Conforming the Paygo Scorecard with this Act.
Sec. 8103. Level of obligation limitations.

Subtitle B—Veterans' Benefits

Sec. 8201. Short title.
Sec. 8202. Prohibition on establishment of service-connection for disabilities relating to use of tobacco products.
Sec. 8203. Twenty percent increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 8204. Increase in assistance amount for specially adapted housing.
Sec. 8205. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.
Sec. 8206. Increase in aid and attendance rates for veterans eligible for pension.
Sec. 8207. Eligibility of certain remarried surviving spouses for reinstatement of dependency and indemnity compensation upon termination of that remarriage.
Sec. 8208. Extension of prior revision to offset rule for Department of Defense special separation benefit program.
Sec. 8209. Sense of the Congress concerning recovery from tobacco companies of costs of treatment of veterans for tobacco-related illnesses.

Subtitle C—Temporary Student Loan Provision.

Sec. 8301. Temporary student loan provision.

Subtitle D—Block Grants for Social Services

Sec. 8401. Block grants for social services.

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

Sec. 9001. Short title; amendment of 1986 Code.
Sec. 9002. Extension of highway-related taxes and trust fund.
Sec. 9003. Extension and modification of tax benefits for alcohol fuels.
Sec. 9004. Modifications to Highway Trust Fund.
Sec. 9005. Provisions relating to Aquatic Resources Trust Fund.
Sec. 9006. Repeal of 1.25 cent tax rate on rail diesel fuel.
Sec. 9007. Additional qualified expenses available to non-Amtrak States.
Sec. 9008. Delay in effective date of new requirement for approved diesel or kerosene terminals.

Sec. 9009. Simplified fuel tax refund procedures.
Sec. 9010. Election to receive taxable cash compensation in lieu of nontaxable qualified transportation fringe benefits.
Sec. 9011. Repeal of National Recreational Trails Trust Fund.
Sec. 9012. Identification of limited tax benefits subject to line item veto.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

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

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $3,427,341,000 for fiscal year 1998, $3,957,103,000 for fiscal year 1999, $3,994,524,000 for fiscal year 2000, $4,073,322,000 for fiscal year 2001, $4,139,630,000 for fiscal year 2002, and $4,217,635,000 for fiscal year 2003.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,112,480,000 for fiscal year 1998, $4,748,523,000 for fiscal year 1999, $4,793,429,000 for fiscal year 2000, $4,887,986,000 for fiscal year 2001, $4,967,556,000 for fiscal year 2002, and $5,061,162,000 for fiscal year 2003.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $2,941,454,000 for fiscal year 1998, $3,395,354,000 for fiscal year 1999, $3,427,472,000 for fiscal year 2000, $3,495,104,000 for fiscal year 2001, $3,552,016,000 for fiscal year 2002, and $3,618,966,000 for fiscal year 2003.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $4,797,620,000 for fiscal year 1998, $5,539,944,000 for fiscal year 1999, $5,592,333,000 for fiscal year 2000, $5,702,651,000 for fiscal year 2001, $5,795,482,000 for fiscal year 2002, and $5,904,689,000 for fiscal year 2003.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,192,619,000 for fiscal year 1998, $1,345,415,000 for fiscal year 1999, $1,358,138,000 for fiscal year 2000, $1,384,930,000 for fiscal year 2001, $1,407,474,000 for fiscal year 2002, and $1,433,996,000 for fiscal year 2003.

(6) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system pro-

gram under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) $450,000,000 for each of fiscal years 1999 through 2003.

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

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $225,000,000 for fiscal year 1998 and $275,000,000 for each of fiscal years 1999 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $196,000,000 for fiscal year 1998 and $246,000,000 for each of fiscal years 1999 through 2003.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title $115,000,000 for fiscal year 1998 and $165,000,000 for each of fiscal years 1999 through 2003.

(D) REFUGE ROADS.—For refuge roads under section 204 of such title $20,000,000 for each of fiscal years 1999 through 2003.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act $140,000,000 for each of fiscal years 1999 through 2003.

(10) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $30,000,000 for each of fiscal year 1998 and $38,000,000 for each of fiscal years 1999 through 2003.

(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $23,500,000 for each of fiscal years 1998 and 1999, $24,500,000 for each of fiscal years 2000 and 2001, and $25,500,000 for fiscal year 2002, and $26,500,000 for fiscal year 2003.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) $7,000,000 for fiscal year 1999, and $11,000,000 for each of fiscal years 2000 through 2003.

(13) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $1,029,583,500 for fiscal year 1998, $1,403,977,500 for fiscal year 1999, $1,684,773,000 for fiscal year 2000, $1,684,773,000 for fiscal year 2001, $1,778,371,500 for fiscal year 2002, and $1,778,371,500 for fiscal year 2003.

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title

$10,000,000 for fiscal year 1998 and $5,000,000 for each of fiscal years 1999 through 2003.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act $110,000,000 for fiscal years 1998 through 2003.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

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

(2) DEFINITIONS.—In this subsection, the following definitions apply:

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

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

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

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

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a

final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

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

(A) in the case of small business concerns certified in each State under paragraph (4) as owned and controlled by socially and economically disadvantaged individuals—

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

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

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

(i) the number of the small business concerns;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the issuance of a final order described in paragraph (5) by a Federal court that suspends a program established under paragraph (1); or

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

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

SEC. 1102. OBLIGATION CEILING.

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

(1) $21,500,000,000 for fiscal year 1998;
(2) $25,511,000,000 for fiscal year 1999;
(3) $26,245,000,000 for fiscal year 2000;
(4) $26,761,000,000 for fiscal year 2001;
(5) $27,335,000,000 for fiscal year 2002; and
(6) $27,811,000,000 for fiscal year 2003.

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

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

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

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

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

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

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

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of this Act; and

(8) under section 105 of title 23, United States Code (but, for each of fiscal years 1998 through 2007), only in an amount equal to $639,000,000 per fiscal year.

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

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

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

(3) determine the ratio that—

(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

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

(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of such title (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

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

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

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

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

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

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations imposed by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and under title V of this Act; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limita-

tion imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

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

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

(1) $320,000,000 for fiscal year 1998;
(2) $350,000,000 for fiscal year 1999;
(3) $370,000,000 for fiscal year 2000;
(4) $390,000,000 for fiscal year 2001;
(5) $410,000,000 for fiscal year 2002; and
(6) $430,000,000 for fiscal year 2003.

SEC. 1103. APPORTIONMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program under section 103, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary—

"(A) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

"(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

"(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

"(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.".

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

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, and the Surface Transportation program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(A) IN GENERAL.—For the National Highway System (excluding funds apportioned under paragraph (4)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, $18,800,000 for each of fiscal years 1999 through 2003 for the Alaska Highway, and the remainder apportioned as follows:

"(i) 25 percent in the ratio that—

"(I) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(II) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(ii) 35 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(II) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(iii) 30 percent in the ratio that—

"(I) the total diesel fuel used on highways in each State; bears to

"(II) the total diesel fuel used on highways in all States.

"(iv) 10 percent in the ratio that—

"(I) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(II) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A) and paragraph (4), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under subparagraph (A) and paragraph (4).

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

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

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

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

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of such Act (42/U.S.C. 7512 et seq.) as a nonattainment

area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 25 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 40 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 35 percent of the apportionments in the ratio that—

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

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

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

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

"(A) 33⅓ percent in the ratio that—

"(i) the total lane miles on Interstate System routes open to traffic in each State; bears to

"(ii) the total of all such lane miles in all States;

"(B) 33⅓ percent in the ratio that—

"(i) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(I) section 103;

"(II) section 139(a) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(III) section 139(c) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century);

in each State; bears to

"(ii) the total of all such vehicle miles traveled in all States; and

"(C) 33⅓ percent in the ratio that—

"(i) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles; bears to

"(ii) the total of such annual contributions by all States.

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

(1) in paragraph (1) by striking "The" and all that follows through "$300,000 for each" and inserting "Before making an apportionment under subsection (b)(3) of this section for a fiscal year, the Secretary shall set aside $500,000 for such"; and

(2) by striking paragraphs (2) and (3) and inserting the following:

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,250,000 of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

"(B) ELIGIBLE CORRIDORS.—Subject to subparagraph (E), funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause);

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D);

"(iii) a Gulf Coast high speed railway corridor (as designated by the Secretary);

"(iv) a Keystone high speed railway corridor from Philadelphia to Harrisburg, Pennsylvania; and

"(v) an Empire State railway corridor from New York City to Albany to Buffalo, New York.

"(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.

"(E) CERTAIN IMPROVEMENTS.—Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.".

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

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

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

(3) by striking the first parenthetical phrase;

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

(5) by striking the second sentence;

(6) by adding at the end the following:

"(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 by the 21st day of a fiscal year beginning after September 30, 1998, the Secretary shall transmit, by such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner."; and

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

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

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

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

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

"(h) RECREATIONAL TRAILS PROGRAM.—

"(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 1½ percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

"(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

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

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

"(3) ELIGIBLE STATE DEFINED.—In this section, the term 'eligible State' means a State that meets the requirements of section 206(c).".

(g) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of such title is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(h) REPORT ON OBLIGATIONS.—Section 104 of such title is amended by striking subsection (j) and inserting the following:

"(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report for each fiscal year on—

"(1) the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the preceding fiscal year;

"(2) the balance, as of the last day of the preceding fiscal year, of the unobligated apportionment of each State by fiscal year under this section and sections 105 and 144;

"(3) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and

"(4) the rates of obligation of funds apportioned or set aside under this section and sections 105, 133, and 144, according to—

"(A) program;

"(B) funding category or subcategory;

"(C) type of improvement;

"(D) State; and

"(E) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

(i) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—Section 104 of such title is amended by inserting after subsection (j) the following:

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

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects of a type described in section 133(b)(2) shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of such chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) and (2) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

(j) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of such title is amended by adding at the end the following:

"(l) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Transportation Equity Act for the 21st Century and this title.".

(k) TECHNICAL AMENDMENTS.—Section 104(f) of such title is amended—

(1) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(2) in paragraph (1) by striking ", except that" and all that follows through "programs";

(3) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(4) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The";

(5) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The"; and

(6) by aligning the remainder of the text of each of paragraphs (1) through (4) with paragraph (5).

(l) CONFORMING AMENDMENTS.—

(1) Section 146(a) of such title is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2) Section 158 of such title is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

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

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(4)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

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

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

(3)(A) Section 115(b)(1) of such title is amended by striking "104(b)(5)" and inserting "104(b)(4)".

(B) Section 137(f)(1) of such title is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(4)".

(C) Section 141(c) of such title is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(4)".

(D) Section 142(c) of such title is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of such title is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A) by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)";

(II) in paragraph (1)(A)(ii) by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)";

(III) in paragraph (3)(B) by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the

date of enactment of the Transportation Equity Act for the 21st Century)"; and

(IV) in paragraphs (3) and (4) by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)".

(F) Section 161(a) of such title is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1), (3), and (4) of section 104(b)".

(4) Section 142(b) of such title is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(4)".

(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.

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

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to section 2(c) of the Surface Transportation Extension Act of 1997, the Secretary shall ensure that the total apportionments for a State (other than Massachusetts) for fiscal year 1998 made under the Transportation Equity Act for the 21st Century (including amendments made by such Act) shall be reduced by the amount apportioned to such State (other than Massachusetts) under section 1003(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

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

(3) INSUFFICIENT FUNDS FOR REPAYMENT.—If a State has insufficient funds apportioned in fiscal year 1998 under the Transportation Equity Act for the 21st Century (including amendments made by such Act) to make the adjustment required by paragraph (1), then the Secretary shall make an adjustment to any funds apportioned to such State in fiscal year 1999.

(4) ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, amounts made available for fiscal year 1998 by the Transportation Equity Act for the 21st Century (including amendments made by such Act) for a program that is continued by both of sections 4, 5, 6, and 7 of the Surface Transportation Extension Act of 1997 (including amendments made by such sections) and the Transportation Equity Act for the 21st Century (including amendments made by such Act) shall be reduced by the amount made available by such sections 4, 5, 6, and 7 for such programs.

(5) TREATMENT OF STEA OBLIGATION AUTHORITY.—The amount of obligation authority made available under section 2(e) of the Surface Transportation Extension Act of 1997 shall

be considered to be an amount of obligation authority made available for fiscal year 1998 under section 1102(a) of this Act.

(n) STATE DEFINED.—For the purposes of apportioning funds under sections 104, 105, 144, and 206 of title 23, United States Code, the term "State" means any of the 50 States and the District of Columbia.

(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking "under section 103";

(2) in subsection (b) (as amended by subsection (b) of this section)—

(A) in paragraph (1)(A) by striking "1999 through 2003" and inserting "1998 through 2002"; and

(B) in paragraph (4)(B)(i) by striking "on lanes on Interstate System" and all that follows through "in each State" and inserting 'on Interstate System routes open to traffic in each State'; and

(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting "104, 105, or 144".

SEC. 1104. MINIMUM GUARANTEE.

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

"§ 105. Minimum guarantee

"(a) GENERAL RULE.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that each State's percentage of the total apportionments for such fiscal year of Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall equal the percentage listed for each State in subsection (b).

"(b) STATE PERCENTAGES.—The percentage for each State referred to in subsection (a) shall be determined in accordance with the following table:

"States:	Percentage
Alabama	2.0269
Alaska	1.1915
Arizona	1.5581
Arkansas	1.3214
California	9.1962
Colorado	1.1673
Connecticut	1.5186
Delaware	0.4424
District of Columbia	0.3956
Florida	4.6176
Georgia	3.5104
Hawaii	0.5177
Idaho	0.7718
Illinois	3.3819
Indiana	2.3588
Iowa	1.2020
Kansas	1.1717
Kentucky	1.7365

"States:

	Percentage
Louisiana	1.5900
Maine	0.5263
Maryland	1.5087
Massachusetts	1.8638
Michigan	3.1535
Minnesota	1.4993
Mississippi	1.2186
Missouri	2.3615
Montana	0.9929
Nebraska	0.7768
Nevada	0.7248
New Hampshire	0.5163
New Jersey	2.5816
New Mexico	0.9884
New York	5.1628
North Carolina	2.8298
North Dakota	0.6553
Ohio	3.4257
Oklahoma	1.5419
Oregon	1.2183
Pennsylvania	4.9887
Rhode Island	0.5958
South Carolina	1.5910
South Dakota	0.7149
Tennessee	2.2646
Texas	7.2131
Utah	0.7831
Vermont	0.4573
Virginia	2.5627
Washington	1.7875
West Virginia	1.1319
Wisconsin	1.9916
Wyoming	0.6951

"(c) TREATMENT OF FUNDS.—

"(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion 50 percent of the amounts made available under this section that exceed $2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a) (other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs) is equal to the amount determined by multiplying the amount to be apportioned under this paragraph by the ratio that—

"(A) the amount of funds apportioned to each State for each program referred to in subsection (a) for a fiscal year; bears to

"(B) the total amount of funds apportioned to all States for such program for such fiscal year.

"(2) REMAINING DISTRIBUTION.—The Secretary shall apportion the remainder of funds made available under this section to the States in accordance with section 104(b)(3); except that requirements of paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned pursuant to this paragraph.

"(d) AUTHORIZATION.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for each of fiscal years 1998 through 2003.

"(e) SPECIAL RULE.—If in any of fiscal years 1999 through 2003, the amount authorized under subsection (d) is more than 30

percent higher than the amount authorized under subsection (d) in fiscal year 1998, the Secretary shall use the apportionment factors under sections 104 and 144 as in effect on the date of enactment of this section.

"(f) GUARANTEE OF 90.5 RETURN.—

"(1) IN GENERAL.—Before making any apportionment under this title for each of fiscal years 1999 through 2003, the Secretary, subject to paragraph (2), shall adjust the percentages in the table in subsection (b) to reflect the estimated percentage of estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data is available, to ensure that no State's return from such Trust Fund is less than 90.5 percent.

"(2) ELIGIBILITY THRESHOLD FOR INITIAL ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the State's return from the Highway Trust Fund (other than the Mass Transit Account) for the preceding fiscal year was equal to or less than 90.5 percent.

"(3) CONFORMING ADJUSTMENTS.—After making any adjustments under paragraph (1) for a fiscal year, the Secretary shall adjust the remaining percentages in the table set forth in subsection (b) to ensure that the total of the percentages in the table do not exceed 100 percent for such fiscal year.

"(4) LIMITATION ON ADJUSTMENTS.—After making any adjustments under paragraph (3) for a fiscal year, the Secretary shall determine whether or not any State's return from the Highway Trust Fund (other than the Mass Transit Account) is less than 90.5 percent as a result of such adjustments and shall adjust the percentages in the table for such fiscal year accordingly. Adjustments of the percentages in the table under this paragraph may not result in the total of such percentages exceeding 100 percent.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

(1) in subsection (a) by adding at the end the following: "The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.";

(2) in subsection (c)(1) by striking "50 percent of";

(3) in subsection (c)(1)(A) by inserting "(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)" after "subsection (a)";

(4) in subsection (c)(1)(B) by striking "all States" and inserting "each State";

(5) in subsection (c)(2)—

(A) by striking "apportion" and inserting "administer"; and

(B) by striking "apportioned" and inserting "administered"; and

(6) in subsection (f)—

(A) by inserting "percentage" before "return" each place it appears;

(B) in paragraph (2) by striking "for the preceding fiscal year was equal to or less than" and inserting "in the table in subsection (b) was equal to"; and

(C) in paragraph (3)—

(i) by inserting "proportionately" before "adjust";

(ii) by striking "set forth"; and

(iii) by striking "do not exceed" and inserting "is equal to".

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 110 and inserting the following:

"§ 110. Revenue aligned budget authority

"(a) DETERMINATION OF AMOUNT.—On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).

"(b) GENERAL DISTRIBUTION.—The Secretary shall—

"(1) determine the ratio that—

"(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) for which funds are allocated from such Trust Fund by the Secretary under this title and the Transportation Equity Act for the 21st Century for a fiscal year, bears to

"(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

"(2) multiply the ratio determined under paragraph (1) by the total amount of funds to be allocated under subsection (a) for such fiscal year;

"(3) allocate the amount determined under paragraph (2) among such programs in the ratio that—

"(A) the sums authorized to be appropriated from such Trust Fund for each of such programs for such fiscal year, bears to

"(B) the sums authorized to be appropriated from such Trust Fund for all such programs for such fiscal year; and

"(4) allocate the remainder of the funds to be allocated under subsection (a) for such fiscal year to the States in the ratio that—

"(A) the total of all funds authorized to be appropriated from such Trust Fund for Federal-aid highway and

highway safety construction programs that are apportioned to each State for such fiscal year but for this section, bears to

"(B) the total of all funds authorized to be appropriated from such Trust Fund for such programs that are apportioned to all States for such fiscal year but for this section.

"(c) STATE PROGRAMMATIC DISTRIBUTION.—Of the funds to be apportioned to each State under subsection (b)(4) for a fiscal year, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation air quality improvement program in the same ratio that each State is apportioned funds for such programs for such fiscal year but for this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1998.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 110 and inserting the following:

"110. Revenue aligned budget authority.".

(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

(1) by striking subsection (a) and inserting the following: "(a) IN GENERAL.—

"(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

"(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.";

(2) in subsections (b)(2) and (b)(4) by striking "subsection (a)" and inserting "subsection (a)(1)"; and

(3) in subsection (c) by striking "Maintenance program, the" and inserting "and".

SEC. 1106. FEDERAL-AID SYSTEMS.

(a) ADMINISTRATION OF NATIONAL HIGHWAY SYSTEM AND INTERSTATE MAINTENANCE PROGRAM.—The Secretary shall admin-

ister the National Highway System program and the Interstate Maintenance program as a combined program for purposes of allowing States maximum flexibility. References in this Act and title 23, United States Code, shall not be affected by such consolidation.

(b) FEDERAL-AID SYSTEMS.—Section 103 of title 23, United States Code, is amended to read as follows:

"§ 103. Federal-aid systems

"(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) DESCRIPTION.—The National Highway System consists of the highway routes and connections to transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals' and dated May 24, 1996. The system shall—

"(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

"(B) meet national defense requirements; and

"(C) serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:

"(A) The Interstate System described in subsection (c).

"(B) Other urban and rural principal arterial routes.

"(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

"(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

"(4) MODIFICATIONS TO NHS.—

"(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed

"(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

"(C) LOCATION.—Highways on the Interstate System shall be located so as—

"(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

"(ii) to serve the national defense; and

"(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

"(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

"(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

"(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

"(4) INTERSTATE SYSTEM DESIGNATIONS.—

"(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

"(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

"(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

"(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in such clause that the highway will be constructed to meet all standards of a highway on the Interstate System by

the date that is 12 years after the date of the agreement.

"(iii) REMOVAL OF DESIGNATION.—

"(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

"(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

"(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

"(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

"(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

"(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

"(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

"(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall not be eligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) or 118(c).

"(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Sec-

by a State and revised by the Secretary if the Secretary determines that the modification—

"(i) meets the criteria established for the National Highway System under this title; and

"(ii) enhances the national transportation characteristics of the National Highway System.

"(B) COOPERATION.—

"(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

"(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

"(5) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment of such a corridor established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031 et seq.) that was not identified on the National Highway System described in paragraph (1).

"(6) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

"(i) the highway or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction; except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity bus terminals.

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for assistance under section 133, any airport, and any seaport.

"(c) INTERSTATE SYSTEM.—

"(1) DESCRIPTION.—

"(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

"(B) DESIGN.—

"(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

retary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

"(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.".

(b) UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading by striking "SUBSTITUTE,"; and

(ii) in paragraph (1)(A)(i) by striking "103(e)(4)(H),";

(B) Section 118 of such title is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(C) Section 129(b) of such title is amended in the first sentence by striking "which has been" and all that follows through "and has not" and inserting "which is a public road and has not".

(2)(A) Section 139 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.

(B) Section 127(f) of such title is amended by striking "section 139(a)" and inserting "section 103(c)(4)(A)".

(C) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

"(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.".

(d) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review the condition of and improvements made, since the designation of the National Highway System, to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities; and

(B) report to Congress on the results of such review.

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

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

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended—

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

"(a) IN GENERAL.—

"(1) PROJECTS.—The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing—

"(A) routes on the Interstate System designated under section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A);

"(B) routes on the Interstate System designated before the date of enactment of the Transportation Equity Act for the 21st Century under subsections (a) and (b) of section 139 (as in effect on the day before the date of enactment of such Act); and

"(C) any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991.

"(2) TOLL ROADS.—The Secretary may approve a project pursuant to this subsection on a toll road only if such road is subject to a Secretarial agreement provided for in section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1939) and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159).

"(3) FUNDING.—Sums authorized to be appropriated to carry out this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(4).";

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

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

(b) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended to read as follows:

"(c) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—

"(1) IN GENERAL.—Before any apportionment is made under section 104(b)(4), the Secretary shall set aside $50,000,000 in fiscal year 1998 and $100,000,000 in each of fiscal years 1999 through 2003 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System

(other than any highway designated as a part of the Interstate System under section 139 (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)) and any toll road on the Interstate System not subject to an agreement under section 119(e) (as in effect on December 17, 1991).

"(2) SELECTION CRITERIA.—The amounts set aside under paragraph (1) shall be made available by the Secretary to any State applying for such funds if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(4) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System that has been submitted by the State to the Secretary for approval; and

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

"(i) obligate the funds within 1 year of the date the funds are made available;

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

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

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

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

(c) INTERSTATE NEEDS.—

(1) STUDY.—The Secretary shall conduct, in cooperation with States and affected metropolitan planning organizations, a study to determine—

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

(B) the resources necessary to maintain and improve the Interstate System; and

(C) the means to ensure that the Nation's surface transportation program can—

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

(ii) allow for States to address any extraordinary needs.

(2) REPORT.—Not later than January 1, 2000, the Secretary shall transmit to Congress a report on the results of the study.

(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

(1) in subsection (b)—

(A) by striking "104(b)(5)(B)" and inserting "104(b)(4)"; and

(B) by striking "104(b)(5)(A)" each place it appears and inserting "104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)"; and

(2) in subsection (c) by striking "104(b)(5)(B)" each place it appears and inserting "104(b)(4)".

SEC. 1108. SURFACE TRANSPORTATION PROGRAM.

(a) ELIGIBILITY OF PROJECTS.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions";

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

(3) in paragraph (3)—

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

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(4) in paragraph (4) by inserting "infrastructure" after "safety";

(5) in paragraph (9) by striking "section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(6) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).."; and

(7) by adding at the end the following:

"(13) Infrastructure-based intelligent transportation systems capital improvements.

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

(b) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of such title is amended—

(1) in subsection (d)(3)(D) by striking "any State" and all that follows through the period at the end and inserting "Hawaii and Alaska"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i) by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5) by adding at the end the following:

"(C) COST SHARING.—

"(i) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) INNOVATIVE FINANCING.—Subject to clause (i), notwithstanding section 120—

"(I) funds from other Federal agencies and the value of other contributions (as determined by the Secretary) may be credited toward the non-Federal share of the costs of a project to carry out a transportation enhancement activity;

"(II) the non-Federal share for such a project may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project to which subclause (I) or (II) applies may be up to 100 percent.".

(c) PROGRAM APPROVAL.—Section 133(e) of such title is amended by striking paragraph (2) and inserting the following:

"(2) PROGRAM APPROVAL.—

"(A) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in subparagraph (A)(ii) as the State determines to be necessary.

"(C) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(d) PAYMENTS.—Section 133(e)(3)(A) of such title is amended by striking the second sentence.

(e) SURFACE TRANSPORTATION PROGRAM OBLIGATIONS IN URBAN AREAS.—Section 133 of such title is amended to read as follows:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the period of fiscal years 1998 through 2000 and the period of fiscal years 2001 through 2003 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

(f) DIVISION OF STP FUNDS FOR AREAS OF LESS THAN 5,000 POPULATION.—

(1) SPECIAL RULE.—Notwithstanding section 133(c) of title 23, United States Code, and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated under section 133(d)(3)(B) of such title for each of fiscal years 1998 through 2003 may be obligated on roads functionally classified as minor collectors.

(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) if the Secretary determines that paragraph (1) is being used excessively.

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

SEC. 1109. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) of title 23, United States Code, is amended in the fourth sentence by inserting before the period at the end the following: ", and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds".

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

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

(2) by adding at the end the following:

"(B) FISCAL YEAR 1998.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for fiscal year 1998, all but $25,000,000 shall be apportioned as provided in subsection (e) of this section. Such $25,000,000 shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

"(C) FISCAL YEARS 1999 THROUGH 2003.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 1999 through 2003, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that not to exceed $25,000,000 shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region."; and

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

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

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

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

(d) ELIGIBILITY.—Section 144 of title 23, United States Code, is amended—

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

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

(3) in subsection (g)(3) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures".

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

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) of title 23, United States Code, is amended by inserting after "establish" the following: "and implement".

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

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting the following: "that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997,";

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

(3) in paragraph (1)(A)(ii) by striking "an area" and all that follows through the semicolon and inserting "a maintenance area;";

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

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

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

"(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.".

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of such title is amended by striking subsection (c) and inserting the following:

"(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

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

"(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds

under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.".

(d) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Section 149 of such title is amended by adding at the end the following:

"(e) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any project expense;

"(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of emerging technologies that reduce emissions of air pollutants from motor vehicles, and other capital investments associated with the project;

"(B) shall include only the incremental cost of an alternative fueled vehicle, as compared to a conventionally fueled vehicle, that would otherwise be borne by a private party; and

"(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.

"(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.".

(2) DETERMINATION BY THE SECRETARY.—For the purposes of section 149(e) of title 23, United States Code, the Secretary

shall determine in accordance with the procedures specified in section 149(b) of such title whether water-phased hydrocarbon fuel emulsion technologies that consist of a hydrocarbon base and water in an amount not less than 20 percent by volume reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide from motor vehicles.

(e) STUDY OF CMAQ PROGRAM.—

(1) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall enter into arrangements with the National Academy of Sciences to complete, by not later than January 1, 2001, a study of the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code. The study shall, at a minimum—

(A) evaluate the air quality impacts of emissions from motor vehicles;

(B) evaluate the negative effects of traffic congestion, including the economic effects of time lost due to congestion;

(C) determine the amount of funds obligated under the program and make a comprehensive analysis of the types of projects funded under the program;

(D) evaluate the emissions reductions attributable to projects of various types that have been funded under the program;

(E) assess the effectiveness, including the quantitative and nonquantitative benefits, of projects funded under the program and include, in the assessment, an estimate of the cost per ton of pollution reduction;

(F) assess the cost effectiveness of projects funded under the program with respect to congestion mitigation;

(G) compare—

(i) the costs of achieving the air pollutant emissions reductions achieved under the program; to

(ii) the costs that would be incurred if similar reductions were achieved by other measures, including pollution controls on stationary sources;

(H) include recommendations on improvements, including other types of projects, that will increase the overall effectiveness of the program;

(I) include recommendations on expanding the scope of the program to address traffic-related pollutants that, as of the date of the study, are not addressed by the program.

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

(3) FUNDING.—Before making the apportionment of funds under section 104(b)(2) of title 23, United States Code, for each of fiscal years 1999 and 2000, the Secretary shall deduct from

the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 1111. FEDERAL SHARE.

(a) STATE-DETERMINED LOWER FEDERAL SHARE.—Section 120 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Except" and inserting the following:

"(1) IN GENERAL.—Except";

(B) by adding at the end the following:

"(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (B) of this paragraph); and

(2) in subsection (b) by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.".

(b) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) of such title is amended by inserting "or transit vehicles" after "emergency vehicles".

(c) CREDIT FOR NON-FEDERAL SHARE.—Section 120 of such title is amended by adding at the end the following:

"(j) CREDIT FOR NON-FEDERAL SHARE.—

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

"(2) MAINTENANCE OF EFFORT.—

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

"(B) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater

than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

"(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term 'non-Federal transportation capital expenditures' includes any payments made by the State for issuance of transportation-related bonds.

"(3) TREATMENT.—

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

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

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

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

(d) CONFORMING AMENDMENTS.—Section 130(a) of such title is amended—

(1) in the first sentence by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(2) in the second sentence by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

SEC. 1112. RECREATIONAL TRAILS PROGRAM.

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

"§ 206. Recreational trails program

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

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

"(2) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

"(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

"(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), that is in effect.

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

"(A) maintenance and restoration of existing recreational trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

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

"(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

"(i) permissible under other law;

"(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

"(iii) approved by the administering agency of the State designated under subsection (c)(1); and

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

agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

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

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

"(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

"(3) USE OF APPORTIONMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section—

"(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

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

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres shall be exempt from the requirements of clauses (ii) and (iii) of subparagraph (A).

"(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2) may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).

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

"(4) GRANTS.—

"(A) IN GENERAL.—A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal Government entities, and other government entities as approved by the State after considering guidance from the

State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

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

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

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and

"(B) the share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

"(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section.

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.

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

"(g) USES NOT PERMITTED.—A State may not obligate funds apportioned to carry out this section for—

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

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

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

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

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

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

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

"(h) PROJECT ADMINISTRATION.—

"(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

"(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

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

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to the State to carry out this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

"(4) COOPERATION BY PRIVATE PERSONS.—

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

"(B) PUBLIC ACCESS.—Any use of the apportionments to a State to carry out this section on privately owned land

must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) CONTRACT AUTHORITY.—Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

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

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

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

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1113. EMERGENCY RELIEF.

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

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

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

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

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

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

"(2) catastrophic failure from any external cause.

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

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

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

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized. Funds obligated under this paragraph shall be reimbursed from such appropriation or replenishment.";

(3) in subsection (d) (as so redesignated)—

(A) in the first sentence by striking "reconstruction of highways" and all that follows through "in accordance" and inserting "reconstruction of highways on Federal-aid highways in accordance";

(B) by striking "subsection (c)" both places it appears and inserting "subsection (e)";

(C) in the second sentence by striking "authorized" and all that follows through the period and inserting "authorized on Federal-aid highways."; and

(D) in the last sentence by striking "Disaster Relief and Emergency Assistance Act (Public Law 93–288)" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(4) in subsection (e) (as so redesignated) by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) TECHNICAL AMENDMENTS.—Section 120(e) of such title is amended—

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

(2) by striking "90" and inserting "180".

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS.

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

"§ 143. Highway use tax evasion projects

"(a) STATE DEFINED.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

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

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) PERIOD OF AVAILABILITY.—Funds authorized to carry out this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(8) USE OF SURFACE TRANSPORTATION PROGRAM FUNDING.—In addition to funds made available to carry out this section, a State may expend up to ¼ of 1 percent of the funds apportioned to the State for a fiscal year under section 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (in this subsection referred to as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

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

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

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of such title is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

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

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g) by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

(1) in subsection (c)(1) by striking "April 1" and inserting "August 1";

(2) in subsection (c)(3) by inserting "PRIORITY" after "FUNDING"; and

(3) in subsection (c)(3) by inserting "and prior to funding any other activity under this section,' after "2003,".

SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM.

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

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

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

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

(1) by inserting "INDIAN RESERVATION ROADS.—" after "(d)";

(2) by inserting "(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—" before "On October";

(3) by inserting after "each fiscal year" the following: "ending before October 1, 1999";

(4) by adding at the end the following:

"(2) FISCAL YEAR 2000 AND THEREAFTER.—

"(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

"(B) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

"(C) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

"(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

"(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

"(D) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

"(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

"(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources.

"(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally relat-

ed to the cost of planning, research, engineering, and construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

"(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of the Interior that has previously carried out such programs, functions, services, or activities.

"(4) RESERVATION OF FUNDS.—

"(A) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(B) RESERVATION.—Of the amounts authorized to be appropriated for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $13,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate de-icer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(C) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

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

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(D) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary."; and

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

(c) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation

of the Federal Government to pay the Federal share of the cost of the project.".

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

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

"(a) ESTABLISHMENT.—

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

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b) by striking the first 3 sentences and inserting the following: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

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

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

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

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

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j) by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

(e) REFUGE ROADS.—

(1) AUTHORIZATIONS.—Section 201 of such title is amended in the first sentence by inserting "refuge roads," before "public lands highways,".

(2) ALLOCATIONS.—Section 202 of such title is amended by adding at the end the following:

"(e) REFUGE ROADS.—On October 1 of each fiscal year, the Secretary shall allocate the sums made available for that fiscal year for refuge roads according to the relative needs of the various refuges in the National Wildlife Refuge System, and taking into consideration—

"(1) the comprehensive conservation plan for each refuge;

"(2) the need for access as identified through land use planning; and

"(3) the impact of land use planning on existing transportation facilities.".

(3) AVAILABILITY OF FUNDS.—Section 203 of such title is amended in the first and fourth sentences—

(A) by striking "for," and inserting "for"; and

(B) by inserting "refuge roads," after "parkways," each place it appears.

(4) USE OF FUNDING.—Section 204 of such title is amended by adding at the end the following:

"(k) REFUGE ROADS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used

by the Secretary and the Secretary of the Interior only to pay the cost of—

"(A) maintenance and improvements of refuge roads;

"(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), and (6) of subsection (h) that are located in or adjacent to wildlife refuges; and

"(C) administrative costs associated with such maintenance and improvements.

"(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the Interior, as appropriate, may enter into contracts with a State or civil subdivision of a State or Indian tribe as is determined advisable.

"(3) COMPLIANCE WITH OTHER LAW.—Funds made available for refuge roads shall be used only for projects that are in compliance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).".

(f) CONFORMING AMENDMENTS.—

(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking "to, apply sodium acetate/formate de-icer to," and inserting ", sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3) by striking ", including approaches thereto"; and

(2) in paragraph (5) by striking "to be determined under section 407. Such" and all that follows through the period at the end and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of such Act (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) AGREEMENT.—Section 407 of such Act (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT.—

"(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by

the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the new bridge.

"(2) TERMS OF THE AGREEMENT.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412;

"(C) require that—

"(i) the Project include not more than 12 traffic lanes, including 8 general purpose lanes, 2 merging/diverging lanes, and 2 high occupancy vehicle, express bus, or rail transit lanes;

"(ii) the design, construction, and operation of the Project reflect the requirements of clause (i);

"(iii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iv) the Authority and the Capital Region jurisdictions develop a process to integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (iii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) FEDERAL CONTRIBUTION.—Such Act (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $150,000,000 for fiscal year 2000, $200,000,000 for fiscal year 2001, $225,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003 to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project; except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner as if

the funds were apportioned under chapter 1 of title 23, United States Code; except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available for construction before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge, the design of the Project, and right-of-way acquisition, including early acquisition of construction staging areas.".

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of such Act (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking "the record of decision" each place it appears and inserting "a record of decision".

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 1101(a)(6) of this Act for fiscal years 1998 through 2003 among the States based on the latest available cost to complete estimate for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 prepared by the Appalachian Regional Commission. Such funds shall be available to construct highways and access roads under section 201 of the Appalachian Regional Development Act of 1965.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 1101(a)(6) of this Act for the Appalachian development highway system shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

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

(d) CORRIDOR O.—There is hereby designated as an addition to Corridor O in Pennsylvania on the Appalachian development highway system a segment from Port Matilda to Interstate Route 80 along United States Route 322, and the segment of Corridor O from the Pennsylvania State line to the improved segment in Bedford, Pennsylvania, shall be subtracted from Corridor O. Such des-

51-777 98 - 3

ignated addition shall not affect estimates of the cost to complete such system and such subtracted segment may be included on a map of such system for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

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

(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to—

(1) high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991; and

(2) any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) selected by the Secretary after consideration of—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent to which international truck-borne commodities move through each State;

(D) the reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

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

(iii) combination with other sources of Federal, State, local, or private funding including State, local, and private matching funds;

(F) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy; and

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

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

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

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

(5) After review by the Secretary of a development and management plan for the corridor or a usable component thereof under subsection (b)—

(A) environmental review; and

(B) construction.

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

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

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

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

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

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

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

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 1101 of this Act to carry out this section and section 1119 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) COORDINATION OF PLANNING.—Planning with respect to a corridor under this section shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

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

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure program under which the Secretary may make allocations to border States and metropolitan planning organizations for areas within the boundaries of 1 or more border States for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations to States and metropolitan planning organizations under this section may only be used in a border region for—

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

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

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

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

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

(6) activities of Federal inspection agencies.

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

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

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

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

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

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

(6) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

(7) the degree of demonstrated coordination with Federal inspection agencies;

(8) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(9) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

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

(d) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available by section 1101 to carry out this section and section 1118 to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

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

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

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

Subtitle B—General Provisions

SEC. 1201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended to read as follows:

"(a) DEFINITIONS.—In this title, the following definitions apply:

"(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

"(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

"(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration of the Department of Commerce);

"(B) resurfacing, restoration, and rehabilitation;

"(C) acquisition of rights-of-way;

"(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(E) elimination of hazards of railway grade crossings;

"(F) elimination of roadside obstacles;

"(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

"(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

"(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAY.—The term 'Federal-aid highway' means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAY.—The term 'Federal lands highway' means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means forest roads and trails under the jurisdiction of the Forest Service.

"(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

"(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

"(11) HIGHWAY.—The term 'highway' includes—

"(A) a road, street, and parkway;

"(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

"(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

"(12) INDIAN RESERVATION ROAD.—The term 'Indian reservation road' means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(13) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

"(14) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

"(15) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

"(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement'—

"(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

"(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

"(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but

with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

"(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

"(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

"(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State transportation department and the Secretary as required by section 106.

"(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

"(26) PUBLIC LANDS HIGHWAYS.—The term 'public lands highways' means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

"(27) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

"(28) REFUGE ROAD.—The term 'refuge road' means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

"(29) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

"(30) SAFETY IMPROVEMENT PROJECT.—The term 'safety improvement project' means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or in-

stalls traffic control or warning devices at locations with high accident potential.

"(31) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

"(32) STATE.—The term 'State' means any of the 50 States, the District of Columbia, or Puerto Rico.

"(33) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

"(34) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(35) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

"(36) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

"(37) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.".

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

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

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

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(2) SAFETY CONSIDERATIONS.—Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.";

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

(5) in subsection (h)(3)—

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

(B) by striking "and" at the end;

(6) in subsection (h)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

"(4) when State or local regulations permit, electric bicycles; and"; and

(7) by striking subsection (j) and inserting the following:

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

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

"(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

"(3) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility-impaired person using a wheelchair.

"(4) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individ-

uals with mobility impairments, whether operated manually or motorized.".

(b) DESIGN GUIDANCE.—

(1) IN GENERAL.—In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel.

(2) ISSUES TO BE ADDRESSED.—The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance.

(3) RECOMMENDATIONS.—The guidance shall include recommendations on amending and updating the policies of the American Association of State Highway and Transportation Officials relating to highway and street design standards to accommodate bicyclists and pedestrians.

(4) TIME PERIOD FOR DEVELOPMENT.—The guidance shall be developed within 18 months after the date of enactment of this Act.

(c) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) of such title is amended to read as follows:

"(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists.".

(d) RAILWAY-HIGHWAY CROSSINGS.—Section 130 of such title is amended by adding at the end the following:

"(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.".

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULUM.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curriculum that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress a copy of the curriculum.

(3) FUNDING.—From amounts made available under section 210, the Secretary may use not to exceed $500,000 for fiscal year 1999 to carry out this subsection.

SEC. 1203. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) of title 23, United States Code, is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas,

while minimizing transportation-related fuel consumption and air pollution.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

"(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.".

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—Section 134(b) of such title is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

"(C) appropriate State officials.".

(2) CONTINUING DESIGNATION.—Section 134(b)(4) of such title is amended to read as follows:

"(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metro-

politan planning organization is redesignated under paragraph (5).".

(3) REDESIGNATION.—Section 134(b)(5)(A) of such title is amended—

(A) by striking "among" and inserting "between"; and

(B) by striking "which together" and inserting "that together".

(4) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—Section 134(b)(6) of such title is amended to read as follows:

"(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.".

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—Section 134(c) of such title is amended—

(1) in the subsection heading by inserting "PLANNING" before "AREA";

(2) in the first sentence—

(A) by striking "For the purposes" and inserting the following:

"(1) IN GENERAL.—For the purposes"; and

(B) by inserting "planning" before "area";

(3) by striking the second sentence and all that follows and inserting the following:

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

"(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (b)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide."; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION IN MULTISTATE AREAS.—Section 134(d) of such title is amended to read as follows:

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(3) LAKE TAHOE REGION.—

"(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

"(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(C) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in ac-

cordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

"(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

"(A) by recipients of assistance under chapter 53 of title 49; and

"(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.".

(e) COORDINATION OF MPOS.—Section 134(e) of such title is amended—

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

(2) by striking "If" and inserting the following:

"(1) NONATTAINMENT AREAS.—If";

(3) by adding at the end the following:

"(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project."; and

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

(f) SCOPE OF PLANNING PROCESS.—Section 134(f) of such title is amended to read as follows:

"(f) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

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

"(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

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

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

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

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

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

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(g) LONG-RANGE TRANSPORTATION PLAN.—Section 134(g) of such title is amended—

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

(2) in paragraph (2)(A) by striking "Identify" and inserting "An identification of"; and

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

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

(4) in paragraph (4)—

(A) by inserting after "employees," the following: "freight shippers, providers of freight transportation services,"; and

(B) by inserting after "private providers of transportation," the following: "representatives of users of public transit,";

(5) by adding at the end the following:

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).";

(6) in the subsection heading by striking "LONG RANGE PLAN" and inserting "LONG-RANGE TRANSPORTATION PLAN";

(7) in the headings for paragraphs (2) and (5) by striking "LONG RANGE PLAN" and inserting "LONG-RANGE TRANSPORTATION PLAN"; and

(8) by striking "long range plan" each place it appears and inserting "long-range transportation plan".

(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) of such title is amended to read as follows:

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

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

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

"(3) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under this chapter and chapter 53 of title 49.

"(B) PROJECTS UNDER CHAPTER 2.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies,

representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under this chapter, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

"(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

"(7) PUBLICATION.—

"(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.".

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) REQUIRED DESIGNATIONS.—Section 134(i)(1) of such title is amended to read as follows:

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.".

(2) SELECTION OF PROJECTS.—Section 134(i)(4) of such title is amended to read as follows:

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the

National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.".

(3) CERTIFICATION.—Section 134(i)(5) of such title is amended to read as follows:

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.".

(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—Section 134(j) of such title is amended to read as follows:

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated long-range transportation plan and transportation improvement program for the metropolitan area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).".

(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Section 134(l) of such title is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).".

(l) FUNDING.—Section 134(n) of such title is amended to read as follows:

"(n) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(m) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 134 of such title is amended by adding at the end the following:

"(o) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(n) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking "for implementation'.

SEC. 1204. STATEWIDE PLANNING.

(a) GENERAL REQUIREMENTS.—Section 135(a) of title 23, United States Code, is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—

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

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.".

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—Section 135(b) of such title is amended by inserting after "of this title" the following: "and sections 5303 through 5305 of title 49".

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

"(c) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

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

"(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

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

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

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

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

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

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(d) ADDITIONAL REQUIREMENTS.—Section 135(d) of such title is amended to read as follows:

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.".

(e) LONG-RANGE TRANSPORTATION PLAN.—Section 135(e) of such title is amended to read as follows:

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).".

(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) of such title is amended to read as follows:

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—Each State shall develop a transportation improvement program for all areas of the State.

"(B) CONSULTATION WITH GOVERNMENTS.—

"(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

"(ii) NONMETROPOLITAN AREAS.—

"(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

"(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

"(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be—

"(i) consistent with the long-range transportation plan developed under this section for the State;

"(ii) identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under such Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

"(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

"(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title.

"(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

"(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System and projects carried out in such areas under the bridge program or the Interstate maintenance program shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section, section 134, and sections 5303 through 5305 of title 49, approved not less frequently than biennially by the Secretary.

"(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project in the program.".

(g) FUNDING.—Section 134(g) of such title is amended by striking "section 307(c)(1)" and inserting "section 505(a)".

(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 135 of such title is amended by adding at the end the following:

"(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning

a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(i) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

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

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

SEC. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) CONTRACTING PROCEDURES.—Section 112(b)(2) of title 23, United States Code, is amended in clauses (i) and (ii) of subparagraph (B) by striking ", except to" each place it appears and all that follows through the period at the end and inserting a period.

(b) SELECTION PROCESS.—Section 112 of title 23, United States Code, is amended by adding at the end the following:

"(g) SELECTION PROCESS.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required for a project, including environmental impact statements, as well as subsequent engineering and design work on the project if the State conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental impact statement prior to its submission to the Secretary.".

SEC. 1206. ACCESS OF MOTORCYCLES.

Section 102 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.".

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c)(3) of title 23, United States Code, is amended by striking "owned." and inserting "owned or operated or majority publicly owned if the Secretary determines with respect to a majority publicly owned ferry or ferry terminal facility that such ferry boat or ferry terminal facility provides substantial public benefits.".

(b) REAUTHORIZATION.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended—

(1) in the second sentence of subsection (c) by striking "Such sums" and inserting "Sums made available to carry out this section";

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

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

"(d) SET-ASIDE FOR PROJECTS ON NHS.—

"(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 1999 through 2003 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

"(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

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

"(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.".

(c) STUDY.—

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

(A) to identify existing ferry operations, including—

(i) the locations and routes served; and

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

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

(C) to identify the potential for use of high-speed ferry services and alternative-fueled ferry services.

(2) REPORT.—The Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 1208. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) of title 23, United States Code, is amended by inserting after the third sentence the following: "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on,

projects funded under this title without regard to the length of time of their participation in such program.".

(b) HIGHWAY TRAINING.—Section 140(b) of such title is amended—

(1) in the first sentence—

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

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

(2) in the second sentence by striking "104(b)" and inserting "104(b)(3)".

(c) SUPPORTIVE SERVICES.—Section 140(c) of such title is amended by striking "104(a)" and inserting "104(b)(3)".

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES.

Section 102(a) of title 23, United States Code, is amended—

(1) by striking "A State" and inserting the following:

"(1) IN GENERAL.—A State";

(2) by adding at the end the following:

"(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312–93(c) of such title. Such permission may be revoked by the State should the State determine it necessary."; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as "TRANSIMS"); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act to the use of the advanced transportation model.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities as described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.

(a) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 593 et seq.) is amended by adding at the end the following:

"(3) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—In furtherance of the redevelopment of the James A. Farley Post Office in New York, New York, into an intermodal transportation facility and commercial center, the Secretary, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.".

(b) UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Subtitle B of title I of the National Visitor Center Fa-

cilities Act of 1968 (40 U.S.C. 811 et seq.) is amended by adding at the end the following:

"SEC. 120. UNION STATION REDEVELOPMENT CORPORATION.

"To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.".

(c) SAFETY BELT USE LAW REQUIREMENTS.—Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

(1) in the section heading by striking "**AND MAINE**";

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall"; and

(B) in paragraph (1) by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

(d) METRIC CONVERSION AT STATE OPTION.—Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

(e) RIGHT-OF-WAY REVOLVING FUND.—

(1) TERMINATION.—Section 108 of title 23, United States Code, is amended—

(A) by striking subsection (c); and

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

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—Funds advanced to a State by the Secretary from the right-of-way revolving fund established by section 108(c) of title 23, United States Code, prior to the date of enactment of this Act shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

(B) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in subparagraph (A), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

(i) the Highway Trust Fund (other than the Mass Transit Account) shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of title 23, United States Code, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

(ii) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds

advanced for deposit in, and credit to, the Highway Trust Fund (other than the Mass Transit Account).

(f) PILOT TOLL COLLECTION PROGRAM.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(g) CONGRESSIONAL BRIDGE COMMISSIONS.—Public Law 87–441 (76 Stat. 59) is repealed.

(h) ISTEA HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(A) by striking paragraph (5)(B)(iii)(I)(ff) and inserting the following:

"(ff) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina, including a connection to Andrews following the route 41 corridor and to Camden following the U.S. Route 521 corridor; and";

(B) by striking paragraph (5)(B)(iii)(II)(hh) and inserting the following:

"(hh) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina.";

(C) in paragraph (9) by inserting after "New York" the following: ", including United States Route 322 between United States Route 220 and I–80";

(D) in paragraph (18)—

(i) by striking "(18) Corridor from Indianapolis," and inserting the following:

"(18) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,"; and

(ii) by striking "and to include" and inserting the following: "as follows:

"(A) In Michigan, the corridor shall be from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

"(B) In Michigan and Illinois, the corridor shall be from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.

"(C) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

"(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

"(ii) include a connection between the Corridor in the vicinity of Monticello, Arkansas, to Pine Bluff, Arkansas.

"(D) In the Lower Rio Grande Valley, the Corridor shall—

"(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via U.S. Route 77;

"(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

"(iii) include";

(E) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80";

(F) by inserting ", including I–29 between Kansas City and the Canadian border" before the period at the end of paragraph (23); and

(G) by inserting after paragraph (29) the following:

"(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

"(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania and West Virginia.

"(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

"(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

"(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

"(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

"(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

"(34) The Alameda Corridor East and Southwest Passage, California. The Alameda Corridor East is generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernardino. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.

"(35) Everett-Tacoma FAST Corridor.

"(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

"(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

"(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

"(39) United States Route 63 from Marked Tree, Arkansas, to I–55.

"(40) The Greensboro Corridor from Danville, Virginia, to Greensboro, North Carolina, along United States Route 29.

"(41) The Falls-to-Falls Corridor—United States Route 53 from International Falls on the Minnesota/Canada border to Chippewa Falls, Wisconsin.

"(42) The portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi, and the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

"(43) The United States Route 95 Corridor from the Canadian border at Eastport, Idaho, to the Oregon State border.".

(2) PROVISIONS APPLICABLE TO CORRIDORS.—Section 1105(e)(5)(A) of such Act is amended—

(A) by inserting after "referred to" the first place it appears the following: "in subsection (c)(1),";

(B) by striking "and" the second place it appears; and

(C) by inserting after "(c)(20)" the following: ", in subsection (c)(36), in subsection (c)(37), in subsection (c)(40), and in subsection (c)(42)".

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) in subparagraph (A) by inserting "(except with respect to Georgetown County)" before "(iii)";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following: "(B) ROUTES.—

"(i) DESIGNATION.—The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

"(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.";

(D) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i) (as inserted by subparagraph (C) of this paragraph); and

(E) in subparagraph (C) (as redesignated by subparagraph (B) of this paragraph), by striking "(C)" and inserting "(D)".

(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

(A) by striking "subsection (c)(18)(B)(i)" and inserting "subsection (c)(18)(D)(i)";

"(B) by striking "subsection (c)(18)(B)(ii)" and inserting "subsection (c)(18)(D)(ii)"; and

(C) by adding at the end the following: "The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86.";

(i) FUTURE CORRIDOR SEGMENT.—

(1) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing an Interstate quality road for a route that runs in south/west direction generally from United States Route 61 and crosses the Mississippi River in the vicinity of Memphis, Tennessee, to Highway 79 and generally follows Highway 79 to Pine Bluff, Arkansas.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1999 to carry out the study.

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

(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as "Grand Parkway") shall be considered as 1 option in the I–69 route studies performed by the Texas Department of Transportation for the designation of I–69 Bypass in Houston, Texas.

(j) BATON ROUGE, LOUISIANA.—

(1) REDUCTION IN SCOPE OF PROJECT.—Section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181–198) is amended in paragraph (47)(B)—

(A) by inserting "and" after the semicolon at the end of clause (i);

(B) by striking "; and" at the end of clause (ii) and inserting a period; and

(C) by striking clause (iii).

(2) APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, the project described in section 149(a)(47)(B) of such Act shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

(k) AMENDMENTS TO SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 146 of the Surface Transportation Assist-

ance Act of 1982 (96 Stat. 2130), relating to lane restrictions, is repealed.

(l) SUBSTITUTE PROJECT.—Section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended in subsection (a)—

(1) by striking "(a) APPROVAL OF PROJECT.—Notwithstanding" and inserting the following:

"(a) APPROVAL OF PROJECT.—

"(1) Notwithstanding"; and

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

"(2) Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, submitted by October 1, 2000, the Secretary shall approve one or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section.".

SEC. 1212. MISCELLANEOUS.

(a) STATE TRANSPORTATION DEPARTMENT.—

(1) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(A) in subsection (a) by striking the second sentence; and

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

"(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.".

(2) CHANGE IN TERM DEFINED.—

(A) IN GENERAL.—Title 23, United States Code, is amended—

(i) by striking "State highway department" each place it appears and inserting "State transportation department"; and

(ii) by striking "State highway departments" each place it appears and inserting "State transportation departments".

(B) CONFORMING AMENDMENTS.—

(i) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking "highway" and inserting "transportation".

(ii) Section 302 of title 23, United States Code, is amended in the section heading by striking "**highway**" and inserting "**transportation**".

(iii) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "State highway department" and inserting "State transportation department".

(iv) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. (note to section 201 of the Appalachian Regional Development Act of 1965); 92 Stat. 2710) is amended in the first sentence—

(I) by striking "Federal-aid primary system" and inserting "National Highway System"; and

(II) by striking "State highway department" and inserting "State transportation department".

(b) INFRASTRUCTURE AWARENESS PROGRAM.—

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

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of production of the documentary shall be 60 percent. The non-Federal share shall be provided from private sources and shall include amounts expended by such sources for the production before the date of enactment of this Act.

(B) CALCULATION.—The calculation of the Federal and non-Federal shares under this paragraph shall be made over the term for which sums are authorized to be appropriated under paragraph (3).

(3) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $888,000 for fiscal year 1998, and $1,000,000 for each of fiscal years 1999 and 2000. Such funds shall remain available until expended.

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

(c) MASS TRANSPORTATION BUSES.—Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking "the date on which" and all that follows through "1995" and inserting "October 1, 2003".

(d) VEHICLE WEIGHT LIMITATIONS.

(1) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

(A) by inserting before the next to the last sentence the following: "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load."; and

(B) by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate Sys-

tem, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.".

(2) STUDIES.—

(A) COLORADO.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Colorado shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(A), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(B) LOUISIANA.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Louisiana shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(C) MAINE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Maine shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(D) NEW HAMPSHIRE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastruc-

ture impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(E) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(e) DRIVER TRAINING AND SAFETY CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a driver training and safety center at Connellsville, Pennsylvania.

(2) PURPOSE.—The purpose of the facility shall be to train and enhance the driving skills of motor vehicle and emergency vehicle operators.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for each of fiscal years 1999 through 2001.

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

(f) OHIO RIVER WELCOME CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a welcome center in Point Pleasant, West Virginia.

(2) ACCESS.—The center shall be accessible by motor vehicle, bicycle, pedestrian walkway, and river transportation.

(3) FACILITIES.—The center shall include a comfort station, picnic and sitting plaza, a small amphitheater, a deep river port, a marina, and a walking trail.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $412,900 for fiscal year 1999, $1,362,500 for fiscal year 2000, and $699,500 for fiscal year 2001.

(5) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities carried out using the funds shall be 50 percent and the funds shall remain available until expended.

(g) PROJECT FLEXIBILITY FOR MINNESOTA.—Notwithstanding any other provision of law, funds allocated for a project in the State of Minnesota under section 117 of title 23, United States Code, may be obligated for any other project in the State for which funds are

so allocated; except that the total amount of funds authorized for any project for which funds are so allocated shall not be reduced.

(h) BALTIMORE WASHINGTON PARKWAY.—Notwithstanding any other provision of law, the Federal share of the cost of a project for which funds are allocated under section 117 of title 23, United States Code, for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland, shall be 100 percent.

(i) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

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

(E) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(j) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

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

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

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

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

(1) ESTABLISHMENT.—The Secretary shall make grants to the Commonwealth of Pennsylvania to establish and operate an advanced tractor trailer safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advanced curriculum for the training of operators and future operators of tractor trail-

ers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

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

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

(l) HIGH PRIORITY LAS VEGAS INTERMODAL CENTER.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000 for the High Priority Las Vegas Intermodal Center in Las Vegas, Nevada.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(m) SEISMIC DESIGN.—

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

(A) $8,000,000 for fiscal year 1999 for seismic design and engineering of the Mississippi/Arkansas Great River Bridge;

(B) $8,000,000 for fiscal year 1999 to the State of Missouri for seismic design and deployment; and

(C) $7,000,000 for fiscal year 1999 to the State of Arkansas for seismic design and deployment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(n) BILOXI HARBOR, MISSISSIPPI.—The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County,

Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

(o) CLARIFICATION.—Notwithstanding any other provision of law, the Secretary shall approve, and the Commonwealth of Pennsylvania is authorized to proceed with, engineering, final design, and construction of Corridor O of the Appalachian development highway system between Bald Eagle and Interstate Route 80 (as redefined by this Act). All records of decision relating to Corridor O issued prior to the date of enactment of this Act shall remain in effect.

(p) BOUNDARY WATERS CANOE AREA.—Effective January 1, 1999, section 4 of the Act of October 21, 1978 (Public Law 95–495) is amended—

(1) by striking subsection (g) and inserting the following: "(g) Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota."; and

(2) in subsection (c)(2) by striking "; Alder, Cook County; Canoe, Cook County".

(q) MISCELLANEOUS PROJECTS.—

(1) REPLACEMENT OF ROSLYN VIADUCT.—

(A) PROJECT.—The Secretary is authorized to carry out a project for replacement of a segment of the Roslyn elevated highway (NY25A) on Long Island, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $51,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(2) DESIGN AND ENGINEERING FOR MILLER HIGHWAY.—

(A) PROJECT.—The Secretary is authorized to carry out a project for design and engineering of the Miller Highway on the west side of Manhattan, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $15,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(3) WILLIAMSVILLE TOLL BARRIER.—

(A) PROJECT.—The Secretary is authorized to carry out a project to relocate a toll barrier complex to relieve traffic congestion in the Buffalo, New York, area.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(r) ST. GEORGES, DELAWARE.—The Secretary of the Army shall transfer all right, title, and interest of the United States in the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to the State of Delaware if the transfer is necessary to facilitate retransfer to a private entity for the purpose of demonstrating the effectiveness and efficiency of the use of large-scale composites technology for bridge rehabilitation. In evaluating the level of service for all Federal crossings over the Chesapeake and Delaware Canal in Delaware, the total vehicle trips per day on

this transferred bridge shall be attributed to the remaining Federal crossing at St. Georges, Delaware (the SR1 Bridge). If the transfer is completed within 180 days after the date of enactment of this Act, the Secretary shall provide $10,000,000 to the State for the State to use in rehabilitating the bridge.

(s) MOUNT PARAN INTERCHANGE PROJECT FOR INTERSTATE ROUTE 75.—Notwithstanding any other provision of law, none of the funds made available under this Act or title 23, United States Code, shall be used to carry out a project to construct or improve the Mount Paran interchange on Interstate Route 75 in Georgia unless the Atlanta Regional Commission approves the project after the date of enactment of this Act.

(t) NITTANY PARKWAY.—The Secretary shall designate 31 miles of Pennsylvania State Route 26 between Huntingdon, Pennsylvania, and State College, Pennsylvania, as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (in this subsection referred to as the "model").

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the model can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, before the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

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

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller

General shall submit to Congress a report on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

(c) USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.—

(1) STUDY.—In consultation with the States, State transportation departments, and law enforcement organizations, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including any legislative and administrative recommendations of the Secretary.

(d) SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE.—

(1) ASSESSMENT.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (in this subsection referred to as the "border").

(2) CONSULTATION.—In carrying out the assessment, the Secretary shall consult with—

(A) the Secretary of State;

(B) the Attorney General;

(C) the Secretary of the Treasury;

(D) the Commandant of the Coast Guard;

(E) the Administrator of General Services;

(F) the American Commissioner on the International Boundary Commission, United States and Mexico;

(G) State agencies responsible for transportation and law enforcement in border States; and

(H) municipal governments and transportation authorities in sister cities in the border area.

(3) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(A) assess the flow of commercial and private traffic through designated ports of entry on the border;

(B) assess the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) assess the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic and infrastructure;

(D) assess future demands on transportation infrastructure in the border area; and

(E) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this subsection, including any related legislative and administrative recommendations.

(e) STUDY OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to them are delayed by utility-company-caused delays in utility relocations and any methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study with any recommendations the Comptroller General determines appropriate as a result of the study.

(f) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles. The study shall include, at a minimum, an analysis of the economic, safety, and infrastructure impacts of the standards.

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

(g) STUDY OF STATE PRACTICES ON SPECIFIC SERVICE SIGNING.—

(1) STUDY.—The Secretary shall conduct a study to determine the practices in the States for specific service food signs

described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum—

(A) the practices of all States for determining businesses eligible for inclusion on such signs;

(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

(D) whether States contract out the erection and maintenance of such signs.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate, modifications to the Manual.

(h) VEHICLE WEIGHT ENFORCEMENT.—

(1) STUDY.—The Secretary shall conduct a study of State laws (including regulations) relating to penalties for violation of State commercial motor vehicle weight laws.

(2) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, and a State's ability to penalize shippers and carriers as well as drivers and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any legislative recommendations of the Secretary.

(i) COMMERCIAL MOTOR VEHICLE STUDY.—

(1) IN GENERAL.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations apply on the date of enactment of this Act. In conducting the study, the Board shall review law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to law and regulations that the Board determines appropriate.

(2) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under paragraph (1), the Board shall consider and evaluate the impact of the recommendations described in paragraph (1) on the economy, the environment, safety, and service to communities.

(3) CONSULTATION.—In carrying out the study, the Board shall consult with the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this subsection.

(5) RECOMMENDATIONS.—Not later than 180 days after the date of receipt of the report under paragraph (4), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the Board's report.

(6) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $250,000 for each of fiscal years 1999 and 2000 to carry out this subsection.

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

(j) TRAFFIC ANALYSIS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the State of Oklahoma to carry out a traffic analysis to determine the feasibility of a trade processing center in McClain County, Oklahoma.

(2) AUTHORIZATION.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) STUDY OF INTERSTATE HIGH SPEED GROUND TRANSPORTATION.—

(1) STUDY.—The Secretary shall conduct a study to assess the feasibility of providing high speed rail passenger service from Atlanta, Georgia, to Charleston, South Carolina. The study shall also assess the potential impact of rail service on the tourism industry.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate a report on the results of the study, together with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 1214. FEDERAL ACTIVITIES.

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

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

to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

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

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

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

(b) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

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

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

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

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

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

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

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

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

(c) NEW RIVER VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary,

to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I–64 Sandstone intersection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000.

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

(d) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(iii) is maintained by the county in which the public road is located.

(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(B) any funding provided by a State to a county for road maintenance programs in the county.

(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

(5) FUNDING.—

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

(B) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

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

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

(f) SACHUEST POINT NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $200,000 for fiscal year 1999 to the United States Fish and Wildlife Service to resurface the entrance road to Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $200,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as

if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) RUNWAY REMOVAL AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $300,000 for fiscal year 1999 to the United States Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $5,000,000 shall be available to the State of Rhode Island for improvements to the T.F. Green Intermodal Facility in Rhode Island for each of fiscal years 1999 through 2003.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,300,000 for fiscal year 1999 and $5,000,000 for each of fiscal years 2000 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) MIDDLETOWN VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall provide $500,000 for fiscal year 1999 to the United States Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

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

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(i) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $75,000 for fiscal year 1999 to the United States Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $75,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(j) EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for each of fiscal years 1999 through 2003 to the United States Fish and Wildlife Service for the education visitor center at the Rhode Island National Wildlife Refuge complex.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) RICHMOND NATIONAL BATTLEFIELD PARK.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 to the National Park Service to revitalize the Tredegar Iron Works to serve as a visitor center for Richmond National Battlefield Park.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(l) ACCESS TO CORPS OF ENGINEERS.—

(1) IN GENERAL.—The Secretary shall provide $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers to be made available to the State of Missouri for resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $800,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(m) CIVIL WAR BATTLEFIELD PLAN.—

(1) IN GENERAL.—The Secretary shall provide $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior to be made available to the Shenandoah Valley Battlefield National Historic District Commission for developing a plan for the interpretation and protection of 10 Civil War battlefields in the Shenandoah Valley.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $250,000 for each of fiscal years 1999 and 2000.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(n) DOT HEADQUARTERS FACILITY.—Before taking any action that leads to Government ownership of the Department of Transportation headquarters facility, through construction or purchase, the Administrator of General Services shall first seek approval of the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(o) FORT PECK, MONTANA.—

(1) FORT PECK, MONTANA, VISITORS CENTER.—The Secretary shall provide funds for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $3,000,000 for each of fiscal years 1999 and 2000.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(p) BRIDGES ON NATCHEZ TRACE PARKWAY, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall allocate to the State of Mississippi amounts available by this subsection to be used for replacement and widening of the box bridges on the Natchez Trace Parkway at Old Canton Road and at Rice Road in Madison County, Mississippi.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(q) LOLO PASS VISITOR CENTER.—

(1) GRANTS.—The Secretary shall make grants for the Lolo Pass Visitor Center in the State of Idaho.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,943,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through 2003 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) APPLICABILITY OF TITLE 23.—Amounts made available by section 1101(a)(15) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

(i) the aggregate of such amounts for the fiscal year; by

(ii) the ratio that—

(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.

(a) GETTYSBURG, PENNSYLVANIA.—

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

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

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

(b) CENTER.—

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

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and

customized assistance through the latest technology that allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

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

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

(c) COAL HERITAGE TRAIL.—

(1) IN GENERAL.—The Secretary shall make grants to the State of West Virginia for the Coal Heritage Scenic Byway for the purposes set forth in section 204(h) of title 23, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,000,000 for each of fiscal years 1999 through 2001.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(d) TRAFFIC CALMING MEASURES.—

(1) IN GENERAL.—The Secretary shall provide $5,000,000 for fiscal year 1999 and $2,000,000 for each of fiscal years 2000 through 2003 to implement traffic calming measures on Route 50 in Fauquier and Loudoun Counties, Virginia.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) PEDESTRIAN BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 for a pedestrian bridge over United States Route 29 at Emmet Street in Charlottesville, Virginia.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(f) INTERPRETIVE CENTER.—

(1) IN GENERAL.—The Secretary shall provide $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center located on the Roanoke River Gorge in Virginia.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) CHAIN OF ROCKS BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 for the renovation and preservation of the Missouri Route 66 Chain of Rocks Bridge.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) NOISE BARRIERS, DEKALB COUNTY, GEORGIA.—Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers beginning on the west side of Interstate Route 285 extending from Northlake Parkway to Henderson Mill Road in Dekalb County, Georgia, from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.

(a) VALUE PRICING PILOT PROGRAM.—

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

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

(B) in paragraph (1)—

(i) by striking "congestion" each place it appears and inserting "value"; and

(ii) by striking "projects" each place it appears and inserting "programs"; and

(C) in paragraph (5)—

(i) by striking "projects" and inserting "programs"; and

(ii) by striking "traffic, volume" and inserting "traffic volume".

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

(3) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of such Act is amended in the second sentence—

(A) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(B) by inserting after "Secretary may not fund" the following: "the preimplementation or implementation costs of".

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

(5) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of such Act is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(6) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Section 1012(b) of such Act is amended by adding at the end the following:

"(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, an analysis of the potential effects of the pilot program on low-income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.".

(7) FUNDING.—Section 1012(b) of such Act (as amended by paragraph (6)) is amended by adding at the end the following:

"(8) FUNDING.—

"(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(C) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection for fiscal year 1998 and fiscal years thereafter but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

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

"(ii) shall be considered to be a sum made available for expenditure on the surface transportation pro-

gram, except that the amount shall not be subject to section 133(d) of such title; and

"(iii) shall be available for any purpose eligible for funding under section 133 of such title.

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

(8) CONFORMING AMENDMENTS.—

(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking "146(c)" and inserting "102(a)".

(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

(i) in subparagraph (C) by striking "under this subsection" and inserting "to carry out this subsection";

(ii) in subparagraph (D)—

(I) by striking "under this paragraph" and inserting "to carry out this subsection"; and

(II) by striking "by this paragraph" and inserting "to carry out this subsection";

(iii) by striking subparagraph (A); and

(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

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

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

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

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

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

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

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

(D) A facility management plan that includes—

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

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

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

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

(v) such other information as the Secretary may require.

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

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

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

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

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

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

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

(A) all toll revenues received from operation of the toll facility will be used only for—

(i) debt service;

(ii) reasonable return on investment of any private person financing the project; and

(iii) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

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

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

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

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

SEC. 1217. ELIGIBILITY.

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

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

(b) AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.—

(1) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1) and (3) of section 104(b) of such title.

(2) USE OF FUNDS.—Funds described in paragraph (1) shall not be used for any improvement to, or construction of, the bridge itself.

(c) CUYAHOGA RIVER BRIDGE, OHIO.—Notwithstanding any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(3) of such title.

(d) CONNECTICUT.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under section 104(b)(5)(A) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, for construction of the Interstate System to any other program eligible for assistance under chapter 1 of such title. Before making any distribution of the obligation limitation under section 1102(c)(6) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 1102(c) of this Act to obligate funds available for transfer under this subsection.

(e) INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.—The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of,

operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

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

(g) CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.—

(1) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in paragraph (2), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(2) AGREEMENTS.—The agreements referred to in paragraph (1) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in paragraph (1).

(h) WELCOME CENTER PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall permit the State of Georgia to conduct a pilot project to acquire, construct, operate, and maintain a demonstration safety rest area and information center along Interstate Route 75 in Cobb County, Georgia, in accordance with paragraph (2).

(2) INFORMATION CENTER AND SYSTEM.—The center may provide goods and information that is of interest to the traveling public, including commercial advertising and media displays, if such advertising and displays are—

(A) exhibited solely within any facility constructed in the rest area; and

(B) not legible from the main traveled way.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot project.

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

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

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

(j) TOLLS ON PENNSYLVANIA TURNPIKE.—Notwithstanding any other provision of law, no tolls shall be collected during the 6-year period beginning on the date of enactment of this Act on the Penn-

sylvania Turnpike for travel either entering Bedford and exiting Breezewood, Pennsylvania, or entering Breezewood and exiting Bedford. $3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.

(k) VICKSBURG AND JACKSON, MISSISSIPPI.—Notwithstanding any other provision of this Act, funds authorized by this Act (including amendments made by this Act) for transportation projects in the State of Mississippi may be used for the purpose of constructing, reconstructing, or rehabilitating rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§ 322. Magnetic levitation transportation technology deployment program

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

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs'—

"(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

"(B) includes the costs of preconstruction planning activities.

"(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

"(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour or under 50 miles per hour.

"(4) PARTNERSHIP POTENTIAL.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978).

"(b) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects selected under this section. Financial assistance made available under this section and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.

"(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

"(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

"(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

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

"(1) involve a segment or segments of a high-speed or low-speed ground transportation corridor that exhibit partnership potential;

"(2) require an amount of Federal funds for project financing that will not exceed the sum of—

"(A) the amounts made available under subsection (h)(1)(A); and

"(B) the amounts made available by States under subsection (h)(4);

"(3) result in an operating transportation facility that provides a revenue producing service;

"(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

"(5) satisfy applicable statewide and metropolitan planning requirements;

"(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

"(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

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

"(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

"(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

"(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

"(3) States, regions, and localities financially contribute to the project;

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

"(5) the project will augment MAGLEV networks identified as having partnership potential;

"(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

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

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

"(f) PROJECT SELECTION.—

"(1) PRECONSTRUCTION PLANNING ACTIVITIES.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for preconstruction planning activities, including—

"(A) preparation of such feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

"(B) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(C) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of preconstruction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.

"(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

"(h) FUNDING.—

"(1) IN GENERAL.—

"(A) CONTRACT AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001.

"(ii) CONTRACT AUTHORITY.—Funds authorized by this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

"(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Equity Act for the 21st Century, including loans, loan guarantees, and lines of credit.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

(1) in subsection (a)(3) by striking "or under 50 miles per hour";

(2) in subsection (d)—

(A) in paragraph (1) by striking "or low-speed"; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "(h)(1)(A)" and inserting "(h)(1)"; and

(ii) in subparagraph (B) by striking "(h)(4)" and inserting "(h)(3)";

(3) in subsection (h)(1)(B)(i) by inserting "(other than subsection (i))" after "this section"; and

(4) by adding at the end the following:

"(i) LOW-SPEED PROJECT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

"(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

"(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

"(i) shall not be available in advance of an annual appropriation; and

"(ii) shall remain available until expended.".

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.

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

"§ 162. National scenic byways program

"(a) DESIGNATION OF ROADS.—

"(1) IN GENERAL.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

"(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

"(3) NOMINATION.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—

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

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

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

"(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

"(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

"(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

"(C) each eligible project that is associated with the development of a State scenic byway program.

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

"(1) An activity related to the planning, design, or development of a State scenic byway program.

"(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

"(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

"(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

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

"(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

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

"(8) Development and implementation of a scenic byway marketing program.

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

"(e) SAVINGS CLAUSE.—The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

"(f) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.".

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

"162. National scenic byways program.".

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—

(1) ELIMINATION.—The Secretary shall eliminate any programmatic decisionmaking responsibility of the regional offices of the Federal Highway Administration for the Federal-aid

highway program as part of the Administration's efforts to restructure its field organization.

(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

(b) PREFERENCE.—In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act, the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

(c) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan to carry out this section not later than September 30, 1998, and thereafter provide periodic progress reports on carrying out this section to such Committees.

(d) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (c) not later than December 31, 1998.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation and identify private sector-based initiatives.

(b) RESEARCH.—

(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment and the role of the private sector in shaping such relationships.

(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) PLANNING.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) PURPOSES.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure;

(D) to provide efficient access to jobs, services, and centers of trade; and

(E) to examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals identified in subparagraphs (A) through (D).

(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2); and

(B) demonstrate a commitment of non-Federal resources to the proposed projects.

(4) ADDITIONAL CRITERIA.—In addition, the Secretary shall give consideration to applicants that demonstrate a commitment to public and private involvement, including involvement of nontraditional partners in the project team.

(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii)(I) are coordinated with State and local adopted preservation or development plans;

(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

(III) are intended to promote innovative private sector strategies.

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) "green corridors" programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

(D) examine ways to encourage private sector investments that address the purposes of this section; and

(E) propose projects for funding that address the purposes described in subsection (c)(2).

(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

(4) USE OF ALLOCATED FUNDS.—

(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for fiscal year 1999 and $25,000,000 for each of fiscal years 2000 through 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION.

(a) IN GENERAL.—Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama—

(A) by inserting "Hale," after "Franklin,"; and

(B) by inserting "Macon," after "Limestone,";

(2) in the undesignated paragraph relating to Georgia—

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

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

(b) TECHNICAL AMENDMENT.—Section 405 of such Act is amended by striking "section 201" and inserting "sections 201 and 403". This amendment ensures that section 403 is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement, the International Paralympic movement, and the Special Olympics International movement by hosting international quadrennial Olympic and Paralympic events, and Special Olympics International events, in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out sections 118(c) and 144(g)(1) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event or a Special Olympics International event; and

(2) the project is otherwise eligible for assistance under sections 118(c) and 144(g)(1) of such title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 5001(a), from funds made available under such section, the Secretary may provide assistance for the development of an Olympic, a Paralympic, and a Special Olympics transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

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

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term "historic covered bridge" means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

(1) collect and disseminate information concerning historic covered bridges;

(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

(3) conduct research on the history of historic covered bridges; and

(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge; and

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

SEC. 1225. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

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

(1) in subsection (b)—

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

(B) by striking "PROJECTS" and all that follows through "When a State" and inserting "PROJECTS.—When a State";

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

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

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

(2) by striking subsection (c); and

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

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

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

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

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

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

(1) by striking "(a)" the first place it appears; and

(2) by striking subsection (b).

(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.

Subtitle C—Program Streamlining and Flexibility

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§ 108. Advance acquisition of real property

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

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

(1) in the subsection heading, by striking "DONATED" and inserting "ACQUIRED";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be

credited in an amount equal to the fair market value of any land that—

"(A) is lawfully obtained by the State or a unit of local government in the State;

"(B) is incorporated into the project;

"(C) is not land described in section 138; and

"(D) the Secretary determines will not influence the environmental assessment of the project, including—

"(i) the decision as to the need to construct the project;

"(ii) the consideration of alternatives; and

"(iii) the selection of a specific location.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) in paragraph (3) by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government"; and

(4) in paragraph (4) by striking "to which the donation is applied".

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of such title is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, or material in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, or material.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of such title is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits".

(2) The analysis for chapter 1 of such title is amended by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.".

(3) The analysis for chapter 3 of such title is amended by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

SEC. 1302. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The Secretary, from time to time as the work progresses, may make payments to a State for costs of construction incurred by the State on a project. Such payments may also be made for the value of the materials—

"(1) that have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) that are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.

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

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

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

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

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

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

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

"(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 156 and inserting the following:

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

SEC. 1304. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting after "10 years" the following: "(or such longer period as the State requests and the Secretary determines to be reasonable)".

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT.

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

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

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

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—

"(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

"(2) PROJECT AGREEMENT.—The Secretary shall act on the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval.

"(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of the Federal share of the cost of the project.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required to pay the State's non-Federal share of the cost of construction of the project and to pay for maintenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—If a part of the project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State, the Secretary may rely on representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials for ensuring that the non-Federal contribution will be provided under paragraph (1).

"(c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—

"(1) NON-INTERSTATE NHS PROJECTS.—For projects under this title that are on the National Highway System but not on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

"(2) NON-NHS PROJECTS.—For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects, unless the State determines that such assumption is not appropriate.

"(3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.

"(4) LIMITATION ON AUTHORITY OF SECRETARY.—The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

"(d) RESPONSIBILITIES OF THE SECRETARY.—Nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under—

"(1) section 113 or 114; or

"(2) any Federal law other than this title (including section 5333 of title 49).

"(e) VALUE ENGINEERING ANALYSIS.—For such projects as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering analysis or other cost reduction analysis.".

(b) FINANCIAL PLAN.—Section 106 of such title (as amended by subsection (a)(2)), is amended by adding at the end the following:

"(h) FINANCIAL PLAN.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.".

(c) LIFE CYCLE COST ANALYSIS.—Section 106 of such title (as amended by subsection (a)(2)), is amended by striking subsection (f) and inserting the following:

"(f) LIFE-CYCLE COST ANALYSIS.—

"(1) USE OF LIFE-CYCLE COST ANALYSIS.—The Secretary shall develop recommendations for the States to conduct life-cycle cost analyses. The recommendations shall be based on the principles contained in section 2 of Executive Order No. 12893 and shall be developed in consultation with the American Association of State Highway and Transportation Officials. The Secretary shall not require a State to conduct a life-cycle cost analysis for any project as a result of the recommendations required under this subsection.

"(2) LIFE-CYCLE COST ANALYSIS DEFINED.—In this subsection, the term 'life-cycle cost analysis' means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user costs, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.".

(d) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.".

SEC. 1306. STANDARDS.

(a) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (m); and

(2) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

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

"(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction consistent with the operative safety management system established in accordance with section 303 or in accordance with a statewide transportation improvement program approved by the Secretary.".

SEC. 1307. DESIGN-BUILD CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A) by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) DESIGN-BUILD CONTRACTING.—

"(A) IN GENERAL.—A State transportation department or local transportation agency may award a design-build contract for a qualified project described in subparagraph (C) using any procurement process permitted by applicable State and local law.

"(B) LIMITATION ON FINAL DESIGN.—Final design under a design-build contract referred to in subparagraph (A) shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

"(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations issued by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

"(II) in the case of any other project, $50,000,000.

"(D) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term 'design-build contract' means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.".

(b) INAPPLICABILITY OF STANDARDIZED CONTRACT CLAUSE REQUIREMENT.—Section 112(e)(2) of such title is amended—

(1) by striking "Paragraph" and inserting the following:

"(A) STATE LAW.—Paragraph";

(2) by adding at the end the following:

"(B) DESIGN-BUILD CONTRACTS.—Paragraph (1) shall not apply to any design-build contract approved under subsection (b)(3).";; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this subsection) with subparagraph (B) of such section (as added by paragraph (2) of this subsection).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (e), after consultation with the American Association of State Highway and Transportation Officials and representatives from affected industries, the Secretary shall issue regulations to carry out the amendments made by this section.

(2) CONTENTS.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department or local transportation agency of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department or local transportation agency for obtaining the Secretary's approval of the use of design-build contracting by the department or agency.

(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) EFFECTIVE DATE FOR AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section take effect 3 years after the date of enactment of this Act.

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—During the period before issuance of the regulations under subsection (c), the Secretary may approve, in accordance with an experimental program described in subsection (d), design-build contracts to be awarded using any process permitted by applicable State and local law; except that final design under any such contract shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(B) PREVIOUSLY AWARDED CONTRACTS.—The Secretary may approve design-build contracts awarded before the date of enactment of this Act.

(C) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term "design-build contract" means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the effectiveness of design-build contracting procedures.

(2) CONTENTS.—The report shall contain—

(A) an assessment of the effect of design-build contracting on project quality, project cost, and timeliness of project delivery;

(B) recommendations on the appropriate level of design for design-build procurements;

(C) an assessment of the impact of design-build contracting on small businesses;

(D) assessment of the subjectivity used in design-build contracting; and

(E) such recommendations concerning design-build contracting procedures as the Secretary determines to be appropriate.

SEC. 1308. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement, and promulgate regulations to integrate such requirement, as appropriate, as part of the analyses required to be undertaken pursuant to the planning provisions of title 23, United States Code, and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for Federal-aid highway and transit projects. The scope of the applicability of such regulations shall be no broader than the scope of such section.

SEC. 1309. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction and mass transit projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding

between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project;

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or sub-

stantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, or chapter 53 of title 49, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State or recipient to provide funds for a highway project made available under chapter 1 of title 23, United States Code, or for a mass transit project made available under chapter 53 of title 49, United States Code, to the State for the project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 109 the following:

"§ 110. Uniform transferability of Federal-aid highway funds

"(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

"(b) APPLICATION TO CERTAIN SET-ASIDES.—No funds may be transferred under this section that are subject to the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1) or 133(d)(2) for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

"(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount that the State's apportionment under section 104(b)(2) for such fiscal year would have been had the program been funded at $1,350,000,000. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds.".

SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

(b) SELECTION PROCESS.—

(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

(1) The intelligent transportation system deployment program under title V.

(2) The national corridor planning and development program.

(3) The coordinated border infrastructure and safety program.

(4) The construction of ferry boats and ferry terminal facilities.

(5) The national scenic byways program.

(6) The Interstate discretionary program.

(7) The discretionary bridge program.

Subtitle D—Safety

SEC. 1401. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following: "(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists";

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

"(A) identify, through a survey, hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

"(B) develop and implement projects and programs to address the hazards."; and

(D) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (C) of this paragraph);

(2) in subsection (b) by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)";

(3) in subsection (c) by striking "on any public road (other than a highway on the Interstate System)." and inserting the following: "on—

"(1) any public road;

"(2) any public surface transportation facility or any publicly owned bicycle or pedestrian pathway or trail; or

"(3) any traffic calming measure.";

(4) in subsection (e)—

(A) by striking "apportioned to" in the first sentence and all that follows through "shall be" in the second sentence; and

(B) by striking "section 104(b)(1)" and inserting "section 104(b)"; and

(5) in subsections (f) and (g) by striking "highway safety improvement projects" each place it appears and inserting "safety improvement projects".

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

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

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

(1) STUDY.—The Secretary shall conduct a study on the technologies and methods to enhance safety, streamline construction, and improve capacity by providing positive separation at all times between traffic, equipment, and workers on

highway construction projects. The study shall also address how such technologies can be used to improve capacity and safety at those specific highway, bridge, and other appropriate locations where reversible lane, contraflow, and high occupancy vehicle lane operations are implemented during peak traffic periods.

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

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

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

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

(D) mitigating congestion caused by construction by—

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

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

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

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study. The report shall include findings and recommendations for the use of the technologies referred to in paragraph (2) to provide positive separation on appropriate projects.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 157 and inserting the following:

"§ 157. Safety incentive grants for use of seat belts

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

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

"(2) MULTIPURPOSE PASSENGER MOTOR VEHICLE.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

"(3) NATIONAL AVERAGE SEAT BELT USE RATE.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1996 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAVINGS TO THE FEDERAL GOVERNMENT.—The term 'savings to the Federal Government' means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

"(7) SEAT BELT.—The term 'seat belt' means—

"(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

"(8) STATE SEAT BELT USE RATE.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

"(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

"(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

"(b) DETERMINATIONS BY THE SECRETARY.—Not later than September 1, 1998, and September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

"(1)(A) which States had, for each of the previous calendar years (in this subsection referred to as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

"(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

"(2) in the case of each State that is not a State described in paragraph (1)(A)—

"(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year; and

"(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat

belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

"(c) ALLOCATIONS.—

"(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

"(2) OTHER STATES.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

"(d) USE OF AMOUNTS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

"(e) CRITERIA.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

"(f) INNOVATIVE SEAT BELT PROJECT ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g)(3) to make allocations to States to carry out innovative projects to promote increased seat belt use rates.

"(2) DETERMINATION OF ELIGIBILITY.—To be eligible to receive an allocation under this subsection for a fiscal year, a State shall—

"(A) develop a plan for innovative projects described in paragraph (1); and

"(B) submit the plan to the Secretary not later than March 1 of the fiscal year.

"(3) PLAN SELECTION.—

"(A) CRITERIA.—Not later than December 1, 1998, the Secretary shall establish criteria for the selection of State plans for allocations under this subsection.

"(B) SELECTION.—The Secretary shall select State plans for allocations under this subsection in accordance with the criteria established under subparagraph (A).

"(C) STATES.—In carrying out this paragraph, the Secretary shall ensure, to the maximum extent practicable, demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

"(4) ALLOCATION.—Not later than October 1, 1999, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

"(5) AMOUNT OF ALLOCATIONS.—Subject to the availability of unallocated amounts under subsection (g)(3), the amount of each allocation to a State under this subsection shall be not less than $100,000 for each fiscal year that is covered by a State plan.

"(6) USE OF ALLOCATIONS.—An allocation to a State under this subsection shall be used to carry out the innovative seat belt projects described in the State plan for which the allocation is awarded.

"(7) FEDERAL SHARE.—The Federal share of the cost of an innovative seat belt project under this section shall be 100 percent.

"(8) PERIOD OF AVAILABILITY.—Amounts allocated to a State under this subsection shall remain available for obligation in the State for a period of 3 years after the last day of the fiscal year for which the amounts are allocated.

"(g) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $82,000,000 for fiscal year 1999, $92,000,000 for fiscal year 2000, $102,000,000 for fiscal year 2001, $112,000,000 for fiscal year 2002, and $112,000,000 for fiscal year 2003.

"(2) PROPORTIONATE ADJUSTMENT.—If the total amounts to be allocated under subsection (c) for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

"(3) USE OF UNALLOCATED FUNDS.—

"(A) FISCAL YEAR 1999.—To the extent that the amounts made available for fiscal year 1999 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts—

"(i) shall be apportioned in accordance with section 104(b)(3);

"(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

"(iii) shall be available for any purpose eligible for funding under section 133.

"(B) FISCAL YEARS 2000 THROUGH 2003.—To the extent that the amounts made available for any of fiscal years 2000 through 2003 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157 and inserting the following:

"157. Safety incentive grants for use of seat belts.".

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect any funds apportioned or allocated before the date of enactment of this Act.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

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

"§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

"(a) GENERAL AUTHORITY.—The Secretary shall make a grant, in accordance with this section, to any State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offense of driving while intoxicated (or an equivalent per se offense).

"(b) GRANTS.—For each fiscal year, funds authorized to carry out this section shall be apportioned to each State that has enacted and is enforcing a law meeting the requirements of subsection (a) in an amount determined by multiplying—

"(1) the amount authorized to carry out this section for the fiscal year; by

"(2) the ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

"(c) USE OF GRANTS.—A State may obligate funds apportioned under subsection (b) for any project eligible for assistance under this title.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project funded under this section shall be 100 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $55,000,000 for fiscal year 1998, $65,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $110,000,000 for fiscal year 2003.

"(2) AVAILABILITY OF FUNDS.—Notwithstanding section 118(b)(2), the funds authorized by this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"Sec. 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons.".

SEC. 1405. OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Open container requirements

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

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) that contains any amount of alcoholic beverage; and

"(B)(i) that is open or has a broken seal; or

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

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

"(b) OPEN CONTAINER LAWS.—

"(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

"(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

"(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

"(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

"(c) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

"(A) to be used for alcohol-impaired driving countermeasures; or

"(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date

under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

"(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

"(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

"(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

"(A) The apportionment of the State under section 104(b)(1).

"(B) The apportionment of the State under section 104(b)(3).

"(C) The apportionment of the State under section 104(b)(4).

"(6) TRANSFER OF OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.".

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

"154. Open container requirements.".

SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

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

"§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

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

"(1) ALCOHOL CONCENTRATION.—The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

"(3) LICENSE SUSPENSION.—The term 'license suspension' means the suspension of all driving privileges.

"(4) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

"(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(D) receive—

"(i) in the case of the second offense—

"(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(ii) in the case of the third or subsequent offense—

"(I) an assignment of not less than 60 days of community service; or

"(II) not less than 10 days of imprisonment.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an

amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

"(A) to be used for alcohol-impaired driving countermeasures; or

"(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

"(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

"(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

"(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

"(A) The apportionment of the State under section 104(b)(1).

"(B) The apportionment of the State under section 104(b)(3).

"(C) The apportionment of the State under section 104(b)(4).

"(6) TRANSFER OF OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.".

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

"164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1501. SHORT TITLE.

This chapter may be cited as the "Transportation Infrastructure Finance and Innovation Act of 1998".

SEC. 1502. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1503. ESTABLISHMENT OF PROGRAM.

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

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"§ 181. Definitions

"In this subchapter, the following definitions apply:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

"(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

"(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

"(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

"(3) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency to project obligations offered into the capital markets.

"(4) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(5) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

"(6) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(7) LOCAL SERVICER.—The term 'local servicer' means—

"(A) a State infrastructure bank established under this title; or

"(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

"(8) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(9) PROJECT.—The term 'project' means—

"(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49;

"(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible.

"(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and

"(D) a project for publicly owned intermodal surface freight transfer facilities, other than seaports and airports, if the facilities are located on or adjacent to National Highway System routes or connections to the National Highway System.

"(10) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(11) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

"(12) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

"(13) STATE.—The term 'State' has the meaning given the term in section 101.

"(14) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(15) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

"§ 182. Determination of eligibility and project selection

"(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

"(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

"(A) shall be included in the State transportation plan required under section 135; and

"(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

"(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

"(3) ELIGIBLE PROJECT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

"(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

"(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

"(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

"(b) SELECTION AMONG ELIGIBLE PROJECTS.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—The selection criteria shall include the following:

"(i) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

"(ii) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.

"(iii) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

"(iv) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

"(v) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

"(vi) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

"(vii) The extent to which the project helps maintain or protect the environment.

"(viii) The extent to which assistance under this chapter would reduce the contribution of Federal grant assistance to the project.

"(B) PRELIMINARY RATING OPINION LETTER.—For purposes of subparagraph (A)(ii), the Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the project's senior obligations have the potential to achieve an investment-grade rating.

"(c) FEDERAL REQUIREMENTS.—In addition to the requirements of this title for highway projects, chapter 53 of title 49 for transit projects, and section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

"(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"§ 183. Secured loans

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

"(A) to finance eligible project costs; or

"(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

"(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

"(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital re-

serve subsidy amount for each secured loan, taking into account such letter.

"(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a secured loan under this section shall be contingent on the project's senior obligations receiving an investment-grade rating, except that—

"(A) the Secretary may fund an amount of the secured loan not to exceed the capital reserve subsidy amount determined under paragraph (3) prior to the obligations receiving an investment-grade rating; and

"(B) the Secretary may fund the remaining portion of the secured loan only after the obligations have received an investment-grade rating by at least 1 rating agency.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) PAYMENT.—The secured loan—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based

on the projected cash flow from project revenues and other repayment sources.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) DEFERRED PAYMENTS.—

"(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

"(C) CRITERIA.—

"(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

"(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

"(5) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the origi-

nal terms and conditions of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"§ 184. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account such letter.

"(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a line of credit under this section shall be contingent on the project's senior obligations receiving an investment-grade rating from at least 1 rating agency.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—

"(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(B) 1-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt serv-

ice reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD-PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

"(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

"(c) REPAYMENT.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"§ 185. Project servicing

"(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

"(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

"(1) shall act as the agent for the Secretary; and

"(2) may receive a servicing fee, subject to approval by the Secretary.

"(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"§ 186. State and local permits

"The provision of financial assistance under this subchapter with respect to a project shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"§ 187. Regulations

"The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

"§ 188. Funding

"(a) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

"(A) $80,000,000 for fiscal year 1999;

"(B) $90,000,000 for fiscal year 2000;

"(C) $110,000,000 for fiscal year 2001;

"(D) $120,000,000 for fiscal year 2002; and

"(E) $130,000,000 for fiscal year 2003.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§ 189. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

(1) in subsection (a)(2) by striking "1998" and inserting "1999"; and

(2) in subsection (c)—

(A) by striking "1998" and inserting "1999"; and

(B) by striking the table and inserting the following:

"Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.".

SEC. 1504. DUTIES OF THE SECRETARY.

Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7) by striking "and" at the end;

(2) in paragraph (8) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

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

(A) to provide credit enhancements;

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

(C) to subsidize interest rates;

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

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

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

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

(2) STATE.—The term "State" has the meaning given the term under section 401 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—

(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with

the States of California, Florida, Missouri, and Rhode Island for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

(c) FUNDING.—

(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1), (3), and (4) of section 104(b) and section 144 of title 23, United States Code, excluding funds set aside under paragraphs (1) and (2) of section 133(d) of such title; and

(ii) the total amount of funds allocated to the State under section 105 of such title;

(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49, United States Code) under sections 5307, 5309, and 5311 of such title; and

(C) the total amount of funds made available to the State under subtitle V of title 49, United States Code.

(2) CAPITALIZATION GRANT.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

(3) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) of such title may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

(d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—

(1) IN GENERAL.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part

of the cost of carrying out a project eligible for assistance under this section.

(2) SUBORDINATION OF LOANS.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

(3) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

(e) QUALIFYING PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under title 23, United States Code, for capital projects (as defined in section 5302 of title 49, United States Code), or for any other project related to surface transportation that the Secretary determines to be appropriate.

(2) INTERSTATE FUNDS.—Funds contributed to an infrastructure bank from funds apportioned to a State under section 104(b)(4) of title 23, United States Code, may be used only to provide assistance with respect to projects eligible for assistance under such paragraph.

(3) RAIL PROGRAM FUNDS.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49, United States Code, shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

(f) INFRASTRUCTURE BANK REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c), except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;

(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

(C) ensure that investment income generated by funds contributed to the bank will be—

(i) credited to the bank;

(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

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

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

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

(F) ensure that the term for repaying any loan will not exceed the lesser of—

(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

(ii) the useful life of the investment; and

(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

(2) WAIVERS BY THE SECRETARY.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

(g) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

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

(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

(i) APPLICABILITY OF FEDERAL LAW.—

(1) IN GENERAL.—The requirements of titles 23 and 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with those funds shall apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (f); and

(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of title 23 and section 5333 of title 49), is not consistent with the objectives of this section.

(2) REPAYMENTS.—The requirements of titles 23 and 49, United States Code, shall apply to repayments from non-Fed-

eral sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.

(j) UNITED STATES NOT OBLIGATED.—

(1) IN GENERAL.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

(2) STATEMENT.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

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

(l) PROGRAM ADMINISTRATION.—

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

(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.

Subtitle F—High Priority Projects

SEC. 1601. HIGH PRIORITY PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 117 and inserting the following:

"§ 117. High priority projects program

"(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section. Of amounts made available to carry out this section, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section. Any amounts made available to carry out such program that are not allocated for projects described in such section shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.

"(b) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available to carry out the high priority projects program under this section—

"(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

"(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

"(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

"(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

"(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

"(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

"(c) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available to carry out this section shall be 80 percent of the total cost thereof.

"(d) DELEGATION TO STATES.—Subject to the provisions of this title, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available to carry out this section, to the State in which such project or projects are located upon request of such State.

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

"(1) has obligated all funds allocated under this section and section 1602 of the Transportation Equity Act for the 21st Century for such project; and

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

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section and section 1602 of the Transportation Equity Act for the 21st Century.

"(f) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available until expended.

"(g) AVAILABILITY OF OBLIGATION LIMITATION.—Obligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated pursuant to section 1102(g) of the Transportation Equity Act for the 21st Century.

"(h) TREATMENT.—Funds allocated to a State in accordance with this section shall be treated as amounts in addition to the amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes.".

(b) PURPOSE OF PROJECTS.—Section 145 of such title is amended—

(1) by inserting "(a) PROTECTION OF STATE SOVEREIGNTY.—" before "The authorization"; and

(2) by adding at the end the following:

"(b) PURPOSE OF PROJECTS.—The projects described in section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligibility for Federal-aid highway funds made available for such projects by section 1101(a)(13) of the Transportation Equity Act for

the 21st Century, 117 of title 23, United States Code, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 117 and inserting the following:

"117. High priority projects program.".

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(13) of the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

No.	State	Project description	(Dollars in millions)
1.	Georgia	I–75 advanced transportation management system in Cobb County	1.7
2.	Ohio	Relocate Washington Street/SR 149 within Bellaire city limits in Belmont County	2
3.	Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	7.5
4.	Michigan	Construct bike path between Mount Clemens and New Baltimore	3.75
5.	California	Extend I–10 HOV lanes, Los Angeles	2.205
6.	Utah	Reconstruct U.S. 89 and interchange at 200 North in Kaysville	5.25
7.	Ohio	Upgrade North Road between U.S. 422 and East Market Street, Trumbull County	1.2
8.	Tennessee	Alternative transportation systems, Rutherford	5.1
9.	New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	1.4
10.	New York	I–87 Noise Abatement Program	7.5
11.	California	Upgrade access road to Mare Island	0.75
12.	Texas	Reconstruct FM 364 between Humble Road and I–10, Beaumont	3.6
13.	Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1
14.	Ohio	Conduct feasibility study for inclusion of U.S. 22 as part of the Interstate System	0.1
15.	New York	Improve Route 9 in Dutchess County	1.14
16.	California	Reconstruct State Route 81 (Sierra Avenue) and I–10 Interchange in Fontana	7.5
17.	New York	Reconstruct Springfield Boulevard between the Long Island Rail main line south to Rockaway Boulevard, Queens County	3
18.	Tennessee	Reconstruction of U.S. 414 in Henderson County	3.75

No.	State	Project description	(Dollars in millions)
19.	New Jersey	Upgrade Market Street/Essex Street and Rochelle Avenue/Main Street to facilitate access to Routes 17 and 80, Bergen County	3.75
20.	Pennsylvania	U.S. 209 Marshall's Creek Traffic Relief project in Monroe County	7.5
21.	Louisiana	Replace ferry in Plaquemines Parish	1.6125
22.	Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	0.75
23.	Georgia	Reconstruct SR 26/U.S. 60 from Bull River to Lazaretto Creek	2.6625
24.	California	Improve SR 91/Green River Road interchange	4.875
25.	Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County	1.5
26.	Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia	7.5
27.	California	Improve the interchange at Cabo and Nason Street in Moreno Valley	4.5
28.	Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	5.25
29.	California	Construct bikeways, Santa Maria	0.384
30.	Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	2.7
31.	Florida	West Palm Beach Traffic Calming Project on U.S. 1 and Flagur Drive	11.25
32.	Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.6
33.	Illinois	Construct elevated walkway between Centre Station and arena	0.9
34.	Pennsylvania	Construct Ardmore Streetscape project	0.45
35.	California	Construct San Diego and Arizona Eastern Intermodal Yard, San Ysidro	10
36.	New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	0.75
37.	Oregon	Design and engineering for Newberg—Dundee Bypass	0.375
38.	Ohio	Upgrade U.S. Route 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	3.75
39.	Connecticut	Revise interchange ramp on to Route 72 northbound from I–84 East in Plainville, Connecticut	2.8125
40.	Alaska	Construct Spruce Creek Bridge in Soldotna	0.2625
41.	New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elevated expressway (Gowanus tunnel project)	18

No.	State	Project description	(Dollars in millions)
42.	Virginia	Reconstruct SR 168 (Battlefield Boulevard) in Chesapeake	6
43.	Pennsylvania	Upgrade PA 228 (Crows Run Corridor)	5.4
44.	New York	Upgrade and improve Saratoga to Albany intermodal transportation corridor	12.2
45.	Pennsylvania	Widen Montgomery Alley and improve pedestrian and parking facilites in the vicinity of the Falling Spring, Chambersburg	2
46.	Nebraska	Corridor study for Plattsmouth Bridge area to U.S. 75 and Horning Road	0.2625
47.	Pennsylvania	Construct SR 3019 over Great Trough Creek in Huntingdon County	0.375
48.	Pennsylvania	Improve PA 56 from I–99 to Somerset County Line in Bedford County	0.75
49.	Connecticut	Replace Windham Road bridge, Windham	1.5
50.	Tennessee	Upgrade Briley Parkway between I–40 and Opryland	4.2
51.	Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	1.875
52.	Oregon	Construct phase I: Highway 99 to Biddle Road of the Highway 62 corridor solutions project	15.625
53.	Washington	Construct traffic signals on U.S. 2 at Olds Owens Road and 5th Street in Sultan, Washington	0.257
54.	New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome County	12.6
55.	Texas	Improve U.S. 82, East-West Freeway between Memphis Avenue and University Avenue	12.3
56.	Tennessee	Construct Stones River Greenway, Davidson	8.2
57.	Minnesota	Conduct study of potential for diversion of traffic from the I–35 corridor to commuter rail, Chicago County north of Forest Lake along I–35 corridor to Rush City	0.375
58.	Minnesota	Upgrade 10th Street South, Street Cloud	1.125
59.	Tennessee	Improve State Road 95 from Westover Drive to SR 62 in Roane and Anderson Counties	3.675
60.	California	Construct Ontario International Airport ground access program	10.5
61.	Iowa	Construct four-lane expressway between Des Moines and Marshalltown	7.5
62.	Texas	Upgrade FM 225, Nacogdoches	3
63.	Ohio	Upgrade U.S. Route 35 between vicinity of Chillicothe to Village of Richmond Dale	3.75
64.	Indiana	Upgrade 93rd Avenue in Merrillville	4.425
65.	California	Improve streets and construct bicycle path, Westlake Village	0.236
66.	Pennsylvania	Upgrade I–95 between Lehigh Avenue and Columbia Avenue and improvements to Girard Avenue/I–95 interchange, Philadelphia	21.45

No.	State	Project description	(Dollars in millions)
67.	Michigan	Construct I–96/Beck Wixom Road interchange	1.95
68.	Pennsylvania	Construct I–95/Route 332 interchange	1.5
69.	California	Improve streets and construct bicycle path, Calabasas	0.75
70.	New York	Construct Hutton Bridge Project	1
71.	Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.3375
72.	Virginia	Widen I–64 Bland Boulevard interchange	25.8375
73.	Washington	Widen Cook Road in Skagit County, Washington	3.1
74.	New York	Construct interchange and connector road using ITS testbed capabilities at I–90 Exit 8	8.775
75.	New York	Construct Edgewater Road Dedicated Truck Route	9
76.	Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	3.825
77.	Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.45
78.	California	Construct Third Street South Bay Basin Bridge, San Francisco	9.375
79.	New Mexico	Improve I–25 at Raton Pass	9
80.	Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20
81.	Michigan	Upgrade Hill Road corridor between I–75 to Dort Highway, Genesee County	2.25
82.	Georgia	Improve GA 316 in Gwinnett County	32.4
83.	North Carolina	Construct segment of new freeway, including right-of-way acquisition, between East of U.S. 401 to I–95, and bridge over Cape Fear River	12
84.	Florida	Construct U.S. 98/Thomas Drive interchange	8.25
85.	Illinois	Construct I–64/North Greenmount Road interchange, St. Clair County	3.6
86.	South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	3.75
87.	New York	Upgrade Chenango County Route 32 in Norwich	1.6
88.	Maine	Construct I–95/Stillwater Avenue interchange	1.5
89.	Massachusetts	Construct I–495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	3.15
90.	Connecticut	Construct Seaview Avenue Corridor project	2.5
91.	Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	3.75
92.	Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.125
93.	Illinois	Undertake improvements to Campus Transportation System, Chicago	1.5

No.	State	Project description	(Dollars in millions)
94.	Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.1
95.	Michigan	Upgrade and make improvements to the Walton Corridor project including segments of Walton Boulevard, Baldwin and Joslyn Roads, and Telegraph Road	10.5
96.	North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg County	12
97.	Tennessee	Reconstruct U.S. 79 between Milan and McKenzie	3
98.	Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	1.5
99.	Pennsylvania	Upgrade U.S. Route 119 between Homer City and Blairsville	3.05
100.	Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.53025
101.	Georgia	Construct Athens to Atlanta Transportation Corridor	6
102.	Alabama	Initiate construction on controlled access highway between the Eastern edge of Madison County and Mississippi State line	3
103.	Texas	Construct improvments along U.S. 69 including frontage roads, Jefferson County	5.76
104.	New York	Rehabilitate Broadway Bridge, New York City	1.5
105.	Ohio	Reconstruct Morgan County 37 in Morgan County	0.4
106.	California	Improve Mission Boulevard in San Bernardino, California	0.5
107.	Indiana	Widen 116th Street in Carmel	1.44
108.	Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	2
109.	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	0.584
110.	Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	4.75
111.	Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	0.825
112.	Illinois	Resurface S. Chicago Avenue from 71st to 95th Streets, Chicago	0.795
113.	Minnesota	Upgrade TH 13 between TH 77 and I–494	1.5
114.	Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky	2.84
115.	South Dakota	Construct U.S. 16 Hell Canyon Bridge and approaches in Custer County	0.441
116.	Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.3
117.	Pennsylvania	Construct highway-transit transfer facility in Lemoyne	1.5

No.	State	Project description	(Dollars in millions)
118.	Georgia	Upgrade I–75 between the Crisp/Dooly County line to the Florida State line	8.25
119.	New Jersey	Conduct Route 46 Corridor Improvement Project with the amount provided, $8,625,000 for the Route 46/Riverview Drive Interchange reconstruction project, $12,675,000 for the Route 46/Van Houton Avenue reconstruction project, and $3,075,000 for the Route 46/Union Boulevard interchange reconstruction project	24.375
120.	Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	0.6875
121.	New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey	5.0
122.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	1.5
123.	Idaho	Reconstruct U.S. 95 from Bellgrove to Mica	9
124.	Illinois	Improve access to 93rd Street Station, Chicago	2.25
125.	Illinois	Rehabilitate WPA Streets in Chicago	4.7
126.	Minnesota	Construct grade crossing improvements, Morrison County	1.35
127.	Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	4.56
128.	Texas	Upgrade SH 130 in Caldwell and Williamson Counties	0.75
129.	Massachusetts	Construct bikeway between Blackstone and Worcester	6
130.	New York	Rehabilitate roads, Village of Great Neck	0.12
131.	Virginia	Widen I–81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	4
132.	Illinois	Construct an interchange at I–90 and Illinois Route 173 in Rockford	5.625
133.	Illinois	Engineering for Peoria to Chicago expressway	5
134.	Pennsylvania	Construct access improvements between exits 56 and 57 off I–81 in Lackawanna	1.275
135.	California	Reconstruct Tennessee Valley Bridge, Marin County	0.75
136.	Michigan	Improvements to Card Road between 21 Mile Road and 23 Mile Road in Macomb County	0.975
137.	Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	7.88
138.	New York	Conduct safety study and improve I–90 in Downtown Buffalo	0.4
139.	Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.36
140.	Pennsylvania	Construct access road and parking facilities, Valley Forge National Historic Park-VFHS Center, Valley Forge	3

No.	State	Project description	(Dollars in millions)
141.	Illinois	Construct Orchard Road Bridge over the Fox River	5.25
142.	Missouri	Construct U.S. 412 corridor from Kennett to Hayti, Missouri	6
143.	Michigan	Upgrade M 84 connector between Tittabawasee Road and M 13, Bay and Saginaw Counties	13.135
144.	Louisiana	Increase capacity of Lake Pontchartrain Causeway	1
145.	Tennessee	Improve the Elizabethon Connector from U.S. 312 to U.S. 19 East	6.3375
146.	Texas	Construct Austin to San Antonio Corridor	5.625
147.	Pennsylvania	Make safety improvements on PA Route 61 (Dusselfink Safety Project) between Route 183 in Cressona and SR 0215 in Mount Carbon	7
148.	Tennessee	Improve State Route 92 from I–40 to South of Jefferson City	3.4125
149.	Illinois	Planning, engineering and first phase construction of beltway connector, Decatur	2
150.	Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	6.825
151.	Georgia	Widen Georgia Route 6/U.S. 278 in Polk County	8.666
152.	Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	0.75
153.	Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.26
154.	Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	2.4
155.	Minnesota	Construct Cass County Public Trails Corridors	0.18
156.	Alabama	Construct Eastern Black Warrior River Bridge	13
157.	Michigan	Construct Monroe Rail Consolidation Project, Monroe	4.5
158.	Illinois	Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn	0.6
159.	New York	Construct Hamilton Street interchange in Erwin, New York	12.375
160.	New York	Improve 6th and Columbia Street project in Elmira	0.525
161.	California	Enhance Fort Bragg and Willitis passenger stations	0.275
162.	New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp	14
163.	New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapowski Road to Trumbull Street)	2

No.	State	Project description	(Dollars in millions)
164.	Pennsylvania	Relocate U.S. 22 around the Borough of Holidaysburg, PA, or other projects in the counties of Bedford, Blair, Centre, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon as selected by the Commonwealth of Pennsylvania, and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)	24.78
165.	Wyoming	Construct Jackson-Teton Pathway in Teton County	1.5
166.	Michigan	Improve Tenth Street, Port Huron	1.8
167.	Michigan	Early preliminary engineering/preliminary engineering to U.S. 131 B.R./Industrial Connector, Kalamazoo, Michigan	1.5
168.	Illinois	Construct improvements to segment of Town Creek Road, Jackson County	0.975
169.	Vermont	Replace Missisquoi Bay Bridge	12
170.	Massachusetts	Upgrade Sacramento Street underpass, Somerville	0.1875
171.	Oregon	Study and design I–5/Beltline Road interchange reconstruction	3
172.	Massachusetts	Construct accessibility improvments to Charles Street T Station, Boston	3
173.	California	Widen and improve I–5/State Route 126 interchange in Valencia	10.425
174.	Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	5.375
175.	Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	1.5
176.	California	Upgrade I–880, Alameda	7.5
177.	Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	3
178.	Georgia	Conduct study of a multimodal transportation corridor along GA 400 and construct improvements to said corridor	17.25
179.	Illinois	Reconstruct Dixie Highway, Harvey	0.3705
180.	Tennessee	Construct State Route 131 from Gill Road to Bishop Road	1.8
181.	Washington	Construct Port of Kalama River Bridge	0.675
182.	Virginia	Upgrade Virginia Route 10, Surrey County	0.75
183.	Iowa	Reconstruct U.S. Highway 218 between 7th and 20th Streets inlcuding center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.5
184.	Oregon	Repair bridge over Rogue River, Gold Beach	10
185.	New Jersey	Construct pedestrian bridge in Washington Township	2.25
186.	Ohio	Construct Chesapeake Bypass, Lawrence County	3.75
187.	California	Rehabilitate historic train depot in San Bernadino	2.625

No.	State	Project description	(Dollars in millions)
188.	Michigan	Construct improvements to Linden Road between Maple Avenue and Pierson Road, Genessee County	0.9
189.	Alabama	Construct Crepe Myrtle Trail near Mobile	1.2
190.	New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.85
191.	Rhode Island	Reconstruct interchanges on Route 116 between Route 146 and Ashton Viaduct, Lincoln	0.33375
192.	Michigan	Construct route improvements along Washington Avenue between Janes Avenue to Johnson Street and East Genesee Avenue between Saginaw River and Janes Avenue, Saginaw	2.7
193.	California	Realign and improve California Route 79 in Riverside County	4.5
194.	Michigan	Construct Tawas Beach Road/U.S. 23 interchange improvements, East Tawas	1.65
195.	Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry County	0.105
196.	Texas	Construct East Loop, Brownsville	0.75
197.	Mississippi	Upgrade Cowan-Lorraine Road between I–10 and U.S. 90, Harrison County	8.5
198.	California	Construct Alameda Corridor East project	9.5625
199.	Washington	Construct I–5 interchanges in Lewis County	4.9875
200.	Minnesota	Undertake improvements to Hennepin County Bikeway	3.9
201.	Illinois	Construct Alton Bypass from IL 40 to Fosterburg Road	1.875
202.	Louisiana	Construct Houma-Thibodaux to I–10 connector from Gramercy to Houma	2.325
203.	Illinois	Study for new bridge over Mississippi River with terminus points in Street Clair County and Street Louis, MO	1.05
204.	New York	Rehabilitate Queens Boulevard/Sunnyside Yard Bridge, New York City	6
205.	North Carolina	Construct segment of I–74 between Maxton Bypass and NC 710, Robeson County	1.5
206.	Alabama	Conduct engineering, acquire right-of-way and construct the Birmingham Northern Beltline in Jefferson County	17
207.	South Dakota	Replace Meridan Bridge	3.25
208.	Ohio	Upgrade Route 82, Strongsville	5.25
209.	Mississippi	Construct I–20/Norrell Road interchange, Hinds County	3.75
210.	Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	19.5
211.	Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan by extending 36th Street, improving 48th Street and constructing the I–96/Whitneyville interchange	11.28
212.	Pennsylvania	Replace Dellville Bridge in Wheatfield	0.75

No.	State	Project description	(Dollars in millions)
213.	California	Upgrade Ft. Irwin Road from I–15 to Fort Irwin	1.125
214.	New York	Reconstruct 127th Street viaduct, New York City	1.5
215.	Arkansas	Upgrade U.S. Route 67, Newport to Missouri State line	1.5
216.	Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	6
217.	Colorado	Complete the Powers Boulevard north extension in Colorado Springs	9
218.	Pennsylvania	Widen U.S. 30 from U.S. 222 to PA 340 and from PA 283 to PA 741	9
219.	Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	2.4
220.	Mississippi	Widen MS 15 from Laurel to Louiseville	7.5
221.	California	Construct bike paths, Thousand Oaks	0.625
222.	Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.375
223.	Wisconsin	Upgrade Marshfield Boulevard, Marshfield	3.75
224.	Wisconsin	Construct Abbotsford Bypass	4.5
225.	New York	Reconstruct Route 25/Route 27 intersection in Street Lawrence County	0.75
226.	California	Upgrade access to Sylmar/San Fernando Metrolink Station and Westfield Village, Los Angeles	0.375
227.	Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8
228.	Illinois	Upgrade Street Marie Township Road, Jasper County	0.036
229.	Illinois	Resurface 95th Street between Western Avenue and Stony Island Boulevard, Chicago	2.34
230.	New York	Construct new exit 46A on I–90 at Route 170 in North Chili	6
231.	Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.3
232.	California	Improve SR 70 from Marysville Bypass to Oroville Freeway	6.25
233.	Dist. of Columbia	Implement Geographical Information System	7.5
234.	California	Construct connector between I–5 and SR 113 and reconstruct I–5 interchange with Road 102, Woodland	11.5
235.	Pennsylvania	Reconstruct State Route 2001 in Pike County	6.75
236.	California	Upgrade I–680 Corridor, Alameda County	7.5
237.	Louisiana	Reconstruct I–10 and Ryan Street access ramps and frontage street improvements, Lake Charles	6
238.	Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill	12

No.	State	Project description	(Dollars in millions)
239.	Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny County	2
240.	Alaska	Construct capital improvements to intermodal freight and passenger facilities servicing the Alaska Marine Highway and other related transportation modes in Seward provided that the state public authority which owns the current intermodal facilities carries out this project with the entire amount of funds provided	4.5
241.	Illinois	Construct improvements to Pleasant Hill Road, Carbondale	1.425
242.	Minnesota	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0
243.	Texas	Extend Texas State Highway 154 between U.S. 80W and State Highway 43S	4.675
244.	Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	4.05
245.	Pennsylvania	Upgrade U.S. Route 22, Chickory Mountain section	4.85
246.	Arkansas	Improve Arkansas State Highway 12 from U.S. 71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.375
247.	Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.375
248.	Massachusetts	Reconstruct roadways, Somerville	2.25
249.	Washington	Construct Washington Pass visitor facilities on North Cascades Highway	0.9
250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35
251.	Georgia	Upgrade Lithonia Industrial Boulevard, De Kalb County	0.375
252.	Wisconsin	Upgrade STH 29 between IH 94 and Chippewa Falls	4.5
253.	Kansas	Construct Diamond interchange at Antioch and I–435	7.56
254.	California	Reconstruct I–215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.0625
255.	Iowa	Relocate U.S. 61 to bypass Fort Madison	3.0
256.	Illinois	Construct Richton Road, Crete	1.5
257.	Ohio	Upgrade U.S. 30 from SR 235 in Hancock County to the Ontario bypass in Richland County	11.25
258.	Florida	Construct access road to Street Johns Avenue Industrial Park	0.75
259.	Pennsylvania	Design, engineer, ROW acquisition and construct the Luzerne County Community College Road between S.R. 2002 and S.R. 3004 one-mile west of Center Street through S.R. 2008 in the vicinity of Prospect Street and the Luzerne County Community College, including a new interchange on S.R. 0029	10.5

No.	State	Project description	(Dollars in millions)
260.	Louisiana	Construct State Highway 3241/State Highway 1088/I–12 interchange in St. Tammany Parish	8.5
261.	Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.6
262.	Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.5
263.	California	Upgrade Highway 99, Sutter County	7.3
264.	Indiana	Extend East 56th Street in Lawrence	4.875
265.	New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau County	10.5
266.	Texas	Upgrade IH 30 between Dallas and Ft. Worth	21.75
267.	Massachusetts	Construct improvements to North Main Street in Worcester	1.8
268.	Arkansas	Study and construct a multi-modal facility Russellville	0.75
269.	New York	Judd Road Connector in New Hartford and Whitestown	30.3
270.	Oregon	Upgrade I–5, Salem	3
271.	California	Upgrade call boxes throughout Santa Barbara County	1.125
272.	Wisconsin	Upgrade U.S. Route 10 between Waupaca to U.S. Route 41	6
273.	Iowa	Reconstruct I–235 and improve the interchange for access to the ML King Parkway	5.175
274.	Pennsylvania	Construct Steel Heritage Trail between Glenwood Bridge to Clairton via McKeesport	0.3
275.	Idaho	Construct critical interchanges and grade-crossings on U.S. 20 between Idaho Falls and Chester	7.5
276.	Utah	Construct Cache Valley Highway in Logan	5.25
277.	Massachusetts	Upgrade Route 3 between Route 128/I–95 to Massachusetts and New Hampshire State Line	6.15
278.	Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	18.75
279.	New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.3
280.	California	Construct I–5 rail grade crossings between I–605 and State Route 91, Los Angeles and Orange Counties	15.09
281.	Massachusetts	Undertake improvements to South Station Intermodal Station	2.25
282.	Massachusetts	Reconstruct Bates Bridge over Merrimack River	3
283.	Illinois	Upgrade Wood Street between Little Calumet River to 171st Street, Dixmore, Harvey, Markham, Hazel Crest	0.7425
284.	Pennsylvania	Construct safety and capacity improvements to Route 309 and Old Packhouse Road including widening of Old Packhouse Road between Kids Peace National Hospital to Route 309	6.15

No.	State	Project description	(Dollars in millions)
285.	Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	3.385
286.	Michigan	Repair 48th Avenue, Menominee	0.2025
287.	Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	5.5
288.	Georgia	Conduct a study of transportation alternatives in Northwest Georgia between Atlanta and Chattanooga	5.0
289.	Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish	1
290.	New York	Construct Midtown West Intermodal Ferry Terminal, New York City	3.0
291.	Maine	Construct I–295 connector, Portland	3.375
292.	Colorado	Construct I–25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	2.25
293.	New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	5.25
294.	New York	Construct intermodal transportation hub in Patchogue	1.875
295.	New York	Improve Route 281 in Cortland	6.75
296.	California	Construct State Route 76 in Northern San Diego	7.5
297.	Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	9
298.	Pennsylvania	Improve South Central Business Park in Fulton County	0.75
299.	California	Willits Bypass, Highway 101 in Mendocino County, California	0.65
300.	Texas	Upgrade FM 1764 between FM 646 to State Highway 6	2.25
301.	Ohio	Construct Intermodal Industrial Park in Wellsville	3.04
302.	Texas	Construct U.S. Expressway 77/83 interchange, Harlingen	5.625
303.	Georgia	Construct Harry S. Truman Parkway	2.6625
304.	Maryland	Upgrade I–95/I–495 interchange at Ritchie Marlboro Road, Prince Georges County	3.6
305.	New York	Construct CR 82 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
306.	Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.6
307.	Illinois	Intersection improvements at 79th and Stoney Island Boulevard, Chicago	1.305
308.	New York	Construct CR–85 from Foster Avenue to CR–97 in Suffolk County	0.675
309.	New York	Construct Phase II of the City of Mount Vernon's New Haven Railroad Redevelopment project	2
310.	Alabama	Construct improvements to 41st Street between 1st Avenue South and Airport Highway, Birmingham	0.75
311.	Alaska	Improve roads in Kotzebue	1.7625
312.	Pennsylvania	Conduct preliminary engineering on the relocation of exits 4 and 5 on I–83 in York County	1.5

No.	State	Project description	(Dollars in millions)
313.	North Carolina	Construct I–540 from east of NC Route 50 to east of U.S. Route 1 in Wake County	9.75
314.	Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.6
315.	Pennsylvania	Conduct highway research, Drexel University	1
316.	Illinois	Improve IL 113 in Kankakee	5.55
317.	Texas	Upgrade JFK Causeway, Corpus Christi	2.25
318.	Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th Street Station	6
319.	Wisconsin	Construct STH 26/U.S. 41 Interchange in Oshkosh	2.25
320.	California	Improve and widen Forest Hill Road in Placer County	2.7
321.	Florida	ITS improvements on U.S. 19 in Pasco County	1.5
322.	Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.4125
323.	Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1
324.	Virginia	Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon	0.75
325.	Oregon	Reconstruct Lovejoy ramp, Portland	5
326.	Washington	Widen SR 99 between 148th Street and King County Line in Lynnwood	2.7
327.	Minnesota	Construct Trunk Highway 169 Causeway, Itasca County	6.075
328.	Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I–10	1.5
329.	Indiana	Reconstruct U.S. Route 231 between junction of State Road 66 to Dubois County line	0.6
330.	Massachusetts	Construct Greenfield-Montague Bikeways, Franklin County	0.675
331.	California	Improve highway access to Humboldt Bay and Harbor Port	0.275
332.	Virginia	Construct road improvement, trailhead development and related facilities for Haysi to Breaks Interstate Bicycle and Pedestrain Trail between Haysi and Garden Hole area of Breaks Interstate Park	0.25
333.	Pennsylvania	Replace Grant Street Bridge, New Castle	1.8
334.	North Dakota	Upgrade U.S. Route 52 between Donnybrook and U.S. Route 2	1.8
335.	Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida	27.725
336.	California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.375

No.	State	Project description	(Dollars in millions)
337.	Pennsylvania	Construct PA 283 North Union Street ramps in Dauphin County	1.8375
338.	New Jersey	Upgrade Garden State Parkway Exit 142	22.5
339.	Minnesota	Extend County State Highway 61 extension into Two Harbors	0.6
340.	Minnesota	Reconstruct and replace I–494 Wakota Bridge from South St. Paul to Newport, and approaches	9.75
341.	Texas	Reconstruct and widen I–35 between North of Georgetown at Loop 418 to U.S. Route 190	6
342.	Georgia	Undertake major arterial enhancements in De Kalb County with the amount provided as follows: $5,250,000 for Candler Road, $5,625,000 for Memorial Drive, and $675,000 for Bufford Highway	11.55
343.	Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.125
344.	Ohio	Replace I–280 bridge over Maumee River, Toledo area	18
345.	Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	19.4
346.	Arkansas	Construct Geyer Springs RR grade separation, Little Rock	0.75
347.	Wisconsin	Construct Chippewa Falls Bypass	4.5
348.	Kentucky	Correct rock hazard on U.S. 127 in Russell County	0.02625
349.	Kentucky	Widen U.S. 27 from Norwood to Eubank	22.5
350.	Virginia	Conduct Williamsburg 2007 transportation study	0.325
351.	Virginia	Construct I–95/State Route 627 interchange in Stafford County	3.8375
352.	Tennessee	Construct Foothills Parkway from Walland to Weans Valley	8.625
353.	Oregon	Upgrade Murray Boulevard including overpass bridge, Millikan to Terman	3.75
354.	California	Construct San Francisco Regional Intermodal Terminal	9.375
355.	New Hampshire	Construct the Broad Street Parkway in Nashua	12.511
356.	New Hampshire	Construct Conway bypass from Madison to Bartlett	5.325
357.	California	Seismic retrofit of Golden Gate Bridge	0.75
358.	Pennsylvania	Realign Route 501 in Lebanon County	1.2
359.	Maryland	Upgrade U.S. 29 interchange with Randolph Road, Montgomery County	9
360.	Utah	Construct I–15 interchange at Atkinville	6
361.	Illinois	Resurface Cicero Avenue between 127th Street and 143rd Street, Chicago	0.4575
362.	Pennsylvania	Improve Lewistown Narrows U.S. 322 in Mifflin and Juniata County	40
363.	Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	0.9

No.	State	Project description	(Dollars in millions)
364.	Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.05
365.	Tennessee	Construct I–40/SR 155 interchange, Davidson	4.2
366.	Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.2
367.	Maine	Studies and planning for reconstruction of East-West Highway	3
368.	Florida	Construct Port of Palm Beach Road access improvements, Palm Beach County	15.75
369.	New Jersey	Reconstruct Essex Street Bridge, Bergen County	1.875
370.	Missouri	Relocate and reconstruct Route 21 between Schenk Road to Town of DeSoto	30
371.	New York	Improve Route 31 from Baldwinsville to County Route 57	8.8125
372.	Virginia	Upgrade Route 600 to facilitate access between I–81 and Mount Rogers National Recreation Area	5
373.	California	Construct I–380 connector between Sneath Lane and San Bruno Avenue, San Bruno	2.1
374.	Florida	Construct South Connector Road and Airport Road interchange in Jacksonville	6.75
375.	Pennsylvania	Resurface current 219 bypass at Bradford	4.875
376.	Kentucky	Construct Route 259–101 from Brownsville to I–65	0.75
377.	California	Construct interchanges for I–10 in Coachella Valley, Riverside County	2.25
378.	New Mexico	Improve 84/285 between Espanola and Hernandez	4.5
379.	Pennsylvania	Upgrade 2 sections of U.S. 6 in Tioga County	1.125
380.	Wisconsin	Improve Janesville transportation	3
381.	Arkansas	Construct Baseline Road RR grade separation, Little Rock	3.75
382.	Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	3
383.	Arizona	Replace U.S. 93 Hoover Dam Bridge	10
384.	Michigan	Operational improvements on M 24 from I–75 to the northern Oakland County border	0.5
385.	Illinois	Reconstruct U.S. 30, Will County	6.75
386.	Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I–94 in Maple Grove	12
387.	Illinois	Extend and reconstruct roadways through industrial corridor in Alton	4.2675
388.	Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.275
389.	Ohio	Construct Eastern U.S. Route 23 bypass of Portsmouth	3.75
390.	Washington	Construct State Route 7—Elbe rest area and interpretive facility in Pierce County	0.45
391.	Michigan	Undertake capital improvements to facilitate traffic between Lansing and Detroit	7.5

No.	State	Project description	(Dollars in millions)
392.	New Mexico	Reconstruct U.S. 84/U.S. 285 from Santa Fe to Espanola	13.5
393.	Connecticut	Reconstruct Post Office/Town Farm Road in Enfield	1.125
394.	Connecticut	Improve pedestrian and bicycle connections between Union Station and downtown New London	3.39
395.	Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.2
396.	Virginia	Downtown Staunton Streetscape Plan—Phase I in Staunton	0.5
397.	Illinois	Construct Marion Street multi-modal project in Village of Oak Park	1.5
398.	California	Improve and construct I–80 reliever route project; Walters Road and Walters Road Extension Segments	2.35
399.	Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	3.75
400.	Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.35
401.	California	Upgrade SR 92/El Camino interchange, San Mateo	2.775
402.	Illinois	Improve Sugar Grove U.S. 30	1.875
403.	Illinois	Construct Sullivan Road Bridge over the Fox River	7.5
404.	Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	0.75
405.	Michigan	Upgrade I–94 between M 39 and I–96	6
406.	Pennsylvania	Upgrade PA Route 21, Fayette and Greene Counties	5
407.	Indiana	Construct Gary Marina access road (Buffington Harbor)	7.5
408.	Massachusetts	Replace deck of Chain Bridge over Merrimack River	0.759
409.	New Mexico	Improve U.S. 70 southwest of Portales	9
410.	California	Construct grade separation project at Redondo Junction, located in the North end of an Intermodal corridor of economic significance, as defined by California Streets and Highways Code, Division 3, Chapter 4.7 (commencing with section 2190), Los Angeles	6.65
411.	Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas	6
412.	Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	4.5
413.	California	Upgrade CA Route 2 Southern Freeway terminus and transportation efficiency improvements to Glendale Boulevard in Los Angeles	12
414.	Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I–90	1.5

No.	State	Project description	(Dollars in millions)
415.	Pennsylvania	Construct streetscape project in the Borough of Ambler, Montgomery County, PA	0.072
416.	Pennsylvania	Construct improvements to the Park Road extension connecting U.S. 222 and U.S. 422, Spring Township	2
417.	New York	FJ&G Rail/Trail Project in Fulton County	0.525
418.	New Jersey	Upgrade Baldwin Avenue intersection to facilitate access to waterfront and ferry, Weehawken	2.5
419.	Kansas	Widen U.S. 54 from Liberal, Kansas southwest to Oklahoma	6
420.	Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	2.6625
421.	Texas	Construct ramp connection between Hammet Street to Highway 54 ramp to provide access to I–10 in El Paso	6
422.	Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.5
423.	Alabama	Construct the Montgomery Outer Loop from U.S. 80 to I–85 via I–65	10.2375
424.	Oklahoma	Reconstruct U.S. 99/SH377 from Prague to Stroud in Lincoln County	4.7
425.	Louisiana	Extend Louisiana Highway 42 between U.S. 61 and I–10 in Ascension Parish	6
426.	Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I–12 in Livingston Parish	3.75
427.	California	Construct capital improvements along I–680 corridor	2.25
428.	Texas	Relocation of Indiana Avenue between 19th street to North Loop 289 and Quaker Avenue intersection	7.2
429.	Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	6.5
430.	Texas	Construct Manchester grade separations in Houston	12
431.	Texas	Construct Titus County West Loop, Mount Pleasant	1.875
432.	New York	Construct County Road 50 in the vicinity of Windsor Avenue	1.36
433.	California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	1
434.	North Carolina	Widen North Carolina Route 24 from Swansboro to U.S. 70 in Onslow and Carteret Counties	2.25
435.	Minnesota	Construct Mankato South Route in Mankato	5.25
436.	Kentucky and Indiana.	Ohio River Major Investment Study Project, Kentucky and Indiana	40
437.	California	Implement traffic management improvements, Grover Beach	0.375
438.	Louisiana	Extend I–49 from I–220 to Arkansas State line	3.3

No.	State	Project description	(Dollars in millions)
439.	Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	3
440.	Alabama	Construct Decatur Southern Bypass	2
441.	California	Construct tunnel with approaches as part of Devils Slide project in San Mateo County	6
442.	Ohio	Improve State Route 800 in Monroe County	0.5
443.	Kentucky	Reconstruct KY 210 from Hodgenville to Morning Star Road, Larue County	6
444.	New York	Construct Route 17—Lowman Crossover in Ashland	3.6
445.	Illinois	Improve roads in the Peoria Park District	0.81
446.	Massachusetts	Reconstruct North Street, Fitchburg	0.75
447.	Massachusetts	Reconstruct Huntington Avenue in Boston	3
448.	California	Undertake safety enhancements along Monterey County Railroad highway grade, Monterey County	2.1
449.	Michigan	Construct Bridge Street bridge project in Southfield	3.15
450.	Texas	Construct Concord Road Widening project, Beaumont	7.375
451.	Oregon	Restore the Historic Columbia River Highway including construction of a pedestrian and bicycle path under I–84 at Tanner Creek and restoration of the Tanner Creek and Moffett Creek bridges	2
452.	Ohio	Upgrade I–77/U.S. 250/SR 39 interchange in Tuscarawas County	1
453.	California	Construct Palisades Bluff Stabilization project, Santa Monica	6
454.	New York	Improve the Route 31/I–81 Bridge in Watertown	1.85475
455.	Washington	Improve I–5/196th Street, Southwest Freeway interchange in Lynnwood, Washington	4.05
456.	Louisiana	Construct the Southern extension of I–49 from Lafayette to the Westbank Expressway	4.125
457.	Kansas	Construct Phase II improvements to U.S. 59 from U.S. 56 to Ottawa	9
458.	Tennessee	Construct U.S. 27 from State Road 61 to Morgan County line	4.125
459.	Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	10.975
460.	Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	0.75
461.	Georgia	Construct multi-modal passenger terminal, Atlanta	12
462.	Kentucky	Construct connection between Natcher Bridge and KY 60 east of Owensboro	2.25
463.	Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.24
464.	Kentucky	Complete I 65 upgrade from Elizabethtown to Tennessee State line	3.75

No.	State	Project description	(Dollars in millions)
465.	California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	19.5
466.	Pennsylvania	Construct U.S. 30 at PA 772 and PA 41	4.5
467.	Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.075
468.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	7.125
469.	Maine	Replace Singing Bridge across Taunton Bay	0.75
470.	California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach	0.825
471.	Illinois	Extend South 74th Street, Belleville	0.375
472.	New Hampshire	Reconstruct U.S. 3 Carroll town line 2.1 miles north	1.786
473.	Minnesota	Upgrade 77th Street between I–35W and 24th Avenue to four lanes in Richfield	17.1
474.	New Jersey	Relocate and complete construction of new multi-modal facility, Weehawken	12
475.	New Jersey	Construct Route 4/17 interchange in Paramus	6.375
476.	Louisiana	Expand Perkins Road in Baton Rouge	6.15
477.	New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	3
478.	Arkansas	Construct Highway 371 from Magnolia to Prescott	2.375
479.	Mississippi	Upgrade Alva-Stage Road, Montgomery County	1.125
480.	California	Construct pedestrian promenade, Pismo Beach	0.15
481.	California	Construct railroad at-grade crossings, San Leandro	0.375
482.	Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	6.205
483.	Illinois	Design and construct U.S. 67 corridor from Jacksonville to Beardstown	10
484.	California	Construct VC Campus Parkway Loop System in Merced	11
485.	Texas	Construct highway-rail-marine intermodal project, Corpus Christi	8.25
486.	Pennsylvania	Construct U.S. 322 Conchester Highway between U.S. 1 and PA 452	18.75
487.	Pennsylvania	Construct Route 819/Route 119 interchange between Mt. Pleasant and Scottdale	6.9
488.	Illinois	Upgrade Western Avenue, Park Forest	0.0945
489.	Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop County	1.2
490.	Ohio	Upgrade Western Reserve Road, Mahoning County	2.4

No.	State	Project description	(Dollars in millions)
491.	California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California	6.5
492.	Nebraska	Construct South Beltway in Lincoln	4.125
493.	Michigan	Acquire right-of-way and construct M 6 Grand Rapids South Beltline in Grand Rapids	18.72
494.	New York	Replace Route 92 Limestone Creek Bridge in Manlius	3
495.	Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette Expressway	4.5
496.	New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.2
497.	New Jersey	Construct East Windsor Bear Brook pathway system	0.27
498.	Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	9.15
499.	California	Construct I–10/Pepper Avenue Interchange	6.6
500.	New York	Construct access road and entranceway improvements to airport in Niagara Falls	2.25
501.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	7.725
502.	North Carolina	Upgrade I–85, Mecklenburg and Cabarrus Counties	19.5
503.	Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.1875
504.	Illinois	Construct Towanda-Barnes Road in Mclean County	5.82
505.	Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County	3.87
506.	Rhode Island	Construct Rhode Island Greenways and Bikeways projects with the amount provided $4,275,000 for the Washington Secondary Bikepath, and $1,575,000 for the South County Bikepath Phase 2	5.85
507.	Mississippi	Widen U.S. 61 from Louisiana State line to Adams County	0.6875
508.	Georgia	Conduct a study of a mutimodal transportation corridor from Lawrenceville to Marietta	2.4
509.	Missouri	Construct Jefferson Avenue viaduct over Mill Creek Valley in St. Louis	8.25
510.	New York	Conduct extended needs study for the Tappan Zee Bridge	3
511.	Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.45
512.	Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I–45	7.5

No.	State	Project description	(Dollars in millions)
513.	New Mexico	Improve Uptown in Bernalillo County	1.025
514.	Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	3
515.	South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds	5.5
516.	Mississippi	Construct Lincoln Road extension, Lamar County	1.125
517.	Alaska	Construct Pt. Mackenzie Intermodal Facility	6.75
518.	Florida	Purchase and install I–275 traffic management system in Pinellas County	0.75
519.	Illinois	Construct U.S. Route 67 bypass project around Roseville	8.775
520.	Massachusetts	Upgrade I–495 interchange 17 and related improvements including along Route 140	10.86
521.	Mississippi	Construct segments 2 and 3 of the Bryam-Clinton Corridor in Hinds County	0.6875
522.	New Jersey	Rehabilitate East Ridgewood Avenue over Route 17 in Bergan County	2.7
523.	Michigan	Construct interchange at U.S. 10/Bay City Road in Midland	3
524.	North Carolina	Construct U.S. Route 17, Elizabeth City Bypass	3.375
525.	Alaska	Construct Bradfield Canal Road	1
526.	Oregon	Construct passing lanes on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane County	4.5
527.	Kansas	Construct grade separations on U.S. 36 and U.S. 77 in Marysville	3.15
528.	Virginia	Upgrade Route 501 in the counties of Bedford, Halifax, and Campbell	0.75
529.	Pennsylvania	Construct Robinson Town Centre intermodal facility	2.025
530.	Nevada	Construct the U.S. 395 Carson City Bypass	3.75
531.	Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.45
532.	Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	1.5
533.	Pennsylvania	Reconstruct PA 309 in Eastern Montgomery with $4,000,000 for noise abatement	15.588
534.	Alabama	Upgrade Opoto-Madrid Boulevard, Birmingham	1.05
535.	Virginia	Conduct feasibility study for the construction of I–66 from Lynchburg to the West Virginia border	0.5
536.	California	Rehabilitate pavement throughout Santa Barbara County	1.125
537.	Illinois	Design and construct I–72/MacArthur Boulevard interchange in Springfield	4.12525
538.	Illinois	Improve Constitution Avenue in Peoria	2.6625
539.	Michigan	Upgrade East Jordon Road, Boyne City	0.3
540.	Georgia	Construct noise barriers along GA 400	2.0

No.	State	Project description	(Dollars in millions)
541.	Florida	Construct North East Dade Bike Path in North Miami Beach	1.2
542.	Connecticut	Realign and extend Hart Street in New Britain	3
543.	Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop County	0.3
544.	New York	Replace Route 28 bridge over NY State Thruway, Ulster County	2.4
545.	California	Extend State Route 7 in Imperial County	6
546.	Texas	Construct FM2234 (McHard Road) from SH 35 to Beltway 8 at Monroe Boulevard	4.8
547.	Dist. of Columbia	Enhance recreational facilities along Rock Creek Parkway	0.04775
548.	California	Construct SR 78/Rancho Del Oro interchange in Oceanside	3.75
549.	Michigan	Upgrade M. L. King Drive, Genesee County	1
550.	California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.375
551.	Pennsylvania	Improve PA 41 between Delaware State line and PA 926	5
552.	California	Construct Los Angeles County Gateway Cities NHS Access	6.6
553.	Michigan	Upgrade H 58 within Pictured Rocks National Lakeshore	4.2
554.	Dist. of Columbia	Rehabilitate Theodore Roosevelt Memorial Bridge	7.5
555.	Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.08
556.	Pennsylvania	Improve PA 16 including intersection with Antrim Church Road	1
557.	Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.2
558.	California	Construct Port of Oakland intermodal terminal	6
559.	New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.2
560.	Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to U.S. 90	0.5625
561.	Mississippi	Refurbish Satartia Bridge, Yazoo City	0.375
562.	North Carolina	Construct bridge over Chockoyotte Creek in Halifax County	1.35
563.	Pennsylvania	Widen PA 413 in Bucks County	5.625
564.	North Carolina	Construct U.S. 13 from the Wilson/U.S. 264 Bypass to Goldsboro in Wayne and Wilson Counties	2.625
565.	Pennsylvania	Construct Erie Eastside Connector	16.2
566.	California	Construct Prunedale Bypass segment of U.S. 101, Monterey County	1.65
567.	New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.24

No.	State	Project description	(Dollars in millions)
568.	California	Construct State Route 905 between I–805 and the Otay Mesa Border Crossing, San Diego County	16
569.	Mississippi	Build an interchange at I–55 with connectors to Madison and Ridgeland	2.25
570.	Minnesota	Trunk Highway 53 DWP railroad bridge replacement, St. Louis County	3.6
571.	Texas	Construct U.S. 77/83 Expressway extension, Brownsville	2.25
572.	New York	Upgrade and relocate Utica-Rome Expressway in Oneida County	14
573.	Pennsylvania	West Philadelphia congestion mitigation initiative	0.369
574.	Utah	Construct Phase II of the University Avenue Interchange in Provo	7.5
575.	California	Upgrade Osgood Road between Washington Boulevard and South Grimmer Boulevard, Freemont	1.5
576.	Missouri	Bull Shoals Lake Ferry in Taney County	0.69275
577.	Alaska	For the purposes set forth in item number 1496	2.25
578.	Maine	Improve Route 23	0.375
579.	Tennessee	Construct U.S. 45 bypass, Madison County	1.5
580.	New York	Construct pedestrian access bridge from Utica Union Station	0.25
581.	Michigan	Upgrade Groveland Mine Road, Dickinson	0.375
582.	New York	Reconstruct Route 9 in Plattsburgh	2.5155
583.	Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie County	0.15
584.	Michigan	Construct U.S. 131 Cadillac Bypass project	2.25
585.	Pennsylvania	Construct Lawrenceville Industrial Access Road	7.5
586.	Massachusetts	Construct Housatonic-Hoosic bicycle network	3
587.	Connecticut	Construct the U.S. Route 7 bypass project, Brookfield to New Milford town line	3.75
588.	New Jersey	Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne	3.0
589.	Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.5
590.	Minnesota	Complete construction of Forest Highway 11, Lake County	3.75
591.	Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	5
592.	Louisiana	Upgrade Lapalco Boulevard between Barataria Boulevard and U.S. Highway. 90, Jefferson Parish	6
593.	Pennsylvania	Widen PA 228 from Criders Corners to State Route 3015	0.9
594.	Pennsylvania	Improve PA 23 Corridor from U.S. 30 Bypass between Lancaster County line and Morgantown	2.5

No.	State	Project description	(Dollars in millions)
595.	Pennsylvania	Widen SR 247 and SR 2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	8.175
596.	Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	3
597.	Texas	Reconstruct bridges across the channel for the Port of Corpus Christi	4
598.	Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.18
599.	Alabama	Construct U.S. 231/I–10 Freeway Connector from the Alabama border to Dothan	1.0125
600.	New York	Construct CR 3 at Southern State Parkway overpass between Long Island Expressway and Colonial Springs	1.12
601.	Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12
602.	Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	3.75
603.	Michigan	Replace Chalk Hills Bridge over Menominee River	0.3
604.	Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	3.75
605.	Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.375
606.	South Carolina	Widen and relocate SC 6 in Lexington County	6
607.	New York	Construct sound barriers on both sides of Grand Central Parkway between 172nd Street to Chevy Chase Road	1.455
608.	Connecticut	Improve Route 7 utility and landscaping in New Milford	5.4
609.	New York	Conduct North Road Corridor study in Oswego County	1.125
610.	Arkansas	Upgrade U.S. Route 412, Harrison to Mountain Home	2.6625
611.	New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan County	4.5
612.	Florida	Construct Englewood Interstate connector from River Road to I–75 in Sarasota and Charlotte Counties	5.5
613.	Minnesota	Reconstruct St. Louis CSAH 9 (Wallace Avenue) in Duluth from Fourth Street to Woodland Avenue	0.45
614.	New Jersey	Design, construct, and expand industrial Roads connecting Carteret with Woodbridge, and Route 35 with Perth Amboy for increased truck traffic which will ease delays and traffic at Turnpike Exit 12 and Route 35 underpass east	3

No.	State	Project description	(Dollars in millions)
615.	Virginia	Construct the Kemper Street Station connector road in Lynchburg	1.5
616.	Iowa	Improve IA 60 Corridor from LeMar to MN State line	6.6
617.	Michigan	Operation improvements on M 15 from I–75 north to the Genesee County line	0.5
618.	Virginia	Upgrade Danville Bypass in Pittsylvania	3
619.	Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.075
620.	Arkansas	Study and construct Van Buren intermodal port facility in Van Buren	0.225
621.	Alabama	Extend I–759 in Etowah County	13.5
622.	North Carolina	Widen U.S. 421 from North Carolina Route 194 to two miles East of U.S. 221	3.55
623.	New York	Reconstruct Ridge Road Bridge in Orange County	0.16
624.	South Carolina	Construct North Charleston Regional Intermodal Center	3
625.	Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahassee	3.75
626.	Ohio	Complete safety/bicycle path in Madison Township	0.03
627.	Arkansas	Conduct design study and acquire right of way on U.S. 71 in the vicinity of Fort Chaffee, Fort Smith	3.75
628.	Mississippi	Construct East Metro Corridor in Rankin County	2.625
629.	Wyoming	Reconstruct Cheyenne Area Norris Viaduct	3.5
630.	New York	Design and construct Outer Harbor Bridge in Buffalo	6.06
631.	Pennsylvania	St. Thomas Signals Hade and Jack Rds U.S. 30 in Franklin County	0.15
632.	Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	6.91
633.	Minnesota	Conduct highway construction between Highway 494 and Carver County Road 147	3
634.	Utah	Widen 106th South from I–15 to Bangerter Highway in South Jordan	4.5
635.	Florida	Construct pedestrian overpass from the Florida National Scenic Trail over I–4	2.15
636.	Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.425
637.	New York	Reconstruct and widen Route 78 from I–90 to Route 15	4
638.	Ohio	Improve Alum Creek Drive from I–270 to Frebis Avenue in Franklin County	4
639.	Louisiana	Upgrade and widen I–10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	8
640.	Michigan	Improve I–94 in Kalamazoo County	3.75
641.	Pennsylvania	Improve PA 8 between Cherry Tree and Rynd Farm	4.8

No.	State	Project description	(Dollars in millions)
642.	Washington	Construct passenger ferry facility to serve Southworth, Seattle	3.75
643.	Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	5.4
644.	Ohio	Replace Jacobs Road Bridge, Mahoning County	2
645.	Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.08
646.	Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	1.6
647.	Indiana	Improve State Road 31 in Columbus	0.375
648.	Oregon	Construct bike path along Willamette River, Corvallis	0.8
649.	New York	Reconstruct Flushing Avenue between Humboldt Street and Cypress Avenue	3.75
650.	Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.6
651.	Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	22.5
652.	Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	10.2
653.	Pennsylvania	Improve U.S. 22/Canoe Creek Blair County	1.5
654.	California	Reconstruct and widen Mission Road, Alhambra	2.4375
655.	West Virginia	Construct safety improvements on Route 82 (Fayette Station Road), Fayette County	1
656.	Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to I.R. 77	7
657.	Michigan	Facilitate access between I–75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	0.375
658.	Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.2625
659.	New York	Construct intermodal facility in New Rochelle, Westchester County	6.438
660.	Virgin Islands	Upgrade West-East corridor through Charlotte Amalie	6
661.	Ohio	Upgrade SR 78 rest stop in Monroe County	0.04
662.	Michigan	Improve the I–73 corridor in Jackson and Lenawee Counties	3.9375
663.	Nevada	Widen I–50 between Fallon and Fernley	3
664.	California	Improve and modify the Port of Hueneme Intermodal Corridor—Phase II in Ventura County	16.8
665.	Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge	5.4
666.	Michigan	Rehabilitate Lincoln Street, Negaunee	0.1275

No.	State	Project description	(Dollars in millions)
667.	Missouri	Construct U.S. 67/Route 60 interchange in Popular Bluff	6
668.	New York	Upgrade Riverside Drive between 97th Street and Tiemann, New York City	1.5
669.	New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ	3.5
670.	Maryland	Upgrade U.S. 113 north of U.S. 50 to MD 589 in Worcester County	18
671.	Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.15
672.	Pennsylvania	Construct Frazier Township interchange on SR 28 in Alleghany	2.25
673.	California	Rehabilitate Artesia Boulevard	3
674.	Illinois	Undertake access improvements to U.S. Route 41, Chicago	2.8125
675.	Colorado	Construct Wadsworth Boulevard improvement project in Arvada	0.25
676.	Indiana	Construct I–70/Six Points interchange in Marion and Hendricks County	14.9625
677.	Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.45
678.	Illinois	Construct VFW Road/Veteran's Drive from Townline Road to Broadway Road in Pekin	3.69675
679.	Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and Commerce Boulevard	1.5
680.	Dist. of Columbia	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	8.5
681.	New Jersey	Construct interchange improvements and flyover ramps at I–80W to Route 23N in Passaic County	8.5
682.	Washington	Undertake SR 166 slide repair	4.875
683.	Connecticut	Reconstruct Broad Street in New Britain	2.4
684.	Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	3.525
685.	New Mexico	Extend Unser Boulevard in Albuquerque	0.65
686.	Massachusetts	Implement Phase II of unified signage system, Essex County	0.29325
687.	New Hampshire	Construct Manchester Airport access road in Manchester	8.025
688.	Pennsylvania	Improve U.S. 22/PA 866 Intersection in Blair County	1.5
689.	California	Improve Rancho Sante Fe Road in Carlsbad	2.25
690.	New York	Renovate State Route 9 in Phillipstown	3.84
691.	Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.00575
692.	Missouri	Upgrade Route 169 between Smithville and north of I–435, Clay County	5

No.	State	Project description	(Dollars in millions)
693.	Virginia	Renovate Greater Richmond Transit transportation facility, Richmond	3.75
694.	Texas	Conduct feasibility study on upgrading SH 16 in South Texas	0.1875
695.	Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	9.475
696.	Pennsylvania	Gettysburg comprehensive road improvement study	3
697.	South Dakota	Construct Eastern Dakota expressways, to include construction of four-lane highways for South Dakota Highway 37 between Huron and Mitchell; U.S. Highway 83 between Pierre and I–90; and U.S. Highway 12 between Aberdeen and I–29	34.804
698.	West Virginia	Construct Shawnee Parkway between junction with I–73/74 Corridor and I–77	3.75
699.	Texas	Construct State Highway 121 from I–30 to U.S. 67 in Cleburne	25
700.	Ohio	Improve and construct SR 44/Jackson Street Interchange in Painesville	2
701.	California	Construct four-lane highway facility (Hollister Bypass), San Benito County	2.25
702.	Florida	Construct I–4 reversible safety lane in Orlando	10
703.	Ohio	Relocate Harrison/Belmont U.S. 250	2
704.	Illinois	Widen 143rd Street in Orland Park	4
705.	Tennessee	Implement middle Tennessee alternative transportation system along the Stones River in Murfreesboro	9.5
706.	Florida	Construct County Road 470 Interchange with Florida Turnpike	6
707.	California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.65
708.	Dist. of Columbia	Conduct studies and related activities pertaining to proposed intermodal transportation center	0.75
709.	New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County	11.55
710.	Massachusetts	Construct TeleCom Boulevard with access via Commercial Street and Corporation Way to the west of Malden River and with access via Santilli Highway to the east of the river in Everett, Medord and Malden	5.25
711.	Pennsylvania	Improve access to Raystown in Huntingdon County	1.125
712.	Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	1.575
713.	Michigan	Widen Arch Street, Negaunee	0.06
714.	Georgia	Widen U.S. 84 South from U.S. 82 to the Ware County Line in Waycross and Ware Counties	2.4
715.	Michigan	Improve drainage on 6th Street in Menominee	0.1125

No.	State	Project description	(Dollars in millions)
716.	Massachusetts	Replace Brightman Street bridge in Fall River	7.23
717.	Kentucky	Construct Newton Pike Extension between West Main Street to South Limestone in Lexington	6
718.	South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland County	0.8
719.	Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.3
720.	Pennsylvania	Reconfigure I–81 Exit 2 Ramp in Franklin County	0.525
721.	Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson, and Wise Counties	1
722.	Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.5
723.	Massachusetts	Construct Cambridge Roadways Improvement project, Cambridge	2.25
724.	Connecticut	Construct I–95 interchange, New Haven	19.5
725.	Pennsylvania	Conduct study and construct Ft. Washington transportation improvements, Upper Dublin	0.45
726.	Michigan	Reconstruct I–75/M 57 interchange	10.5
727.	Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.15
728.	Massachusetts	Construct bicycle and pedestrian facility (The Riverwalk), Peabody	1.08
729.	Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill County	5
730.	Tennessee	Construct SR22 Bypass, Obion County	7.5
731.	California	Improve streets and highways, and/or construct sound walls, Thousand Oaks	1.25
732.	New York	Complete engineering, design, environment reviews and other preliminary work for the Miller Highway relocation project in New York	6
733.	Michigan	Construct M 5 Haggerty Connector	2.4
734.	Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.375
735.	Texas	Construct circumferential freeway loop around Texarkana	7.425
736.	Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	2.7
737.	Washington	Improve Clinton Ferry Terminal	3.5
738.	California	Upgrade Bristol Street, Santa Ana	5.25
739.	Pennsylvania	Construct U.S. 30 Bypass from Exton Bypass to PA 10	3
740.	Maine	Rehabilitate Piscataqua River bridges, Kittery	3.9375
741.	California	Construct extension of State Route 180 between Route 99 and the Hughes/West Diagonal	6
742.	California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California	15

No.	State	Project description	(Dollars in millions)
743.	Nevada	Extend I–580 in Washie and Douglas Counties	3.75
744.	Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	1.5
745.	Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	1.8
746.	Virginia	Acquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest, and for the purchase of the Block House in Scott County, Virginia	0.5
747.	Virginia	Construct Route 288 in the Richmond Metropolitan Area	18.75
748.	New York	Construct congestion mitigation project for Brookhaven	3.75
749.	Ohio	Construct Licking-Thornwood Connector in Licking County	1.5
750.	Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.15
751.	Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.175
752.	Missouri	Upgrade Eastern Jackson County, Jackson County	4.5
753.	Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	0.75
754.	Kansas	Construct road and rail grade separations in Wichita	26.25
755.	Florida	Construct Cross Seminole Trail connection in Seminole County	1.5
756.	Oregon	Upgrade I–5/Highway 217 interchange, Portland	5.25
757.	Ohio	Construct St. Clairsville Bike Path in Belmont County	0.5
758.	South Carolina	Widen North Main Street, Columbia	9
759.	Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Boulevard	6.75
760.	Alabama	Construct new I–10 bridge over the Mobile River in Mobile	10.78125
761.	Alaska	Construct Coffman Cove ferryboat	2.25
762.	Ohio	Upgrade U.S. 30 from Wooster to Riceland	22.5
763.	Missouri	Replace bridge on Route 92, Platte County	1
764.	Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I–70	6.75
765.	Minnesota	Construct Gunflint Realignment project, Grand Marais	0.6
766.	Colorado	Construct alternative truck route in Montrose	4.2
767.	Pennsylvania	Improve I–95/PA 413 Interchange in Bucks County	5.625
768.	Hawaii	Construct improvements to H 1 between the Waiawa interchange and the Halawa interchange	15
769.	California	Construct new I–5 interchange with Highway 99W, Tehama County	2.2
770.	Florida	Widen U.S. 17/92 in Volusia County	1.0

No.	State	Project description	(Dollars in millions)
771.	South Carolina	Construct I–77/SC #S–20–30 interchange, Fairfield County	5.25
772.	Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison County	1.125
773.	Washington	Reconstruct I–5 interchange, City of Lacy	1.125
774.	Maryland	Construct improvements at I–270/MD 187 interchange	5.5
775.	Alabama	Construct Finley Avenue Extension East project	2.925
776.	Connecticut	Construct Greenmanville Avenue streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	6.3
777.	Alabama	Construct Anniston Eastern Bypass from I–20 to Fort McClellan in Calhoun County	40.14
778.	Louisiana	Construct Causeway Boulevard/Earhart Expressway interchange in Jefferson, Parish	4
779.	California	Create recreational trails in Santa Monica Mountains National Recreation Area	6
780.	Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	2.55
781.	Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	2.4
782.	Oregon	Construct South Rivergate rail overcrossing in Portland	11
783.	Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	1.875
784.	Rhode Island	Reconstruct Pawtucket Avenue and Wilcott Street, Pawtucket	1.125
785.	New Hampshire	Improve the Bridge Street bridge in Plymouth	1.036
786.	Louisiana	Install computer signal synchronization system in Baton Rouge	4.875
787.	Pennsylvania	Improve Oxford Valley Road/U.S. 1 interchange in Bucks County	1.5
788.	Pennsylvania	Construct U.S. 6 Tunkhannock Bypass in Wyoming County	1.8
789.	Florida	Construct U.S. 17/92 and SR 436 interchange in Orange/Osceola/Seminole County region	1.0
790.	North Carolina	Upgrade U.S. 13/NC 11 (including Bethel bypass) in Pitt and Edgecombe Counties	3.375
791.	Massachusetts	Conduct planning and engineering for connector route between I–95 and industrial/business park, Attleboro	0.8
792.	Virginia	Construct I–73 from Roanoke to the North Carolina border	6
793.	California	Upgrade Route 4 West in Contra Costa County	7.5
794.	Florida	Construct I–4/John Young Parkway interchange project in Orlando	10.24425

No.	State	Project description	(Dollars in millions)
795.	Pennsylvania	Construct U.S. 202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	4.5
796.	Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.5025
797.	Missouri	Upgrade Route 6 between I–29 and Route AC, St. Joseph	5
798.	Iowa	Conduct study of Port of Des Moines, Des Moines	0.075
799.	California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
800.	Pennsylvania	Improve ramp junctions at intersection of SR 114 and Interstate 83, Fairview Township	3
801.	Mississippi	Upgrade Land Fill Road, Panola County	0.75
802.	California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angeles	1.873
803.	Wisconsin	Upgrade U.S. 51 Tomahawk Bypass	3.75
804.	North Carolina	Construct segment of Raleigh Outer Loop, Wake County	2.025
805.	Michigan	Conduct feasibility study on widening U.S. 12 to three lanes between U.S. 127 and Michigan Highway 50	0.1875
806.	California	Widen U.S. 101 from Windsor to Arata Interchange	1.1
807.	Oregon	Upgrade access road and related facilities to Port of Port Orford	1.5
808.	Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	6
809.	Texas	Improve I–35 West from Spur 280 to I–820 in Fort Worth	3
810.	Michigan	Reconstruct County Road 612 and County Road 491, Montmorency County	0.6825
811.	California	Improve Folsom Boulevard—Highway 50 in the City of Folsom	4.275
812.	Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	1.725
813.	Tennessee	Upgrade SR 386 between U.S. 31 to the Gallatin Bypass, Sumner County	1.06
814.	Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington	4.9
815.	Minnesota	Construct grade separated interchange at south junction of TH 371/Brainerd bypass	0.75
816.	California	Upgrade Greenville Road and construct railroad underpass, Livermore	5.1
817.	Washington	Construct State Route 305 corridor improvements in Poulsbo	3.15
818.	Tennessee	Widen U.S. 321 from Kinzel Springs to Wean Valley Road	6.825
819.	Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	21
820.	Michigan	Conduct preliminary engineering, acquire right-of-way and construct I–75/North Down River Road interchange	1.125

No.	State	Project description	(Dollars in millions)
821.	Virginia	Conduct historic restoration of Roanoke Passanger Station in Roanoke	0.5
822.	New York	Undertake Linden Place reconstruction project, Queens	5.25
823.	Illinois	Reconstruct interchange at I–294, 127th Street and Cicero Avenue with new ramps to the Tri-State Tollway, Alsip	23.495
824.	Louisiana	Improve U.S. 165 from Alexandria to Monroe	30
825.	Pennsylvania	Construct Western Innerloop from PA 26 to State Route 3014	2.7
826.	Alaska	Improve Dalton Highway	3.75
827.	Pennsylvania	Relocate U.S. 219, Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	3.75
828.	Mississippi	Widen State Route 24 from Liberty to I–55	0.6875
829.	California	Widen I–15 in San Bernardino County	18
830.	Virginia	Complete North Section of Fairfax County Parkway in Fairfax County	7.5
831.	New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman Street, New York City	1.5
832.	Iowa	Relocate IA 192 and Avenue G viaduct in Council Bluffs	4.5
833.	Pennsylvania	Improve T–344 Bridge over Mahantango Creek in Snyder County	0.525
834.	California	Construct Phase 3 of Alameda Street project, Los Angeles	2.5
835.	Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris County line	4.8
836.	Virginia	To the National Park Service for construction of the Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	2.7
837.	Michigan	Construct grade separation on Sheldon Road, Plymouth	5.25
838.	Michigan	Upgrade Three Mile Road, Grand Traverse	0.75
839.	Ohio	Relocate SR 30 for final design of south alternative in Carroll County	1
840.	Tennessee	Improve State Road 60 from Waterville to U.S. 64 in Bradley County	1.2
841.	Washington	Construct 192nd Street from SR 14 to SE 15	3.75
842.	Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	9
843.	Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	2.775
844.	New York	Reconstruct Mamaroneck Avenue, White Plains, Harrison and Mamaroneck	4.375
845.	Pennsylvania	Reconfigure Pennsylvania Turnpike/Route 13 interchange	0.375
846.	Pennsylvania	Widen and improve Route 449 in Potter County	0.75

No.	State	Project description	(Dollars in millions)
847.	Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	6
848.	Illinois	Construct Peoria City River Center parking facility in Peoria	3
849.	New Jersey	Construct Route 29/129 bicycle, pedestrian and landscape improvement plan	4.125
850.	Tennessee	Upgrade Briley Parkway between McGavock Pike and I–65	4.2
851.	Connecticut	Widen Route 4 in Torrington	2.1
852.	California	Widen 5th Street and replace 5th Street bridge in Highland, California	0.75
853.	Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	3
854.	Missouri	Upgrade U.S. 71 interchange in Carthage, Missouri	1
855.	New York	Construct Fordham University regional transportation facility	1.75
856.	Missouri	Upgrade U.S. 63 in Howell County	6
857.	Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59	5.25
858.	New York	Reconstruct Washington County covered bridge project	1.7
859.	California	Upgrade Route 4 East in Contra Costa County	8.5
860.	Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.6725
861.	Missouri	Construct Strother Road/I–470 interchange, Jackson County	3
862.	Massachusetts	Upgrade Route 9/Calvin Coolidge Bridge, Hadley	9.375
863.	Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	4.75
864.	Massachusetts	Construct I–95/I–93 interchange, Boston	3.75
865.	West Virginia	Construct Riverside Expressway, Fairmont	27
866.	Ohio	Construct greenway enhancements in Madison	2.3
867.	Tennessee	Reconstruct U.S. 27 in Morgan County	2.25
868.	West Virginia	Upgrade U.S. Route 35 between I–64 and South Buffalo Bridge	31
869.	California	Construct I–5/Avenida Vista Hermosa interchange in San Clemente	2.25
870.	Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20
871.	Illinois	Replace Lebanon Avenue Bridge and approaches, Belleville	0.75
872.	Kentucky	Construct U.S. 127: $5,250,000 for the Albany Bypass from KY696 to Clinton County High School and $3,161,250 for the segment between KY696 and the Tennessee State Line	8.41125
873.	Tennessee	Improve U.S. 64 in Hardeman and McNairy Counties	3.75
874.	Connecticut	Replace bridges over Harbor Brook, Meriden	4.9125

No.	State	Project description	(Dollars in millions)
875.	Colorado	Reconstruct I–225/Iliff Avenue interchange in Aurora	3.625
876.	Connecticut	Reconstruct I–84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	4.5
877.	New York	Improve Cross Westchester Expressway	0.75
878.	Oregon	Design and engineering for intermodal transportation center, Astoria	0.225
879.	Hawaii	Construct Kapaa Bypass	8.25
880.	Pennsylvania	Construct enhancements and related measures, including purchase of vans for reverse commutes, to intermodal facility located at intersection of 52nd and Lancaster Avenue, Philadelphia	3
881.	Washington	Construct Edmonds Crossing Multimodal transportation project in Edmonds	4.5
882.	Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I–90 in Lake County	1.045
883.	California	Construct interchange between I–15 and Main Street in Hesperia, California	7.5
884.	Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	0.9705
885.	California	Widen State Route 29 between Route 281 and Route 175	0.275
886.	New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.336
887.	Indiana	Expand 126th Street in Carmel	3.21
888.	Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	1.5
889.	Pennsylvania	Relocate PA 113 at Creamery Village in Skippack	2.7
890.	Michigan	Upgrade Van Dyke Road between M 59 and Utica City limits	2.775
891.	New Jersey	Replace the Ocean City-Longport bridge in Cape May County	25.0
892.	New York	Construct County Road 93 between NYS 27 and NYS 454	0.515
893.	Mississippi	Upgrade Brister Road between Tutwiler and Coahoma County line, Tallahatchie County	0.3825
894.	California	Conduct highway 65 improvement and mitigation project	4.275
895.	Michigan	Construct road drainage improvements, Suttons Bay Village	0.18
896.	Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.486
897.	Illinois	Upgrade Bishop Ford Expressway/142nd Street interchange	1.125
898.	Maine	Implement rural ITS	0.1875
899.	Mississippi	Widen U.S. 84 from I–55 at Brookhaven to U.S. 49 at Collins	0.6875
900.	Washington	Widen Columbia Center Boulevard in Kennewick	1.2075

No.	State	Project description	(Dollars in millions)
901.	Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.275
902.	Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	14.0
903.	Louisiana	Construct East-West Corridor project in Southwest Louisiana	0.75
904.	New York	Improve and reconstruct Commerce Street in York Town	0.28
905.	Washington	Widen SR 522 in Snohomish County: $3,650,000 for phase 1 from SR 9 to Lake Road; $1,550,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.2
906.	New Jersey	Design and construct pedestrian access facility from Joseph G. Minish Waterfront Park over Route 21 to the New Jersey Performing Arts Center and the contiguous light rail station in Newark	1
907.	Kentucky	Construct a segment of the I–66 corridor from Somerset to I–75	11.25
908.	Michigan	Construct arterial connector between U.S. 41/M 28 and County Road 480, Marquette	0.375
909.	Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	9
910.	Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	29.25
911.	Oregon	Repair Port of Hood River Bridge Lift Span project	1.125
912.	Pennsylvania	Construct noise abatement barriers along U.S. 581 from I–83 2.0) miles west in Cumberland County	0.36
913.	Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	5.125
914.	Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.375
915.	Texas	Implement "Hike and Bike" trail program, Houston	6
916.	New Hampshire	Widen I–93 from Salem north	9.36
917.	Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	7.74
918.	California	Undertake median improvements along E. 14th Street, San Leandro	0.75
919.	New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	2.25
920.	New York	Improve ferry infrastructure in Greenport	0.75
921.	Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	6
922.	Pennsylvania	Improve access and interchange from I–95 to the international terminal at Philadelphia International Airport	3
923.	New Hampshire	Construct Orford Bridge	2.836

No.	State	Project description	(Dollars in millions)
924.	Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	5.78775
925.	Illinois	Reconstruct Midlothian Turnpike, Robbins	0.216
926.	California	Plan, design and construct interchange between I–15 and Sante Fe Road in Barstow	3
927.	Pennsylvania	Reconstruct and widen U.S. Route 222 to four-lane expressway between Lancaster/Berks County line and Grings Mill Road and construction of Warren Street extension in Reading	19
928.	Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	2.4
929.	Washington	Widen SR522 from SR 9 to Paradise Lake Road	3.6
930.	New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.215
931.	Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	15
932.	Illinois	Reconstruct U.S. 6, Harvey	1.245
933.	New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st Street and Fordham Road, New York City	9.75
934.	Ohio	Construct Black River intermodal transportation center	3.45
935.	Connecticut	Rehabilitate Route 202 bridge in New Milford	2.025
936.	Pennsylvania	Construct park and ride facilities in Lower Bucks County	1.125
937.	Pennsylvania	Widen U.S. 11/15 between Mt. Patrick and McKees Half Falls in Perry County	3.75
938.	Illinois	Undertake Industrial Transportation Improvement Program in Chicago	3.2625
939.	California	Improve streets and construct bicycle paths, Agoura Hills	0.65
940.	California	Implement City of Compton traffic signal systems improvements	3.75
941.	Texas	Construct relief route around Alice	0.1875
942.	California	Reconstruct Harbor Boulevard/SR22 Interchange, City of Garden Grove	1.5
943.	North Carolina	Upgrade U.S. 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	2.25
944.	Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	5.85
945.	Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	4.5
946.	Kentucky	Construct U.S. 127 Jamestown Bypass	4.35
947.	Minnesota	Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake	0.72
948.	Arkansas	Construct Highway 82 from Hamburg to Montrose	5.375
949.	Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.525

No.	State	Project description	(Dollars in millions)
950.	Oregon	Rehabilitate Broadway Bridge in Portland	7.5
951.	Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes	6
952.	Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	1.875
953.	New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway through the Northeast Bronx	1
954.	West Virginia	Construct I–73/74 Corridor, including connectors with WV Route 44 and County Route 13 (Gilbert Creek), Mingo County	9.05
955.	Washington	Improve I–90/Sunset Way interchange in Issaquah	14.85
956.	Indiana	Construct Marina Access Road in East Chicago	1
957.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10
958.	Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.5625
959.	North Carolina	Upgrade Highway 55 between U.S. 64 and State Route 1121, Wake and Durham Counties	17.25
960.	Indiana	Upgrade Ridge Road between Griffith and Highland	3.3
961.	Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.1
962.	New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	2.4
963.	Missouri	Upgrade U.S. 60 in Carter County	20.25
964.	Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	17.25
965.	Pennsylvania	Construct American Parkway Bridge project in Allentown	3
966.	Georgia	Upgrade U.S. Route 19 between Albany and Thomaston	3.75
967.	Georgia	Construct noise barriers on the west side of I–185 between Macon Road and Airport Thruway and on I–75 between Mt. Zion Road and Old Dixie Highway in the Atlanta area	0.75
968.	Oregon	Construct I–205/Sunnyside/Sunnybrook interchange and related extrension road, Clackamas County	17.2
969.	Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	9.75
970.	Minnesota	Upgrade CSAH 61 between TH324 and Snake River	0.9
971.	Utah	Construct underpass at 100th South in Sandy	3.51
972.	California	Improve roadway to provide access to Hansen Dam Recreation Area in Los Angeles	0.75

No.	State	Project description	(Dollars in millions)
973.	New York	Construct Erie Canal Preserve I–90 rest stop in Port Byron	2.25
974.	Massachusetts	Construct bike path between Route 16 (Everett) to Lynn Oceanside	1.275
975.	Tennessee	Construct Kingsport Highway in Washington County	1.5
976.	Mississippi	Widen State Route 6 from Pontotoc to U.S. 45 at Tupelo	11.25
977.	Tennessee	Construct pedestrian and bicycle pathway to connect with the Mississippi River Trail, and restore adjacent historic cobblestones on riverfront, Memphis	2.25
978.	California	Construct improvements to Harry Bridges Boulevard, Los Angeles	6.5
979.	Nebraska	Construct NE 35 alternative and modified route expressway in Norfolk and Wayne	3.375
980.	Michigan	Upgrade Davison Road between Belsay and Irish Roads, Genessee County	3.2
981.	West Virginia	Relocate segment of Route 33 (Scott Miller Bypass), Roane County	4
982.	California	Rehabilitate B Street between Foothill Boulevard and Kelly Street, Hayward	0.525
983.	Pennsylvania	Construct exit ramp on I–180 at State Route 2049 in Lycoming County	7.875
984.	California	Improve streets and related bicycle lane in Oak Park, Ventura County	0.466
985.	Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	0.825
986.	Alabama	Expand U.S. 278 in Cullman County	5.4
987.	California	Improve the Avenue H overpass in Lancaster	4.575
988.	New York	Construct U.S. 219 from Route 39 to Route 17	20
989.	Texas	Widen State Highway 35 from SH288 in Angleton to FM521 and dedicate $630,000 to the acquisition of right-of-way in Brazoria County	5.175
990.	Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	6
991.	Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue	17.625
992.	Tennessee	Implement ITS technologies, Nashville	2.8
993.	Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.5475
994.	Michigan	Improve I–69 in Branch, Eaton and Calhoun Counties	1.875
995.	California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1
996.	Illinois	Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood	2
997.	Ohio	Construct new traffic signal and intersection upgrade for Village of Hebron in Licking County	0.06
998.	California	Upgrade U.S. 101 from Eureka to Arcata	0.65

No.	State	Project description	(Dollars in millions)
999.	Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny County	0.4
1000.	New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1001.	California	Construct I–10/Barton Road West/Anderson Street connection	3.75
1002.	Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson	7.5
1003.	New Jersey	Upgrade I–78 interchange and West Peddie Street ramps, Newark	3.725
1004.	California	Implement enhanced traffic access between I–10, area hospitals and southern portion of Loma Linda	1.5
1005.	Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning County	25
1006.	Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	5.25
1007.	California	Construct State Route 56 North connectors at I–5 and North and South connectors at I–15 in San Diego	3
1008.	Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown	3.875
1009.	Colorado	Reconstruct and upgrade I–70/I–25 Interchange, Denver	9
1010.	Louisiana	Construct Zachary Taylor Parkway project	1
1011.	Michigan	Upgrade Rochester Road between I–75 and Torpsey St	9.225
1012.	Louisiana	Construct I–10/Louisiana Avenue interchange	6
1013.	New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1014.	Georgia	Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I–285, De Kalb County	0.075
1015.	Minnesota	Upgrade Highway 53 between Virginia and Cook	1.5
1016.	New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	1.5
1017.	California	Construct Alameda Corridor East, San Gabriel Valley	2.205
1018.	Arkansas	Upgrade Highway 63, Marked Tree to Lake David	10
1019.	Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	2.25
1020.	Maryland	Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges County	11.25
1021.	Ohio	Construct Wilmington Bypass, Wilmington	3.75

No.	State	Project description	(Dollars in millions)
1022.	Texas	Construct Houston Street Viaduct project in Dallas	5.125
1023.	West Virginia	Construct I–73/74 Corridor, including interchange with U.S. 460, Mercer County	15
1024.	Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.2
1025.	Ohio	Improve and widen SR 45 from North of the I–90 interchange to North Bend Road in Ashtabula County	6.17
1026.	Rhode Island	Install directional signs in Newport and surrounding communities	0.225
1027.	Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.48
1028.	Florida	A–1–A Beautification project in Daytona	3.3
1029.	Ohio	Widen Licking SR 79–06.65 (PID 8314) in Licking County	9
1030.	Texas	Relocate railroad tracks to eliminate road crossings, and provide for the rehabilitation of secondary roads providing access to various parts of the Port and the construction of new connecting roads to access new infrastructure safely and efficiently, Brownsville	4.5
1031.	Oklahoma	Reconstruct U.S. 70 from Broken Bow to Arkansas State line in McCurtain County	3.93
1032.	Tennessee	Improve County Road 374 in Montgomery County	3.75
1033.	Virginia	Enhance Maple Avenue streetscape in Vienna	2.025
1034.	Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington	3.48
1035.	Florida	Widen U.S. 192 between County Route 532 and I–95 in Brevard and Osceola Counties	18.75
1036.	Louisiana	Construct Leeville Bridge on LA 1	1.125
1037.	Illinois	Construct I–57 interchange, Coles County	8.15
1038.	Massachusetts	Upgrade Route 2 between Philipston and Greenfield	3
1039.	New Jersey	Construct and/or reconstruct intermodal transportation and maintenance facility in Union City in order to replace the NJ Transit depot	2
1040.	Illinois	Construct Technology Avenue between U.S. Route 45 East to Willenborg Street, Effingham	2.735
1041.	New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.35
1042.	New York	Construct CR 96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1043.	Virginia	Construct connector road from the proposed U.S. 58 Stuart bypass to Route 8 South beginning at the intersection of Johnson Street in Stuart to Route 652	5.25
1044.	Pennsylvania	Replace bridge over Shermans Creek in Carroll	0.75

No.	State	Project description	(Dollars in millions)
1045.	Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	0.9
1046.	Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.25
1047.	Alabama	Upgrade SR 5 in Perry County	1.275
1048.	Connecticut	Implement Trinity College Area road improvements, Hartford	5.1075
1049.	Louisiana	Construct North/South Road/I–10–U.S. 61 connection in Kenner	5
1050.	New Jersey	Design and construction Belford Ferry Terminal in Belford	3.45
1051.	Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	0.75
1052.	California	Extend 7th Street between F Street and North 7th Street, Sacramento	1.5
1053.	Massachusetts	Upgrade Spring Street between Bank and Latham Streets, Williamstown	1.5
1054.	California	Complete Citraeado Parkway project in San Diego County	2.25
1055.	Indiana	Conduct railroad relocation study in Muncie	0.045
1056.	Connecticut	Improve Route 4 intersection in Harwinton	1.35
1057.	Missouri	Widen U.S. 63 in Randolph and Boone Counties	31.5
1058.	New York	Construct City of Glen Cove waterfront improvements	3.75
1059.	Illinois	Reconstruct Greenbriar Road with construction of new turn lanes in vicinity of John A. Logan College in Carterville	1.05
1060.	Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	9.9
1061.	Ohio	Construct SR 315 Ohio State University Ramp project in Franklin County	3.5
1062.	Nevada	Improve at-grade railroad crossings in Reno	1.875
1063.	Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I–180 to the airport	5.25
1064.	Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	2.25
1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I–10 to Route 375 in El Paso	5
1066.	Missouri	Upgrade MO Route 150, Jackson County	4.5
1067.	Nebraska	Construct bridge in Newcastle	3
1068.	Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	0.75
1069.	Illinois	Rehabilitate Western Springs Arterial Roadway, Cook County	0.825
1070.	California	Rehabilitate Highway 1 in Guadalupe	0.375
1071.	Utah	Widen 7200 South in Midvale	0.99
1072.	Iowa	Construct I–29 airport interchange overpass in Sioux City	4.65

No.	State	Project description	(Dollars in millions)
1073.	Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida	1.35
1074.	Washington	Improve Huntington Avenue South in Castle Rock	0.5625
1075.	Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago County	12.475
1076.	Michigan	Relocate U.S. 31 from River Road to Naomi Road in Berrian County	13.5
1077.	South Carolina	Construct I–95/I–26 interchange, Orangeburg County	8.5
1078.	Texas	Upgrade State Highway 35 Houston District Brazoria County	6.92
1079.	Maryland	Improve Halfway Boulevard east and west of Exit 5, I–81 in Washington County	3
1080.	California	Upgrade D Street between Grand and Second Streets, Hayward	0.9
1081.	New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	12
1082.	New York	Replace Kennedy-class ferries, Staten Island	30
1083.	Texas	Expand Winters Freeway (U.S. 83/84) in Abilene	8.4
1084.	Maine	Replacement and renovation of Carlton Bridge, Bath/Woolwich	6
1085.	New York	Rehabilitate Jay Covered Bridge in Essex County	0.75
1086.	Minnesota	Construct Elk River bypass from 171st Avenue at Highway 10 to intersection of County Roads 12 and 13 at Highway 169	2.4
1087.	Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	6.6075
1088.	Indiana	Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties	4.5
1089.	California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.216
1090.	New Hampshire	Construct Chestersfield Bridge	2.536
1091.	Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.17
1092.	Dist. of Columbia	Conduct MIS of light rail corridors	0.75
1093.	Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.125
1094.	Pennsylvania	Extend North Delaware Avenue between Lewis Street and Orthodox Street, Philadelphia	4.2
1095.	Indiana	Reconstruct Wheeling Avenue in Muncie	1.2
1096.	Ohio	Construct interchange at I–480 in Independence	3.5
1097.	Pennsylvania	Relocate PA 18 between 9th Avenue and 32nd Street, Beaver Falls	1.05
1098.	Alabama	Construct Eastern Shore Trail project in Fairhope	1.01625
1099.	Maine	Studies and planning for extension of I–95	2.125

No.	State	Project description	(Dollars in millions)
1100.	Alabama	Replace bridge over Tombigbee River, Naheola	2.25
1101.	Illinois	Reconstruct Cossitt Avenue in LaGrange	1.485
1102.	New York	Improve Broadway in North Castle in Westchester County	1.26
1103.	New York	Construct access improvements to Port of Rochester Harbor, Rochester	12
1104.	Illinois	Reconstruct Broad Street between Maple Street to Sixth Street, Evansville	0.2625
1105.	California	Widen SR 71 from Riverside County to SR 91	13
1106.	Alabama	Construct improvements to 19th Street between I–59 and Tuxedo Junction, Birmingham	0.675
1107.	Pennsylvania	Improve safety on PA 41 from U.S. 30 to PA 926	6
1108.	Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.375
1109.	California	Upgrade intersection of Folsom Boulevard and Power Inn Road, Sacramento	7.5
1110.	Illinois	Replace Gaumer Bridge near Alvin	0.9
1111.	Minnesota	Upgrade TH6 between Talmoon and Highway 1	0.9
1112.	Michigan	Extend Trowbridge Road from Harrison Road to Red Cedar Road	1.875
1113.	New York	Reconstruct Flushing Avenue between Wycoff Avenue and Gates Street	2.25
1114.	California	Construct I–580 interchange, Livermore	9.9
1115.	Illinois	Upgrade South Lake Shore Drive between 47th and Hayes, Chicago	5.85
1116.	Pennsylvania	Improve PA 26 in Huntingdon County	0.75
1117.	Virgin Islands	Construct bypass around Christiansted	6
1118.	New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	3.325
1119.	California	Upgrade Industrial Parkway Southwest between Whipple Road and improved segment of the parkway, Hayward	0.45
1120.	Kansas	Widen U.S. 81 from Minneapolis, Kansas to Nebraska	20.85
1121.	New York	Construct sound barriers on Grand Central Parkway between 244th Street and Douglaston Parkway	0.375
1122.	New York	Construct Bike Paths along the Bronx River in Bronx Park	0.25
1123.	Pennsylvania	Conduct preliminary engineering and design for the U.S. 219 bypass of Bradford	0.75
1124.	Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	6.3
1125.	California	Construct Olympic Training Center Access road, Chula Vista	5
1126.	Florida	Pedestrian safety initiative on U.S. 19 in Pinellas County	5.1
1127.	Texas	Construct U.S. Highway 59 railroad crossing overpass in Texarkana	2.625
1128.	Illinois	Widen and improve U.S. 34 intechange in Aurora	6

No.	State	Project description	(Dollars in millions)
1129.	Connecticut	Construct Hartford Riverwalk South, Hartford	2.64
1130.	New York	Rehabilitate transportation facilities in CO-OP City	1
1131.	Florida	Widen and realign Eller Drive in Port Everglades	4.2
1132.	Mississippi	Construct I–20 interchange at Pirates' Cove and 4-lane connector to Mississippi Highway 468	0.75
1133.	Mississippi	Widen U.S. 98 from Pike County to Foxworth	0.6875
1134.	Pennsylvania	Improve Route 219 in Clearfield County	0.75
1135.	Michigan	Replace Barton Road/M 14 interchange, Ann Arbor	0.75
1136.	Nebraska	Construct the Antelope Valley Overpass in Lincoln	5.625
1137.	New York	Reconstruct Niagara Street, Quay Street, and 8th Street including realignment of Qual Street and 8th Avenue in Niagara Falls	2.625
1138.	California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	17.25
1139.	Illinois	Widen U.S. 20 in Freeport	3.825
1140.	Kentucky	Reconstruct Liberty and Todd Roads, Lexington	6
1141.	New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.375
1142.	California	Widen SR 23 between Moorpark and Thousand Oaks	10.5
1143.	Utah	Extend Main Street from 5600 South to Vine Street in Murray	10.35
1144.	Pennsylvania	Construct access road to Hastings Industrial Park, Cambria County	3.05
1145.	New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	4.98
1146.	Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.015
1147.	Pennsylvania	Construct I–81 noise abatement program in Dauphin County	0.48
1148.	Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.9
1149.	New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga	3
1150.	Arkansas	Construct North Belt Freeway	5.25
1151.	Ohio	Improve and widen SR 91 from SR 43 south to county line/city line in Solon	4.25
1152.	Texas	Upgrade U.S. Route 59 between U.S. 281 to I–37	12
1153.	Michigan	Construct M 24 Corridor from I–69 to southern Lapeer County	2
1154.	Tennessee	Construct greenway and bicycle path corridor, City of White House	3.2
1155.	Massachusetts	Rehabilitate Union Station in Springfield	12
1156.	Pennsylvania	Install city-wide signalization (SAMI) project in Lebanon	0.75

No.	State	Project description	(Dollars in millions)
1157.	Washington	Widen SR 543 from I–5 to International Boundary	10.2
1158.	Hawaii	Replace Sand Island bridge	0.75
1159.	West Virginia	Upgrade Route 10 between Logan and Man	50
1160.	Florida	Expand Palm Valley Bridge in St. Johns County	3.1
1161.	Michigan	Improve U.S. 31 from Holland to Grand Haven	2.25
1162.	Florida	Upgrade U.S. 319 between I–10 and the Florida/Georgia State line	3.75
1163.	Colorado	Improve SH 74/JC 73 interchange, City of Evergreen in Jefferson County	4.188
1164.	Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line	6
1165.	California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.125
1166.	Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw County	3
1167.	Illinois	Improve IL 159 in Edwardsville	3.20625
1168.	Virginia	Improve East Eldon Street in Herndon	0.375
1169.	Texas	Construct Cleveland Bypass	10.125
1170.	Utah	Widen SR 36 from I–80 to Mills Junction	2.25
1171.	New Jersey	Eliminate Berlin Circle and signalize intersection in Camden	6
1172.	Arkansas	Upgrade U.S. Route 412, Fulton County line to Missouri State line	7.5
1173.	California	Upgrade Del Almo Boulevard at I–405	5
1174.	Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.15
1175.	North Carolina	Construct U.S. 64/264 in Dare County	0.75
1176.	California	Construct Gene Autry Way/I–5 Access project, Anaheim	6.75
1177.	Arizona	Construct Veterans' Memorial overpass in Pima County	11.25
1178.	Virginia	Conduct preliminary engineering on I–73 between Roanoke and Virginia/North Carolina State line	3
1179.	Mississippi	Upgrade roads, Washington County	3.3075
1180.	Tennessee	State Highway 109 upgrade planning and engineering, Sumner County	1.84
1181.	Florida	Construct John Young Parkway/I–4 interchange	6
1182.	Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	1.7715
1183.	Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs County	3.75
1184.	Colorado	Construct Broadway Viaduct, Denver	3
1185.	New York	Construct Bay Shore Road SR 231 to SR 27 in Suffolk County	7.53
1186.	North Dakota	Construct Jamestown bypass	3.6
1187.	Ohio	Upgrade State Route 18 between I–71 and I–77	1.55
1188.	California	Construct Overland Drive overcrossing in Temecula	3.75
1189.	Ohio	Upgrade U.S. Route 422 through Girard	4.72

No.	State	Project description	(Dollars in millions)
1190.	Mississippi	Widen MS 45 from Brooksville to U.S. 82 in Mississippi	3.375
1191.	California	Extend Highway 41 in Madera County	5.5
1192.	Missouri	Construction and upgrade of U.S. 71/I–49 in Newton and McDonald County	24.55725
1193.	North Carolina	Upgrade U.S. 158 in Warren and Halifax Counties	2.25
1194.	Illinois	Reconstruct I–74 through Peoria	2
1195.	Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	2.25
1196.	Texas	Construct segment 1 of a bypass to I–35 known as SH 130. The State of Texas shall consult with all appropriate local officials, representatives of the affected local communities, and provide for public comment prior to determining a final alignment for the project	13.5
1197.	Washington	Redevelop Port of Anacortes waterfront	0.05
1198.	California	Construct I–15 Galinas interchange in Riverside County	6.375
1199.	New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren county	1.2
1200.	Michigan	Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35	1.275
1201.	Maine	Upgrade Route 11	3
1202.	Rhode Island	Reconstruct Harris Avenue, Woonsocket	1.5
1203.	Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.23
1204.	Maine	Improve Route 26	1.125
1205.	New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.5
1206.	New Hampshire	Construct the Keene bypass	4.899
1207.	New Jersey	Construct grade separation of Route 35 and Tinton Falls and extend Shrewsbury Avenue in Monmouth	3.75
1208.	California	Reconstruct La Loma Bridge in Pasadena	2.25
1209.	Indiana	Remove and replace Walnut Street in Muncie	1.605
1210.	Arkansas	Construct U.S. 270 East-West Arterial in Hot Springs	6.875
1211.	Oklahoma	Reconstruct and widen I–40 Crosstown Bridge and Realignment in downtown Oklahoma City, including demolition of the existing bridge, vehicle approach roads, interchanges, intersections, signalization and supporting structures between I–35 and I–44	72.7875
1212.	Texas	Widen Meacham Boulevard from I–35W to FM 146 and extend Meacham Boulevard from west of FM 156 to North Main Street	2
1213.	Minnesota	Upgrade CSAH 116 north of CSAH 88 in Ely	1.2
1214.	Mississippi	Upgrade West County Line Road, City of Jackson	8.25

No.	State	Project description	(Dollars in millions)
1215.	California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda	12.515
1216.	Nevada	Widen I–15 from California State line to Las Vegas	1.875
1217.	Connecticut	Improve and realign Route 8 in Winchester	1.515
1218.	Oklahoma	Reconstruct U.S. 70 in Marshall and Bryan Counties	0.11
1219.	Pennsylvania	Construct California University of Pennsylvania intermodal facility	1
1220.	Arkansas	Construct turning lanes at U.S. 71/AR 8 intersection in Mena	0.1875
1221.	Michigan	Construct intermodal freight terminal in Wayne County	18
1222.	Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	0.75
1223.	Indiana	Install traffic signalization system in Muncie	0.675
1224.	Illinois	Upgrade U.S. 40 in Martinsville	0.094
1225.	Indiana	Construct SR 9 bypass in Greenfield	2.3625
1226.	Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I–74)	0.375
1227.	Hawaii	Construct interchange at junction of proposed North-South road and H 1	1.5
1228.	Florida	Construct improvements to JFK Boulevard, Eatonville	0.75
1229.	Mississippi	Construct access improvments to various roads, Humphreys County	0.75
1230.	South Dakota	Construct Heartland Expressway Phase I	6.505
1231.	Illinois	Construct Raney Street Overpass in Effingham	4.4
1232.	Texas	Road improvements along historic mission trails in San Antonio	1.875
1233.	New York	Construct Elmira Arterial from Miller to Cedar	2.25
1234.	Ohio	Construct a new interchange at County Road 80 and I–77 in Dover with $100,000 to preserve or reconstruct the Tourism Information Center	7.1
1235.	California	Construct Airport Boulevard interchange in Salinas	6
1236.	Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	14.225
1237.	Illinois	Construct new entrance to Midway Airport Terminal	6.5
1238.	West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone County	2
1239.	New Jersey	Construct U.S. 22/Chimney Rock Road interchange in Somerset County	17.25
1240.	Kansas	Reconstruct K 7 from Lone Elm Road to Harrison	2.79
1241.	Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.375

51-777 98 - 8

No.	State	Project description	(Dollars in millions)
1242.	Missouri	Construct Grand Avenue viaduct over Mill Creek Valley in St. Louis	1.65
1243.	Pennsylvania	Construct improvements to North Shore Roadway and access in the City of Pittsburgh	11
1244.	West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely County	0.2
1245.	New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	3.5
1246.	West Virginia	Upgrade Route 2 in Cabell County, including the relocation of Route 2 to provide for a connection to I–64 (Merrick Creek Connector)	10
1247.	New Hampshire	Construct Hindsale Bridge	2.536
1248.	Washington	Reconstruct I–82/SR 24 intersection and add lanes on SR 24 to Keys Road	6.48
1249.	Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	9.525
1250.	Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny County	0.125
1251.	Ohio	Upgrade and widen U.S. 24 from I–469 to I–475	17.25
1252.	Texas	Upgrade FM517 between Owens and FM 3346, Galveston	2.892
1253.	Idaho	Construct U.S. 95: Sandcreek Alternate Route in Sandpoint	13.5
1254.	New Jersey	Replace Calhoun Street Bridge in Trenton	0.975
1255.	California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	1.5
1256.	Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.5
1257.	New York	Construct Eastern Long Island Scenic Byway in Suffolk County	11.25
1258.	Texas	Construct Loop 197, Galveston	3.2175
1259.	Illinois	Construct Western Springs Pedestrian and Tunnel project, Cook County	0.925
1260.	Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	7.5
1261.	Mississippi	Construct connector between U.S. 90 and I–10 in Biloxi	6.375
1262.	American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island	3.75
1263.	Maryland	Implement citywide signal control system replacements and improvements in Baltimore	13.275
1264.	West Virginia	Construct I–81 interchange, Martinsburg	5.05
1265.	Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.075
1266.	Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County	11.25

No.	State	Project description	(Dollars in millions)
1267.	New Mexico	Improve U.S. 70 from I–25 to Organ	18.75
1268.	Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	5.25
1269.	New York	Implement Melrose Commons geographic information system	0.75
1270.	Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.45
1271.	Texas	Construct rail-grade separations (Rosenberg Bypass) at U.S. 59(S)	3
1272.	Nebraska	Replace U.S. 81 bridge between Yankton, South Dakota and Cedar County	1.125
1273.	California	Construct Centennial Transportation Corridor	15.75
1274.	Minnesota	Construct Phalen Boulevard between I–35E and I–94	9.75
1275.	California	Reconstruct Palos Verdes Drive, Palos Verdes Estates	0.3375
1276.	Pennsylvania	Facilitate coordination of transportation systems at intersection of 46th and Market, and enhance access and related measures to area facilities including purchase of vans for reverse commutes, Philadelphia	3
1277.	Indiana	Improve Southwest Highway from Bloomington to Evansville	27
1278.	Pennsylvania	Construct an access road in Bedford Springs, Pennsylvania, along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith or other projects in the counties of Bedford, Blair, Fulton, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon, as selected by the Commonwealth of Pennsylvania	22.0
1279.	Washington	Undertake FAST Corridor improvements with the amounts provided as follows: $12,000,000 to construct the North Duwamish Intermodal Project, $3,375,000 for the Port of Tacoma Road project, $2,250,000 for the SW Third Street/BSNF project in Auburn, $1,500,000 for the S. 277th Street/BNSF project in Auburn/Kent, $1,500,000 for the S. 277th Street/UP project in Auburn Kent, $1,500,000 for the S. 180th Street E/BSNF project in Tukwila, $750,000 for the 8th Street E/BSNF project in Pierce County, and $1,125,000 for the Shaw Road extension Puyallup	24
1280.	Ohio	Construct interchange at SR 11 and King Graves Road in Trumball County	5.56
1281.	Michigan	Apply ITS technologies relating to traffic control, Lansing	2.775

No.	State	Project description	(Dollars in millions)
1282.	California	Stabilize U.S. 101 at Wilson Creek	0.65
1283.	Michigan	Construct interchange at Eastman Avenue/U.S. 10 in Midland	8.25
1284.	Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris	0.3
1285.	Mississippi	Upgrade Hampton Lake Road, Tallahatchie County	0.66
1286.	Illinois	Undertake improvements to Campus Transportation System	0.75
1287.	Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott County	0.225
1288.	Pennsylvania	Improve intersection of U.S. 30, S.R. 3066, and West Allegheny Road, North Fayette Township	3.5
1289.	Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	5.375
1290.	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	5.5
1291.	Minnesota	Upgrade Perpich Memorial from CR 535 to CSAH 111	2.1
1292.	Texas	Construct U.S. Route 67 Corridor through San Angelo	5.25
1293.	Pennsylvania	Construct improvements to roadway and parking facility in the vicinity of St. Francis College, Cambria County	2
1294.	Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.6
1295.	New York	Construct intermodal facility in Yonkers, Westchester County	8.687
1296.	Maryland	Construct intersection improvements to facilitate access to NSA facility, Anne Arundel County	2.25
1297.	Massachusetts	Undertake vehicular and pedestrian movement improvments within Central Business District of Foxborough	1.56
1298.	Kentucky	Construct KY 70 from Cave City to Mammoth Cave	1.5
1299.	Virginia	Construct Main Street Station in Richmond	6
1300.	New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire—Maine border	1.65
1301.	Pennsylvania	Construct Abbey Trails in Abington Township	0.45
1302.	Hawaii	Upgrade Kaumualii Highway	8.25
1303.	North Carolina	Upgrade and improve U.S. 19 from Maggie Valley to Cherokee	15
1304.	Maine	Replace Ridlonville Bridge across Androscoggin River	1.125
1305.	Mississippi	Upgrade and widen U.S. 49 in Rankin, Simpson, and Covington Counties	0.6875
1306.	Texas	Upgrade SH 30, Huntsville	1.875
1307.	California	Reconstruct the I–710/Firestone Boulevard interchange	12

No.	State	Project description	(Dollars in millions)
1308.	Pennsylvania	Widen U.S. 30 from Walker Road to Fayetteville in Franklin County	1.5
1309.	Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	3
1310.	Illinois	Replace State Route 47 Bridge in Morris	14.25
1311.	Texas	Upgrade Highway 271 between Paris and Pattonville	1.5
1312.	Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	4.5
1313.	Arizona	Reconstruct I–19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales	7.5
1314.	North Carolina	Construct I–85 Greensboro Bypass in Greensboro	22.125
1315.	New York	Improve access to I–84/Dutchess intermodal facility in Dutchess County	2.21
1316.	Illinois	Construct I–88 interchange at Peace Road in De Kalbe	1.5
1317.	North Dakota	Upgrade U.S. Route 52, Kenmare to Donnybrook	2.1
1318.	South Carolina	Construct improvements to I–95/SC 38 interchange	6.75
1319.	Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	0.875
1320.	New York	Reconstruct 79th Street Traffic Circle, New York City	7
1321.	California	Extend State Route 52 in San Diego	2.25
1322.	California	Construct Sacramento Intermodal Station	3
1323.	Illinois	Construct Central Avenue/Narragansett Avenue connector, Chicago	3.7
1324.	Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	0.75
1325.	Indiana	Conduct rail-highway feasibility project study in Muncie	0.075
1326.	Georgia	Upgrade U.S. Route 27	7.5
1327.	Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	0.84
1328.	Washington	Construct Cross Base Corridor, Fort Lewis-McChord AFB	0.375
1329.	Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair County	5.5
1330.	Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	1.5
1331.	Louisiana	Construct Port of St. Bernard Intermodal facility	1.575
1332.	New York	Construct bridge deck over the Metro North right-of-way along Park Avenue between E. 188th and 189th Streets	0.75
1333.	Ohio	Conduct feasibility study for the construction of Muskingum County South 93–22–40 connector	0.5
1334.	South Carolina	Upgrade U.S. Highway 301 within Bamberg	3.2
1335.	Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.25

No.	State	Project description	(Dollars in millions)
1336.	Kansas	Widen U.S. 169 in Miami County	12.15
1337.	Texas	Construct extension of Bay Area Boulevard	0.75
1338.	New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Avenue) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station and the Trans Hudson Corridor at the Bergen Arches arterial roadway	3.5
1339.	California	Modify HOV lanes, Marin County	5.25
1340.	California	Widen U.S. 101 from Petaluma Bridge to Novato	8.75
1341.	Arkansas	Construct U.S. 63 interchange with Washington Avenue and Highway 63B	1.5
1342.	Louisiana	Kerner's Ferry Bridge Replacement project	0.75
1343.	Pennsylvania	Reconstruct I–95/Street Road interchange in Bucks County	1.3275
1344.	New York	Upgrade Frederick Douglas Circle, New York City	9
1345.	Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	0.75
1346.	Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	2
1347.	Alabama	Construct improvements to Ensley Avenue between 20th Street and Warrior Road, Birmingham	0.75
1348.	Alaska	Extend West Douglas Road	2.475
1349.	Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.8
1350.	Mississippi	Replace Greenville River Bridge in Washington County	1.0
1351.	Illinois	Reconstruct Claire Boulevard, Robbins	0.2475
1352.	New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	6
1353.	Kentucky	Reconstruct U.S. 231: $5,625,000 for the segment between Dry Ridge Road and U.S. 231 and U.S. 31; $3,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	8.625
1354.	Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	1.5
1355.	New York	Construct sound barriers on east side of Clearview Expressway between 15th Road and Willets Point Boulevard	0.3
1356.	Tennessee	Construct Franklin Road interchange and bypass	2

No.	State	Project description	(Dollars in millions)
1357.	New Jersey	Construct, reconstruct and integrate multi-transportation modes—international airport and seaport, rail, national highway system and brownfields—to establish an international intermodal transportation center and corridor between and within the cities of Bayonne, Elizabeth and Newark, New Jersey	2
1358.	Louisiana	Construct I–49 interchange at Caddo Port Road in Shreveport	4.2
1359.	Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties	0.16
1360.	North Carolina	Construct U.S. 117, the Elizabeth City Bypass in Pasquotank County	2.625
1361.	North Carolina	Upgrade U.S. 13 (including Ahoskie bypass) in Bertie and Hertford Counties	0.75
1362.	California	Extend Route 46 expressway in San Luis Obispo County	6
1363.	Illinois	Construct improvements to New Era Road, Carbondale	2.625
1364.	New York	Construct congestion mitigation project for Riverhead	1.875
1365.	California	Upgrade Riverside Avenue/I–10 interchange, Rialto	0.69375
1366.	California	Construct I–10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County	1.5
1367.	Colorado	Construct C 470/I–70 ramps in Jefferson County	4.187
1368.	Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	0.75
1369.	Tennessee	Construct Landport regional transportation hub, Nashville	8
1370.	Pennsylvania	Upgrade roadway in the Princeton/Cottman I–95 interchange and related improvements, Philadelphia	15.15
1371.	Washington	Construct Sequim/Dungeness Valley trail project	0.75
1372.	Maryland	Construct phase 1A of the I–70/I–270/U.S. 340 interchange in Frederick County	11.25
1373.	American Samoa	Upgrade village roads on Tutuila/Manua Island	8.25
1374.	Virginia	Improve Lee Highway Corridor in Fairfax	1.35
1375.	Michigan	Preliminary engineering and right-of-way acquisition for "Intertown South" route of U.S. 31 bypass, Emmet County	1.125
1376.	Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield	3.75
1377.	Ohio	Upgrade SR 7 (Eastern Avenue) to improve traffic flow into Gallipolis, Gallia County	1.5
1378.	Michigan	Construct U.S. 27 between St. Johns and Ithaca	6.375

No.	State	Project description	(Dollars in millions)
1379.	Washington	Construct SR 167 Corridor, Tacoma	1.125
1380.	Washington	Widen U.S. 395 in the vicinity of mile post 170 north of Spokane	5.5
1381.	Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
1382.	Missouri	Improve safety and traffic flow on Route 13 through Clinton	6
1383.	Florida	Construct Alden Road Improvement Project in Orange County	0.35
1384.	Dist. of Columbia	Implement traffic signalization, freeway management and motor vehicle information systems	6
1385.	Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	.16
1386.	Illinois	Construct crossings over Fox River in Kane County	9.375
1387.	Mississippi	Construct U.S. 84 from Eddiceton to Auburn Road	0.6875
1388.	Illinois	Construct U.S. 67 in Madison and Jersey Counties	5.1
1389.	South Carolina	Construct Calhoun/Clarendon Causeway	6.5
1390.	Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	2.25
1391.	Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County	0.495
1392.	Pennsylvania	Construct Towamencin Township multimodal center	2.61
1393.	Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges County	2.4
1394.	Illinois	Construct bypass of historic stone bridge, Maeystown	0.615
1395.	Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	0.75
1396.	Pennsylvania	Reconstruct the I–81 Davis Street interchange in Lackawanna	6
1397.	Connecticut	Realign Route 4 intersection in Farmington	2.1
1398.	Pennsylvania	Construct Wexford I–79/SR 910 Interchange, Allegheny County	0.825
1399.	Pennsylvania	Extend Martin Luther King Busway, Alleghany County	1.65
1400.	Massachusetts	Construct Arlington to Boston Bike Path	0.75
1401.	New Jersey	Construct Collingswood Circle eliminator, Camen	6
1402.	Ohio	Construct grade separations at Fitch Road in Olmsted Falls	3.75
1403.	Wisconsin	Construct Eau Claire Bypass project	6
1404.	Minnesota	Reconstruct SE Main Avenue and related improvements, completing 34th Street Corridor project, Moorhead	3
1405.	New York	Construct Olana Visitor Center in Olana	1
1406.	Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	1.95
1407.	New York	Reconstruct Jackson Avenue in New Windsor, Orange County	1.963

No.	State	Project description	(Dollars in millions)
1408.	New York	Construct congestion mitigation project for Smithtown	0.75
1409.	New York	Reconstruct County Route 24 in Franklin County	1.85475
1410.	North Carolina	Construct U.S. 311 (I–74) from NC 68 to U.S. 29A–70A	22.875
1411.	California	Design and initiation of long term improvements along Highway 199 in Del Norte County	0.275
1412.	Alabama	Complete I–59 interchange in De Kalb County	3.6
1413.	New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	1.6875
1414.	New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.125
1415.	Illinois	Undertake streetscaping between Damden and Halsted	0.8625
1416.	Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.125
1417.	Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	3.675
1418.	Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.5
1419.	Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	11.25
1420.	Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	0.875
1421.	Oregon	Construct regional multimodal transportation center in Albany	10
1422.	Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	3.6375
1423.	Connecticut	Relocate and realign Route 72 in Bristol	4.0575
1424.	Massachusetts	Construct Minuteman Commuter Bikeway-Charles River Bikeway connector, Cambridge and Watertown	0.5625
1425.	Michigan	Replace Chevrolet Avenue bridge in Genesee County	1.8
1426.	Virginia	Construct trailhead and related facilities and restore old Whitetop Train Station at terminus of Virginia Creeper Trail adjacent to Mount Rogers National Recreation Area	0.3
1427.	New York	Construct Mineola and Hicksville Intermodal Centers in Nassau County	12
1428.	Indiana	Lafayette Railroad relocation project in Lafayette	22.05
1429.	Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	3.45

No.	State	Project description	(Dollars in millions)
1430.	Wyoming	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody	5
1431.	Texas	Widen State Highway 6 from Senior Road to FM521	9.075
1432.	Massachusetts	Design, engineer and right-of-way aquisition of the Great River Bridge, Westfield	1.5
1433.	Washington	Design and implement report and environmental study of the I–5 corridor in Everett	1
1434.	North Carolina	Make improvements to I–95/SR 1162 interchange in Johnston County	2.4
1435.	New York	Reconstruct Stoneleigh Avenue in Putnam County	2.89
1436.	Pennsylvania	Construct transportation improvements around the interchange of Interstate 81 and S.R. 0944, Hampden Township	2
1437.	Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	6
1438.	New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	1.44
1439.	California	Construct interchange between I–15 and SR 18 in Victorville/Apple Valley	6
1440.	Connecticut	Construct overlook and access to Niantic Bay	2.31
1441.	Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	0.75
1442.	Connecticut	Reconstruct cross road over I–95, Waterford	1.5
1443.	Illinois	Upgrade industrial park road in Village of Sauget	3.375
1444.	California	Construct I–680 HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	5.25
1445.	Iowa	Improve U.S. 65/IA 5 interchange, Warren County	5
1446.	Pennsylvania	Replace Masontown bridge, Fayette and Greene Counties	5
1447.	Indiana	Extend SR 149 between SR 130 to U.S. Route 30, Valparaiso	3
1448.	Pennsylvania	Construct PA 309 Sumneytown Pike Connector	3.96
1449.	California	Improve Route 99/Route 120 interchange in Manteca County	6
1450.	Alaska	Construct a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	15
1451.	Nebraska	Conduct corridor study of NE 35 alternative and modified route in Norfolk, Wayne and Dakota County	0.75
1452.	Michigan	Upgrade Lalie Street, Frenchtown Road, and Penshee Road, Ironwood	0.27
1453.	California	Conduct planning, preliminary engineering and design for Etiwanda Avenue/I–10 interchange, San Bernardino County	1.5

No.	State	Project description	(Dollars in millions)
1454.	California	Construct Arbor Vitae Street improvements, Inglewood	2.625
1455.	Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	0.75
1456.	Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.075
1457.	California	Install Silicon Valley Smart Corridor project along the I–880 corridor	2.145
1458.	South Carolina	Construct I–26/U.S. 1 connector in Columbia	9
1459.	New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.75
1460.	Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.525
1461.	New York	Conduct feasibility study of new International bridges on the New York/Canada border	0.375
1462.	Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	8.85
1463.	Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.15
1464.	California	Upgrade South Higuera Street, San Luis Obispo	0.675
1465.	Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke County	0.75
1466.	North Carolina	Relocate U.S. 1 from north of Lakeview to SR 1180, Moore and Lee Counties	5.475
1467.	Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches	1.35
1468.	Michigan	Conduct engineering and design and improve I–94 in Calhoun and Jackson Counties	9
1469.	Connecticut	Reconstruct I–84, Hartford	7.1025
1470.	Ohio	Undertake improvements to Valley Street, Dayton	0.675
1471.	New Jersey	Upgrade Urban University Heights Connector, Newark	7.275
1472.	Ohio	Widen to 5 lanes existing SR 43/Sunset Boulevard in Steubenville, Jefferson County	0.6
1473.	New York	Improve and reconstruct Stony Street in York Town	0.35
1474.	Ohio	Construct grade separation at Dille Road and London Road in Cleveland	8.0
1475.	Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	3.15
1476.	Indiana	Upgrade County roads in LaPorte County	6
1477.	California	Implement ITS technologies in Employment Center area of City of El Segundo	2.6625
1478.	Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.45

No.	State	Project description	(Dollars in millions)
1479.	Texas	Complete State Highway 35 in Aransas County	5.42
1480.	Washington	Construct overcrossing at 38th Street in Everett, and construct the Riverside Industrial Access Road as identified in the FAST Corridor plan	5.893
1481.	Illinois	Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri	3.9
1482.	Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.3375
1483.	Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish	3
1484.	California	Construct Tulare County roads in Tulare County	6.75
1485.	Washington	Extend Mill Plain Boulevard in Vancouver	3
1486.	Missouri	Construct an intermodal center at Missouri Botanical Garden	0.9
1487.	Ohio	Reimburse costs associated with multimodal transportation improvements, Dayton	2.0625
1488.	West Virginia	Upgrade U.S. 340 between West Virginia/Virginia State line and the Charles Town Bypass	2
1489.	Ohio	Add lanes and improve intersections on Route 20 in Lake County	2
1490.	Pennsylvania	Rehabilitate Kenmawr Bridge, Swissvale	0.45
1491.	Rhode Island	Construct Blackstone River Bikeway	2.59125
1492.	Alaska	Construct Gravina Island Bridge in Ketchikan	5.443
1493.	Alaska	Construct N.W. Alaska Road/Rail access	2.5
1494.	Alaska	Construct North Denali access route	1.5
1495.	Alaska	Construct capital improvements to marine transportation facilities for Prince of Wales Island	0.75
1496.	Alaska	Improve marine dry dock and facilities in Ketchikan	0.75
1497.	Alaska	Construct New Access Route to Ship Creek Access in Anchorage	11.943
1498.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1499.	Alabama	Engineering, right-of-way acquisition and construction of Huntsville Southern Bypass	1
1500.	Alabama	Construction of Eastern Black Warrior River Bridge	7.75
1501.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59 in Alabama	1
1502.	Alabama	Engineering, right-of-way, acquisition and construction of Birmingham Northern Beltline in Jefferson County	8.917
1503.	Alabama	Extend I–759 in Etowah County	1.167
1504.	Alabama	Construct Decatur Southern Bypass	1

No.	State	Project description	(Dollars in millions)
1505.	Alabama	Construct Anniston Eastern Bypass from I–20 to Fort McClellan in Calhoun County	2
1506.	Alabama	Construct Montgomery outer loop from U.S. 80 to I–85 via I–65	11.8
1507.	Alabama	Develop U.S. 231/I–10 Freeway Connector from Alabama border to Dothan	2
1508.	Alabama	Replace bridge over Tombigbee River, Naheola	3
1509.	Arkansas	Development of Little Rock Port Authority	2
1510.	Arkansas	Development of Little Rock River Rail Project	2
1511.	Arkansas	Improvements to I–30 From Benton to Geyer Springs Exit in Little Rock	2
1512.	Arkansas	Upgrade 2 bypasses (Washington Avenue Interchange and Highway 63B Interchange) on U.S. 63 in Jonesboro	5
1513.	Arkansas	Construct bypass at Ashdown	1.25
1514.	Arkansas	Development of U.S. 71 from Fort Chaffee to Texarkana	7
1515.	Arkansas	Development of Interchange at Intersection of I–40 and Airport Road in West Memphis	6
1516.	Arkansas	Improve U.S. Highway 412 From Harrison to Mountain Home	3.8875
1517.	Arkansas	Complete Courthouse Improvement Enhancements Project in Paris	0.1
1518.	Arkansas	Further study and development of Russellville Intermodal Complex in Russellville	0.25
1519.	Arkansas	Construct turning lanes at the Intersection of U.S. Highway 71 and Arkansas State Highway 8 in Mena	0.0625
1520.	Arkansas	Transportation Enhancements in the Vicinity of Dickson Street, Fayetteville	0.375
1521.	Arkansas	Improve Arkansas State Highway 12 From U.S. 71 at Rainbow Curve to the Northwest Arkansas Regional Airport	0.125
1522.	Arkansas	Construct intermodal connector access road to the Northwest Arkansas Regional Airport	4
1523.	Arkansas	Continue development of West Phoenix Avenue, Ft. Smith	2
1524.	Arkansas	Improvements to 28th Street, Van Buren	0.25
1525.	Arkansas	Conduct feasibility studies for Van Buren Intermodal Port	0.075
1526.	Arkansas	Upgrade Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	0.65
1527.	Arkansas	Construct improvements to U.S. Highway 71 to I–40 through Fort Chaffee and Fort Smith	1.25
1528.	California	Construct I–80 reliever route system, Solano County	12.1
1529.	California	Replace Maxwell Bridge, Napa County	8.7
1530.	California	Construct March Inland Port ground access project, Riverside County	7.2

No.	State	Project description	(Dollars in millions)
1531.	California	Construct Santa Monica Transit Parkway	17
1532.	California	Construct State Route 905 between I–805 and Otay Mesa border crossing	38.5
1533.	California	Construct highway grade separation/other improvements for "Gateway for America" project in San Gabriel Valley	100
1534.	Colorado	State Priority Projects	23.401
1535.	Connecticut	Reconstruction of railroad electrical catenary serving commuter lines between New Haven and Stamford	23.433
1536.	Connecticut	Pedestrian/disabled access improvements at Mark Twain House Historic Site	0.5
1537.	Connecticut	Reconstruct and expand access road and related riverwalk improvements at/adjacent to Riverside Park, Hartford	2
1538.	Connecticut	Develop Winsted, Winchester, and Torrington rail trail, linkage to existing trails in neighboring towns	1.5
1539.	Connecticut	Develop Quinipiac River linear trail in Wallingford and Meriden	1.5
1540.	Connecticut	Extend Farmington Canal Rail Trail in Hamden and New Haven	1.5
1541.	Florida	State Priority Projects	92.096
1542.	Georgia	Upgrade Lithonia Industrial Boulevard, De Kalb County	0.35
1543.	Georgia	Widen U.S. 84 South from U.S. 82 to Ware County in Waycross and Ware Counties	1.6
1544.	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	2
1545.	Georgia	Construct Athens to Atlanta transportation corridor	8
1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450
1547.	Georgia	Conduct study of multimodal transportation corridor along GA 400 and construct improvements to said cooridor	25
1548.	Georgia	Construct Savannah River Parkway in Bulloch, Jenkins Screven, and Effingham Counties	5
1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6
1550.	Georgia	Undertake major arterial enhancement in De Kalb County: Candler Road, Memorial Drive, and Buford Highway	6.66
1551.	Georgia	Construct Harry S. Truman Parkway	3.55
1552.	Georgia	Construct multimodal passenger terminal, Atlanta	8.1
1553.	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	4.112
1554.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Counties	9.5
1555.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Counties	23
1556.	Iowa	Design, right-of-way and construction of a bridge over railroad tracks on airport access road in Sioux City	1.5

No.	State	Project description	(Dollars in millions)
1557.	Iowa	Construction of a 4-lane expressway between DesMoines and Marshalltown	2.75
1558.	Iowa	Design, right-of-way and construction of the Avenue G viaduct and related roadway in Council Bluffs	7
1559.	Iowa	Design and construction of native roadside vegetation enhancement center at U.N.I. in Cedar Falls	0.76
1560.	Iowa	Construct the D116 Dubuque Bridge over the MI River at Dubuque	7
1561.	Iowa	Design, right-of-way and construction of segments of Martin Luther King Jr. Parkway in Des Moines from Center Street to Fleur Drive	12
1562.	Idaho	Reconstruct 184/I–84 interchange (mileposts 0.0–0.6)	19
1563.	Idaho	Rehabilitate U.S. 20 Ashton/Ashton Hill Bridge and Intersection Project (mileposts 363.3–363.5)	3.75
1564.	Idaho	Construct Cheyenne Street Railroad Overpass, Pocatello	5.5
1565.	Idaho	Stage 1, U.S. 93 Twin Falls Alternate Route from junction of U.S. 93/Highway 30 north (mileposts 45–48)	13
1566.	Idaho	Safety improvements on U.S. 95 from Genesee to Moscow (mileposts 331–345)	16
1567.	Idaho	Safety improvements/bridge replacement on U.S. 95 at Mann's Creek Curves (mileposts 91.2–94.8)	7
1568.	Idaho	Alignment/bridge replacement State Highway 55 between Smith's Ferry and Round Valley (mileposts 94.9–101.0)	18
1569.	Illinois	Improve Campus Transportation System, Chicago	2
1570.	Illinois	Construct U.S. 67 in Madison and Jersey Counties	6.798
1571.	Illinois	Construct confluence bikeway in Madison County	1
1572.	Illinois	Extend Veterans Memorial Drive and construct overpass at I–57 in Mt. Vernon	3
1573.	Illinois	Construct 34 from Burlington, Iowa to Monmouth	5
1574.	Illinois	Reconstruct Wacker Drive in Chicago	25
1575.	Illinois	Reconstruct Stevenson Expressway, Chicago	25
1576.	Indiana	State Priority Projects	47.046
1577.	Kansas	State Priority Projects	23.488
1578.	Kentucky	Widen U.S. 27 from Norwood to Eubank	5.83
1579.	Kentucky	Reconstruct KY 210 from Hodgenville to Morning Star Road in LaRue County	2
1580.	Kentucky	Conduct feasibility study for No. KY high-priority corridor (I–74)	0.125
1581.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bridge in Covington	2.3

No.	State	Project description	(Dollars in millions)
1582.	Kentucky	Construction on U.S. 127: Albany Bypass to KY 90, Albany Bypass from KY 696 to Clinton County H.S., and from KY 696 to TN State line	2.81
1583.	Kentucky	Construct highway rail grade separations along the City Lead in Paducah	0.25
1584.	Kentucky	Reconstruction of the Louisville Trolley Barn	1.5
1585.	Kentucky	Completion of the Ownsboro Corridor and related State Highway projects	15.817
1586.	Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Rd	4
1587.	Louisiana	Causeway Project	0.5
1588.	Louisiana	I–10 Connector, Port of South Louisiana	0.28
1589.	Louisiana	Florida Expressway Construction, Street Bernard/Orleans Parishes	0.05
1590.	Louisiana	Kerner Bridge, Jefferson Parish	0.25
1591.	Louisiana	Construction, LA 1	2.3
1592.	Louisiana	Leeville Bridge, LA 1	2
1593.	Louisiana	Louisiana segment, Gulf Coast high speed rail	1
1594.	Louisiana	Perkins Road, Baton Rouge	1.5
1595.	Louisiana	East West Corridor/El Camino Real, LA 6 to U.S. 84, Central-Northwest LA	1
1596.	Louisiana	Nelson Access Road to Port of Lake Charles	4.5
1597.	Louisiana	Tchopitoulas Corridor, New Orleans	4.5
1598.	Louisiana	Route 3132 to Caddo-Bossier Port, Shreveport	4.5
1599.	Louisiana	Kansas Lane, Monroe	4.5
1600.	Louisiana	New Orleans CBD to New Orleans International Airport, commuter rail	5
1601.	Massachusetts	State Priority Projects	37.365
1602.	Maryland	Improve highway signage for C&O Canal NHP in Frederick, Washington, and Allegany Counties	0.091
1603.	Maryland	Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville	1.25
1604.	Maryland	Upgrade U.S. 113 north of U.S. 50 to Jarvis Road in Worcester County	7
1605.	Maryland	Upgrade MD 32 in the vicinity of NSA Anne Arundel County	6.75
1606.	Maryland	Construct Phase 1–A of the I–70/I–270/U.S. 340 interchange in Frederick County	15
1607.	Maine	Upgrade Route 11	0.15
1608.	Maine	Construct I–95/Stillwater Avenue interchange	0.15
1609.	Maine	Reconstruction of the Mack Point Cargo Port	1.45
1610.	Maine	Improve Route 23	0.125
1611.	Maine	Improve Route 26	0.375
1612.	Maine	Replace Ridlonville Bridge, Rumford	0.875
1613.	Maine	Studies, planning for extension of I–95	2
1614.	Maine	Construct I–295 connector, Portland	1

No.	State	Project description	(Dollars in millions)
1615.	Maine	Replace Singing Bridge across Taunton Bay	1.375
1616.	Maine	Construct new bridge over Kennebec River (Carlton Bridge replacement)	2
1617.	Maine	Studies, planning, reconstruction of East-West Highway	1
1618.	Michigan	State Priority Projects	25.447
1619.	Michigan	State Priority Projects	31.438
1620.	Michigan	Reconstruct and rehabilitate, including rail and interstate access improvements for the Detroit Waterfront Dock, Detroit	6
1621.	Minnesota	Reconstruct S.E. Main Avenue/I–94 Interchange, Moorhead	1
1622.	Minnesota	Construct T.H. 212 Construction between I–494 and Carver County Road 147	1
1623.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I–94 in Maple Grove	2
1624.	Minnesota	Construct Mankato South Route in Mankato	1
1625.	Minnesota	Reconstruct SE Main Avenue/I–94 Interchange, Moorhead	2
1626.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	2
1627.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Cities	1
1628.	Minnesota	Construct Shepard Road/Upper Landing Interceptor, St. Paul	1
1629.	Minnesota	Construct Mankato South Route, Mankato	1
1630.	Minnesota	Reconstruct and Replace I–494 Wakota Bridge from South St. Paul to Newport and approaches	3.529
1631.	Minnesota	Reconstruct/replace I–494 Wakota Bridge from South St. Paul to Newport, and approaches	1
1632.	Minnesota	Construct Phalen Boulevard between I–35 and I–94	2.5
1633.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I–94 in Maple Grove	9.029
1634.	Minnesota	Design and Construct Access to I–35W at Lake St., Minneapolis	2
1635.	Missouri	Develop bike/pedestrian paths for Town of Kansas and Riverfront Park in Kansas City	0.341
1636.	Missouri	Construct Cuivre River Bridge at Lincoln County	3
1637.	Missouri	Construct Route 13 MO River Bridge at Lexington	3
1638.	Missouri	Construct Highway 47 MO River Bridge at Washington	3
1639.	Missouri	Construct Route 5 Bridge at the Lake of the Ozarks	3
1640.	Missouri	Upgrade I–70 in Missouri	10
1641.	Missouri	Construct Chouteau Bridge at Kansas City	6

No.	State	Project description	(Dollars in millions)
1642.	Missouri	Construct Mississippi River Bridge at Hannibal	6
1643.	Missouri	Construct Bill Emerson Memorial Bridge	8
1644.	Missouri	Construct Missouri River Bridge at Hermann	5
1645.	Mississippi	Replace functionally obsolete drawbridge with new crossing, High Rise Bridge, at Pascagoula	38
1646.	Montana	Conduct environmental review, planning, design, and construction of the Beartooth Highway in Wyoming and Montana	19.905
1647.	North Carolina	Construct Raleigh Outer Loop (segment D) between NC 50 and SR 2000	8.44
1648.	North Carolina	Construct additional lanes on I–77 between I–85 and NC 73	48
1649.	North Dakota	State Priority Projects	13.138
1650.	Nebraska	Improve Nebraska Highways 8 and 15 in Fairbury	3
1651.	Nebraska	Construct Riverfront Trails and Bridges Along Missouri River from Dodge Park through Omaha to Bellevue	4.786
1652.	New Hampshire	Widen I–93 from Salem to Manchester	1.175
1653.	New Hampshire	Construct Manchester Airport Access Road, Manchester	1
1654.	New Hampshire	Conway bypass/Route 16 mitigation, Conway	0.5
1655.	New Hampshire	Improve Bridge Street bridge, Plymouth	1
1656.	New Hampshire	Advance completion of Route 101 project from Raymond to Hampton	2
1657.	New Hampshire	Rehabilitate/reconstruct Bath-Haverhill Bridge, Bath and Haverhill	0.65
1658.	New Hampshire	Construct Manchester Access Road, Manchester	3.175
1659.	New Hampshire	Construct Orford Bridge, Orford	0.85
1660.	New Jersey	Construct bicycle trails and riverside improvements, West Deptford	0.7
1661.	New Jersey	Construct Delaware River tram to link destinations on both sides of Delaware River	8
1662.	New Jersey	Construct new ramp between NJ 42 and south section of I–295	14
1663.	New Jersey	Construct roadway network through the Bergen Arches railroad right-of-way, Hudson County	27.5
1664.	New Jersey	Relocate/construct Cooper Hospital Medical Center helipad, Camden	1.5
1665.	Nevada	Canamex Corridor Innovative Urban Renovation Project in Henderson	1.531
1666.	Nevada	Widen U.S. 50 between Fallon and Fernley	1
1667.	Nevada	I–580/U.S. 395 Freeway Extension to Carson City	5
1668.	Nevada	Reconstruction of I–15 Interchange at Sahara Avenue and Rancho Road in North Las Vegas	5

No.	State	Project description	(Dollars in millions)
1669.	Nevada	Widening of Craig Road in North Las Vegas	2
1670.	Nevada	Widen I–15 in San Bernadino County, CA	6
1671.	New York	Reconstruct Springfield Boulevard between the LIRR Main Line South to Rockaway Boulevard in Queens County	1
1672.	New York	Replace Kennedy-class ferries in Staten Island	2
1673.	New York	Construct Fordham University Regional Transportation Facility, Bronx	4
1674.	New York	Construct Hamilton Street interchange between Route 17 and Route 15 in Erwin	4.4
1675.	New York	Construct intermodal project at Castle Clinton and Battery Park, New York City	6
1676.	New York	Relocate toll barrier in Williamsville	6.1
1677.	New York	Construct Route 219 from Springville to Salamanica (Route 13 to Route 17)	20
1678.	New York	Design/construct upgraded interchange between I–84 and I–87 near Stuart International Airport, Newburg	20
1679.	New York	Renovate/reconstruct James A. Farley Post Office, New York City, as new Amtrak station	40
1680.	New York	Renovate Hellgate Bridge, New York City	15
1681.	Ohio	Upgrade intersection of U.S. 20 and SR 420, Woodville	5
1682.	Ohio	Improve intersection at SR 327 and U.S. 32, Wellston	3
1683.	Ohio	Upgrade U.S. 20 in Painesville, Perry, and Madison	3
1684.	Ohio	Upgrade U.S. 30 and Hill-Diley Road, Lancaster	4
1685.	Ohio	Upgrade Caves Road, Geauga County	2
1686.	Ohio	Upgrade SR 2 between Oregon and Camp Perry	5
1687.	Ohio	Construct intermodal transit center in Cincinnati	8
1688.	Ohio	High priority highway and bridge projects	34.325
1689.	Ohio	Upgrade intersection of U.S. 35 and Fairfield Road	4
1690.	Oklahoma	Reconstruct/widen I–40 Crosstown Bridge and Realignment, Oklahoma City	30.912
1691.	Oregon	Relocate Highway 126 through Redmond	4
1692.	Oregon	Widen U.S. 30 from two lanes to four lanes in Pendleton	7.8
1693.	Oregon	Restore funding for Broadway Bridge Project	2.5
1694.	Oregon	Restore funding for I–5/217 Kruse Way Project	1.75
1695.	Oregon	Restore funding for Astoria Hazard Recovery Railroad Slide	0.175
1696.	Oregon	Restore funding for South Rivergate Overcrossing Project	2
1697.	Oregon	Restore funding for Medford Highway 62/99 Project	4

No.	State	Project description	(Dollars in millions)
1698.	Oregon	Restore funding for I–205 Sunnybrooke Interchange Project	1.8
1699.	Pennsylvania	Reconstruction of I–79 from PA 285 to U.S. 6, Crawford County	1
1700.	Pennsylvania	Relocation of U.S. 15 from U.S. 522 to PA 147 in Snyder, Union, and Northumberland Counties	1
1701.	Pennsylvania	Reconstruct I–81/Davis Street Interchange, Lackawanna County	1
1702.	Pennsylvania	Construct American Parkway Bridge project, Allentown	1
1703.	Pennsylvania	Construct Williams-Lycoming County Airport access road from I–180 to the Airport	1
1704.	Pennsylvania	Rehabilitate Streets Run Road, Pittsburgh, for emergency access	0.5
1705.	Pennsylvania	Construct pedestrian bridge, Vine Street Expressway between 15th and 16th Streets	1
1706.	Pennsylvania	North Shore roadway and pedestrian improvements, Pittsburgh	2.505
1707.	Pennsylvania	Widening and reconstruction of U.S. 30, Lancaster County	2.5
1708.	Pennsylvania	Construction of Erie Bayside Connector, Erie County	2
1709.	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	1
1710.	Pennsylvania	Road construction in and around former Bethlehem Steel plant site, Bethlehem	3
1711.	Pennsylvania	Roadway and pedestrian improvements for North Shore Central Business District Corridor Transportation Project, Pittsburgh	2.5
1712.	Pennsylvania	Construction at Williamsport Airport, Lycoming County	2
1713.	Pennsylvania	Construct U.S. 322 Conchester Highway between U.S. 1 and SR 452	3
1714.	Pennsylvania	Construct I–95 access ramps at and around Philadelphia International Airport	5
1715.	Pennsylvania	Reconstruct SR 309 in Eastern Montgomery County	2
1716.	Pennsylvania	Lancaster County airport runway extension	1
1717.	Pennsylvania	Construct safety and capacity improvements to Route 309 and Old Packhouse Road, including widening of Old Packhouse Road between KidsPeace National Hospital and Route 309, Lehigh County	1
1718.	Pennsylvania	Construct grade separated interchange on Old Route 60 at Pittsburgh Airport, Allegheny County	1
1719.	Pennsylvania	Improvements to SR 412 from I–78 to Bethlehem Steel site and road improvements for rail intermodal facility, Bethlehem	2

No.	State	Project description	(Dollars in millions)
1720.	Pennsylvania	Construct new interchange at Settler's Cabin, Allegheny County	1
1721.	Pennsylvania	Improve access and interchange from I–95 to International terminal at Philadelphia International Airport	5
1722.	Pennsylvania	Relocate Route 15 at Selinsgrove and Shamokin Dam, Snyder County	1
1723.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base	2
1724.	Pennsylvania	Reconstruct I–80, Mercer and Venango Counties	1
1725.	Pennsylvania	Construct Erie Eastside Connector	3
1726.	Pennsylvania	Reconstruct main line I–79	1
1727.	Pennsylvania	Upgrade U.S. 219 between Meyersdale and Somerset	5
1728.	Pennsylvania	Relocate Route 222 in/around Trexlertown, Lehigh County	3
1729.	Pennsylvania	Widen Broad Street and related improvements, Hazelton	2
1730.	Pennsylvania	Construct Cranberry Connector, I–79/Route 19/PA Turnpike, Butler County	2
1731.	Pennsylvania	Construct Warren Street Extension, Reading	3
1732.	Pennsylvania	Construct new lane on Route 15, Tioga County	5
1733.	Pennsylvania	Construct Mon Fayette Expressway between WV and Fairchance	5
1734.	Pennsylvania	Reconstruct Ft. Pitt Bridge and Tunnel, Pittsburgh	19
1735.	Pennsylvania	Construct new interchange at I–95 and PA Turnpike and related improvements	5
1736.	Rhode Island	Construct Blackstone River bikeway	8.843
1737.	Rhode Island	Construct Woonasquatucket bikeway	3.1
1738.	South Carolina	Replace Cooper River Bridges, Charleston	19.311
1739.	South Dakota	Construct Eastern Dakota Expressway between Aberdeen at I–29	12.832
1740.	South Dakota	Preserve Skyline Drive Scenic Ridgetop in Rapid City	0.5
1741.	South Dakota	Construct new interchange and access road on Interstate 90 at Box Elder	1
1742.	Tennessee	Reconstruction of Old Walland Highway Bridge over Little River, Townsend	0.42
1743.	Tennessee	Construct pedestrian and bicycle pathway to connect with Mississippi River Trail and restore historic cobblestones on the Riverfront, Memphis	0.7
1744.	Tennessee	High priority highway and bridge projects	44.048
1745.	Utah	Construct Phase 2 of the University Avenue Interchange, Provo	1.5
1746.	Utah	Engineer/reconstruct at Brown's Park Road, Daggett County	0.85
1747.	Utah	Construct Cache Valley Highway in Logan	1
1748.	Utah	Gateway Redevelopment Area road reconstruction, Salt Lake City	1
1749.	Utah	Widen/improve 123rd/126th South from 700 East to Jordan River, Draper	0.5
1750.	Utah	Construct Cache Valley Highway in Logan	2

No.	State	Project description	(Dollars in millions)
1751.	Utah	Widen/improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	0.5
1752.	Utah	Construct underpass at 100 South, in Sandy	1
1753.	Utah	Extend Main Street from 5600 South to Vine Street, Murray	2
1754.	Utah	Construct Phase 2 of the University Avenue Interchange, Provo	1
1755.	Utah	Widen 7200 West, Midvale	0.35
1756.	Utah	Construct I–15 interchange at Atkinville	2
1757.	Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley County	1
1758.	Virginia	Construct Southeastern Parkway and Greenbelt, Virginia Beach	4
1759.	Virginia	Construct Route 288, Richmond	2
1760.	Virginia	Planning/design for Coalfields Expressway, Buchanan, Dickinson, and Wise Counties	5
1761.	Virginia	Complete new section of Fairfax County Parkway, Fairfax County	2
1762.	Virginia	Reconstruct SR 168 (Battlefield Boulevard), Chesapeake	3
1763.	Virginia	Phase 1 Downtown Staunton Streetscape Plan	0.2
1764.	Virginia	Commuter/freight rail congestion/mitigation project over Quantico Creek	2
1765.	Virginia	Conduct preliminary engineering on I–73 between Roanoke and VA/NC State line	1
1766.	Virginia	Construct I–95/State Route 627 interchange, Stafford County	1
1767.	Virginia	Improve Lee Highway Corridor in Fairfax	1
1768.	Virginia	Construct Third Bridge/Tunnel Crossing of Hampton Rd	3
1769.	Virginia	Widen I–64 Bland Boulevard interchange	3
1770.	Virginia	Operate and conduct research on the "Smart Road" in Blacksburg	6.025
1771.	Virginia	Reconstruct I–66/Route 29 interchange, Gainesville	15
1772.	Vermont	Upgrade and Improve Publicly-Owned Vermont Rail Infrastructure from Bennington to Burlington	9.168
1773.	Washington	Hood River Bridge SR 35	0.192
1774.	Washington	Port of Kalama River Bridge	0.169
1775.	Washington	Huntington Avenue South Castle Rock	0.138
1776.	Washington	Port of Longview Industrial Rail Corridor	0.477
1777.	Washington	I–5 interchange, Lewis County	1.27
1778.	Washington	Safety Improvements to SR 14 Columbia Gorge	0.775
1779.	Washington	Construct 192nd Street from SR 14 to SE 15th, Vancouver	0.962
1780.	Washington	Widen U.S. 395 north of Spokane	1.9
1781.	Washington	Columbia Center Boulevard, Kennewick	0.309
1782.	Washington	Construct Washington Pass Visitors Center	0.231

No.	State	Project description	(Dollars in millions)
1783.	Washington	Improve Hillsboro Street/Highway 395 intersection, Pasco	0.682
1784.	Washington	Reconstruct I–82/Keys Road Intersection, Yakima	1.663
1785.	Washington	Construct Sequim/Dungeness Valley Trail Project	0.192
1786.	Washington	Widen SR 99 between 148th Street and King County Line, Lynnwood	0.577
1787.	Washington	Improve I–5/196th Street Interchange, Lynnwood	0.866
1788.	Washington	Construct SR 305 corridor improvement, Poulsboro	0.673
1789.	Washington	Edmonds Crossing multi-modal transportation project	0.962
1790.	Washington	Construct Cross Base Corridor Ft. Lewis/McChord AFB	0.115
1791.	Washington	Reconstruct I–5 Interchange, City of Lacey	0.288
1792.	Washington	Construct SR 167 Corridor	0.288
1793.	Washington	Southworth Seattle Ferry	0.962
1794.	Washington	Undertake SR 166 slide repair	1.25
1795.	Washington	Construct SR 7 Elbe rest area and interpretive facility	0.15
1796.	Washington	Extend Mill Plain Boulevard, Vancouver	1
1797.	Washington	Construct I–405/NE 8th Street Interchange, Bellevue	5.875
1798.	Washington	Improve I–90/Sunset Way Interchange, Issaquah	4.95
1799.	Washington	Clinton Ferry Terminal	1.2
1800.	Washington	8th Street, East Pierce County	0.25
1801.	Washington	Shaw Road/Puyallup extension	0.375
1802.	Washington	180th, Tukwila	0.5
1803.	Washington	South 277th, Auburn (UP)	0.5
1804.	Washington	South 277th, Auburn (BNSF)	0.5
1805.	Washington	Construct Southwest Third Street	0.75
1806.	Washington	Construct Port of Tacoma Road	1.125
1807.	Washington	Construct North Duwamish Intermodal Project	4
1808.	West Virginia	Construct Coalfields Expressway	22.69
1809.	Wyoming	State Priority Projects	13.934
1810.	New Mexico	Northwest Albuquerque/Rio Rancho high priority roads	20
1811.	Massachusetts	Reconstruct Huntington Avenue	1
1812.	Texas	Relocate railroad Bryan/College Station at Texas A&M or any other high priority project	10
1813.	Texas	High priority highway and bridge projects	133.863
1814.	Arizona	High priority highway and bridge projects	31.076
1815.	Delaware	Highway and bridge projects that Delaware provides for by law	8.868
1816.	Hawaii	High priority highway and bridge projects	10.379
1817.	Wisconsin	High priority highway and bridge projects	39.926
1818.	Arkansas	High priority highway and bridge projects	15
1819.	Maine	High priority highway and bridge projects	10
1820.	Texas	Relocate railroad line in Bryan and College Station, Texas A&M University	15
1821.	Virginia	High priority highway and bridge projects	5

No.	State	Project description	(Dollars in millions)
1822.	New Hampshire	High priority highway and bridge projects	5
1823.	Idaho	High priority highway and bridge projects	5
1824.	Arkansas	Conduct seismic design and deployment projects	5
1825.	Missouri	High priority highway and bridge projects	10
1826.	Wyoming	High priority highway and bridge projects	5
1827.	Rhode Island	Construct pedestrian and bicycle facilities	5
1828.	Oklahoma	High priority highway and bridge projects	5
1829.	Colorado	High priority highway and bridge projects	5
1830.	Alabama	Develop Huntsville Southern Bypass	1
1831.	Alabama	Replace bridge over Tombigbee River, Naheola	1
1832.	Alabama	Construct Anniston Eastern Bypass	1
1833.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59	0.75
1834.	Alabama	Construct Decatur Southern Bypass	1
1835.	Alabama	Construct Montgomery Outer Loop from U.S. 80 to I–85 via I–65	1
1836.	Alabama	Develop Birmingham Northern Beltline	1.45
1837.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1838.	Alabama	Create National University Transportation Center at the University of Alabama	1.8
1839.	Alabama	University of Alabama at Birmingham-Trauma Care Center	2.25
1840.	Alabama	Conduct advance vehicle transportation research program at the University of Alabama at Tuscaloosa	2
1841.	Alabama	Conduct asphalt research program at Auburn University	0.5
1842.	Alabama	Conduct Global Climate Research Program at the University of Alabama at Huntsville	0.25
1843.	California	Conduct Golden Gate Seismic Retrofit Project	26
1844.	Oregon	Repair and preserve high priority highways	30
1845.	South Dakota	Construct Eastern Dakota Expressway from Aberdeen to I–29	23.768
1846.	Massachusetts	High priority highway and bridges	25
1847.	Pennsylvania	Reconstruct and improve I–95 in Delaware, Philadelphia and Bucks Counties	50
1848.	Pennsylvania	Reconstruct and improve U.S. 22 in Westmoreland and Indiana Counties	50
1849.	South Carolina	Replace Cooper River Bridges, Charleston	20
1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5

SEC. 1603. SPECIAL RULE.

For purposes of calculating the minimum guarantee apportionment under section 105 of title 23, United States Code, the Secretary shall not include projects numbered 1818 through 1849 in section 1602.

TITLE II—HIGHWAY SAFETY

SEC. 2001. HIGHWAY SAFETY PROGRAMS.

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

(1) in the fourth sentence by striking "(4) to" and inserting "(4) to prevent accidents and";

(2) in the eighth sentence by striking "include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and"; and

(3) in the twelfth sentence by inserting "enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety," before "and emergency services".

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) of such title is amended—

(1) by striking "(b)(1)" and all that follows through paragraph (2) and inserting the following:

"(b) ADMINISTRATION OF STATE PROGRAMS.—";

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

(3) in paragraph (1)(C) (as so redesignated) by striking "paragraph (5)" and inserting "paragraph (3)"; and

(4) in paragraph (2) (as so redesignated) by striking "paragraph (3)(C)" and inserting "paragraph (1)(C)".

(c) APPORTIONMENT OF FUNDS.—The sixth sentence of section 402(c) of such title is amended by inserting "the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and" after "except that".

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of such title is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) USE OF TERMS.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe.

"(2) EXPENDITURES FOR LOCAL HIGHWAY PROGRAMS.—Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

"(3) ACCESS FOR INDIVIDUALS WITH DISABILITIES.—The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(4) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCEEDING.—Section 402(j) of such title is amended to read as follows:

"(j) RULEMAKING PROCEEDING.—The Secretary may periodically conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

(f) HIGHWAY SAFETY EDUCATION AND INFORMATION.—

(1) IN GENERAL.—For fiscal years 1999 and 2000, the Secretary shall allow any State to use funds apportioned to the State under section 402 of title 23, United States Code, to purchase television and radio time for highway safety public service messages.

(2) REPORTS BY STATES.—Any State that uses funds described in paragraph (1) for purchasing television and radio time for highway safety public service messages shall submit to the Secretary a report describing, and assessing the effectiveness of, the messages.

(3) STUDY.—Based on information contained in the reports submitted under paragraph (2), the Secretary shall prepare and transmit to Congress a report on the effectiveness of purchasing television and radio time for highway safety public service messages using funds described in paragraph (1).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) AUTHORITY OF THE SECRETARY.—Section 403(a)(2)(A) of title 23, United States Code, is amended by inserting ", including training in work zone safety management" after "personnel".

(b) DRUGS AND DRIVER BEHAVIOR.—

(1) IN GENERAL.—Section 403(b) of such title is amended by adding at the end the following:

"(3) Measures that may deter drugged driving.

"(4) Programs to train law enforcement officers on motor vehicle pursuits conducted by the officers.".

(2) REPORTS OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(A) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(B) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in subparagraph (A).

SEC. 2003. OCCUPANT PROTECTION.

(a) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by inserting after section 404 the following:

"§ 405. Occupant protection incentive grants

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

"(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

"(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

"(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

"(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

"(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

"(b) GRANT ELIGIBILITY.—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

"(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

"(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of the safety belt use law of the State.

"(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

"(A) for a violation of the safety belt use law of the State; and

"(B) for a violation of the child passenger protection law of the State.

"(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

"(5) CHILD PASSENGER PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

"(6) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

"(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

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

"(1) CHILD SAFETY SEAT.—The term 'child safety seat' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(3) MULTIPURPOSE PASSENGER VEHICLE.—The term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

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

(2) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 404 the following:

"405. Occupant protection incentive grants.".

(b) CHILD PASSENGER PROTECTION EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

(A) the child passenger protection program of the State; and

(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

(A) are designed to prevent deaths and injuries to children;

(B) educate the public concerning—

(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

(ii) appropriate child restraint design, selection, and placement; and

(iii) harness threading and harness adjustment on child restraints; and

(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(3) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2000 and 2001.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§ 410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

"(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

"(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

"(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

"(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

"(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

"(b) BASIC GRANT ELIGIBILITY.—

"(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

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

"(i) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is de-

termined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

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

"(B) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include the issuance of drivers' licenses to
individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older and the issuance of drivers' licenses that are tamper resistant.

"(C) ENFORCEMENT PROGRAM.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

"(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

"(D) GRADUATED LICENSING SYSTEM.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

"(E) DRIVERS WITH HIGH BAC.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assess-

ment of individuals convicted of driving under the influence of alcohol.

"(F) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessments of first-time offenders; and incorporation of treatment into judicial sentencing.

"(G) TESTING FOR BAC.—An effective system for increasing the rate of testing of the blood alcohol concentrations of motor vehicle drivers involved in fatal accidents and, in fiscal year 2001 and each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

"(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(c) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make supplemental grants to the State for meeting 1 or more of the following criteria:

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

"(B) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(C) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with

a suspended license. Such law, as determined by the Secretary, may require a 'zebra' stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

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

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

"(F) OTHER PROGRAMS.—The State provides for other innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances, including programs that seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

"(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (b) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section in a fiscal year, not to exceed 10 percent shall be available for making grants under this subsection.

"(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

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

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given such term in section 158(c).

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term in section 405.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 2005. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is further amended by adding at the end the following:

"§ 411. State highway safety data improvements

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs—

"(A) to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

"(B) to evaluate the effectiveness of efforts to make such improvements;

"(C) to link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

"(D) to improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Such grants may be used by recipient States only to implement such programs.

"(2) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall demonstrate how the multiyear highway safety data and traffic records plan of the State described in subsection (b)(1) will be incorporated into data systems of the State.

"(3) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

"(4) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

"(5) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

"(A) in the first and second fiscal years in which the State receives a grant under this section, 75 percent;

"(B) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

"(C) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

"(b) FIRST-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall become eligible for a first-year grant under this subsection in a fiscal year if the State either—

"(A) demonstrates, to the satisfaction of the Secretary, that the State has—

"(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

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

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan that—

"(I) identifies and prioritizes the highway safety data and traffic records needs and goals of the State;

"(II) identifies performance-based measures by which progress toward those goals will be determined; and

"(III) will be submitted to the highway safety data and traffic records coordinating committee of the State for approval; or

"(B) provides, to the satisfaction of the Secretary—

"(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear highway safety data and traffic records strategic plan that—

"(I) meets the requirements of subparagraph (A)(iii); and

"(II) specifies how the incentive funds of the State for the fiscal year will be used to address needs and goals identified in the plan; and

"(iii) a certification that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan described in clause (ii).

"(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

"(A) if the State is eligible for the grant under paragraph (1)(A), $125,000; and

"(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

"(i) the amount appropriated to carry out this section for such fiscal year; by

"(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under paragraph (1)(B) shall receive less than $250,000.

"(3) STATES NOT MEETING CRITERIA.—The Secretary may award a grant of up to $25,000 for 1 year to any State that

does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable the State to qualify for a first-year grant in the next fiscal year.

"(c) SUCCEEDING YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear highway safety data and traffic records strategic plan that meets the requirements of subsection (b)(1);

"(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

"(C) reports annually on the progress of the State in implementing the multiyear plan.

"(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under this paragraph shall receive less than $225,000.

"(c) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(d) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.".

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

"411. State highway safety data improvements.".

SEC. 2006. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests

of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

"(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

"(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—

(1) CONFORMING AMENDMENTS.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: ", unless the information is about a revocation or suspension still in effect on the date of the request";

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking "paragraph (2)" and inserting "subsection (a) of this section"; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) FEDERAL AGENCY ACCESS PROVISION.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

(B) by inserting after paragraph (5) the following:

"(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause;

whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b)."; and

(C) by adding at the end the following:

"(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.".

(c) EVALUATION AND ASSESSMENT OF ALTERNATIVES.—

(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) $250,000 in the aggregate for fiscal years beginning after September 30, 1998.

SEC. 2007. SAFETY STUDIES.

(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

(c) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of each study conducted under this section.

(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000 from funds made available by section 403 of title 23, United States Code, for conducting each study under this section.

SEC. 2008. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section.

SEC. 2009. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $149,700,000 for fiscal year 1998, $150,000,000 for fiscal year 1999, $152,800,000 for fiscal year 2000, $155,000,000 for fiscal year 2001, $160,000,000 for fiscal year 2002, and $165,000,000 for fiscal year 2003.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code, $72,000,000 for each of fiscal years 1998 through 2003.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $10,000,000 for each of fiscal years 1999 and 2000, $13,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $34,500,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $36,000,000 for each of fiscal years 2000 and 2001, $38,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

(5) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of title 23, United States Code, $5,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002.

(6) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1998 through 2003.

(b) ALLOCATIONS.—

(1) DRUGS AND DRIVER BEHAVIOR.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary may use—

(A) not to exceed $2,000,000 per fiscal year to carry out paragraphs (1) through (3) of section 403(b) of title 23, United States Code; and

(B) not to exceed $1,000,000 per fiscal year to carry out paragraph (4) of such section.

(2) PUBLIC EDUCATION EFFORT.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary shall obligate at least $500,000 per fiscal year to educate the motoring public on how to share the road safely with commercial motor vehicles.

(c) APPLICABILITY OF TITLE 23.—Amounts made available under subsection (a)(2) for each of fiscal years 1999 through 2003 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (4), or (5) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 410, and 411 of title 23, United States Code.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Federal Transit Act of 1998".

SEC. 3002. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3003. DEFINITIONS.

(a) IN GENERAL.—Section 5302 is amended to read as follows:

"§ 5302. Definitions

"(a) IN GENERAL.—In this chapter, the following definitions apply:

"(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

"(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating a bus;

"(C) remanufacturing a bus;

"(D) overhauling rail rolling stock;

"(E) preventive maintenance;

"(F) leasing equipment or a facility for use in mass transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

"(G) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project, or establishes new or enhanced coordination between mass transportation and other transportation, and provides a fair share of revenue for mass transportation that will be used for mass transportation—

"(i) including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance and related intelligent transportation system applications), facilities that incorporate community services such as daycare and health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

"(ii) excluding construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation;

"(H) the introduction of new technology, through innovative and improved products, into mass transportation; or

"(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311.

"(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

"(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b); and

"(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest;

"(ii) would frustrate substantially legislative policy and intent; or

"(iii) would damage seriously a person or class without serving an important public interest.

"(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

"(A) using and occupying a separate right-of-way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

"(B) using a fixed catenary system and a right-of-way usable by other forms of transportation.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

"(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least 1 State or political subdivision of a State;

"(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of a State.

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

"(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

"(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in mass transportation in the United States before the date of production of the model; or

"(B) used in mass transportation in the United States, but being produced with a major change in configuration or components.

"(10) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(11) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

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

"(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(14) TRANSIT.—The term 'transit' means mass transportation.

"(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means, with respect to any project or an area to be served by a project, projects that are designed to enhance mass transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

"(A) historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities);

"(B) bus shelters;

"(C) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights;

"(D) public art;

"(E) pedestrian access and walkways;

"(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles;

"(G) transit connections to parks within the recipient's transit service area;

"(H) signage; and

"(I) enhanced access for persons with disabilities to mass transportation.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

"(17) URBANIZED AREA.—The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary may by regulation modify the definition of the term 'handicapped individual' in subsection (a)(5) as it applies to section 5307(d)(1)(D).".

(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking "daycare and" and inserting "daycare or".

SEC. 3004. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS; SCOPE OF PLANNING PROCESS.—Section 5303 is amended by striking subsections (a) and (b) and inserting the following:

"(a) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c), in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

"(2) CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

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

"(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

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

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

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

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

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

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(b) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—Section 5303(c) is amended—

(1) in paragraph (1)(A)—

(A) by striking "general local government representing" and inserting "general purpose local government that together represent"; and

(B) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census)";

(2) in paragraph (2)—

(A) by striking "In a metropolitan area" and all that follows through "shall include" and inserting "Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of"; and

(B) by striking "officials of authorities" and inserting "officials of public agencies";

(3) in paragraph (3) by striking "in an urbanized area" and all that follows through "of the urbanized area" and inserting "within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine that the size and complexity of the existing metropolitan planning area";

(4) in paragraph (4)(A) by striking "(3)" and inserting "(5)"; and

(5) in paragraph (5)—

(A) by striking "general local government representing" and inserting "general purpose local government that together represent"; and

(B) in subparagraph (B) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census)"; and

(C) by adding at the end the following:

"(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.".

(c) METROPOLITAN AREA BOUNDARIES.—Section 5303(d) is amended—

(1) in the subsection heading by inserting "PLANNING" before "AREA";

(2) in the first sentence—

(A) by striking "To carry out" and inserting the following:

"(1) IN GENERAL.—To carry out"; and

(B) by inserting "planning" before "area";

(3) by striking the second sentence and all that follows and inserting the following:

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the chief executive officer of the State and any

affected metropolitan planning organizations, in the manner described in subsection (c)(5).

"(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (c)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide."; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION.—Section 5303(e) is amended—

(1) in paragraph (2)—

(A) by inserting "or compact" after "agreement" the first place it appears"; and

(B) by striking "making the agreement effective" and inserting "making the agreements and compacts effective"; and

(2) by adding at the end the following:

"(4) The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

"(A) by recipients of assistance under this chapter; and

"(B) by governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Governmental assistance from a source other than the Department of Transportation to provide non-emergency transportation services.

"(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

"(6) LAKE TAHOE REGION.—

"(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

"(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

"(C) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

"(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.".

(e) DEVELOPING LONG-RANGE TRANSPORTATION PLANS.—Section 5303(f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "United States and regional transportation functions" and inserting "national, regional, and metropolitan transportation functions";

(B) in subparagraph (B) by striking clause (iii) and inserting the following:

"(iii) recommends any additional financing strategies for needed projects and programs;"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) identify transportation strategies necessary—

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

"(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and";

(2) in paragraph (2) by striking "as they are related to a 20-year forecast period" and inserting "and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process";

(3) in paragraph (4)—

(A) by inserting after "employees," the following: "freight shippers, providers of freight transportation services,"; and

(B) by inserting after "private providers of transportation," the following: "representatives of users of public transit,";

(4) in paragraph (5)(A) by inserting "published or otherwise" before "made readily available";

(5) in the subsection heading by striking "LONG-RANGE PLANS" and inserting "LONG-RANGE TRANSPORTATION PLANS"; and

(6) by striking "long-range plans" each place it appears and inserting "long-range transportation plans".

(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

(A) in subparagraph (C) by striking "and" at the end;

(B) in subparagraph (D) by striking the period at the end and inserting "; and";

(C) by adding at the end the following:

"(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation."; and

(2) by adding at the end the following:

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).".

SEC. 3005. METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

(a) DEVELOPMENT AND UPDATE.—The second sentence of section 5304(a) is amended—

(1) by striking "the organization" and inserting "the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,";

(2) by inserting after "employees," the following: "other affected employee representatives, freight shippers, providers of freight transportation services,"; and

(3) by inserting after "private providers of transportation," the following: "representatives of users of public transit,".

(b) CONTENTS.—Section 5304(b)(2) is amended by striking subparagraph (C) and inserting the following:

"(C) identifies innovative financing techniques to finance projects, programs, and strategies, which may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.".

(c) PROJECT SELECTION.—Section 5304(c) is amended—

(1) by striking paragraph (1) and inserting the following: "(1) Except as otherwise provided in section 5305(d)(1) and in addition to the transportation improvement program development required under subsection (b), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(A) by—

"(i) in the case of projects under title 23, the State; and

"(ii) in the case of projects under this chapter, the designated transit funding recipients; and

"(B) in cooperation with the metropolitan planning organization."; and

(2) by adding at the end the following:

"(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding subsection (b)(2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(C).

"(5) PUBLICATION.—(A) A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) An annual listing of projects for which Government funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organiza-

tion for public review. The listing shall be consistent with the categories identified in the transportation improvement program.

"(6) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.".

(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

(1) in subsection (a) (as amended by subsection (a) of this section)—

(A) by striking "In cooperation with" and inserting the following:

"(1) IN GENERAL.—In cooperation with"; and

(B) by adding at the end the following:

"(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.";

(2) in subsection (b)(2)—

(A) in subparagraph (B) by striking "and" at the end; and

(B) in subparagraph (C) (as added by subsection (b) of this section) by striking "strategies which may include" and inserting the following: "strategies; and

"(D) may include"; and

(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

"(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

"(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.".

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS.

(a) DESIGNATION.—Section 5305(a) is amended by striking paragraph (2) and inserting the following:

"(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.".

(b) TRANSPORTATION PLANS AND PROGRAMS.—Section 5305(b) is amended by inserting "affected" before "mass transportation operators".

(c) CONGESTION MANAGEMENT SYSTEM.—Section 5305(c) is amended by striking "The Secretary" and all that follows through the final period.

(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows: "(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.".

(e) CERTIFICATION.—Section 5305(e) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2)(A) If a metropolitan planning process is not certified, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23.

"(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary."; and

(2) by adding at the end the following:

"(4) In making certification determinations under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.".

(f) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 5305 is amended by adding at the end the following:

"(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 3007. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION 5307.—Section 5307 is amended by striking the section heading and inserting the following:

"§ 5307. Urbanized area formula grants".

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

"5307. Urbanized area formula grants.".

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking "In this section—" and inserting "In this section, the following definitions apply:";

(2) by inserting "ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term" after "(1)"; and

(3) by inserting "DESIGNATED RECIPIENT.—The term" after "(2)".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking ", improvement, and operating costs" and inserting "and improvement costs"; and

(B) by adding at the end the following: "The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.";

(2) in paragraph (2)(A)—

(A) by inserting ", in writing," after "approved"; and

(B) by striking "and" at the end;

(3) in paragraph (2)(B) by striking the period at the end and inserting "; and";

(4) in paragraph (2) by adding at the end the following:

"(C) the metropolitan planning organization in approving the use under subparagraph (A) determines that the local transit needs are being addressed.";

(5) by striking paragraphs (3) and (5); and

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

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking "the amount by which" and all that follows through the period at the end and inserting "the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.".

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: "To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.".

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

"(k) TRANSIT ENHANCEMENT ACTIVITIES.—

"(1) IN GENERAL.—One percent of the funds apportioned to urbanized areas with a population of at least 200,000 under section 5336 for a fiscal year shall be made available for transit enhancement activities in accordance with section 5302(a)(15).

"(2) PERIOD OF AVAILABILITY.—Funds apportioned under paragraph (1) shall be available for obligation for 3 years following the fiscal year in which the funds are apportioned. Funds that are not obligated at the end of such period shall be reapportioned under the urbanized area formula program of section 5336.

"(3) REPORT.—A recipient of funds apportioned under paragraph (1) shall submit, as part of the recipient's annual certifi-

cation to the Secretary, a report listing the projects carried out during the fiscal year with those funds.".

(g) CONFORMING AMENDMENTS.—Section 5307(n)(2) is amended by inserting "5319," after "5318,".

(h) TECHNICAL ADJUSTMENTS.—

(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: "The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.".

(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting "preceding" before "fiscal year".

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 is amended to read as follows:

"§ 5308. Clean fuels formula grant program

"(a) DEFINITIONS.—In this section—

"(1) the term 'clean fuel vehicle' means a vehicle that—

"(A) is powered by—

"(i) compressed natural gas;

"(ii) liquefied natural gas;

"(iii) biodiesel fuels;

"(iv) batteries;

"(v) alcohol-based fuels;

"(vi) hybrid electric;

"(vii) fuel cell;

"(viii) clean diesel, to the extent allowed under this section; or

"(ix) other low or zero emissions technology; and

"(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions;

"(2) the term 'designated recipient' has the same meaning as in section 5307(a)(2); and

"(3) the term 'eligible project'—

"(A) means a project for—

"(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

"(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment;

"(iii) improving existing mass transportation facilities to accommodate clean fuel buses;

"(iv) repowering pre-1993 engines with clean fuel technology that meets the current urban bus emission standards; or

"(v) retrofitting or rebuilding pre-1993 engines if before half life to rebuild; and

"(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or

zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

"(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

"(c) APPLICATION.—

"(1) IN GENERAL.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(2) CERTIFICATION REQUIRED.—An application submitted under paragraph (1) shall contain a certification by the applicant that the grantee will operate vehicles purchased with a grant under this section only with clean fuels.

"(d) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available to carry out this section to designated recipients submitting applications under subsection (c), of which—

"(A) two-thirds shall be apportioned to designated recipients with eligible projects in urban areas with a population of at least 1,000,000, of which—

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

"(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2); and

"(B) one-third shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000, of which—

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

"(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

"(ii) 1.1 if, at the time of the apportionment, the area is classified as—

"(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(iii) 1.2 if, at the time of the apportionment, the area is classified as—

"(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(iv) 1.3 if, at the time of the apportionment, the area is classified as—

"(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(v) 1.4 if, at the time of the apportionment, the area is classified as—

"(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.); or

"(vi) 1.5 if, at the time of the apportionment, the area is classified as—

"(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.).

"(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

"(3) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

"(i) for an eligible project in an area—

"(I) with a population of less than 1,000,000, $15,000,000; and

"(II) with a population of at least 1,000,000, $25,000,000; or

"(ii) 80 percent of the total cost of the eligible project.

"(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

"(e) ADDITIONAL REQUIREMENTS.—

"(1) LIMITATION ON USES.—Not less than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section shall be available for any eligible projects for which an application is received from a designated recipient, for—

"(A) the purchase or construction of hybrid electric or battery-powered buses; or

"(B) facilities specifically designed to service those buses.

"(2) CLEAN DIESEL BUSES.—Not more than $50,000,000 of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

"(3) BUS RETROFITTING AND REPLACEMENT.—Not more than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund retrofitting or replacement of the engines of buses that do not meet the clean air standards of the Environmental Protection Agency, as in effect on the date on which the application for such retrofitting or replacement is submitted under subsection (c)(1).

"(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5308 and inserting the following:

"5308. Clean fuels formula grant program.".

(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking "$50,000,000" and inserting "35 percent".

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS.

(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking "**Discretionary**" and inserting "**Capital investment**".

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for chapter 53 is amended by striking "Discretionary" and inserting "Capital investment".

(c) GENERAL AUTHORITY.—Section 5309(a)(1) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by striking subparagraph (E) and inserting the following:

"(E) capital projects to modernize existing fixed guideway systems;

"(F) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities;".

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is amended to read as follows:

"(c) [Reserved.]".

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

"(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

"(1) IN GENERAL.—The Secretary may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed, and recognize reductions in local infrastructure costs achieved through compact land use development;

"(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density and current transit ridership in the corridor;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors that the Secretary determines appropriate to carry out this chapter.

"(4) LOCAL FINANCIAL COMMITMENT.—

"(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing under subparagraph (A), the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Transit Act of 1998, the Secretary shall issue regulations on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment, as required under this subsection.

"(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as 'highly recommended', 'recommended', or not 'recommended', based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

"(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter

into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8) LIMITATIONS ON APPLICABILITY.—

"(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1998.".

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) is amended—

(1) in the subsection heading by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding";

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting before the first comma "or entering into a full funding grant agreement"; and

(C) by striking "issuance of the letter." and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project."; and

(4) in paragraph (4), by striking "50 percent" and all that follows through "obligated)" and inserting "an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems for fiscal years 2002 and 2003".

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

"(m) ALLOCATING AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338 for grants and loans under this section for each of fiscal years 1998 through 2003—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

"(C) 20 percent shall be available to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

"(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(3) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available under paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

"(4) FUNDING FOR CLEAN FUELS.—Of the amounts made available under paragraph (1)(C), $50,000,000 shall be available in each of fiscal years 1999 through 2003 to carry out section 5308.

"(5) FUNDING FOR FERRY BOAT SYSTEMS.—

"(A) Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

"(B) Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.".

(h) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 5309(f) is amended to read as follows: "(f) [Reserved.]".

(2) CROSS REFERENCE.—Section 5328(a)(2) is amended by striking "5309(e)(1)–(6) of this title" and inserting "5309(e)".

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Chapter 53 is amended—

(A) in section 5320—

(i) by striking "full financing" each place it appears and inserting "full funding"; and

(ii) in subsection (e) in the subsection heading, by striking "FINANCING" and inserting "FUNDING";

(B) in section 5328(a)(4) by striking "full financing" each place it appears and inserting "full funding";

(C) in section 5328(a)(4) by striking "section 5309(m)(2) of this title" and inserting "5309(o)(1)"; and

(D) in section 5309(n)(2) by striking "in a way" and inserting "in a manner".

(i) REPORTS.—Section 5309 is amended by adding at the end the following:

"(o) REPORTS.—

"(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

"(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1998 or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—The General Accounting Office shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) shall report to Congress on the results of such review by April 30 of each year.".

(j) PROJECT DEFINED.—Section 5309 is amended by adding at the end the following:

"(p) PROJECT DEFINED.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.".

(k) TECHNICAL ADJUSTMENTS.—

(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

(A) in paragraph (3)(C) by striking "urban" and inserting "suburban";

(B) in the second sentence of paragraph (6) by striking "or not" and all that follows through ", based" and inserting "or 'not recommended', based"; and

"(C) in the last sentence of paragraph (6) by inserting "of the" before "criteria established".

(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking "5338(a)" and all that follows through "2003" and inserting "5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems".

(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

(A) in paragraph (1) by inserting "(b)" after "5338";

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

"(2) NEW FIXED GUIDEWAY GRANTS.—

"(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(B) FUNDING FOR FERRY BOAT SYSTEMS.—

"(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

"(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.";

(C) by redesignating paragraph (4) as paragraph (3)(C);

(D) in paragraph (3) by adding at the end the following:

"(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.";

(E) by striking paragraph (5); and

(F) by inserting after paragraph (3) the following:

"(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.".

SEC. 3010. DOLLAR VALUE OF MOBILITY IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(o) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

(2) REPORT.—Not later than January 1, 2000, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study under paragraph (1), including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 3011. LOCAL SHARE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal years 1999 through 2003, a recipient of assistance under section 5307 or 5309 of title 49, United States Code, may use, as part of the local matching funds for a capital project (as defined in section 5302(a) of title 49, United States Code), the proceeds from the issuance of revenue bonds.

(b) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost (as defined in section 5302(a) of title 49, United States Code) only if the aggregate amount of financial support for mass transportation in the urbanized area from the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State Transportation Improvement Program under section 135 of title 23, United States Code, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2003, the Secretary shall submit to the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the recipients described in subsection (a) that have used, as part of the local matching funds for a capital project, the proceeds from the issuance of revenue bonds, during the period described in subsection (a).

(2) CONTENTS OF REPORT.—The report required by this subsection shall include—

(A) information on each project undertaken, the amount of the revenue bonds issued, and the status of repayment of the bonds; and

(B) any recommendations of the Secretary regarding the application of this section.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.

(a) FIXED GUIDEWAY TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) North Orange-South Seminole County, FL $750,000 for fiscal year 1999.

(2) Galveston, TX fixed guideway activities $750,000 for fiscal year 1999.

(b) BUS TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of bus technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) MBTA, MA Advanced Electric Transit Buses and Related Infrastructure, $1,500,000 for each of fiscal years 1999 and 2000.

(2) Palm Springs, CA Fuel Cell Buses, $1,000,000 for each of fiscal years 1999 and 2000.

(3) Gloucester, MA Intermodal Technology Center, $1,500,000 for each of fiscal years 1999 and 2000.

(4) Washoe County, NV Transit Technology, $1,250,000 for each of fiscal years 1999 and 2000.

(c) ADVANCED PROPULSION CONTROL SYSTEM.—

(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, $2,000,000 for fiscal year 1999, $3,000,000 for fiscal year 2000, and $3,000,000 for fiscal year 2001 shall be available to the Southeastern Pennsylvania Transit Authority (in this subsection referred to as "SEPTA"), to be used only for the completion of the program to develop and deploy a new Advanced Propulsion Control System begun under the Request for Technical Proposals for Project S–2814–2.

(2) ACTION REQUIRED BY SEPTA.—This subsection shall take effect only if SEPTA issues a request for cost proposals to the 4 selectees from the full and open competition under SEPTA's Request for Technical Proposals for Project S–2814–

2 not later than 60 days after the date of enactment of this Act.

SEC. 3013. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) SECTION HEADING.—Section 5310 is amended in the section heading by striking "**Grants**" and inserting "**Formula grants**".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting "formula" before "grants".

SEC. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) IN GENERAL.—Section 5311 is amended—

(1) in the section heading, by striking "**Financial assistance**" and inserting "**Formula grants**"; and

(2) in subsection (f)(1) by striking "10 percent of the amount made available in the fiscal year ending September 30, 1993, and".

(b) CONFORMING AMENDMENT.—The item relating to section 5311 in the table of sections for chapter 53 is amended by striking "Financial assistance" and inserting "Formula grant".

SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 is amended by adding at the end the following:

"(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

"(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

"(A) means 1 or more public or private organizations located in the United States that provide mass transportation service to the public and 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

"(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation services, management, operational practices, or technology that has broad applicability. This paragraph shall be carried out in consultation with the transit industry by competitively selected consortia that will share costs, risks, and rewards of early deployment of innovation.

"(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

"(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

"(5) USE OF REVENUES.—The Secretary shall accept, to the maximum extent practicable, a portion of the revenues resulting from sales of an innovation project funded under this section. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary for activities under this subsection. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation.

"(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

"(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. Such activities may include—

"(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

"(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

"(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

"(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

"(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

"(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

"(3) FUNDING.—The funds available to carry out this subsection shall include revenues paid to the Secretary by any cooperating organization or person. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary to

carry out activities under this subsection, including promotional materials, travel, reception, and representation expenses necessary to carry out such activities. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation. Not later than January 1 of each fiscal year, the Secretary shall publish a report on the activities under this paragraph funded from the account.".

(b) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for each fiscal year to carry out section 5309(m)(1)(C) of title 49, United States Code, $4,850,000 shall be available to carry out the fuel cell powered transit bus program and the intermodal transportation fuel cell bus maintenance facility.

(c) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act for each of fiscal years 1998 through 2003, $5,000,000 per fiscal year shall be available to carry out this subsection. Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

(d) TRAINING AND CURRICULUM DEVELOPMENT.—

(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 3017. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315 is amended—

(1) in the section heading by striking "**mass transportation**" and inserting "**transit**";

(2) in subsection (a)—

(A) by striking "mass transportation" in the first sentence and inserting "transit";

(B) in paragraph (5) by inserting "and architectural design" before the semicolon at the end;

(C) in paragraph (7) by striking "carrying out" and inserting "delivering";

(D) in paragraph (11) by inserting ", construction management, insurance, and risk management" before the semicolon at the end;

(E) in paragraph (13) by striking "and" at the end;

(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(G) by adding at the end the following:

"(15) innovative finance; and

"(16) workplace safety.".

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking "mass transportation" and inserting "transit".

SEC. 3018. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,";

(2) by inserting "or organization" after "person";

(3) by inserting ", cooperative agreement, or grant" after "The contract"; and

(4) by inserting "mass transportation" after "and other".

(b) AVAILABILITY OF AMOUNTS.—Section 5318(d) is amended by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,".

SEC. 3019. BICYCLE FACILITIES.

Section 5319 is amended by striking "under this section is for 90 percent of the cost of the project" and inserting "made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent".

SEC. 3020. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking "BUYING AND OPERATING BUSES.—" and inserting "CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—".

(b) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

"(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.".

(c) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

"(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with those Acts.".

(d) HHS AND PUBLIC TRANSIT SERVICE.—Section 5323 is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

"(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services—

"(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

"(2) shall be included in the planning for those services.".

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is amended by adding at the end the following:

"(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).".

(f) GRANT REQUIREMENTS.—Section 5323 is amended by adding at the end the following:

"(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance or other financing under the Transportation Infrastructure Finance and Innovation Act of 1998.".

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—The Secretary shall establish a single-State pilot program to determine the benefits of using funds from the Mass Transit Account of the Highway Trust Fund for intercity passenger rail. Any assistance provided to the State of Oklahoma or the State of Vermont under sections 5307 and 5311 of title 49, United States Code, during fiscal years 1998 through 2003 may be used for capital improvements to, and operating assistance for, intercity passenger rail service.

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2002, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the pilot program established under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an evaluation of the effect of the pilot program on alternative forms of transportation within the State of Oklahoma and the State of Vermont;

(B) an evaluation of the effect of the program on operators of mass transportation and their passengers;

(C) a calculation of the amount of Federal assistance provided under this section transferred for the provision of intercity passenger rail service; and

(D) an estimate of the benefits to intercity passenger rail service, including the number of passengers served, the number of route miles covered, and the number of localities served by intercity passenger rail service.

SEC. 3022. CONTRACT REQUIREMENTS.

(a) EFFICIENT PROCUREMENT.—Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.".

(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

(1) by inserting "or requirement" after "A contract"; and

(2) by inserting before the last sentence the following: "When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.".

SEC. 3023. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.";

(2) in paragraph (2)—

(A) by inserting "SELECTION OF TURNKEY PROJECTS.—" after "(2)"; and

(B) by inserting "or an operable segment of a mass transportation system" after "transportation system";

(3) in paragraph (3) by inserting "DEMONSTRATIONS.—" after "(3)"; and

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

"(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of assistance under section 5307 procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

"(1) the manufacturer or supplier is the only source for the item; and

"(2) the price of the item is no more than the price that similar customers pay for the item.".

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking "5323(a)(2), (c) and (e), 5324(c), and 5325 of this title" and inserting "5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)".

SEC. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) LIMITATION ON USE OF AVAILABLE AMOUNTS.—Section 5327(c)(2) is amended—

(1) by striking "make contracts" and inserting "enter into contracts"; and

(2) by inserting before the period at the end of the first sentence the following: "and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section".

(b) FINANCIAL PLAN.—Section 5327 is amended by adding at the end the following:

"(f) FINANCIAL PLAN.—A recipient of financial assistance for a project under this chapter with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.".

SEC. 3025. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) in paragraph (8) by striking "and" at the end;

(2) in paragraph (9) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.".

(b) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5334 is amended by inserting "**provisions**" after "**Administrative**".

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting "provisions" after "Administrative".

(c) PROCEEDS FROM SALE OF TRANSIT ASSETS.—Section 5334(g) is amended by adding at the end the following:

"(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

"(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for mass transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

"(B) USE.—The net income from asset sales, uses, or leases (including lease renewals) under this subsection shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter.

"(C) RELATIONSHIP TO OTHER AUTHORITY.—The authority of the Secretary under this subsection is in addition to existing authorities controlling allocation or use of recipient income otherwise permissible in law or regulation in effect prior to the date of enactment of this paragraph.".

SEC. 3026. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking "REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS" and inserting "NATIONAL TRANSIT DATABASE"; and

(2) in paragraph (1)—

(A) by striking "by uniform categories," and inserting "using uniform categories"; and

(B) by striking "and a uniform system of accounts and records" and inserting "and using a uniform system of accounts".

(b) REPORTS.—Section 5335 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

(a) IN GENERAL.—Section 5336 is amended in the section heading by striking "**block grants**" and inserting "**formula grants**".

(b) REPEAL.—Section 5336(d) is amended to read as follows:

"(d) [Reserved.]".

(c) CONTINUATION OF OPERATING ASSISTANCE TO CERTAIN LARGER URBANIZED AREAS.—

(1) PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, during the period described in paragraph (2), the Secretary may continue to provide assistance under section 5307 of title 49, United States Code, to finance the operating costs of equipment and facilities for use in mass transportation in any urbanized area (as that term is defined in section 5302 of title 49, United States Code) with a population of at least 200,000, if the Secretary determines that—

(A) the number of the total bus revenue vehicle-miles operated in or directly serving the area is less than 900,000; and

(B) the number of buses operated in or directly serving the area does not exceed 15.

(2) PERIOD DESCRIBED.—For purposes of paragraph (1), the period described in this paragraph is the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) 3 years after the date of enactment of this Act; and

(B) the date on which the Secretary determines that—

(i) the number of the total bus revenue vehicle-miles operated in or directly serving the area is greater than or equal to 900,000; and

(ii) the number of buses operated in or directly serving the area exceeds 15.

(3) SERVICES FOR ELDERLY AND PERSONS WITH DISABILITIES.—In addition to assistance made available under paragraph (1), the Secretary may provide assistance under section 5307 of title 49, United States Code, to a transit provider that operates 20 or fewer vehicles in an urbanized area with a population of at least 200,000 to finance the operating costs of equipment and facilities used by the transit provider in providing mass transportation services to elderly and persons with disabilities, provided that such assistance to all entities shall not exceed $1,000,000 annually. [1]

(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking "block grants" and inserting "formula grants".

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

[1] Section 360 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in section 101(g) of P.L. 105–277) added this paragraph at the end of this section. The paragraph is inserted here to reflect the probable intent of Congress.

"(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.

"(B) Boston, $38,948,000.

"(C) Chicago/Northwestern Indiana, $78,169,000.

"(D) Cleveland, $9,509,500.

"(E) New Orleans, $1,730,588.

"(F) New York, $176,034,461.

"(G) Northeastern New Jersey, $50,604,653.

"(H) Philadelphia/Southern New Jersey, $58,924,764.

"(I) Pittsburgh, $13,662,463.

"(J) San Francisco, $33,989,571.

"(K) Southwestern Connecticut, $27,755,000.

"(2) The next $70,000,000 shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

"(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.

"(B) Cleveland, 10.73 percent.

"(C) New Orleans, 5.79 percent.

"(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) The next $70,000,000 shall be apportioned as follows:

"(A) 65 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(6) The next $50,000,000 shall be apportioned as follows:

"(A) 60 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(7) Remaining amounts shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 is amended by adding at the end the following:

"(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

"(1) 1997 STANDARD.—Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

"(2) OTHER STANDARDS.—Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.".

(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

(1) in paragraph (2)(B) by striking "(e)" and inserting "(e)(1)";

(2) in paragraph (3)(D)—

(A) by striking "(ii)"; and

(B) by striking "(e)" and inserting "(e)(1)";

(3) in paragraph (4) by striking "(e)" and inserting "(e)(1)";

(4) in paragraph (5)(A) by striking "(e)" and inserting "(e)(2)";

(5) in paragraph (5)(B) by striking "(e)" and inserting "(e)(2)";

(6) in paragraph (6) by striking "(e)" each place it appears and inserting "(e)(2)"; and

(7) in paragraph (7) by striking "(e)" each place it appears and inserting "(e)(2)".

SEC. 3029. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

"§ 5338. Authorizations

"(a) FORMULA GRANTS.—

"(1) FISCAL YEAR 1998.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund

to carry out sections 5307, 5310, and 5311, $2,260,000,000 for fiscal year 1998.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5310, and 5311, $240,000,000 for fiscal year 1998.

"(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

"(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

"(ii) $62,219,389 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(iii) $134,077,934 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(iv) $2,298,852,727 shall be available to provide financial assistance for urbanized areas under section 5307.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, and 5311—

"(i) $2,280,000,000 for fiscal year 1999;

"(ii) $2,478,400,000 for fiscal year 2000;

"(iii) $2,676,000,000 for fiscal year 2001;

"(iv) $2,873,600,000 for fiscal year 2002; and

"(v) $3,071,200,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, and 5311—

"(i) $570,000,000 for fiscal year 1999;

"(ii) $619,600,000 for fiscal year 2000;

"(iii) $669,000,000 for fiscal year 2001;

"(iv) $718,400,000 for fiscal year 2002; and

"(v) $767,800,000 for fiscal year 2003.

"(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

"(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

"(ii) $50,000,000 shall be available to carry out section 5308; and

"(iii) of the remaining amount—

"(I) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(II) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(III) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

"(b) CAPITAL PROGRAM GRANTS AND LOANS.—

"(1) FISCAL YEAR 1998.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,000,000,000 for fiscal year 1998.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309—

"(i) $1,805,600,000 for fiscal year 1999;
"(ii) $1,960,800,000 for fiscal year 2000;
"(iii) $2,116,800,000 for fiscal year 2001;
"(iv) $2,272,800,000 for fiscal year 2002; and
"(v) $2,428,800,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5309—

"(i) $451,400,000 for fiscal year 1999;
"(ii) $490,200,000 for fiscal year 2000;
"(iii) $529,200,000 for fiscal year 2001;
"(iv) $568,200,000 for fiscal year 2002; and
"(v) $607,200,000 for fiscal year 2003.

"(c) PLANNING.—

"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b), $47,750,000 for fiscal year 1998.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b)—

"(i) $43,200,000 for fiscal year 1999;
"(ii) $46,400,000 for fiscal year 2000;
"(iii) $51,200,000 for fiscal year 2001;
"(iv) $52,800,000 for fiscal year 2002; and
"(v) $57,600,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

"(i) $10,800,000 for fiscal year 1999;
"(ii) $11,600,000 for fiscal year 2000;
"(iii) $12,800,000 for fiscal year 2001;
"(iv) $13,200,000 for fiscal year 2002; and
"(v) $14,400,000 for fiscal year 2003.

"(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—

"(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

"(ii) 17.28 percent shall be available for State planning under section 5313(b).

"(d) RESEARCH.—

"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $44,250,000 for fiscal year 1998.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

"(i) $36,000,000 for fiscal year 1999;

"(ii) $37,600,000 for fiscal year 2000;

"(iii) $37,600,000 for fiscal year 2001;

"(iv) $39,200,000 for fiscal year 2002; and

"(v) $39,200,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

"(i) $9,000,000 for fiscal year 1999;

"(ii) $9,400,000 for fiscal year 2000;

"(iii) $9,400,000 for fiscal year 2001;

"(iv) $9,800,000 for fiscal year 2002; and

"(v) $9,800,000 for fiscal year 2003.

"(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—

"(i) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

"(ii) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

"(iii) not less than $4,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

"(iv) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

"(e) UNIVERSITY TRANSPORTATION RESEARCH.—

"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5317(b) $6,000,000 for fiscal year 1998.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5317(b), $4,800,000 for each of fiscal years 1999 through 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5317(b), $1,200,000 for each of fiscal years 1999 through 2003.

"(f) ADMINISTRATION.—

"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5334, $45,738,000 for fiscal year 1998.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334—

"(i) $43,200,000 for fiscal year 1999;
"(ii) $48,000,000 for fiscal year 2000;
"(iii) $51,200,000 for fiscal year 2001;
"(iv) $53,600,000 for fiscal year 2002; and
"(v) $58,400,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334—

"(i) $10,800,000 for fiscal year 1999;
"(ii) $12,000,000 for fiscal year 2000;
"(iii) $12,800,000 for fiscal year 2001;
"(iv) $13,400,000 for fiscal year 2002; and
"(v) $14,600,000 for fiscal year 2003.

"(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1)(A), (a)(2)(A), (b)(1), (b)(2)(A), (c)(2)(A), (d)(2)(A), (e)(2)(A), or (f)(2)(A) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(1)(B), (a)(2)(B), (b)(2)(B), (c)(2)(B), (d)(2)(B), (e)(2)(B), (f)(2)(B), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

"(h) ADDITIONAL AMOUNTS.—In addition to amounts made available by or appropriated under subsections (a) through (f), there are authorized to be appropriated—

"(1) to carry out sections 5303, 5304, 5305, and 5313(b)—

"(A) for fiscal year 1999, $32,000,000;
"(B) for fiscal year 2000, $33,000,000;
"(C) for fiscal year 2001, $34,000,000;
"(D) for fiscal year 2002, $35,000,000; and
"(E) for fiscal year 2003, $36,000,000;

"(2) to carry out section 5307, $150,000,000 for each of fiscal years 1999 through 2003;

"(3) to carry out section 5308, $100,000,000 for each of fiscal years 1999 through 2003;

"(4) to carry out section 5309(m)(1)(A), $100,000,000 for each of fiscal years 1999 through 2003;

"(5) to carry out section 5309(m)(1)(B)—

"(A) for fiscal year 1999, $600,000,000;
"(B) for fiscal year 2000, $610,000,000;

"(C) for fiscal year 2001, $620,000,000;
"(D) for fiscal year 2002, $630,000,000; and
"(E) for fiscal year 2003, $630,000,000;

"(6) to carry out section 5309(m)(1)(C), $100,000,000 for each of fiscal years 1999 through 2003;

"(7) to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—
"(A) for fiscal year 1999, $31,000,000;
"(B) for fiscal year 2000, $31,000,000;
"(C) for fiscal year 2001, $33,000,000;
"(D) for fiscal year 2002, $33,000,000; and
"(E) for fiscal year 2003, $34,000,000; and

"(8) to carry out section 5334—
"(A) for fiscal year 1999, $13,000,000;
"(B) for fiscal year 2000, $14,000,000;
"(C) for fiscal year 2001, $16,000,000;
"(D) for fiscal year 2002, $17,000,000; and
"(E) for fiscal year 2003, $18,000,000.

"(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e), and paragraphs (1) through (7) of subsection (h), shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A), by striking "section 5338(g)(1)" each place it appears and inserting "subsection (c) or (h)(1) of section 5338".

(2) In section 5303(h)(1) by striking "–5306" and inserting "and 5305".

(3) In section 5303(h)(4) by striking "section 5338(g)" and inserting "subsection (c) or (h)(1) of section 5338".

(4) In section 5313(a)(1) by striking "Fifty percent of the amounts made available under section 5338(g)(3)" and inserting "The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d)".

(5) In section 5313(b)(1) by striking "Fifty percent of the amounts made available under section 5338(g)(3)" and inserting "The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(c)".

(6) In section 5314(a)(1) by striking "section 5338(g)(4)" and inserting "subsections (d) and (h)(7) of section 5338".

(7) In section 5317(e)(5)(C) by striking "5338(e)(2)" and inserting "5338(e)".

(8) In section 5318(d) by striking "5338(j)(5)" and inserting "5309(m)(1)(C)".

(9) In section 5333(b) by striking "5338(j)(5)" each place it appears and inserting "5338(b)".

(10) In section 5336(a) by striking "5338(f)" and inserting "5338(a)".

(11) In section 5336(e)(1) by striking "section 5338(f)" and inserting "subsections (a) and (h)(2) of section 5338".

(12) In section 5337(e)(1) by striking "section 5338(f)" and inserting "subsections (b) and (h)(4) of section 5338".

(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

(1) in subsection (c)(2)(A)(i) by striking "$43,200,000" and inserting "$42,200,000";

(2) in subsection (c)(2)(A)(ii) by striking "$46,400,000" and inserting "$48,400,000";

(3) in subsection (c)(2)(A)(iii) by striking "$51,200,000" and inserting "$50,200,000";

(4) in subsection (c)(2)(A)(iv) by striking "$52,800,000" and inserting "$53,800,000";

(5) in subsection (c)(2)(A)(v) by striking "$57,600,000" and inserting "$58,600,000";

(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ", including not more than $1,000,000 shall be available to carry out section 5315(a)(16)";

(7) in subsection (e)—

(A) by striking "5317(b)" each place it appears and inserting "5505";

(B) in paragraph (1) by striking "There are" and inserting "Subject to paragraph (2)(C), there are";

(C) in paragraph (2)—

(i) in subparagraph (A) by striking "There shall" and inserting "Subject to subparagraph (C), there shall";

(ii) in subparagraph (B) by striking "In addition" and inserting "Subject to subparagraph (C), in addition"; and

(iii) by adding at the end the following:

"(C) FUNDING OF CENTERS.—

"(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

"(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

"(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

"(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

"(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

"(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

"(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998."; and

(D) by adding at the end the following:

"(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.";

(8) in subsection (g)(2) by striking "(c)(2)(B)," and all that follows through "(f)(2)(B)," and inserting "(c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),";

(9) in subsection (h) by inserting "under the Transportation Discretionary Spending Guarantee for the Mass Transit Category" after "through (f)"; and

(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

"(A) for fiscal year 1999 $400,000,000;
"(B) for fiscal year 2000 $410,000,000;
"(C) for fiscal year 2001 $420,000,000;
"(D) for fiscal year 2002 $430,000,000; and
"(E) for fiscal year 2003 $430,000,000;".

SEC. 3030. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.

(a) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Athens Commuter Rail.
(2) Atlanta—Griffin Commuter Rail.
(3) Atlanta—North Line Extension.
(4) Austin—NW/North Central/SE—Airport LRT.
(5) Baltimore—Central LRT Extension to Glen Burnie.
(6) Boston—Massport Airport Intermodal Transit Connector.
(7) Boston—North Shore Corridor and Blue Line Extension to Beverly.
(8) Charlotte—North-South Corridor Transitway.
(9) Chicago—Navy Pier-McCormick Place Busway.
(10) Chicago—North Central Upgrade Commuter Rail.
(11) Chicago—Ravenswood Line Extension.
(12) Chicago—Southwest Extension.
(13) Chicago—West Line Expansion.
(14) Cleveland—Akron-Canton Commuter Rail.
(15) Cleveland—Berea Metroline Extension.
(16) Cleveland—Blue Line Extension.
(17) Cleveland—Euclid Corridor Extension.
(18) Cleveland—I–90 Corridor to Ashtabula County.
(19) Cleveland—Waterfront Line Extension.
(20) Dallas—North Central Extension.
(21) Dallas—Ft. Worth RAILTRAN (Phase II).
(22) Denver—East Corridor (Airport).
(23) Denver—Southeast LRT (I–25 between 6th & Lincoln).
(24) Denver—Southwest LRT.
(25) Denver—West Corridor LRT.
(26) East St. Louis-St. Clair County—Mid-America Airport Corridor.
(27) Ft. Lauderdale-West Palm Beach-Miami Tri-County Commuter Rail.

(28) Galveston—Trolley Extension.
(29) Hartford—Griffin Line.
(30) Hollis—Ketchikan Ferry.
(31) Houston—Regional Bus Plan—Phase I.
(32) Kansas City—I–35 Commuter Rail.
(33) Kansas City—Southtown Corridor.
(34) Kenosha-Racine—Milwaukee Rail Extension.
(35) Las Vegas Corridor.
(36) Little Rock—River Rail.
(37) Los Angeles—Metrolink San Bernadino Line.
(38) Los Angeles—MOS–3.
(39) Los Angeles—Metrolink (Union Station-Fullerton).
(40) Louisville—Jefferson County Corridor.
(41) MARC—Commuter Rail Improvements.
(42) Baltimore Light Rail Double Track.
(43) Memphis—Medical Center Extension.
(44) Miami—East-West Multimodal Corridor.
(45) Miami—North 27th Avenue Corridor.
(46) Miami—South Busway Extension.
(47) Milwaukee—East-West Corridor.
(48) Monterey County Commuter Rail.
(49) Nashua, NH—Lowell, MA Commuter Rail.
(50) Nashville—Commuter Rail.
(51) New Orleans—Canal Streetcar.
(52) New York—8th Avenue Subway Connector.
(53) New York—Brooklyn—Staten Island Ferry.
(54) New York—Long Island Railroad East Side Access.
(55) New York—Staten Island Ferry—Whitehall Intermodal Terminal.
(56) New York Susquehanna and Western Commuter Rail.
(57) New Jersey Urban Core.
(58) Norfolk—Virginia Beach Corridor.
(59) Orange County—Fullerton—Irvine Corridor.
(60) Orlando—I–4 Central Florida Light Rail System.
(61) Philadelphia—Schuykill Valley Metro.
(62) Phoenix—Fixed Guideway.
(63) Colorado—Roaring Fork Valley Rail.
(64) Pittsburgh Airborne Shuttle System.
(65) Pittsburgh—MLK Busway Extension.
(66) Portland—South-North Corridor.
(67) Portland—Westside-Hillsboro Corridor.
(68) Raleigh-Durham—Regional Transit Plan.
(69) Sacramento—Folsom Extension.
(70) Sacramento—Placer County Corridor.
(71) Sacramento—South Corridor.
(72) Salt Lake City—Light Rail (Airport to University of Utah).
(73) Salt Lake City—Ogden-Provo Commuter Rail.
(74) Salt Lake City—South LRT.
(75) San Diego—Mid-Coast LRT Corridor.
(76) San Diego—Mission Valley East Corridor.
(77) San Diego—Oceanside—Escondido Corridor.
(78) San Francisco—BART to San Francisco International Airport Extension.

(79) San Francisco—Bayshore Corridor.
(80) San Jose—Tasman Corridor Light Rail.
(81) San Juan—Tren Urbano.
(82) San Juan—Tren Urbano Extension to Minellas.
(83) Santa Cruz—Fixed Guideway.
(84) Seattle—Southworth High Speed Ferry.
(85) Seattle—Sound Move Corridor.
(86) South Boston—Piers Transitway.
(87) St. Louis—Cross County Corridor.
(88) Stockton—Altamont Commuter Rail.
(89) Tampa Bay—Regional Rail.
(90) Twin Cities—Northstar Corridor (Downtown Minneapolis-Anoka County-St. Cloud).
(91) Twin Cities—Transitways Corridors.
(92) Washington—Richmond Rail Corridor Improvements.
(93) Washington, D.C.—Dulles Corridor Extension.
(94) Washington, D.C.—Largo Extension.
(95) West Trenton Line (West Trenton-Newark).
(96) Westlake—Commuter Rail Link.
(97) Pittsburgh North Shore-Central Business District Corridor.
(98) Pittsburgh—Stage II Light Rail.
(99) Boston—North-South Rail Link.
(100) Spokane—South Valley Corridor Light Rail.
(101) Miami—Palmetto Metrorail.
(102) Morgantown—Personal Rapid Transit.
(103) Santa Monica—Boulevard transitway.
(104) Northwest New Jersey—Northeast Rail Corridor.
(105) Southeastern North Carolina Corridor.
(106) Chicago—CTA Douglas Branch.
(107) San Joaquin—Regional Transit Corridor.
(108) Greater Albuquerque Mass Transit Project.
(109) Hartford City Light Rail Connection to Central Business District.
(110) Providence–Boston Commuter Rail.
(111) New York–St. George's Ferry Intermodal Terminal.
(112) New York–Midtown West Ferry Terminal.
(113) Pinellas County–Mobility Initiative Project.
(114) Atlanta–MARTA Extension (S. De Kalb-Lindbergh).

(b) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Georgia 400 Multimodal Corridor.
(2) Sioux City–Light Rail.
(3) Atlanta—MARTA I–285 Transit Corridor.
(4) Atlanta—MARTA Marietta-Lawrenceville Corridor.
(5) Atlanta—MARTA South De Kalb Comprehensive Transit Program.
(6) Baltimore—Metropolitan Rail Corridor.
(7) Baltimore—People Mover.
(8) Bergen County Cross—County Light Rail.
(9) Birmingham Transit Corridor.
(10) Boston—Urban Ring.

(11) Charleston—Monobeam.
(12) Chicago—Comiskey Park Station.
(13) Chicago—Inner Circumferential Commuter Rail.
(14) Cumberland/Dauphin County Corridor 1 Commuter Rail.
(15) Dallas—DART LRT Extensions.
(16) Dallas—Las Colinas Corridor.
(17) Dayton—Regional Riverfront Corridor.
(18) El Paso—International Fixed Guideway (El Paso-Juarez).
(19) Fremont—South Bay Corridor.
(20) Houston—Advanced Transit Program.
(21) Jacksonville—Fixed Guideway Corridor.
(22) Knoxville—Electric Transit.
(23) Lorain—Cleveland Commuter Rail.
(24) Los Angeles—MOS–4 East Side Extension (II).
(25) Los Angeles—MOS–4 San Fernando Valley East-West.
(26) Los Angeles—LOSSAN (Del Mar-San Diego).
(27) Maine High Speed Ferry Service.
(28) Maryland Route 5 Corridor.
(29) Memphis—Regional Rail Plan.
(30) Miami—Kendall Corridor.
(31) Miami—Northeast Corridor.
(32) New Jersey Trans-Hudson Midtown Corridor.
(33) New Orleans—Airport—CBD Commuter Rail.
(34) New Orleans—Desire Streetcar.
(35) New York—Astoria—East Elmhurst Extension.
(36) New York—Broadway—Lafayette & Bleecker Street Transfer.
(37) New York—Brooklyn—Manhattan Access.
(38) New York—Lower Manhattan Access.
(39) New York—Manhattan East Side Link.
(40) Santa Fe–El Dorado Rail Link.
(41) New York—Nassau Hub.
(42) New York—North Shore Railroad.
(43) New York—Queens West Light Rail Link.
(44) Albuquerque–High Capacity Corridor.
(45) Newburgh—LRT System.
(46) North Front Range Corridor.
(47) Northeast Indianapolis Corridor.
(48) Oakland Airport—BART Connector.
(49) Providence—Pawtucket Corridor.
(50) Philadelphia—Broad Street Line Extension.
(51) Philadelphia—Cross County Metro.
(52) Philadelphia—Lower Marion Township.
(53) San Jacinto–Branch Line (Riverside County).
(54) Redlands—San Bernardino Transportation Corridor.
(55) Riverside—Perris Rail Passenger Service.
(56) Salt Lake City—Draper Light Rail Extension.
(57) Salt Lake City—West Jordan Light Rail Extension.
(58) San Francisco—CalTrain Extension to Hollister.
(59) Scranton—Laurel Line Intermodal Corridor.
(60) SEATAC—Personal Rapid Transit.
(61) Toledo—CBD to Zoo.

(62) Union Township Station (Raritan Valley Line).
(63) Washington County Corridor (Hastings-St. Paul).
(64) Washington, D.C.—Georgetown-Ft. Lincoln.
(65) Williamsburg—Newport News-Hampton LRT.
(66) Cincinnati/N. Kentucky—Northeast Corridor.
(67) Northeast Ohio—commuter rail.
(68) California—North Bay Commuter Rail.
(69) Chicago–Northwest Rail Transit Corridor.
(70) Vermont–Burlington-Essex Commuter Rail.

(c) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—Of the total amount made available by or authorized under section 5338(b) of title 49, United States Code, to carry out section 5309(m)(1)(B) for fiscal years 1998 through 2003:

(A) $3,000,000,000 shall be available for the following projects (even if the project is not listed in subsection (a) or (b)):

(i) Birmingham Transit Corridor, $87,500,000.
(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.
(iii) Denver-Southeast LRT (I–25 between 6th and Lincoln), $10,000,000.
(iv) Colorado—Roaring Fork Valley Rail, $40,000,000.
(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.
(vi) Bridgeport—Intermodal Corridor, $34,000,000.
(vii) New London—Waterfront Access, $10,000,000.
(viii) Old Saybrook—Hartford Rail Extension, $10,000,000.
(ix) Stamford—Fixed Guideway Connector, $18,000,000.
(x) Orlando—I–4 Central Florida Light Rail System, $100,000,000.
(xi) Miami—Palmetto Metrorail, $8,000,000.
(xii) Tampa Bay—Regional Rail, $2,000,000.
(xiii) Fort Lauderdale—West Palm Beach—Miami Tri-County Commuter Rail, $20,000,000.
(xiv) Miami—East-West Multimodal Corridor, $20,000,000.
(xv) Chicago—CTA Douglas Branch, $315,000,000.
(xvi) Northeast Indianapolis Corridor, $10,000,000.
(xvii) Sioux City—Light Rail, $10,000,000.
(xviii) MARC—Commuter Rail Improvements, $185,000,000.
(xix) Baltimore—Light Rail Double Track, $120,000,000.
(xx) Boston—North Shore Corridor and Blue Line Extension to Beverly, $50,000,000.
(xxi) Twin Cities—Transitways Corridors, $120,000,000.

(xxii) Twin Cities—Northstar Corridor (Downtown Minneapolis—Anoka County—St. Cloud), $6,000,000.

(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.

(xxiv) Las Vegas Corridor, $155,000,000.

(xxv) New Jersey—Bergen County Cross County Light Rail, $5,000,000.

(xxvi) New Jersey—Trans Hudson Midtown Corridor, $5,000,000.

(xxvii) Santa Fe—Eldorado Rail Link, $10,000,000.

(xxviii) Albuquerque Alvarado Intermodal Center, $5,000,000.

(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.

(xxx) New York—Long Island Railroad East Side Access, $353,000,000.

(xxxi) New York—Second Avenue Subway, $5,000,000.

(xxxii) New York—Staten Island Ferry-Whitehall Intermodal Terminal, $40,000,000.

(xxxiii) New York—St. George's Ferry Intermodal Terminal, $20,000,000.

(xxxiv) New York—Nassau Hub, $10,000,000.

(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.

(xxxvi) Cincinnati/Northern Kentucky Corridor, $65,000,000.

(xxxvii) Portland South—North Corridor, $25,000,000.

(xxxviii) Philadelphia—Schuylkill Valley Metro, $75,000,000.

(xxxix) Pittsburgh Stage II Light Rail, $100,200,000.

(xl) Philadelphia—Pittsburgh High Speed Rail, $10,000,000.

(xli) Cumberland/Dauphin County Corridor 1 Commuter Rail, $20,000,000.

(xlii) Pittsburgh North Shore—Central Business District, $20,000,000.

(xliii) Providence–Boston Commuter Rail, $10,000,000.

(xliv) Rhode Island Integrated Intermodal Transportation, $25,000,000.

(xlv) Dallas—North Central Extension, $188,000,000.

(xlvi) Dallas—Southeast Corridor, $20,000,000.

(xlvii) Dallas—Northwest Corridor, $12,000,000.

(xlviii) Washington, D.C., Dulles Corridor Extension, $86,000,000.

(xlix) Seattle—Tacoma Commuter Rail, $40,000,000.

(l) San Joaquin Regional Intermodal Corridor, $14,000,000.

(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.

(B) The remainder shall be available for projects listed in subsections (a) and (b).

(2) ADDITIONAL AMOUNTS.—

(A) IN GENERAL.—The total amount authorized in section 5338(h)(5) of title 49, United States Code, for fiscal years 1999 through 2003 shall be available for projects listed in subsections (a) and (b).

(B) PRIORITY FOR SALT LAKE CITY OLYMPICS.—

(i) IN GENERAL.—Of the amount authorized to be appropriated under section 5338(h)(5), $640,000,000 is authorized to be appropriated for the Salt Lake City Winter Olympic Games for the following projects:

(I) North/South Light Rail.

(II) Airport to University of Utah Light Rail.

(III) Intermodal Facilities.

(IV) Park and Ride Lots.

(V) Bus Acquisition.

(ii) GOVERNMENT SHARE.—The Government share of the costs of projects assisted under this subparagraph shall not exceed 80 percent. For purposes of determining the nongovernmental share for projects authorized under this subparagraph, highway, aviation, and transit projects shall be considered to be a program of projects.

(iii) USE OF FUNDS.—Funds provided under this subparagraph shall be available for planning and capital assistance.

(3) HIGH PRIORITY PROJECT.—The Long Island Rail Road East Side Access project shall be given priority consideration by the Secretary for funds made available under paragraph (1)(B). The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section. In addition, that project is authorized for construction with funds available under section 5338(h)(5) of title 49, United States Code.

(d) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—

(A) SUBSECTION (a) PROJECTS.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(B) SUBSECTION (b) PROJECTS.—Effective October 1, 2000, projects authorized by subsection (b) for alternatives analysis and preliminary engineering are also authorized for final design and construction.

(2) FIXED GUIDEWAY AUTHORIZATION.—The project authorized by subsection (a)(3) includes an additional 28 rapid rail cars and project scope changes from amounts authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

(3) INTERMODAL CENTER AUTHORIZATIONS.—Notwithstanding any other provision of law, each of the following projects

are eligible for funding under section 5309(m)(1)(C) of title 49, United States Code:

(A) Huntington, West Virginia Intermodal Facility project.

(B) Huntsville Intermodal Center project.

(C) Saint Barnard Parish, Louisiana intermodal facility.

(e) NEW JERSEY URBAN CORE PROJECT.—

(1) ALLOCATIONS.—Section 3031(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended by adding at the end the following:

"(3) ALLOCATIONS.—

"(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

"(B) NEWARK-NEWARK INTERNATIONAL AIRPORT-ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the Newark-Newark International Airport-Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

"(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).".

(2) CONFORMING AMENDMENTS.—Section 3031(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended—

(A) by striking "section 3(i) of the Federal Transit Act (relating to criteria for new starts)" and inserting "section 5309(e) of title 49, United States Code,"; and

(B) by striking "; except" and all that follows through "such element".

(3) ELEMENTS OF NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended—

(A) by inserting after "Secaucus Transfer" the following: "(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)";

(B) by striking ", Newark-Newark International Airport-Elizabeth Transit Link" and inserting "(including a connection from the Vince Lombardi Station to Saddlebrook and Edgewater), restoration of commuter rail service along the Northern Branch Line of the West Shore Line, Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)"; and

(C) by inserting after "New York Penn Station Concourse," the following: "the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,".

(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

(A) by striking "of the West Shore Line" and inserting "or the West Shore Line"; and

(B) by striking "directly connected to" and all that follows through "Newark International Airport" the first place it appears.

(f) LOS ANGELES MOS–3 PROJECT.—

(1) IN GENERAL.—For purposes of this section, the Los Angeles MOS–3 project referenced in subsection (a)(38) may include any fixed guideway project or projects selected by the Los Angeles County Metropolitan Transportation Authority for development in the transportation corridors to be served by the 3 extensions of MOS–3 of the Los Angeles County Metro Rail project, as described in section 3034(i) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) ALTERNATIVES.—In considering fixed guideway alternatives and selecting any revised preferred alternative in the East Side or Mid City corridors of MOS–3, the Los Angeles County Metropolitan Transportation Authority shall—

(A) fully evaluate the potential impact of the alternatives on the integrity of the neighborhoods in the corridor involved;

(B) address the capacity of the alternatives to serve transit dependent riders;

(C) identify and address any disproportionately high and adverse effects on minority and low income populations, in accordance with the Executive Order on Federal Actions to Address Environmental Justice (EO 12898; February 11, 1994); and

(D) otherwise comply with all applicable Federal and State planning and environmental requirements.

(g) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) is amended—

(1) in paragraph (1)—

(A) by inserting ", and alternatives for double tracking and related improvements" after "Penn Station extensions";

(B) by inserting "shall provide for double tracking and related improvements and" after "under this paragraph"; and

(C) by inserting after the first sentence the following: "Funds for projects under this paragraph shall be provided at an 80 percent Government share. In applying the local share evaluation criteria in section 5309, of title 49, United States Code, the Secretary shall compare the aggregate expenditure of State and local funds, including Federal highway funds provided by the State of Maryland, for all phases of the Central Corridor Light Rail project."; and

(2) in paragraph (2)—

(A) in the first sentence, by inserting ", including capacity and efficiency improvements through construction of a Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center" before the period; and

(B) in the second sentence, by inserting "provide for construction of the Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center, and shall" after "shall".

(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after "expenditure of" the following: "section 5309 funds to the aggregate expenditure of".

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

(a) GUARANTEED FUNDING.—Of the amounts made available to carry out section 5309(m)(1)(C) of title 49, United States Code, for each of fiscal years 1999 and 2000, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

	Project	FY 1999 (in millions)	FY 2000 (in millions)
1.	Albuquerque, NM buses	1.250	1.250
2.	Alexandria, VA bus maintenance facility	1.000	1.000
3.	Alexandria, VA King Street Station access	1.100	0.000
4.	Altoona, PA Metro Transit Authority buses and transit system improvements	0.842	0.842
5.	Altoona, PA Metro Transit Authority Logan Valley Mall Suburban Transfer Center	0.080	0.000
6.	Altoona, PA Metro Transit Authority Transit Center improvements	0.424	0.000
7.	Arkansas Highway and Transit Department buses	0.200	2.000
8.	Armstrong County-Mid County, PA bus facilities and buses	0.150	0.150
9.	Atlanta, GA MARTA buses	9.000	13.500
10.	Austin, TX buses	1.250	1.250
11.	Babylon, NY Intermodal Center	1.250	1.250
12.	Birmingham-Jefferson County, AL buses	1.250	1.250
13.	Boulder/Denver, CO RTD buses	0.625	0.625
14.	Bradford County, Endless Mountain Transportation Authority buses	1.000	0.000
15.	Brookhaven Town, NY elderly and disabled buses and vans	0.225	0.000
16.	Brooklyn-Staten Island, NY Mobility Enhancement buses	0.800	0.000
17.	Broward County, FL buses	1.000	0.000
18.	Buffalo, NY Auditorium Intermodal Center	2.000	2.000
19.	Buffalo, NY Crossroads Intermodal Station	1.000	0.000
20.	Cambria County, PA bus facilities and buses	0.575	0.575
21.	Centre Area, PA Transportation Authority buses	1.250	1.250
22.	Chambersburg, PA Transit Authority buses	0.300	0.000
23.	Chambersburg, PA Transit Authority Intermodal Center	1.000	0.000
24.	Chester County, PA Paoli Transportation Center	1.000	1.000
25.	Altoona, PA Pedestrian Crossover	.800	0.000
26.	Cleveland, OH Triskett Garage bus maintenance facility	0.625	0.625
27.	Crawford Area, PA Transportation buses	0.500	0.000
28.	Culver City, CA CityBus buses	1.250	1.250
29.	Davis, CA Unitrans transit maintenance facility	0.625	0.625
30.	Dayton, OH Multimodal Transportation Center	0.625	0.625
31.	Daytona, FL Intermodal Center	2.500	2.500
32.	Duluth, MN Transit Authority community circulation vehicles	1.000	1.000
33.	Duluth, MN Transit Authority intelligent transportation systems	0.500	0.500
34.	Duluth, MN Transit Authority Transit Hub	0.500	0.500

	Project	FY 1999 (in millions)	FY 2000 (in millions)
35.	Dutchess County, NY Loop System buses	0.521	0.521
36.	East Hampton, NY elderly and disabled buses and vans	0.100	0.000
37.	Erie, PA Metropolitan Transit Authority buses	1.000	1.000
38.	Everett, WA Multimodal Transportation Center	1.950	1.950
39.	Fayette County, PA Intermodal Facilities and buses	1.270	1.270
40.	Fayetteville, AR University of Arkansas Transit System buses	0.500	0.500
41.	Fort Dodge, IA Intermodal Facility (Phase II)	0.885	0.885
42.	Gary, IN Transit Consortium buses	1.250	1.250
43.	Grant County, WA buses and vans	0.600	0.000
44.	Greensboro, NC Multimodal Center	3.340	3.339
45.	Greensboro, NC Transit Authority buses	1.500	1.500
46.	Greensboro, NC Transit Authority small buses and vans	0.321	0.000
47.	Hartford, CT Transportation Access Project	0.800	0.000
48.	Healdsburg, CA Intermodal Facility	1.000	1.000
49.	Honolulu, HI bus facility and buses	2.250	2.250
50.	Hot Springs, AR Transportation Depot and Plaza	0.560	0.560
51.	Humboldt, CA Intermodal Facility	1.000	0.000
52.	Huntington, WV Intermodal Facility	8.000	12.000
53.	Illinois statewide buses and bus-related equipment	6.800	8.200
54.	Indianapolis, IN buses	5.000	5.000
55.	Iowa/Illinois Transit Consortium bus safety and security	1.000	1.000
56.	Ithaca, NY TCAT bus technology improvements	1.250	1.250
57.	Lackawanna County, PA Transit System buses	0.600	0.600
58.	Lakeland, FL Citrus Connection transit vehicles and related equipment	1.250	1.250
59.	Lane County, OR Bus Rapid Transit	4.400	4.400
60.	Lansing, MI CATA bus technology improvements	0.600	0.000
61.	Little Rock, AR Central Arkansas Transit buses	0.300	0.300
62.	Livermore, CA automatic vehicle locator	1.000	1.000
63.	Long Island, NY CNG transit vehicles and facilities	1.250	1.250
64.	Repealed by section 9008(u)(1)(A) of P.L. 105–206 (		
65.	New York, NY West 72nd St. Intermodal Station	1.750	1.750
66.	Los Angeles, CA San Fernando Valley smart shuttle buses	0.300	0.000
67.	Los Angeles, CA Union Station Gateway Intermodal Transit Center	1.250	1.250
68.	Maryland statewide bus facilities and buses	7.000	11.500
69.	Rensselaer, NY Rensselaer Intermodal Bus Facility	1.000	6.000
70.	Mercer County, PA buses	0.750	0.000
71.	Miami Beach, FL Electric Shuttle Service	0.750	0.750
72.	Miami-Dade, FL buses	2.250	2.250
73.	Michigan statewide buses	10.000	13.500
74.	Milwaukee County, WI buses	4.000	6.000

	Project	FY 1999 (in millions)	FY 2000 (in millions)
75.	Mineola/Hicksville, NY LIRR Intermodal Centers	1.250	1.250
76.	Modesto, CA bus maintenance facility	0.625	0.625
77.	Monroe County, PA Transportation Authority buses	1.000	0.000
78.	Monterey, CA Monterey-Salinas buses	0.625	0.625
79.	Morongo Basin, CA Transit Authority bus facility	0.650	0.000
80.	New Haven, CT bus facility	2.250	2.250
81.	New Jersey Transit jitney shuttle buses	1.750	1.750
82.	Newark, NJ Morris & Essex Station access and buses	1.250	1.250
83.	Northstar Corridor, MN Intermodal Facilities and buses	6.000	10.000
84.	Norwich, CT buses	2.250	2.250
85.	Ogden, UT Intermodal Center	0.800	0.800
86.	Oklahoma statewide bus facilities and buses	5.000	5.000
87.	Orlando, FL Downtown Intermodal Facility	2.500	2.500
88.	Providence, RI buses and bus maintenance facility	2.250	3.294
89.	Perris, CA bus maintenance facility	1.250	1.250
90.	Philadelphia, PA Frankford Transportation Center	5.000	5.000
91.	Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
92.	Portland, OR Tri-Met buses	1.750	1.750
93.	Pritchard, AL bus transfer facility	0.500	0.000
94.	Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
95.	Red Rose, PA Transit Bus Terminal	1.000	0.000
96.	Richmond, VA GRTC bus maintenance facility	1.250	1.250
97.	Riverhead, NY elderly and disabled buses and vans	0.125	0.000
98.	Robinson, PA Towne Center Intermodal Facility	1.500	1.500
99.	Rome, NY Intermodal Center	0.400	0.000
100.	Sacramento, CA CNG buses	1.250	1.250
101.	San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250
102.	San Juan, Puerto Rico Intermodal access	0.600	0.600
103.	Santa Clarita, CA buses	1.250	1.250
104.	Santa Cruz, CA bus facility	0.625	0.625
105.	Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
106.	Seattle, WA Intermodal Transportation Terminal	1.250	1.250
107.	Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
108.	Smithtown, NY elderly and disabled buses and vans	0.125	0.000
109.	Somerset County, PA bus facilities and buses	0.175	0.175
110.	South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
111.	South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
112.	South Carolina statewide Virtual Transit Enterprise	1.220	1.220

	Project	FY 1999 (in millions)	FY 2000 (in millions)
113.	South Dakota statewide bus facilities and buses	1.500	1.500
114.	Southampton, NY elderly and disabled buses and vans	0.125	0.000
115.	Southold, NY elderly and disabled buses and vans	0.100	0.000
116.	Springfield, MA Union Station	1.250	1.250
117.	St. Louis, MO Bi-state Intermodal Center	1.250	1.250
118.	Denver, CO Stapleton Intermodal Center	1.250	1.250
119.	Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
120.	Texas statewide small urban and rural buses	4.000	4.500
121.	Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
122.	Tuscaloosa, AL Intermodal Center	1.000	0.000
123.	Ukiah, CA Transportation Center	0.500	0.000
124.	Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
125.	Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
126.	Utica, NY Union Station	2.100	2.100
127.	Utica and Rome, NY bus facilities and buses	0.500	0.000
128.	Washington County, PA Intermodal Facilities	0.630	0.630
129.	Washington, D.C. Intermodal Transportation Center	2.500	2.500
130.	Washoe County, NV transit improvements	2.250	2.250
131.	Waterbury, CT bus facility	2.250	2.250
132.	West Virginia statewide Intermodal Facility and buses	5.000	5.000
133.	Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
134.	Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
135.	Westchester County, NY DOT articulated buses	1.250	1.250
136.	Westmoreland County, PA Intermodal Facility	0.200	0.200
137.	Wilkes-Barre, PA Intermodal Facility	1.250	1.250
138.	Williamsport, PA Bus Facility	1.200	1.200
139.	Windsor, CA Intermodal Facility	0.750	0.750
140.	Wisconsin statewide bus facilities and buses	8.000	12.000
141.	Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
142.	Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
143.	Lynchburg, VA buses	0.200	0.000
144.	Harrisonburg, VA buses	0.200	0.000
145.	Roanoke, VA buses	0.200	0.000
146.	Allegheny County, PA buses	0.000	1.500
147.	Mount Vernon, WA Multimodal Center	1.750	1.750
148.	New Bedford/Fall River, MA Mobile Access to health care	0.250	0.000
149.	Philadelphia, PA Regional Transportation System for Elderly and Disabled	0.750	0.000
150.	Repealed by section 9008(u)(1)(D) of P.L. 105–206		

(b) ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated to carry out section 5309(m)(1)(C) of title 49, United States Code, for each of fiscal years 1999 and 2000 with funds

made available under section 5338(h)(6) of such title, there are authorized to be appropriated for the following projects:

Project	FY 1999 (in millions)	FY 2000 (in millions)
1. Everett, WA Multimodal Transportation Center	1.000	1.000
2. Rennselaer, NY Rennselaer Intermodal Bus Facility	4.000	0.000
3. Rochester, NY Rochester Central Bus Facility	12.500	12.500
4. Long Beach, NY Long Beach Central Bus Facility	0.750	0.750
5. Broome County, NY Buses and Related Equipment	2.700	2.700
6. Long Island, NY CNG Transit Vehicles and Facilities	3.050	3.050

SEC. 3032. CONTRACTING OUT STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from funds made available under section 5338(f)(2) of title 49, United States Code, to carry out this section $250,000 for fiscal year 1999.

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (d) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 3033. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the formula for apportioning funds to urbanized areas

under section 5336 of title 49, United States Code, accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 3034. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation) that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

SEC. 3035. FINAL ASSEMBLY OF BUSES.

(a) IN GENERAL.—All buses manufactured on or after September 1, 1999, that are purchased with Federal funds by recipients of assistance from the Federal Transit Administration shall conform with the Federal Transit Administration Guidance on Buy America Requirements, dated March 18, 1997.

(b) RULE OF CONSTRUCTION.—For purposes of this section, a bus shall be considered to be manufactured on or after September 1, 1999, if the manufacturing process for that bus is not completed on or before August 31, 1999.

SEC. 3036. CLEAN FUEL VEHICLES.

(a) STUDY.—The Comptroller General shall conduct a study of the various low and zero emission fuel technologies for transit vehicles, including compressed natural gas, liquefied natural gas, bio-

diesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, and clean diesel to determine—

(1) the status of the development and use of such technologies;

(2) the environmental benefits of such technologies under the Clean Air Act; and

(3) the cost of such technologies and any associated equipment.

(b) REPORT.—Not later than January 1, 2000, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study, together with recommendations for incentives to encourage the use of low and zero emission fuel technology for transit vehicles.

SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not less than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

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

(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

(2) ELIGIBLE PROJECT AND RELATED TERMS.—

(A) IN GENERAL.—The term "eligible project" means an access to jobs project or a reverse commute project.

(B) ACCESS TO JOBS PROJECT.—The term "access to jobs project" means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The Secretary may make access to jobs grants for—

(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

(ii) promoting the use of transit by workers with nontraditional work schedules;

(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

(C) REVERSE COMMUTE PROJECT.—The term "reverse commute project" means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

(i) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

(ii) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities.

(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term "existing transportation service providers" means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

(4) QUALIFIED ENTITY.—The term "qualified entity" means—

(A) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, the applicant or applicants selected by the appropriate metropolitan planning organization that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among designated recipients under section 5307(a)(2) of title 49, United States

Code, local governmental authorities and agencies, and nonprofit organizations; and

(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the applicant or applicants selected by the chief executive officer of the State in which the area is located that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among designated recipients under section 5307(a)(2) of title 49, United States Code, local governmental authorities and agencies, and nonprofit organizations.

(5) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

(c) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

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

(e) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

(f) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (d), the Secretary shall consider—

(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

(2) in the case of an applicant seeking assistance to finance an access to jobs project, the need for additional services (including bicycling) in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

(3) the extent to which the applicant demonstrates—

(A) coordination with, and the financial commitment of, existing transportation service providers; and

(B) coordination with the State agency that administers the State program funded under part A of title IV of the Social Security Act;

(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

(6) the extent to which the applicant—

(A) in the case of an applicant seeking assistance to finance an access to jobs project, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

(B) identifies long-term financing strategies to support the services under this section;

(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.

(g) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

(h) COST SHARING.—

(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

(2) NONGOVERNMENTAL SHARE.—

(A) IN GENERAL.—The portion of the total cost of an eligible project that is not funded under this section—

(i) shall be provided in cash from sources other than revenues from providing mass transportation, but may include amounts received under a service agreement; and

(ii) may be derived from amounts appropriated to or made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(B) INAPPLICABILITY.—For purposes of subparagraph (A)(ii), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vi) of the Social Security Act shall not apply to Federal or State funds to be used for transportation services.

(i) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to any grant made under this section.

(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed under this section shall be part of a coordinated public transit-human services transportation planning process.

(j) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

(1) all of the terms and conditions to which a grant made under section 5307 of title 49, United States Code, is subject; and

(2) such other terms and conditions as are determined by the Secretary.

(k) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

(A) conduct a study to evaluate the grant program authorized under this section; and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

(l) AUTHORIZATION AND ALLOCATION.—

(1) IN GENERAL.—

(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section—

(i) $40,000,000 for fiscal year 1999;
(ii) $60,000,000 for fiscal year 2000;
(iii) $80,000,000 for fiscal year 2001;
(iv) $100,000,000 for fiscal year 2002; and
(v) $120,000,000 for fiscal year 2003.

(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out this section—

(i) $10,000,000 for fiscal year 1999;
(ii) $15,000,000 for fiscal year 2000;
(iii) $20,000,000 for fiscal year 2001;
(iv) $25,000,000 for fiscal year 2002; and
(v) $30,000,000 for fiscal year 2003.

(C) ADDITIONAL AMOUNTS.—In addition to amounts made available under subparagraphs (A) and (B)under the Transportation Discretionary Spending Guarantee for the Mass Transit Category, there are authorized to be appropriated to carry out this section—

(i) $100,000,000 for fiscal year 1999;
(ii) $75,000,000 for fiscal year 2000;
(iii) $50,000,000 for fiscal year 2001; and

(iv) $25,000,000 for fiscal year 2002.

(2) SET-ASIDE FOR REVERSE COMMUTE PROJECTS.—Of amounts made available by or appropriated under subparagraphs (A) and (B) of paragraph (1) to carry out this section in each fiscal year, not more than $10,000,000 shall be used for grants for reverse commute projects.

(3) ALLOCATION.—The amounts made available by or appropriated under paragraph (1) to carry out this section in each fiscal year shall be allocated as follows:

(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of at least 200,000.

(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.

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

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—The term "intercity, fixed-route over-the-road bus service" means regularly scheduled bus service for the general public, using an over-the-road bus, that—

(A) operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity or connecting 1 or more rural communities with an urban area not in close proximity;

(B) has the capacity for transporting baggage carried by passengers; and

(C) makes meaningful connections with scheduled intercity bus service to more distant points.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—The term "other over-the-road bus service" means any other transportation using over-the-road buses including local fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation such as meals, lodging, admission to points of interest or special attractions or the services of a tour guide).

(3) OVER-THE-ROAD BUS.—The term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(b) GENERAL AUTHORITY.—The Secretary shall make grants under this section to operators of over-the-road buses to finance the incremental capital and training costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses required by section 306(a)(2)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)).

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

(1) the identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;

(2) the extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;

(3) the extent to which the over-the-road bus operator acquires equipment required by the final rule prior to any required timeframe in the final rule;

(4) the extent to which financing the costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses presents a financial hardship for the applicant; and

(5) the impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 50 percent of the project cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

(g) FUNDING.—

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code (before allocation under section 5338(a)(2)(C) of that title), the following amounts shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses:

(A) $2,000,000 for fiscal year 1999.

(B) $2,000,000 for fiscal year 2000.

(C) $3,000,000 for fiscal year 2001.

(D) $5,250,000 for fiscal year 2002.

(E) $5,250,000 for fiscal year 2003.

Such sums shall remain available until expended.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code (before allocation under section 5338(a)(2)(C) of that title), $6,800,000 shall be available for fiscal years 2000 through 2003 for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such sums shall remain available until expended.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) PURPOSES.—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies assist in carrying out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

(3) DEFINITION.—For purposes of this subsection, the term "Federal land management agencies" means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.

SEC. 3040. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, and subparagraphs (A) and (B) of section 3037(l)(1) of this Act, shall not exceed—

(1) $5,315,000,000 in fiscal year 1999;
(2) $5,797,000,000 in fiscal year 2000;
(3) $6,271,000,000 in fiscal year 2001;
(4) $6,747,000,000 in fiscal year 2002; and
(5) $7,226,000,000 in fiscal year 2003.

SEC. 3041. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 1998 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 1997 (111 Stat. 2559).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a) of title 49, United States Code.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 4002. STATEMENT OF PURPOSES.

(a) IN GENERAL.—Chapter 311 is amended by inserting before section 31101 the following:

"§ 31100. Purpose

"The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

"(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

"(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

"(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

"(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

"(5) advancing promising technologies and encouraging adoption of safe operational practices.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 is amended by inserting before the item relating to section 31101 the following:

"31100. Purpose.".

SEC. 4003. STATE GRANTS.

(a) DEFINITIONS.—Section 31101 is amended—

(1) in paragraph (1)(A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by striking "10,000 pounds" and inserting "10,001 pounds, whichever is greater"; and

(2) in paragraph (1)(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title".

(b) PERFORMANCE-BASED GRANTS AND HAZARDOUS MATERIALS TRANSPORTATION SAFETY.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting "improving motor carrier safety and" after "programs for"; and

(B) by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce"; and

(B) by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) in subparagraph (J) by inserting "(1)" after "(c)";

(2) by striking subparagraphs (K), (L), and (M) and inserting the following:

"(K) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

"(L) ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;

"(M) ensures that information is exchanged among the States in a timely manner;";

(3) in subparagraph (O)—

(A) by inserting after "activities" the following: "in support of national priorities and performance goals, including";

(B) by striking "to remove" in clause (i) and inserting "activities aimed at removing";

(C) by striking "to provide" in clause (ii) and inserting "activities aimed at providing";

(D) by inserting "and" after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;";

(4) by striking subparagraph (P) and inserting the following:

"(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;";

(5) in subparagraph (Q)—

(A) by striking "31140 and 31146" and inserting "31138 and 31139"; and

(B) by striking the period at the end and inserting a semicolon;

(6) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(7) by inserting before subparagraph (B) (as redesignated by paragraph (6) of this subsection) the following:

"(A) implements performance-based activities by fiscal year 2000;"; and

(8) by adding at the end the following:

"(S) ensures consistent, effective, and reasonable sanctions; and

"(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel.".

(d) FEDERAL SHARE.—Section 31103 is amended—

(1) by inserting "(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—" before "The Secretary of Transportation";

(2) by inserting "improve commercial motor vehicle safety and" before "enforce"; and

(3) by adding at the end the following:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for public education activities authorized by section 31104(f)(2).".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) is amended to read as follows:

"(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

"(1) Not more than $79,000,000 for fiscal year 1998.

"(2) Not more than $90,000,000 for fiscal year 1999.

"(3) Not more than $95,000,000 for fiscal year 2000.

"(4) Not more than $100,000,000 for fiscal year 2001.

"(5) Not more than $105,000,000 for fiscal year 2002.

"(6) Not more than $110,000,000 for fiscal year 2003.".

(f) CONFORMING AMENDMENT.—Section 31104(b) is amended by striking "(1)" and by striking paragraph (2).

(g) ALLOCATION CRITERIA AND ELIGIBILITY.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

"(2) HIGH-PRIORITY AND BORDER ACTIVITIES.—

"(A) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

"(B) BORDER COMMERCIAL MOTOR VEHICLE SAFETY AND ENFORCEMENT PROGRAMS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.";

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i); and

(4) by redesignating subsection (j) as subsection (h).

(h) SAVINGS CLAUSE.—Amendments made by this section shall not affect any funds made available before the date of enactment of this Act.

SEC. 4004. INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 31106 is amended to read as follows:

"§ 31106. Information systems

"(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

"(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and

data analysis programs to support safety regulatory and enforcement activities required under this title.

"(2) NETWORK COORDINATION.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

"(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

"(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

"(B) evaluate the safety fitness of motor carriers and drivers;

"(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

"(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures; and

"(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

"(4) STANDARDS.—To implement this section, the Secretary shall prescribe technical and operational standards to ensure—

"(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

"(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

"(C) the reliability and availability of the information to the Secretary and States.

"(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

"(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the motor carrier information system authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

"(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State driver and commercial vehicle registration and licensing systems and shall be designed to enable a State to—

"(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

"(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

"(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

"(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

"(B) possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(4) FUNDING.—The Secretary may make available up to 50 percent of the amounts available to carry out this section by section 31107 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection. The Secretary is encouraged to direct no less than 80 percent of amounts made available to carry out this subsection to States that have not previously received financial assistance to develop or implement the information systems authorized by this section.

"(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on commercial motor vehicle drivers;

"(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

"(4) developing appropriate strategies and countermeasures to improve driver safety.

"(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

"(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.".

(b) CONTRACT AUTHORITY FUNDING.—Section 31107 is amended to read as follows:

"§ 31107. Contract authority funding for information systems

"(a) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

"(1) $6,000,000 for fiscal year 1998;

"(2) $10,000,000 for each of fiscal years 1999 and 2000; and

"(3) $12,000,000 for each of fiscal years 2001 through 2002.

"(4) $15,000,000 for fiscal year 2003.

The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after "GRANTS" the following: "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS".

(d) CONFORMING AMENDMENTS.—The analysis for chapter 311 is amended—

(1) by striking

"SUBCHAPTER I—STATE GRANTS"

and inserting

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems.
"31107. Contract authority funding for information systems.".

SEC. 4005. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking "section—" and inserting "section, the following definitions apply:";

(2) by inserting after "(1)" the following: "MAXI-CUBE VEHICLE.—The term";

(3) by inserting after "(2)" the following: "TRUCK TRACTOR.—The term";

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

(5) by inserting before paragraph (2), as so redesignated, the following:

"(1) AUTOMOBILE TRANSPORTER.—The term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.".

SEC. 4006. INSPECTIONS AND REPORTS.

(a) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" after "employee".

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

"§ 31315. Waivers, exemptions, and pilot programs

"(a) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(1) for a period not in excess of 3 months;

"(2) limited in scope and circumstances;

"(3) for nonemergency and unique events; and

"(4) subject to such conditions as the Secretary may impose.

"(b) EXEMPTIONS.—

"(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

"(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

"(A) the person fails to comply with the terms and conditions of such exemption;

"(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

"(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

"(A) The provisions from which the person requests exemption.

"(B) The time period during which the requested exemption would apply.

"(C) An analysis of the safety impacts the requested exemption may cause.

"(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

"(4) NOTICE AND COMMENT.—

"(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Fed-

eral Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

"(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

"(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

"(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

"(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

"(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

"(c) PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

"(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be

achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

"(A) A scheduled life of each pilot program of not more than 3 years.

"(B) A specific data collection and safety analysis plan that identifies a method for comparison.

"(C) A reasonable number of participants necessary to yield statistically valid findings.

"(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

"(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

"(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.".

(b) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

"31315. Waivers, exemptions, and pilot programs.".

(c) CONFORMING AMENDMENT.—Section 31136(e) of such title is amended to read as follows:

"(e) EXEMPTIONS.—The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.".

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by this section shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of

enactment of this Act under chapter 313 or section 31136(e) of title 49, United States Code.

SEC. 4008. SAFETY REGULATION.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by inserting ", whichever is greater" after "pounds"; and

(2) in subparagraph (B) by striking "passengers" and all that follows through the semicolon at the end and inserting "more than 8 passengers (including the driver) for compensation;".

(b) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Effective on the last day of the 1-year period beginning on the date of enactment of this Act, regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.

(c) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the analysis for chapter 311, are repealed.

(d) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the analysis for chapter 311, are repealed.

(e) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary immediately after the enactment or issuance.

"(c) REVIEW AND DECISIONS BY SECRETARY.—

"(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

"(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

"(B) is less stringent than such regulation; or

"(C) is additional to or more stringent than such regulation.

"(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

"(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regula-

tion prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

"(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

"(A) the State law or regulation has no safety benefit;

"(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

"(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

"(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.";

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(f) INSPECTION OF SAFETY EQUIPMENT.—Section 31142(a) is amended by striking "part 393 of title 49, Code of Federal Regulations" and inserting "the regulations issued under section 31136".

(g) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended to read as follows:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

SEC. 4009. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144 is amended to read as follows:

"§ 31144. Safety fitness of owners and operators

"(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

"(2) periodically update such safety fitness determinations;

"(3) make such final safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.

"(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

"(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

"(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

"(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

"(c) PROHIBITED TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

"(d) REVIEW OF FITNESS DETERMINATIONS.—

"(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator

failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.".

(b) CONFORMING AMENDMENT.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following: "See section 31144.".

SEC. 4010. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the analysis for chapter 311, are repealed.

SEC. 4011. COMMERCIAL VEHICLE OPERATORS.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating" the first 2 places it appears; and

(B) by inserting ", whichever is greater," after "pounds" the first place it appears; and

(2) in subparagraph (C)(ii)—

(A) by inserting "is" before "transporting" each place it appears; and

(B) by inserting "is" before "not otherwise".

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

(1) IN GENERAL.—Section 31302 of such title is amended to read as follows:

"§ 31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver's license at any time.".

(2) CONFORMING AMENDMENT.—The item relating to section 31302 in the analysis for chapter 313 is amended to read as follows:

"31302. Commercial driver's license requirement.".

(c) UNIQUE IDENTIFIERS IN CDLS.—

(1) IN GENERAL.—Section 31308(2) is amended by inserting before the semicolon "and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication".

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 of such title is amended—

(1) in subsection (a) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by inserting after the first sentence of subsection (a) the following: "The system shall be coordinated with activities carried out under section 31106.";

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

(4) by striking subsection (d)(2) and inserting the following:

"(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).";

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

"(e) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with the policy developed under section 31106(e).";

(6) in subsection (f) by striking "If the Secretary establishes an information system under this section, the" and inserting "The";

(7) by striking "shall" in the first sentence of subsection (f) and inserting "may"; and

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

(e) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) in paragraph (15) by striking "section 31310(b)–(e) of this title" and inserting "subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(f) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such sections in the analysis for chapter 313, are repealed.

(g) UPDATING AMENDMENTS.—Section 31314 is amended—

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

(2) in subsection (c) by striking "(1) Amounts" and all that follows through "(2) Amounts" and inserting "Amounts";

(3) by striking subsection (d); and

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

(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

(1) in subsections (a) and (b) by striking "(3), and (5)" each place it appears and inserting "(3), and (4)"; and

(2) by striking subsection (d).

SEC. 4012. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 is amended by adding at the end the following:

"(e) EXCEPTION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

"(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

"(B) physical testing, reporting, or recordkeeping, and

"(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle of the driver to which the declaration applied.

"(4) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 614–615).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning that term has under section 31301 of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning that term has under section 31502(e)(2) of such title.

(C) REGULATION.—The term "regulation" has the meaning that term has under section 31132 of such title.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 614–615).

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the analysis for chapter 317, are repealed.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end the following:

"§ 508. Safety performance history of new drivers; limitation on liability

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2).

"(b) RESTRICTIONS ON APPLICABILITY.—

"(1) MOTOR CARRIER REQUESTING.—Subsection (a) does not apply to a motor carrier requesting safety performance records unless—

"(A) the motor carrier and any agents of the motor carrier have complied with the regulations issued by the Secretary in using the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier and any agents and insurers of the motor carrier have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in deciding whether to hire that individual; and

"(C) the motor carrier has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) PERSON COMPLYING WITH REQUESTS.—Subsection (a) does not apply to a person complying with a request for safety performance records unless—

"(A) the complying person and any agents of the complying person have taken all precautions reasonably necessary to ensure the accuracy of the records and have complied with the regulations issued by the Secretary in furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records; and

"(B) the complying person and any agents and insurers of the complying person have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in forwarding the records.

"(3) PERSONS KNOWINGLY FURNISHING FALSE INFORMATION.—Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary to carry out this section. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier."

(2) CONFORMING AMENDMENT.—The analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 31, 1999.

(c) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.—

(1) MATTERS TO BE INCLUDED.—As part of the rulemaking that the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), the Secretary shall amend such section 391.23 (in addition to the matters set forth in such section 114) to provide protection for driver privacy and to establish procedures for review, correction, and rebuttal of the safety performance records of a commercial motor vehicle driver.

(2) COMPLETION.—The rulemaking and the amendments referred to in paragraph (1) shall be completed by January 31, 1999.

SEC. 4015. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) in the third sentence of subparagraph (A) by striking "fix a reasonable time for abatement of the violation,"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) NONAPPLICABILITY TO REPORTING AND RECORDKEEPING VIOLATIONS.—Subparagraph (A) shall not apply to reporting and recordkeeping violations.".

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) RECORDKEEPING AND REPORTING VIOLATIONS.—A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person—

"(i) who does not make that report, does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, or does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000; or

"(ii) who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States

for a civil penalty in an amount not to exceed $5,000 for each violation, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.".

(c) CONFORMING AMENDMENTS.—Section 522 is amended by striking "(a)" and by striking subsection (b).

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended to read as follows:

"(a) MOTOR CARRIERS OF PASSENGERS.—

"(1) LIMITATION ON STATE LAW.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to—

"(A) scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by a motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route;

"(B) the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required; or

"(C) the authority to provide intrastate or interstate charter bus transportation.

This paragraph shall not apply to intrastate commuter bus operations.

"(2) MATTERS NOT COVERED.—Paragraph (1) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle, or the authority of a State to regulate carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.".

SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not more than $250,000 for each of fiscal years 1999 through 2003 to carry out this section.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(6) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 4019. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of the procedures

established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.

SEC. 4021. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act.

(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program in cooperation with 1 or more States to improve upon the

timely exchange of pertinent driver performance and safety records data to motor carriers.

(2) PURPOSE.—The purpose of the program shall be to—

(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.

SEC. 4023. EMPLOYEE PROTECTIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).

SEC. 4025. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

51-777 98 - 12

SEC. 4026. DOT IMPLEMENTATION PLAN.

(a) ASSESSMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers) encouraging violations of chapter 5 of title 49, United States Code, or a regulation or order issued by the Secretary under such chapter.

(b) SUBMISSION OF IMPLEMENTATION PLAN.—After completion of the assessment under subsection (a), the Secretary may submit to the Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or regulations or orders issued by the Secretary under such chapter with respect to persons described in subsection (a).

(c) CONTENTS OF IMPLEMENTATION PLAN.—In developing the implementation plan under subsection (b), the Secretary shall consider, as appropriate—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES.

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

(b) REPORT.—Not later than the 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(c) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000, and 2001, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS.

(a) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary shall review—

(1) the qualifications of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to operate as a motor carrier in the United States; and

(2) the carrier's likely ability to comply with applicable laws and regulations of the United States.

(b) USE OF REVIEW.—The review conducted under subsection (a) shall not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section. The results of the review may be used by the Secretary as the Secretary determines appropriate.

(c) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary shall submit a report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to review the safety fitness of those carriers.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS.

The Department of Transportation shall maintain at least the number of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure at least an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation;

(iii) mass transportation operators;

(iv) employee organizations; and

(v) bicycling organizations;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section $200,000 for fiscal year 2000 and $200,000 for fiscal year 2001. Such sums shall remain available until expended.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) GENERAL RULE.—Notwithstanding the provisions of section 13902(c)(4)(A) of title 49, United States Code, the New Mexico Commercial Zone shall be a commercial zone for purposes of transportation of property only under section 13506(b) of such title.

(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico.

(c) SUBMISSION OF PLAN.—Not later than 3 months after the date of enactment of this Act, the State of New Mexico shall submit to the Secretary a plan describing how the State will monitor commercial motor vehicle traffic and enforce safety regulations.

(d) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary or Surface Transportation Board before the date of enactment of this Act.

(e) NEW MEXICO COMMERCIAL ZONE DEFINED.—In this section, the term "New Mexico Commercial Zone" means the area that is comprised of Dona Ana County and Luna County in New Mexico.

(f) DESIGNATION.—The designation and operation of the New Mexico Commercial Zone shall become effective upon the date of enactment of this Act.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS.

(a) STUDY.—The Secretary shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

(1) national uniformity and the purposes of the motor carrier safety assistance program;

(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

(3) the safety impacts, costs, and benefits of full participation in the program.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) SURFACE TRANSPORTATION RESEARCH.—For carrying out sections 502, 506, 507, and 508 of title 23, United States Code, and section 5112 of this Act $96,000,000 for fiscal year 1998, $97,000,000 for fiscal year 1999, $97,000,000 for fiscal year 2000, $98,000,000 for fiscal year 2001, $101,000,000 for fiscal year 2002, and $103,000,000 for fiscal year 2003.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—To carry out section 503 of title 23, United States Code, $35,000,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $45,000,000 for fiscal year 2002, and $50,000,000 for fiscal year 2003.

(3) TRAINING AND EDUCATION.—For carrying out section 504 of title 23, United States Code, $14,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $16,000,000 for fiscal year 2000, $18,000,000 for fiscal year 2001, $19,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for each of fiscal years 1998 through 2003.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—For carrying out sections 5204, 5205, 5206, and 5207 of this Act $95,000,000 for fiscal year 1998, $95,000,000 for fiscal year 1999, $98,200,000 for fiscal year

2000, $100,000,000 for fiscal year 2001, $105,000,000 for fiscal year 2002, and $110,000,000 for fiscal year 2003.

(6) ITS DEPLOYMENT.—For carrying out sections 5208 and 5209 of this Act $101,000,000 for fiscal year 1998, $105,000,000 for fiscal year 1999, $113,000,000 for fiscal year 2000, $118,000,000 for fiscal year 2001, $120,000,000 for fiscal year 2002, and $122,000,000 for fiscal year 2003.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—For carrying out section 5505 of title 49, United States Code, $25,650,000 for fiscal year 1998, $25,650,000 for fiscal year 1999, $27,250,000 for fiscal year 2000, $27,250,000 for fiscal year 2001, $26,500,000 for fiscal year 2002, and $26,500,000 for fiscal year 2003.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent (unless otherwise expressly provided by this subtitle or otherwise determined by the Secretary with respect to a project of activity) and such funds shall remain available until expended.

(c) ALLOCATIONS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Of the amounts made available under subsection (a)(1)—

(A) $10,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(e) of title 23, United States Code (relating to long-term pavement performance);

(B) not to exceed $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(f) of such title (relating to seismic research), of which not to exceed $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program;

(C) $500,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 506 of such title (relating to international outreach); and

(D) $5,000,000 for each of fiscal years 1998 through 2003 to carry out research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(2) TECHNOLOGY DEPLOYMENT.—Of the amounts made available under subsection (a)(2)—

(A) $1,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 503(b)(3)(A)(i) of title 23, United States Code (relating to research development technology transfer activities); and

(B) $10,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $17,000,000 for fiscal year 2000, and $20,000,000 for each of fiscal years 2001 through 2003 shall be available to carry out section 503(b)(3)(A)(ii) of such title (relating to repair, rehabilitation, and construction).

(3) TRAINING AND EDUCATION.—Of the amounts made available under subsection (a)(3)—

(A) $5,000,000 for fiscal year 1998, $6,000,000 for fiscal year 1999, $6,000,000 for fiscal year 2000, $7,000,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);

(B) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $10,000,000 for fiscal year 2003 shall be available to carry out section 504(b) of such title (relating to local technical assistance); and

(C) $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 504(c)(2) of such title (relating to the Eisenhower Transportation Fellowship Program).

(4) ITS DEPLOYMENT.—Of the amounts made available under subsection (a)(6)—

(A) $74,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $83,000,000 for fiscal year 2001, $85,000,000 for fiscal year 2002, and $85,000,000 for fiscal year 2003 shall be available to carry out section 5208 of this Act (relating to Intelligent Transportation Systems integration); and

(B) $25,500,000 for fiscal year 1998, $27,200,000 for fiscal year 1999, $30,200,000 for fiscal year 2000, $32,200,000 for fiscal year 2001, $33,500,000 for fiscal year 2002, and $35,500,000 for fiscal year 2003 shall be available to carry out section 5209 of this Act (relating to commercial vehicle infrastructure).

(d) TRANSFERS OF FUNDS.—The Secretary may transfer not to exceed 10 percent of the amounts allocated in a fiscal year under a subparagraph in each of paragraphs (1) through (4) of subsection (c) to the amounts allocated under any other subparagraph in the paragraph.

SEC. 5002. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 5001(a) of this Act shall not exceed $397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000 for fiscal year 2003.

SEC. 5003. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Represent-

atives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of such reorganization to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Subtitle B—Research and Technology

SEC. 5101. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters by adding at the end the following:

"5. Research and Technology ..... 501";

and

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

"Sec.
"501. Definitions.
"502. Surface transportation research.
"503. Technology deployment program.
"504. Training and education.
"505. State planning and research.
"506. International highway transportation outreach program.
"507. Surface transportation-environment cooperative research program.
"508. Surface transportation research strategic planning.

"§ 501. Definitions

"In this chapter, the following definitions apply:

"(1) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a Government-owned, Government-operated laboratory and a Government-owned, contractor-operated laboratory.

"(2) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.".

SEC. 5102. SURFACE TRANSPORTATION RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 502. Surface transportation research

"(a) GENERAL AUTHORITY.—

"(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

"(A) motor carrier transportation;

"(B) all phases of transportation planning and development (including construction, operation, modernization, de-

velopment, design, maintenance, safety, financing, and traffic conditions); and

"(C) the effect of State laws on the activities described in subparagraphs (A) and (B).

"(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

"(A) independently;

"(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

"(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508.

"(5) FUNDS.—

"(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this section, the Secretary shall use such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose.

"(B) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

"(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

"(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

"(B) Federal laboratories.

"(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(3) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall

not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

"(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

"(c) CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include in surface transportation research, technology development, and technology transfer programs carried out under this title coordinated activities in the following areas:

"(1) Development, use, and dissemination of indicators, including appropriate computer programs for collecting and analyzing data on the status of infrastructure facilities, to measure the performance of the surface transportation systems of the United States, including productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect system performance.

"(2) Methods, materials, and testing to improve the durability of surface transportation infrastructure facilities and extend the life of bridge structures, including—

"(A) new and innovative technologies to reduce corrosion;

"(B) tests simulating seismic activity, vibration, and weather; and

"(C) the use of innovative recycled materials.

"(3) Technologies and practices that reduce costs and minimize disruptions associated with the construction, rehabilitation, and maintenance of surface transportation systems, including responses to natural disasters.

"(4) Development of nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials.

"(5) Dynamic simulation models of surface transportation systems for—

"(A) predicting capacity, safety, and infrastructure durability problems;

"(B) evaluating planned research projects; and

"(C) testing the strengths and weaknesses of proposed revisions to surface transportation operations programs.

"(6) Economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public

highways and the feasibility of uniformity in State regulations with respect to such standards.

"(7) Telecommuting and the linkages between transportation, information technology, and community development and the impact of technological change and economic restructuring on travel demand.

"(8) Expansion of knowledge of implementing life cycle cost analysis, including—

"(A) establishing the appropriate analysis period and discount rates;

"(B) learning how to value and properly consider use costs;

"(C) determining tradeoffs between reconstruction and rehabilitation; and

"(D) establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.

"(9) Standardized estimates, to be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations, of useful life under various conditions for advanced materials of use in surface transportation.

"(10) Evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.

"(11) Development and implementation of safety-enhancing equipment, including unobtrusive eyetracking technology.

"(d) ADVANCED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish an advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508, that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out the program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(B) Diagnostics for evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration, and weather.

"(C) Design and construction details for composite structures.

"(D) Safety technology-based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(E) Environmental research, including particulate matter source apportionment and model development.

"(F) Data acquisition techniques for system condition and performance monitoring.

"(G) Human factors, including prediction of the response of travelers to new technologies.

"(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) through the midpoint of a planned 20-year life of the long-term pavement performance program.

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(B) analyze the data obtained in carrying out subparagraph (A); and

"(C) prepare products to fulfill program objectives and meet future pavement technology needs.

"(f) SEISMIC RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.

"(2) COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.—The Secretary shall conduct the program in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

"(3) COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.—The Secretary shall conduct the program in consultation and cooperation with Federal departments and agencies participating in the National Earthquake Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) and shall take such actions as may be necessary to ensure that the program is consistent with—

"(A) planning and coordination activities of the Director of the Federal Emergency Management Agency under section 5(b)(1) of such Act (42 U.S.C. 7704(b)(1)); and

"(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act (42 U.S.C. 7705b(b)).

"(g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

"(1) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(A) estimates of the future highway and bridge needs of the United States; and

"(B) the backlog of current highway and bridge needs.

"(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in the 3 biannual reports published prior to the date of enactment of the Transportation Equity Act for the 21st Century.".

SEC. 5103. TECHNOLOGY DEPLOYMENT.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 503. Technology deployment

"(a) TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program.

"(2) PURPOSE.—The purpose of the program shall be to significantly accelerate the adoption of innovative technologies by the surface transportation community.

"(3) DEPLOYMENT GOALS.—

"(A) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish not more than 5 deployment goals to carry out paragraph (1).

"(B) DESIGN.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.

"(C) STRATEGIES FOR ACHIEVEMENT.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

"(4) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities carried out under this subsection with the efforts of the Secretary to disseminate the results of research sponsored by the Secretary and to facilitate technology transfer.

"(5) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(6) CONTINUATION OF SHRP PARTNERSHIPS.—Under the program, the Secretary shall continue the partnerships estab-

lished through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

"(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

"(A) the testing and evaluation of products of the strategic highway research program;

"(B) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts and other alternatives to prevent and mitigate alkali silica reactivity;

"(C) the provision of support for long-term pavement performance product implementation and technology access; and

"(D) other activities to achieve the goals established under paragraph (3).

"(8) REPORTS.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

"(9) ALLOCATION.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for their use.

"(b) INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

"(2) GOALS.—The goals of the program shall include—

"(A) the development of new, cost-effective innovative material highway bridge applications;

"(B) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(D) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

"(E) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

"(F) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

"(G) the development of new nondestructive bridge evaluation technologies and techniques.

"(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

"(i) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

"(ii) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrate the application of innovative materials.

"(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the grant meets the goals of the program described in paragraph (2).

"(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

"(5) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.".

SEC. 5104. TRAINING AND EDUCATION.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 504. Training and education

"(a) NATIONAL HIGHWAY INSTITUTE.—

"(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a National Highway Institute (in this subsection referred to as the 'Institute'). The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

"(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

"(A) Federal Highway Administration, State, and local transportation agency employees;

"(B) regional, State, and metropolitan planning organizations;

"(C) State and local police, public safety, and motor vehicle employees; and

"(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental mitigation and compliance, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance and operations, contract administration, motor carrier safety activities, inspection, and highway finance.

"(4) SET-ASIDE; FEDERAL SHARE.—Not to exceed ½ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

"(5) FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

"(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

"(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

"(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

"(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

"(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

"(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

"(7) COLLECTION OF FEES.—

"(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or admin-

istering education and training programs under this subsection.

"(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

"(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

"(ii) persons and entities to whom education or training is provided under this subsection.

"(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

"(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

"(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under paragraph (7).

"(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

"(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors that do work for the agencies.

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, concrete structures, safety management systems, and traffic safety countermeasures);

"(ii) improve roads and bridges;

"(iii) enhance—

"(I) programs for the movement of passengers and freight; and

"(II) intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(B) develop technical assistance for tourism and recreational travel;

"(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

"(D) operate, in cooperation with State transportation departments and universities—

"(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

"(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

"(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(c) RESEARCH FELLOWSHIPS.—

"(1) GENERAL AUTHORITY.—The Secretary, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. The program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.".

SEC. 5105. STATE PLANNING AND RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 505. State planning and research

"(a) GENERAL RULE.—Two percent of the sums apportioned to a State for fiscal year 1998 and each fiscal year thereafter under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

"(1) Engineering and economic surveys and investigations.

"(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including metropolitan and statewide planning under sections 134 and 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of surface transportation systems and the desirable regulation and equitable taxation of such systems.

"(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems.

"(6) Study, research, and training on the engineering standards and construction materials for transportation systems described in paragraph (5), including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be expended by the State for research, development, and technology transfer activities described in subsection (a), relating to highway, public transportation, and intermodal transportation systems.

"(2) WAIVERS.—The Secretary may waive the application of paragraph (1) with respect to a State for a fiscal year if the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the funds described in paragraph (1) and the Secretary accepts such certification.

"(3) NONAPPLICABILITY OF ASSESSMENT.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

"(c) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) ADMINISTRATION OF SUMS.—Funds subject to subsection (a) shall be combined and administered by the Secretary as a single fund and shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

SEC. 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 506. International highway transportation outreach program

"(a) ESTABLISHMENT.—The Secretary may establish an international highway transportation outreach program—

"(1) to inform the United States highway community of technological innovations in foreign countries that could significantly improve highway transportation in the United States;

"(2) to promote United States highway transportation expertise, goods, and services in foreign countries; and

"(3) to increase transfers of United States highway transportation technology to foreign countries.

"(b) ACTIVITIES.—Activities carried out under the program may include—

"(1) development, monitoring, assessment, and dissemination in the United States of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the United States;

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

"(3) informing foreign countries about the technical quality of United States highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

"(4) offering technical services of the Federal Highway Administration that cannot be readily obtained from United States private sector firms to be incorporated into the proposals of United States private sector firms undertaking highway transportation projects outside the United States if the costs of such services will be recovered under the terms of the project;

"(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development, as of December 18, 1991, and in Greece and Turkey; and

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

"(c) COOPERATION.—The Secretary may carry out this section in cooperation with any appropriate Federal agency, State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or other organization or person.

"(d) FUNDS.—

"(1) CONTRIBUTIONS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person into a special account of the Treasury established for this purpose.

"(2) ELIGIBLE USES OF FUNDS.—The funds deposited into the account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits.

"(3) REIMBURSEMENTS FOR SALARIES AND BENEFITS.—Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the account.

"(e) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).".

SEC. 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 507. Surface transportation-environment cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a surface transportation-environment cooperative research program.

"(b) CONTENTS.—The program to be carried out under this section shall include research designed—

"(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including metropolitan planning organizations, in designing implementation plans to meet Federal, State, and local environmental requirements;

"(2) to improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies;

"(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

"(4) to study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health, and develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including recommendations of the National Research Council in the report entitled 'Environmental Research Needs in Transportation'.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation and environmental agencies;

"(B) transportation and environmental scientists and engineers; and

"(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating

to the research, technology, and technology transfer activities described in subsection (b) as the Secretary determines appropriate.".

SEC. 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 508. Surface transportation research strategic planning

"(a) IN GENERAL.—The Secretary shall—

"(1) establish a strategic planning process, consistent with section 306 of title 5 for the Department of Transportation to determine national transportation research and technology development priorities related to surface transportation;

"(2) coordinate Federal surface transportation research and technology development activities;

"(3) measure the results of those activities and how they impact the performance of the surface transportation systems of the United States; and

"(4) ensure that planning and reporting activities carried out under this section are coordinated with all other surface transportation planning and reporting requirements.

"(b) IMPLEMENTATION.—The Secretary shall—

"(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities;

"(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs; and

"(3) provide for independent validation of the scientific and technical assumptions underlying the surface transportation research and technology development programs of the Department.

"(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT STRATEGIC PLAN.—

"(1) DEVELOPMENT.—The Secretary shall develop an integrated surface transportation research and technology development strategic plan.

"(2) CONTENTS.—The plan shall include—

"(A) an identification of the general goals and objectives of the Department of Transportation for surface transportation research and development;

"(B) a description of the roles of the Department and other Federal agencies in achieving the goals identified under subparagraph (A), in order to avoid unnecessary duplication of effort;

"(C) a description of the overall strategy of the Department, and the role of each of the operating administrations of the Department, in carrying out the plan over the next

5 years, including a description of procedures for coordination of the efforts of the Secretary with the efforts of the operating administrations of the Department and other Federal agencies;

"(D) an assessment of how State and local research and technology development activities are contributing to the achievement of the goals identified under subparagraph (A);

"(E) details of the surface transportation research and technology development programs of the Department, including performance goals, resources needed to achieve those goals, and performance indicators as described in section 1115(a) of title 31, United States Code, for the next 5 years for each area of research and technology development;

"(F) significant comments on the plan obtained from outside sources; and

"(G) responses to significant comments obtained from the National Research Council and other advisory bodies, and a description of any corrective actions taken pursuant to such comments.

"(3) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

"(A) strategic plan or revision required under section 306 of title 5;

"(B) performance plan required under section 1115 of title 31; and

"(C) program performance report required under section 1116,

with respect to surface transportation research and technology development.

"(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

"(A) a summary of the results for the previous fiscal year of surface transportation research and technology development programs to which the Department of Transportation contributes, along with—

"(i) an analysis of the relationship between those results and the goals identified under paragraph (2)(A); and

"(ii) a description of the methodology used for assessing the results; and

"(B) a description of significant surface transportation research and technology development initiatives, if any, undertaken during the previous fiscal year that were not in the plan developed under paragraph (1), and any significant changes in the plan from the previous year's plan.

"(d) MERIT REVIEW AND PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report describing competitive merit review procedures for use in selecting grantees and contractors in the programs covered by the plan developed under sub-

section (c) and performance measurement procedures for evaluating the programs.

"(e) PROCUREMENT PROCEDURES.—The Secretary shall—

"(1) develop model procurement procedures that encourage the use of advanced technologies; and

"(2) develop model transactions for carrying out and coordinating Federal and State surface transportation research and technology development activities.

"(f) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 31.".

SEC. 5109. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4) by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J) by striking "and" at the end;

(ii) in subparagraph (K) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(L) transportation-related variables that influence global competitiveness.";

(B) in paragraph (2)—

(i) in the first sentence by striking "national transportation system" and inserting "transportation systems of the United States";

(ii) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.) and the amendments made by such Act;"; and

(iii) in subparagraph (C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(C) in paragraph (3) by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary."; and

(D) by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.";

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

"(d) INTERMODAL TRANSPORTATION DATA BASE.—

"(1) IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) CONTENTS.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(e) NATIONAL TRANSPORTATION LIBRARY.—

"(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(5).

"(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

"(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

"(A) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(B) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

"(C) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

"(2) LIMITATION.—Not more than $500,000 of the amounts made available to carry out this section in a fiscal year may be used to carry out this subsection.";

(6) by striking subsection (i) (as redesignated by paragraph (3) of this subsection) and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) IN GENERAL.—An officer or employee of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

"(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

"(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

"(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

"(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably inferred by direct or indirect means.

"(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.";

(7) in subsection (j) (as redesignated by paragraph (3) of this subsection) by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The"; and

(8) by adding at the end the following:

"(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.".

(b) CONFORMING AMENDMENTS.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 5110. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5505. University transportation research

"(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development matters, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) For regional centers, the location of the center within the Federal region to be served.

"(B) The demonstrated research and extension resources available to the recipient to carry out this section.

"(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

"(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

"(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

"(G) The strategic plan the recipient proposes to carry out under the grant.

"(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

"(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(2) An education program that includes multidisciplinary course work and participation in research.

"(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23, United States Code.

"(g) PROGRAM COORDINATION.—

"(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually and consistent with the plan developed under section 5506, the

Secretary shall review and evaluate programs the grant recipients carry out.

"(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"(i) NUMBER AND AMOUNT OF GRANTS.—

"(1) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUP B.—The Secretary shall make a grant in the amount of $300,000 to each of the institutions in group B.

"(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

"(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(2) FISCAL YEARS 2000 AND 2001.—For each of fiscal years 2000 and 2001, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUP B.—The Secretary shall make a grant in the amount of $500,000 to 8 of the institutions in group B.

"(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

"(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(3) FISCAL YEARS 2002 AND 2003.—For each of fiscal years 2002 and 2003, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUPS B AND C.—The Secretary shall make a grant in the amount of $1,000,000 to 10 of the institutions in groups B and C that received grants under this section in fiscal years 2000 and 2001.

"(C) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(j) IDENTIFICATION OF GROUPS.—For the purpose of making grants under this section, the following groups are identified:

"(1) GROUP A.—Group A shall consist of the 10 regional centers selected under subsection (a).

"(2) GROUP B.—Group B shall consist of the following:

"(A) The University of Denver and Mississippi State University.

"(B) The University of Central Florida.

"(C) University of Southern California and California State University at Long Beach.

"(D) Rutgers University.

"(E) University of Missouri at Rolla.

"(F) South Carolina State University.

"(G) Joseph P. Kennedy Science and Technology Center, Assumption College, Massachusetts.

"(H) Purdue University.

"(3) GROUP C.—Group C shall consist of the following:

"(A) University of Arkansas.

"(B) New Jersey Institute of Technology.

"(C) University of Idaho.

"(D) The University of Alabama.

"(E) Morgan State University.

"(F) North Carolina State University.

"(G) San Jose State University.

"(H) University of South Florida.

"(I) North Carolina A. and T. State University.

"(4) GROUP D.—Group D shall consist of the following:

"(A) University of Minnesota.

"(B) Marshall University, West Virginia, on behalf of a consortium of West Virginia colleges and universities.

"(C) George Mason University, along with the University of Virginia and Virginia Tech University.

"(D) Western Transportation Institute.

"(E) Rhode Island Transportation Research Center.

"(F) Northwestern University.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

"5505. University transportation research.".

(c) REPEALS.—Section 5316 and 5317 of title 49, United States Code, and the items relating to such sections in the analysis for chapter 53 of such title, are repealed.

(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

(1) in subsection (g)(2) by striking "section 5506," and inserting "section 508 of title 23, United States Code,";

(2) in subsection (i)—

(A) by inserting "Subject to section 5338(e):" after "(i) NUMBER AND AMOUNT OF GRANTS.—"; and

(B) by striking "institutions" each place it appears and inserting "institutions or groups of institutions"; and

(3) in subsection (j)(4)(B) by striking "on behalf of" and all that follows before the period and inserting "on behalf of a consortium which may also include West Virginia University Insti-

tute of Technology, the College of West Virginia, and Bluefield State College".

SEC. 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of subtitle I of title 49, United States Code (as amended by section 5110 of this Act), is amended by adding at the end the following:

"§ 5506. Advanced vehicle technologies program

"(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient, safe, and cost-effective national transportation system.

"(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

"(1) Businesses incorporated in the United States.

"(2) Public or private educational or research organizations located in the United States.

"(3) Entities of State or local governments in the United States.

"(4) Federal laboratories.

"(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

"(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

"(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

"(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

"(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

"(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

"(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the

content and structure of proposals submitted for assistance under this section.

"(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following:

"5506. Advanced vehicle technologies program.".

SEC. 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) STUDY.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (in this section referred to as the "Board") to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of this Act), or a similar effort.

(b) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines appropriate to the conduct of the study.

(c) REPORT.—Not later than 5 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5113. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the Commercial Remote Sensing Program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2004.

SEC. 5114. SENSE OF THE CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of the Congress that the Secretary should—

(1) give high priority to correcting all 2-digit date-related problems in computer systems of the Department of Transportation to ensure that the systems continue to operate effectively in the year 2000 and thereafter;

(2) assess immediately the extent of the risk to the operations of the Department of Transportation posed by the problems referred to in paragraph (1), and plan and budget for achieving year 2000 compliance for all mission-critical systems of the Department; and

(3) develop contingency plans for those systems that the Secretary of Transportation is unable to correct in time.

SEC. 5115. INTERNATIONAL TRADE TRAFFIC.

(a) STUDY.—The Director of the Bureau of Transportation Statistics shall carry out a study—

(1) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

(2) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

(3) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

(4) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

(b) BASIS FOR EVALUATIONS.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau of Transportation Statistics, in consultation with the Committee on National Statistics of the National Academy of Sciences.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under subsection (a), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.

51-777 98 - 13

SEC. 5116. UNIVERSITY GRANTS.

(a) SEISMIC RESEARCH, UNIVERSITY OF CALIFORNIA AT SAN DIEGO.—

(1) GRANTS.—The Secretary shall make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $1,000,000 for each of fiscal years 1999 through 2002 shall be available to carry out this subsection.

(b) GLOBAL CLIMATE RESEARCH, UNIVERSITY OF ALABAMA AT HUNTSVILLE.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Huntsville for global climate research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $200,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(c) ASPHALT RESEARCH, AUBURN UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Auburn University for asphalt research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $250,000 for each of fiscal years 1999 and 2000 shall be available to carry out this subsection.

(d) ADVANCED VEHICLE RESEARCH, UNIVERSITY OF ALABAMA AT TUSCALOOSA.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Tuscaloosa for advanced vehicle research, including the study of fuel cell and electric vehicle technology.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $400,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(e) GEOTHERMAL HEAT PUMP SMART BRIDGE PROGRAM, OKLAHOMA STATE UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Oklahoma State University for the purposes of research, development, and field testing of the Geothermal Heat Pump Smart Bridge Program.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002 shall be available to carry out this subsection.

(f) INTELLIGENT STIFFENER FOR BRIDGE STRESS REDUCTION, UNIVERSITY OF OKLAHOMA.—

(1) GRANTS.—The Secretary shall make grants to the University of Oklahoma, College of Engineering, Center for Structural Control, for the purposes of research, development, and field testing of the Intelligent Stiffener for Bridge Stress Reduction.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999,

$1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001 shall be available to carry out this subsection.

(g) STUDY OF ADVANCED TRAUMA CARE, UNIVERSITY OF ALABAMA AT BIRMINGHAM.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Birmingham for the study of advanced trauma care.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $750,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(h) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) GRANTS.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the Calspan University of Buffalo Research Center affiliated with the State University of New York at Buffalo.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out this subsection.

(i) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) GRANTS.—The Secretary shall make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development for preventing and minimizing head and spinal cord injuries relating to automobile accidents.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $500,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

SEC. 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to de-

termine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the vehicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be initiated in the 2 largest metropolitan areas in the Commonwealth of Pennsylvania. The program may locate its database at the facility authorized under paragraph (6).

(B) DESCRIPTION.—The program under this section shall meet the following objectives:

(i) Build an infrastructure of the measurement of various transportation system metrics to aid in planning, analysis, and maintenance of the Department of Transportation, including the buildout, maintenance, and operation of greater than 40 metropolitan area systems with a cost not to exceed $2,000,000 per metropolitan area. For the purposes of this demonstration initiative, a metropolitan area is defined as any area that has a population exceeding 300,000 and that meets several of the criteria established by the Secretary in conjunction with the intelligent vehicle highway systems corridors program.

(ii) Provide private technology commercialization initiatives to generate revenues which will be shared with the Department of Transportation.

(iii) Collect data primarily through wireless transmission along with some shared wide area networks.

(iv) Aggregate data into reports for multipoint data distribution techniques.

(v) Utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high reliability, mission critical voice and data systems.

(C) ELIGIBILITY.—In addition to the amounts made available under subparagraph (D), the program authorized under this paragraph shall be eligible for funding under sections 5207 and 5208 of this Act.

(D) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(E) FEDERAL SHARE.—The Federal share of the cost of a program carried out under this paragraph shall be 80 percent of the cost of such program.

(4) CORROSION CONTROL AND PREVENTION.—

(A) IN GENERAL.—The Secretary shall make a grant to conduct a study on the costs and benefits of corrosion control and prevention. The study shall be conducted in conjunction with an interdisciplinary team of experts from the fields of metallurgy, chemistry, economics, and others, as appropriate. Not later than September 30, 2001, the Secretary shall submit to Congress a report on the study results, together with any recommendations.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 and 2000 by section 5001(a)(1) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(5) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—

(A) IN GENERAL.—The Secretary shall continue to carry out section 6016 of the Intermodal Surface Transportation Efficiency Act of 1991. Additional areas of the program under such section shall be asphalt-water interaction studies and asphalt-aggregate thin film behavior studies.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(1) of this Act, $1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003 shall be available to carry out this paragraph.

(6) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(A) IN GENERAL.—The Secretary shall make grants to the Commonwealth of Pennsylvania, in conjunction with the Pennsylvania Turnpike Commission, to establish an advanced traffic monitoring and emergency response center at Letterkenny Army Depot in Chambersburg, Pennsylvania. The center shall help develop and coordinate traffic monitoring and ITS systems on portions of the Pennsylvania Turnpike system and I–81, coordinate emergency response with State and local governments in the Central Pennsylvania Region and conduct research on emergency response and prototype trauma response.

(B) FUNDING.—

(i) ELIGIBILITY UNDER SECTION 5208.—The center established under this paragraph shall be eligible for funding under section 5208 of this Act.

(ii) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,667,000 per fiscal year shall be available to carry out this paragraph.

(7) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment through the New Jersey Institute of Technology to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(8) RECYCLED MATERIALS RESOURCE CENTER.—

(A) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the "Recycled Materials Resource Center" (referred to in this paragraph as the "Center").

(B) ACTIVITIES.—

(i) IN GENERAL.—The Center shall—

(I) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

(II) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

(III) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

(IV) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

(ii) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out clause (i)(III), the Secretary may authorize the Center to—

(I) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

(II) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

(C) REVIEW AND EVALUATION.—

(i) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

(ii) NOTIFICATION OF DEFICIENCIES.—In carrying out clause (i), if the Secretary determines that the Center is deficient in carrying out subparagraph (B), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

(iii) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under clause (ii), the Secretary determines that the Center has not corrected each deficiency identified under clause (ii), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

(D) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(1) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE.

(a) IN GENERAL.—The Secretary, in cooperation with the Commonwealth of Pennsylvania, shall establish the Intelligent Infrastructure Institute at Drexel University, Pennsylvania. The Institute shall conduct research, training, technology transfer, construction, maintenance, and other activities to advance infrastructure research.

(b) FUNDING.—The amounts made available by the item numbered 315 in the table contained in section 1602 of this Act shall be available to carry out this section.

(c) AUTHORIZATION.—There is authorized to be appropriated $10,000,000 to carry out subsection (a).

(d) FACILITY.—Funds made available to carry out this section may be used to construct a building to house the Institute.

SEC. 5119. CONFORMING AMENDMENTS.

(a) Section 204(b) of title 23, United States Code, is amended in the last sentence by striking "326" and inserting "504(b)".

(b) Sections 307, 321, 325, and 326 of title 23, United States Code, are repealed.

(c) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, 325, and 326.

(d) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking "or 307" and inserting "or 505".

(e) Section 151(d) of title 23, United States Code, is amended by striking "section 307(a)," and inserting "section 502,".

(f) Section 106 of Public Law 89–564 (23 U.S.C. 403 note; 80 Stat. 735) is amended in the third sentence by striking "sections 307 and 403 of title 23, United States Code," and inserting "section 403 and chapter 5 of title 23, United States Code,".

Subtitle C—Intelligent Transportation Systems

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 1998".

SEC. 5202. FINDINGS.

Congress finds that—

(1) investments authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) have demonstrated that intelligent transportation systems can mitigate surface transportation problems in a cost-effective manner; and

(2) continued investment in architecture and standards development, research, and systems integration is needed to accelerate the rate at which intelligent transportation systems are incorporated into the national surface transportation network, thereby improving transportation safety and efficiency and reducing costs and negative impacts on communities and the environment.

SEC. 5203. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles, with particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial vehicles, passenger vehicles, and motorcycles, and including individuals with disabilities; and

(5) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation

systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources;

(5) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(6) complete deployment of Commercial Vehicle Information Systems and Networks in a majority of States by September 30, 2003.

SEC. 5204. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system operational tests and deployment projects funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the United States private sector, the Federal laboratories, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle; and

(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—

(A) IN GENERAL.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

(B) FEDERAL ASSISTANCE.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

(h) ADVISORY COMMITTEES.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use 1 or more advisory committees.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as the Information Technology Omnibus Procurement.

(2) INTELLIGENT TRANSPORTATION SYSTEM SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of intelligent transportation system software.

(j) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test or project that ensure adequate evaluation of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

(k) USE OF RIGHTS-OF-WAY.—Intelligent transportation system projects specified in section 5117(b)(3) and 5117(b)(6) and involving privately owned intelligent transportation system components that is carried out using funds made available from the Highway Trust Fund shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance, if the Secretary of Transportation determines that such use is in the public interest. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate highway safety.

SEC. 5205. NATIONAL ITS PROGRAM PLAN.

(a) IN GENERAL.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle operations;

(B) specify how specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5- and 10-year timeframes for the goals and objectives;

(C) identify activities that provide for the dynamic development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish critical standards; and

(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for incorporation of specific intelligent transportation system capabilities into surface transportation systems.

(b) REPORTING.—The plan described in subsection (a) shall be transmitted and updated as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code.

SEC. 5206. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards development organizations as the Secretary determines to be appropriate.

(b) REPORT ON CRITICAL STANDARDS.—Not later than June 1, 1999, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives identifying which standards are critical to ensuring national interoperability or critical to the development of other standards and specifying the status of the development of each standard identified.

(c) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(2) CRITICAL STANDARDS.—If a standard identified as critical in the report under subsection (b) is not adopted and published by the appropriate standards development organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARD.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (c)(2) to establish a provisional standard if the Secretary determines that additional time would be productive or that establishment of a provisional standard would be counterproductive to achieving the timely achievement of the objectives identified in subsection (a).

(2) NOTICE.—The Secretary shall publish in the Federal Register a notice describing each standard for which a waiver of the provisional standard requirement has been granted, the reasons for and effects of granting the waiver, and an estimate as to when the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(3) WITHDRAWAL OF WAIVER.—At any time the Secretary may withdraw a waiver granted under paragraph (1). Upon such withdrawal, the Secretary shall publish in the Federal Register a notice describing each standard for which a waiver has been withdrawn and the reasons for withdrawing the waiver.

(e) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the National ITS Program Plan under section 5205 or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subtitle, if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subtitle.

(f) SPECTRUM.—The Federal Communications Commission shall consider, in consultation with the Secretary, spectrum needs for the operation of intelligent transportation systems, including spectrum for the dedicated short-range vehicle-to-wayside wireless standard. Not later than January 1, 2000, the Federal Communications Commission shall have completed a rulemaking considering the allocation of spectrum for intelligent transportation systems.

SEC. 5207. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subtitle.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(2) focus on crash-avoidance and integration of in-vehicle crash protection technologies with other on-board safety systems, including the interaction of air bags and safety belts;

(3) incorporate human factors research, including the science of the driving process;

(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies, including magnetic guidance control systems or other materials or magnetics research; or

(5) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates.

(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for the collection of data to permit objective evaluation of the results of the tests, derivation of cost-benefit information that is useful to others contemplating deployment of similar systems, and development and implementation of standards.

(d) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

SEC. 5208. INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

(b) SELECTION OF PROJECTS.—Under the program, the Secretary shall give priority to funding projects that—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 5205;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment;

(3) encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) demonstrate commitment to a comprehensive plan of fully integrated intelligent transportation system deployment

in accordance with the national architecture and standards and protocols established under section 5206;

(5) are part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time at which Federal funds are sought;

(6) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(7) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(8) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

(9) mitigate any adverse impacts on bicycle and pedestrian transportation and safety; or

(10) in the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria as determined by the Secretary.

(c) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section for a fiscal year—

(1) not more that $15,000,000 may be used for projects in a single metropolitan area;

(2) not more than $2,000,000 may be used for projects in a single rural area; and

(3) not more than $35,000,000 may be used for projects in a State.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be used primarily for activities necessary to integrate intelligent transportation infrastructure elements that are either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(e) FUNDING FOR RURAL AREAS.—The Secretary shall allocate not less than 10 percent of funds authorized by section 5001(c)(4)(A) in rural areas for intelligent transportation infrastructure deployment activities funded under this section to carry out intelligent transportation infrastructure deployment activities in rural areas.

(f) FEDERAL SHARE.—

(1) FUNDS MADE AVAILABLE UNDER THIS SECTION.—The Federal share of the cost of a project payable from funds made available under this section shall not exceed 50 percent.

(2) FUNDS MADE AVAILABLE FROM ALL FEDERAL SOURCES.—The total Federal share of the cost of a project payable from all eligible sources (including this section) shall not exceed 80 percent.

(g) CORRIDOR DEVELOPMENT AND COORDINATION.—

(1) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

(2) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991 and other areas of the State.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(3) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection to the States to continue ITS activities in the Interstate Route I–95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5209. COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program to deploy intelligent transportation systems that—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

(c) PRIORITY AREAS.—In carrying out the program, the Secretary shall give priority to projects that—

(1) encourage multistate cooperation and corridor development;

(2)(A) improve the safety of commercial vehicle operations; and

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

(3)(A) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

(B) promote communication of the information among the States; or

(4) enhance the safe passage of commercial vehicles across the United States and across international borders.

(d) LEVERAGING OF FEDERAL FUNDS.—Federal funds used to carry out the program shall, to the maximum extent practicable—

(1) be leveraged with non-Federal funds; and

(2) be used for activities not carried out through the use of private funds.

(e) FEDERAL SHARE.—The Federal share of the cost of the project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of the project payable from all eligible sources shall not exceed 80 percent.

SEC. 5210. USE OF FUNDS.

(a) OUTREACH AND PUBLIC RELATIONS LIMITATION.—

(1) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subtitle shall be used for intelligent transportation system outreach, public relations, displays, scholarships, tours, and brochures.

(2) APPLICABILITY.—Paragraph (1) shall not apply to intelligent transportation system training or the publication or distribution of research findings, technical guidance, or similar documents.

(b) INFRASTRUCTURE DEVELOPMENT.—Funds made available to carry out this subtitle for operational tests and deployment projects—

(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

(c) LIFE CYCLE COST ANALYSIS AND FINANCING AND OPERATIONS PLAN.—The Secretary shall require an applicant for funds made available under sections 5208 and 5209 to submit to the Secretary—

(1) an analysis of the life-cycle costs of operation and maintenance of intelligent transportation system elements, if the total initial capital costs of the elements exceed $3,000,000; and

(2) a multiyear financing and operations plan that describes how the project will be cost-effectively operated and maintained.

(d) USE OF INNOVATIVE FINANCING.—

(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.

SEC. 5211. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term "Commercial Vehicle Information Systems and Networks" means the information systems and communications networks that support commercial vehicle operations.

(2) COMMERCIAL VEHICLE OPERATIONS.—The term "commercial vehicle operations"—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORRIDOR.—The term "corridor" means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term "intelligent transportation system" means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(6) NATIONAL ARCHITECTURE.—The term "national architecture" means the common framework for interoperability adopted by the Secretary that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(7) STANDARD.—The term "standard" means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(8) STATE.—The term "State" has the meaning given the term under section 101 of title 23, United States Code.

SEC. 5212. PROJECT FUNDING.

(a) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(1) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(6) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(b) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(5) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(c) TRANSLINK.—

(1) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(2) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 by section 5001(a)(6) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5213. REPEAL.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

SEC. 6101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambi-

ent air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator of the Environmental Protection Agency (referred to in this title as the "Administrator") in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that the schedule for implementation of the July 1997 revisions of the ambient air quality standards for particulate matter and the schedule for the Environmental Protection Agency's visibility regulations related to regional haze are consistent with the timetable for implementation of such particulate matter standards as set forth in the President's Implementation Memorandum dated July 16, 1997.

SEC. 6102. PARTICULATE MATTER MONITORING PROGRAM.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States, consistent with their respective authorities under the Clean Air Act, shall ensure that the national network (designated in subsection (a)) which consists of the $PM_{2.5}$

monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c)(1) The Governors shall be required to submit designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method $PM_{2.5}$ monitors shall be considered for such designations. Nothing in the previous sentence shall be construed as affecting the Governor's authority to designate an area initially as nonattainment, and the Administrator's authority to promulgate the designation of an area as nonattainment, under section 107(d)(1) of the Clean Air Act, based on its contribution to ambient air quality in a nearby nonattainment area.

(2) For any area designated as nonattainment for the July 1997 $PM_{2.5}$ national ambient air quality standard in accordance with the schedule set forth in this section, notwithstanding the time limit prescribed in paragraph (2) of section 169B(e) of the Clean Air Act, the Administrator shall require State implementation plan revisions referred to in such paragraph (2) to be submitted at the same time as State implementation plan revisions referred to in section 172 of the Clean Air Act implementing the revised national ambient air quality standard for fine particulate matter are required to be submitted. For any area designated as attainment or unclassifiable for such standard, the Administrator shall require the State implementation plan revisions referred to in such paragraph (2) to be submitted 1 year after the area has been so designated. The preceding provisions of this paragraph shall not preclude the implementation of the agreements and recommendations set forth in the Grand Canyon Visibility Transport Commission Report dated June 1996.

(d) The Administrator shall promulgate the designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard by the earlier of 1 year after the initial designations required under subsection (c)(1) are required to be submitted or December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the United States Senate no later than 2 years from the date of enactment of this Act.

SEC. 6103. OZONE DESIGNATION REQUIREMENTS.

(a) The Governors shall be required to submit the designations referred to in section 107(d)(1) of the Clean Air Act within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

SEC. 6104. ADDITIONAL PROVISIONS.

Nothing in sections 6101 through 6103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the "National Highway Traffic Safety Administration Reauthorization Act of 1998".

SEC. 7102. AUTHORIZATION OF APPROPRIATIONS.

(a) MOTOR VEHICLE SAFETY ACTIVITIES.—Section 30104 of title 49, United States Code, is amended to read as follows:

"§ 30104. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $81,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

(b) MOTOR VEHICLE INFORMATION ACTIVITIES.—Section 32102 of title 49, United States Code, is amended to read as follows:

"§ 32102. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $6,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

SEC. 7103. IMPROVING AIR BAG SAFETY.

(a) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than September 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by this subsection by issuing, not later than September 1, 1999, a final rule with any provision the Secretary deems appropriate, consistent with paragraph (1) and the requirements of section 30111, title 49, United States Code. If the Secretary determines that the final rule cannot be completed by that date

to meet the purposes of paragraph (1), the Secretary may extend the date for issuing the final rule to not later than March 1, 2000.

(3) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2002, and no sooner than 30 months after the date of the issuance of the final rule, but not later than September 1, 2003. The final rule shall become fully effective for all vehicles identified in section 30127(b), title 49, United States Code, that are manufactured on and after September 1, 2005. Should the phase-in of the final rule required by this paragraph commence on September 1, 2003, then in that event, and only in that event, the Secretary is authorized to make the final rule fully effective on September 1, 2006, for all vehicles that are manufactured on and after that date.

(4) COORDINATION OF EFFECTIVE DATES.—The requirements of S13 of Standard No. 208 shall remain in effect unless and until changed by the rule required by this subsection.

(5) CREDIT FOR EARLY COMPLIANCE.—To encourage early compliance, the Secretary is directed to include in the notice of proposed rulemaking required by paragraph (1) means by which manufacturers may earn credits for future compliance. Credits, on a one-vehicle for one-vehicle basis, may be earned for vehicles certified as being in full compliance under section 30115 of title 49, United States Code, with the rule required by paragraph (2) which are either—

(A) so certified in advance of the phase-in period; or

(B) in excess of the percentage requirements during the phase-in period.

(b) ADVISORY COMMITTEES.—Any government advisory committee, task force, or other entity involving air bags shall include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

SEC. 7104. RESTRICTIONS ON LOBBYING ACTIVITIES.

(a) AMENDMENT.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30105. Restriction on lobbying activities

"(a) IN GENERAL.—No funds appropriated to the Secretary shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

"(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.".

(b) CLERICAL AMENDMENT.—The table of contents in subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30105. Restriction on lobbying activities.".

(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after "Secretary" the following: "for the National Highway Traffic Safety Administration".

SEC. 7105. ODOMETERS.

(a) TRANSFERS OF NEW MOTOR VEHICLES.—Section 32705(a) of title 49, United States Code, is amended by adding at the end the following:

"(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

"(B) For purposes of subparagraph (A), the term 'new motor vehicle' means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.".

(b) EXEMPTED VEHICLES.—Section 32705(a) of title 49, United States Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.".

SEC. 7106. MISCELLANEOUS AMENDMENTS.

(a) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i)(1) of title 49, United States Code, is amended by inserting "(including retailers of motor vehicle equipment)" after "dealer" the first time it appears.

(b) TIRES.—Section 30123 of title 49, United States Code, is amended by striking subsections (a), (b), and (c) and by redesignating subsections (d), (e), and (f), as subsections (a), (b), and (c), respectively.

(c) AUTOMATIC OCCUPANT CRASH PROTECTION AND SEAT BELT USE.—Section 30127(g)(1) of title 49, United States Code, is amended by striking "every 6 months" and inserting "annually".

(d) MISCELLANEOUS.—

(1) DEFINITIONS.—

(A) COUNTRY OF ORIGIN.—Section 32304(a)(3)(B) of title 49, United States Code, is amended by inserting before the period the following: ", plus the assembly and labor costs incurred for the final assembly of such engines and transmissions".

(B) FINAL ASSEMBLY PLACE.—Section 32304(a)(5) of title 49, United States Code, is amended by adding at the end the following: "Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly

place using forming processes such as stamping, machining, or molding processes.".

(C) OUTSIDE SUPPLIER CONTENT REPORTING.—Section 32304(a)(9)(A) of title 49, United States Code, is amended to read as follows:

"(A) for an outside supplier—

"(i) the full purchase price of passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; or

"(ii) that portion of the purchase price of passenger motor vehicle equipment containing less than 70 percent value added in the United States and Canada that is attributable to the percent value added in the United States and Canada when such percent is expressed to the nearest 5 percent; and".

(2) COUNTRY OF ASSEMBLY.—Section 32304(d) of title 49, United States Code, is amended by adding at the end the following: "A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.".

(3) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—Section 32304 of title 49, United States Code, is amended by redesignating subsections (c) through (f) as subsections (f) through (i), respectively, and by adding after subsection (b) the following:

"(c) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—A manufacturer may display separately on the label required by subsection (b) the domestic content of a vehicle based on the assembly plant. Such display shall occur after the matter required to be in the label by subsection (b)(1)(A).".

(4) SUPPLIERS FAILING TO REPORT.—Section 32304 of title 49, United States Code, is amended by adding after subsection (c), as added by paragraph (3), the following:

"(d) VALUE ADDED DETERMINATION.—If a manufacturer or allied supplier requests information in a timely manner from one or more of its outside suppliers concerning the United States/Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following:

"(1) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, that is, whether 70 percent or more of the value of equipment is added in the United States and/or Canada.

"(2) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider.

"(3) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination.

"(4) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers.

"(5) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier.

"(6) This provision does not affect the obligation of outside suppliers to provide the requested information.".

(5) ACCOUNTING FOR THE VALUE OF SMALL PARTS.—Section 32304 of title 49, United States Code, is amended by adding after subsection (d), as added by paragraph (4), the following:

"(e) SMALL PARTS.—The country of origin of nuts, bolts, clips, screws, pins, braces, gasoline, oil, blackout, phosphate rinse, windshield washer fluid, fasteners, tire assembly fluid, rivets, adhesives, and grommets, of any system, subassembly, or component installed in a vehicle shall be considered to be the country in which such parts were included in the final assembly of such vehicle.".

(e) STUDY.—The National Highway Traffic Safety Administration shall conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. Not later than 18 months after the date of the enactment of this Act, the Administration shall submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 7107. IMPORTATION OF MOTOR VEHICLE FOR SHOW OR DISPLAY.

(a) IMPORTATION OF NONCOMPLYING MOTOR VEHICLES.—Section 30114 of title 49, United States Code, is amended by striking "or competitive racing events" and inserting "competitive racing events, show, or display".

(b) TRANSITION RULE.—A person who is the owner of a motor vehicle located in the United States on the date of enactment of this Act may seek an exemption under section 30114 of title 49, United States Code, as amended by subsection (a) of this section, for a period of 6 months after the date regulations of the Secretary of Transportation promulgated in response to such amendment take effect.

Subtitle B—Railroads

SEC. 7201. HIGH-SPEED RAIL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) FISCAL YEAR 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(e) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(f) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(g) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).".

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

"(2) the term 'high-speed rail' means all forms of non-highway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

"(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;".

SEC. 7202. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) AMENDMENT.—Part B of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.
"22301. Light density rail line pilot projects.

"§ 22301. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102 (1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $17,500,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.".

(b) TABLE OF CHAPTERS.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 221 the following new item:

"223. LIGHT DENSITY RAIL LINE PILOT PROJECTS ..... 22301".

SEC. 7203. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) AMENDMENTS.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by striking sections 501 through 504 and inserting the following new sections:

"SEC. 501. DEFINITIONS.

"For purposes of this title:

"(1)(A) The term 'cost' means the estimated long-term cost to the Government of a direct loan or loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

"(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

"(i) Loan disbursements.

"(ii) Repayments of principal.

"(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

Calculation of the cost of a direct loan shall include the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

"(C) The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

"(i) Payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

"(ii) Payments to the Government, including origination and other fees, penalties, and recoveries.

Calculation of the cost of a loan guarantee shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

"(D) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

"(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

"(F) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

"(2) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(3) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a Government asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

"(4) The term 'direct loan obligation' means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

"(5) The term 'intermodal' means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

"(6) The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

"(7) The term 'loan guarantee commitment' means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

"(8) The term 'modification' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or

loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans. This also includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

"SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

"(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

"(b) ELIGIBLE PURPOSES.—

"(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

"(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

"(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

"(C) develop or establish new intermodal or railroad facilities.

"(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

"(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

"(1) enhance public safety;

"(2) enhance the environment;

"(3) promote economic development;

"(4) enable United States companies to be more competitive in international markets;

"(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

"(6) preserve or enhance rail or intermodal service to small communities or rural areas.

"(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $3,500,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

"(e) RATES OF INTEREST.—

"(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

"(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the

loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

"(f) INFRASTRUCTURE PARTNERS.—

"(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

"(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

"(A) the circumstances of the applicant, including the amount of collateral offered;

"(B) the proposed schedule of loan disbursements;

"(C) historical data on the repayment history of similar borrowers;

"(D) consultation with the Congressional Budget Office; and

"(E) any other factors the Secretary considers relevant.

"(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

"(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

"(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

"(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

"(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

"(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

"(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

"(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

"(h) CONDITIONS OF ASSISTANCE.—The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

"(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

"(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

"(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

"SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

"(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

"(b) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

"(c) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

"(1) the modification is equitable and is in the overall best interests of the United States; and

"(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

"(d) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

"(e) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

"(f) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Secretary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

"(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

"(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

"(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

"(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

"(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

"(g) RIGHTS OF THE SECRETARY.—

"(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

"(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

"(h) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available

to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

"(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

"(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

"(i) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

"(j) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

"(k) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.";

(2) by striking sections 505 through 515 (other than 511(c)), 517, and 518;

(3) in section 511(c) by striking "this section" and inserting "section 502";

(4) by moving subsection (c) of section 511 (as amended by paragraph (3) of this section) from section 511 to section 503 (as inserted by paragraph (1) of this section), inserting it after subsection (a), and redesignating it as subsection (b); and

(5) by redesignating section 516 as section 504.

(b) TECHNICAL AND CONFORMING PROVISIONS.—

(1) TABLE OF CONTENTS.—The table of contents of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking the items relating to sections 502 through 518 and inserting the following:

"Sec. 502. Direct loans and loan guarantees.
"Sec. 503. Administration of direct loans and loan guarantees.
"Sec. 504. Employee protection.".

(2) SAVINGS PROVISION.—A transaction entered into under the authority of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(3) REPEAL.—Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is repealed.

SEC. 7204. ALASKA RAILROAD.

(a) GRANTS.—The Secretary may make grants to the Alaska Railroad for capital rehabilitation of and improvements to its passenger services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,250,000 for each of fiscal years 1998 through 2003.

Subtitle C—Comprehensive One-Call Notification

SEC. 7301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate or untimely marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 7302. ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes.
"6102. Definitions.
"6103. Minimum standards for State one-call notification programs.
"6104. Compliance with minimum standards.
"6105. Review of one-call system best practices.
"6106. Grants to States.
"6107. Authorization of appropriations.
"6108. Relationship to State laws.

"§ 6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the voluntary adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§ 6102. Definitions

"In this chapter, the following definitions apply:

"(1) ONE-CALL NOTIFICATION SYSTEM.—The term 'one-call notification system' means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term 'State one-call notification program' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

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

"§ 6103. Minimum standards for State one-call notification programs

"(a) MINIMUM STANDARDS.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

"(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§ 6104. Compliance with minimum standards

"(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall submit to the Secretary a grant application under subsection (b). The State shall submit the application not later than 2 years after the date of enactment of this chapter.

"(b) APPLICATION.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form and manner of filing an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State is eligible to receive a grant under section 6106 if the State maintains an alternative one-call notification program that provides protection for public safety, excavators, and the environment that is equivalent to, or greater

than, protection provided under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of each State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of each State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in each State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§ 6105. Review of one-call system best practices

"(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to gather information in order to determine which existing one-call notification systems practices appear to be the most effective in protecting the public, excavators, and the environment and in preventing disruptions to public services and damage to underground facilities. As part of the study, the Secretary shall consider, at a minimum—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) REPORT.—Within 1 year after the date of the enactment of this chapter, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage each State and operator of one-call notification programs to adopt and implement those practices identified in the report that the State determines are the most appropriate.

"(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§ 6106. Grants to States

"(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of this chapter.

"(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§ 6107. Authorization of appropriations

"(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary to provide grants to States under section 6106 $1,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001. Such funds shall remain available until expended.

"(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out sections 6103, 6104, and 6105 for fiscal years 1999, 2000, and 2001.

"(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.

"§ 6108. Relationship to State laws

"Nothing in this chapter preempts State law or shall impose a new requirement on any State or mandate revisions to a one-call system.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle III of such title is amended by adding at the end thereof the following:

"61. ONE-CALL NOTIFICATION PROGRAMS ..... 6101".

Subtitle D—Sportfishing and Boating Safety

SEC. 7401. SHORT TITLE; AMENDMENT OF 1950 ACT.

(a) SHORT TITLE.—This subtitle may be cited as the "Sportfishing and Boating Safety Act of 1998".

(b) AMENDMENT OF 1950 ACT.—Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 7402. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section heading;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

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

(2) by inserting after subsection (b) the following:

"(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1999;

"(2) $6,000,000 for fiscal year 2000;

"(3) $7,000,000 for fiscal year 2001;

"(4) $8,000,000 for fiscal year 2002; and

"(5) $10,000,000 for fiscal year 2003;

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) in subsection (d), as redesignated, by inserting ", for an outreach and communications program" after "Act";

(4) in subsection (d), as redesignated, by striking "subsections (a) and (b)," and inserting "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed ac-

counting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) in subsection (e), as redesignated, by striking "subsections (a), (b), and (c)," and inserting "subsections (a), (b), (c), and (d),".

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12½ per centum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 per centum" in subsection (c) and inserting "15 percent";

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

"(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) CONTENT.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach and communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 7403. CLEAN VESSEL ACT FUNDING.

(a) IN GENERAL.—Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

"(2) FISCAL YEAR 1999.—For fiscal year 1999, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $74,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) The balance remaining after the application of subparagraph (A) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) FISCAL YEARS 2000–2003.—For each of fiscal years 2000 through 2003, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $82,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $8,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 6404(d) of the Sportfishing and Boating Safety Act of 1998.

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(4) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraph (A) of paragraph (2) and subparagraphs (A) and (B) of paragraph (3) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking "6404(d)" and inserting "7404(d)".

SEC. 7404. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 7402, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(3)(B) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950, as amended by this Act, to make grants to any State to pay not more than 75

percent of the cost to a State of constructing, renovating, or maintaining facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "facilities for transient nontrailerable recreational vessels" includes mooring buoys, day-docks, navigational aids, seasonal slips, safe harbors, or similar structures located on navigable waters, that are available to the general public (as determined by the Secretary of the Interior) and designed for temporary use by nontrailerable recreational vessels; and

(3) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 7405. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

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

(2) in paragraph (2), by striking "3-year" and inserting "2-year".

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b))."';

(2) in subsection (a)(2), by striking "appropriated" and inserting "available"; and

(3) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under paragraphs (2) and (3) of section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $2,000,000 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations.".

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

SEC. 8101. DISCRETIONARY SPENDING CATEGORIES.

(a) ESTABLISHMENT OF SEPARATE CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) FY1999.—In paragraph (3), strike "and" at the end of subparagraph (B) and after subparagraph (C) add the following new subparagraphs:

"(D) for the highway category: $21,885,000,000 in outlays; and

"(E) for the mass transit category: $4,401,000,000 in outlays;".

(2) FY2000.—In paragraph (4), strike "and" at the end of subparagraph (A) and at the end add the following new subparagraphs:

"(C) for the highway category: $24,436,000,000 in outlays; and

"(D) for the mass transit category: $4,761,000,000 in outlays;".

(3) FY2001.—In paragraph (5), strike the comma and insert "—" after "2001", insert "(A)" before "for" and indent the new subparagraph and move it 2 ems to the right, strike "and" at the end of such subparagraph, and at the end add the following new subparagraphs:

"(B) for the highway category: $26,204,000,000 in outlays; and

"(C) for the mass transit category: $5,190,000,000 in outlays;".

(4) FY2002.—In paragraph (6), strike the comma and insert "—" after "2002", insert "(A)" before "for", indent the new subparagraph and move it 2 ems to the right, and add at the end the following new subparagraphs:

"(B) for the highway category: $26,977,000,000 in outlays; and

"(C) for the mass transit category: $5,709,000,000 in outlays; and".

(5) FY2003.—After paragraph (6), add the following new paragraph:

"(7) with respect to fiscal year 2003—

"(A) for the highway category: $27,728,000,000 in outlays; and

"(B) for the mass transit category: $6,256,000,000 in outlays.".

(b) OFFSETTING ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—

(1) ADJUSTMENT OF NONDEFENSE CATEGORY FOR FY1999.—The discretionary spending limit set forth in section 251(c)(3)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $25,144,000,000 in outlays.

(2) ADJUSTMENT OF DISCRETIONARY CATEGORY FOR FY2000.—The discretionary spending limit set forth in section 251(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,009,000,000 in outlays.

(3) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2001.—The discretionary spending limit set forth in section 251(c)(5)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,329,000,000 in outlays.

(4) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2002.—The discretionary spending limit set forth in section 251(c)(6)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,675,000,000 in outlays.

(c) DEFINITIONS OF HIGHWAY CATEGORY AND MASS TRANSIT CATEGORY.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "(A)"

after "(4)" and by adding at the end the following new subparagraphs:

"(B) The term 'highway category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority set forth in the Transportation Equity Act for the 21st Century:

"(i) 69–8083–0–7–401 (Federal-Aid Highways).

"(ii) 69–8020–0–7–401 (Highway Traffic Safety Grants).

"(iii) 69–8048–0–7–401 (National Motor Carrier Safety Program).

"(iv) 69–8016–0–7–401 (Operations and Research NHTSA).

"(C) The term 'mass transit category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority provided in the Transportation Equity Act for the 21st Century and for which appropriations are provided pursuant to authorizations contained in that Act (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by this section, shall not be included in this category):

"(i) 69–8191–0–7–401 (Mass Transit Capital Fund).

"(ii) 69–8350–0–7–401 (Trust Fund Share of Expenses).

"(iii) 69–1129–0–1–401 (Formula Grants).

"(iv) 69–1120–0–1–401 (Administrative Expenses).

"(v) 69–1136–0–1–401 (University Transportation Centers).

"(vi) 69–1137–0–1–401 (Transit Planning and Research).

"(D) SPECIAL RULE.—(i) Any outlays in excess of the discretionary spending limit set forth in section 251(c) for the highway or mass transit category, as adjusted, for the budget year shall be considered nondefense category outlays or discretionary category outlays.

"(ii) If the obligation limitations for accounts in the highway or mass transit category provided in an appropriation Act for a fiscal year exceed the obligation limitations set forth in section 8103 of the Transportation Equity Act for the 21st Century for that year, as adjusted, the estimated outlays flowing for each outyear from such excess obligations calculated pursuant to clause (iii) shall be attributed to the discretionary category in that outyear.

"(iii) For purposes of clause (ii), outlays from excess obligations shall be determined using the average of the spendout rates for that category in the baseline.".

(d) ADJUSTMENT TO HIGHWAY AND MASS TRANSIT CATEGORIES.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by—

(1) striking "When" and inserting:

"(A) CONCEPTS AND DEFINITIONS.—When"; and

(2) adding at the end the following:

"(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

"(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

"(bb) OMB shall take the current estimate of highway receipts for the budget year and subtract the estimated level of receipts for that year.

"(cc) OMB shall take the sum of the amounts calculated under items (aa) and (bb), add that sum to the amount of obligations set forth in section 8103 of the Transportation Equity Act for the 21st Century for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates. After making the calculation under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year by adding the sum of the amounts calculated under items (aa) and (bb).

"(II) The estimated level of highway receipts for the purposes of this clause are—

"(aa) for fiscal year 1998, $22,164,000,000;

"(bb) for fiscal year 1999, $32,619,000,000;

"(cc) for fiscal year 2000, $28,066,000,000;

"(dd) for fiscal year 2001, $28,506,000,000;

"(ee) for fiscal year 2002, $28,972,000,000; and

"(ff) for fiscal year 2003, $29,471,000,000.

"(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

"(C)(i) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

"(I) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

"(II) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

"(ii) The adjustment made pursuant to clause (i) in the fiscal years 2002 and 2003 budget submissions of the President under section 1105(a) of title 31, United States Code, shall not exceed 4 percent plus cumulative carryovers. In this clause, the

term 'cumulative carryovers' means the total of each amount by which outlays for the highway and mass transit category for any fiscal year are less than the outlay limit for that category, as adjusted, for that year less any amount of carryover used in the previous year.

"(D)(i) When OMB and CBO submit their final sequester report for fiscal year 1999, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2000 through 2003 from obligations at the levels specified in section 8103 of the Transportation Equity Act for the 21st Century using current assumptions.

"(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

"(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.".

(e) ENFORCEMENT OF GUARANTEE.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"9. It shall not be in order to consider any bill or joint resolution, or any amendment thereto or conference report thereon, that would cause obligation limitations to be below the level for any fiscal year set forth in section 8103 of the Transportation Equity Act for the 21st Century, as adjusted, for the highway category or the mass transit category, as applicable.".

(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

(1) by striking "Century and" and inserting "Century or";

(2) by striking "as amended by this section," and inserting "as amended by the Transportation Equity Act for the 21st Century,"; and

(3) by adding at the end the following new flush sentence: "Such term also refers to the Washington Metropolitan Transit Authority account (69–1128–0–1–401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.".

SEC. 8102. CONFORMING THE PAYGO SCORECARD WITH THIS ACT.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title or from section 1102 of this Act.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 1999, $25,883,000,000;

(2) for fiscal year 2000, $26,629,000,000;

(3) for fiscal year 2001, $27,158,000,000;
(4) for fiscal year 2002, $27,767,000,000; and
(5) for fiscal year 2003, $28,233,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 1999, $5,365,000,000;
(2) for fiscal year 2000, $5,797,000,000;
(3) for fiscal year 2001, $6,271,000,000;
(4) for fiscal year 2002, $6,747,000,000; and
(5) for fiscal year 2003, $7,226,000,000.

For purposes of this subsection, the term "obligation limitations" means the sum of budget authority and obligation limitations.

Subtitle B—Veterans' Benefits

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the "Veterans Benefits Act of 1998".

SEC. 8202. TREATMENT OF TOBACCO-RELATED ILLNESSES OF VETERANS.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by inserting after section 1102 the following new section:

"§ 1103. Special provisions relating to claims based upon effects of tobacco products

"(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in the line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable to the use of tobacco products by the veteran during the veteran's service.

"(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval, or air service or which became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1102 the following new item:

"1103. Special provisions relating to claims based upon effects of tobacco products.".

(b) EFFECTIVE DATE.—Section 1103 of title 38, United States Code, as added by subsection (a), shall apply with respect to claims received by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 8203. TWENTY PERCENT INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Section 3015 of title 38, United States Code, is amended—

(A) in subsection (a)(1), by striking "$400" and inserting "$528 (as increased from time to time under subsection (g))"; and

(B) in subsection (b)(1), by striking "$325" and inserting "$429 (as increased from time to time under subsection (g))".

(2) CPI ADJUSTMENT.—Subsection (g) of such section is amended by striking "beginning on or after October 1, 1994" and all that follows through "such rates" and inserting ", the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsections (a)(1) and (b)(1)".

(3) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking "subsections (b), (c), (d), (e), (f), and (g) of" in the matter preceding paragraph (1); and

(B) in subsection (b)—

(i) by striking "Except as provided in subsections (c), (d), (e), (f), and (g), in" and inserting "In"; and

(ii) by inserting "(except as provided in the succeeding subsections of this section)" after "under this chapter shall".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, as amended by paragraph (2), for fiscal year 1999.

(b) SELECTED RESERVE EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Paragraph (1) of section 16131(b) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking "$190" and inserting "$251 (as increased from time to time under paragraph (2))";

(B) in subparagraph (B), by striking "$143" and inserting "$188 (as increased from time to time under paragraph (2))"; and

(C) in subparagraph (C), by striking "$95" and inserting "$125 (as increased from time to time under paragraph (2))".

(2) CPI ADJUSTMENT.—Paragraph (2) of such section is amended by striking "beginning on or after October 1, 1994" and all that follows through "such rates" and inserting ", the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1)".

(3) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking "in paragraph (2) and".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under paragraph (2) of section 16131(b) of title 10, United States Code, as amended by paragraph (2), for fiscal year 1999.

SEC. 8204. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking "$38,000" and inserting "$43,000"; and

(2) in subsection (b)(2), by striking "$6,500" and inserting "$8,250".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998.

SEC. 8205. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking out "$5,500" and inserting in lieu thereof "$8,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to assistance furnished under section 3902 of such title on or after October 1, 1998.

SEC. 8206. INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION.

Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by $600:

(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

(2) Section 1536(d)(2).

SEC. 8207. ELIGIBILITY OF CERTAIN REMARRIED SURVIVING SPOUSES FOR REINSTATEMENT OF DEPENDENCY AND INDEMNITY COMPENSATION UPON TERMINATION OF THAT REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 1311 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of dependency and indemnity compensation to such person as the surviving spouse of the veteran if the remarriage is terminated by death, divorce, or annulment unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

"(2) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public

as that person's spouse, the bar to granting that person dependency and indemnity compensation as the surviving spouse of the veteran shall not apply.

"(3) The first month of eligibility for payment of dependency and indemnity compensation to a surviving spouse by reason of this subsection shall be the later of the month after—

"(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (1); or

"(B) the month of the cessation described in paragraph (2), in the case of a surviving spouse described in that paragraph.".

(b) EFFECTIVE DATE.—No payment may be made by reason of section 1311(e) of title 38, United States Code, as added by subsection (a), for any month before October 1998.

SEC. 8208. EXTENSION OF PRIOR REVISION TO OFFSET RULE FOR DEPARTMENT OF DEFENSE SPECIAL SEPARATION BENEFIT PROGRAM.

The amendment made by section 653 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2583) to subsection (h)(2) of section 1174 of title 10, United States Code, shall apply to any payment of separation pay under the special separation benefits program under section 1174a of that title that was made during the period beginning on December 5, 1991, and ending on September 30, 1996.

SEC. 8209. SENSE OF THE CONGRESS CONCERNING RECOVERY FROM TOBACCO COMPANIES OF COSTS OF TREATMENT OF VETERANS FOR TOBACCO-RELATED ILLNESSES.

It is the sense of the Congress—

(1) that the Attorney General or the Secretary of Veterans Affairs, as appropriate, should take all steps necessary to recover from tobacco companies amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans, if such treatment were authorized by law; and

(2) that the Congress should authorize by law the treatment of tobacco-related illnesses of veterans upon the recovery of such amounts.

SEC. 8210. TWENTY PERCENT INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 of title 38, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "$404" and inserting in lieu thereof "$485";

(B) by striking out "$304" and inserting in lieu thereof "$365"; and

(C) by striking out "$202" and inserting in lieu thereof "$242";

(2) in subsection (a)(2), by striking out "$404" and inserting in lieu thereof "$485";

(3) in subsection (b), by striking out "$404" and inserting in lieu thereof "$485"; and

(4) in subsection (c)(2)—

(A) by striking out "$327" and inserting in lieu thereof "$392";

(B) by striking out "$245" and inserting in lieu thereof "$294"; and

(C) by striking out "$163" and inserting in lieu thereof "$196".

(b) CORRESPONDENCE COURSE.—Section 3534(b) of such title is amended by striking out "$404" and inserting in lieu thereof "$485".

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of such title is amended—

(1) by striking out "$404" and inserting in lieu thereof "$485";

(2) by striking out "$127" each place it appears and inserting in lieu thereof "$152"; and

(3) by striking out "$13.46" and inserting in lieu thereof "$16.16".

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of such title is amended—

(1) by striking out "$294" and inserting in lieu thereof "$353";

(2) by striking out "$220" and inserting in lieu thereof "$264";

(3) by striking out "$146" and inserting in lieu thereof "$175"; and

(4) by striking out "$73" and inserting in lieu thereof "$88".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998.

Subtitle C—Temporary Student Loan Provision.

SEC. 8301. TEMPORARY STUDENT LOAN PROVISION.

(a) FFEL INTEREST RATES.—

(1) AMENDMENT.—Section 427A of the Higher Education Act of 1965 (20 U.S.C. 1077a) is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following new subsection:

"(j) INTEREST RATES FOR NEW LOANS BETWEEN JULY 1, 1998 AND OCTOBER 1, 1998.—

"(1) IN GENERAL.—Notwithstanding subsection (h), but subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding subsection (h), with respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

"(3) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

"(A)(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent; or

"(B) 9.0 percent.

"(4) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.".

(2) CONFORMING AMENDMENT.—Section 428B(d)(4) (20 U.S.C. 1078–2(d)(4)) is amended by striking "section 427A(c)" and inserting "section 427A for loans made under this section".

(b) SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) LOANS DISBURSED BETWEEN JULY 1, 1998, AND OCTOBER 1, 1998.—

"(i) IN GENERAL.—Subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, shall be computed—

"(I) by determining the average of the bond equivalent rates of 91-day Treasury bills auctioned for such 3-month period;

"(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

"(III) by adding 2.8 percent to the resultant percent; and

"(IV) by dividing the resultant percent by 4.

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(2), clause (i)(III) of this subparagraph shall be applied by substituting '2.2 percent' for '2.8 percent'.

"(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(3), clause (i)(III) of this subparagraph shall be applied by substituting '3.1 percent' for '2.8 percent', subject to clause (v) of this subparagraph.

"(iv) CONSOLIDATION LOANS.—This subparagraph shall not apply in the case of any consolidation loan.

"(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and disbursed on or after July 1, 1998, and before October 1, 1998, for which the interest rate is determined under 427A(j)(3), a special allowance shall not be paid for such loan for such unless the rate determined under subparagraph (A) of such section (without regard to subparagraph (B) of such section) exceeds 9.0 percent.".

(2) CONFORMING AMENDMENTS.—Section 438(b)(2) of such Act is further amended—

(A) in subparagraph (A), by striking "(E), and (F)" and inserting "(E), (F), and (G)";

(B) in subparagraph (B)(iv), by striking "(E), or (F)" and inserting "(E), (F), or (G)"; and

(C) in subparagraph (C)(ii), by striking "In the case" and inserting "Subject to subparagraph (G), in the case".

(c) DIRECT LOAN INTEREST RATES.—Section 455(b) (20 U.S.C. 1087e(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

"(5) TEMPORARY INTEREST RATE PROVISION.—

"(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(B) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

"(i) prior to the beginning of the repayment period of the loan; or

"(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under subparagraph (A) by substituting '1.7 percent' for '2.3 percent'.

"(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to Federal Direct PLUS Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall be determined under subparagraph (A)—

"(i) by substituting '3.1 percent' for '2.3 percent'; and

"(ii) by substituting '9.0 percent' for '8.25 percent'.".

Subtitle D—Block Grants for Social Services

SEC. 8401. BLOCK GRANTS FOR SOCIAL SERVICES.

(a) REDUCTION OF GRANTS.—Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) $2,380,000,000 for the fiscal year 1997;

"(8) $2,380,000,000 for the fiscal year 1998;

"(9) $2,380,000,000 for the fiscal year 1999;

"(10) $2,380,000,000 for the fiscal year 2000; and

"(11) $1,700,000,000 for the fiscal year 2001 and each fiscal year thereafter.".

(b) LIMITATION ON AMOUNT OF TANF FUNDS TRANSFERABLE.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—

"(A) IN GENERAL.—A State may use not more than the applicable percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.

"(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 4.25 percent in the case of fiscal year 2001 and each succeeding fiscal year.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

SEC. 9001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Surface Transportation Revenue Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 9002. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(G) Section 4481(e) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) OTHER PROVISIONS.—

(A) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(i) by striking "1999" each place it appears and inserting "2005", and

(ii) by striking "2000" each place it appears and inserting "2006".

(B) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1999" and inserting "2005".

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions are each amended by striking "1999" and inserting "2005":

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1999" each place it appears and inserting "2005", and

(B) by striking "2000" each place it appears and inserting "2006".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1998" and inserting "2005".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking "1997" and inserting "2003", and

(ii) by striking "1998" each place it appears and inserting "2004".

(3) CONFORMING AMENDMENT.—The heading for paragraph (3) of section 9503(c) is amended to read as follows:

"(3) FLOOR STOCKS REFUNDS.—".

(d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) HIGHWAY ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9503(c) is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (1) of section 9503(c) is amended—

(i) by striking "or" at the end of subparagraph (C), and

(ii) by striking "1991." in subparagraph (D) and all that follows through the end of paragraph (1) and inserting "1991, or

"(E) authorized to be paid out of the Highway Trust Fund under the Transportation Equity Act for the 21st Century.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of enactment of the Transportation Equity Act for the 21st Century.".

(2) MASS TRANSIT ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (3) of section 9503(e) is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(i) by striking "or" at the end of subparagraph (A),

(ii) by adding "or" at the end of subparagraph (B), and

(iii) by striking all that follows subparagraph (B) and inserting:

"(C) the Transportation Equity Act for the 21st Century,

as such section and Acts are in effect on the date of enactment of the Transportation Equity Act for the 21st Century.".

(e) TECHNICAL CORRECTION RELATING TO TRANSFERS TO MASS TRANSIT ACCOUNT.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

(f) CLERICAL AMENDMENTS.—

(1) Paragraph (1) of section 9503(b) is amended by striking subparagraph (C), by striking "and tread rubber" in subparagraph (D), and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) Clause (i) of section 9503(c)(2)(A) is amended by adding "and" at the end of subclause (II), by striking subclause (III), and by redesignating subclause (IV) as subclause (III).

(3) Clause (ii) of section 9503(c)(2)(A) is amended by striking "gasoline, special fuels, and lubricating oil" each place it appears and inserting "fuel".

(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking "the date of enactment of the Transportation Equity Act for the 21st Century" and inserting "the date of the enactment of the TEA 21 Restoration Act".

(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking "the date of enactment of the Transportation Equity Act for the 21st Century" and inserting "the date of the enactment of the TEA 21 Restoration Act".

SEC. 9003. EXTENSION AND MODIFICATION OF TAX BENEFITS FOR ALCOHOL FUELS.

(a) EXTENSION OF TAX BENEFITS.—

(1) EXTENSION.—The following provisions are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination of reduction in tax for qualified methanol and ethanol fuel).

(B) Section 4041(k)(3) (relating to termination of rates relating to fuels containing alcohol).

(C) Section 4081(c)(8) (relating to termination of special rate for taxable fuels mixed with alcohol).

(D) Section 4091(c)(5) (relating to termination of reduced rate of tax for aviation fuel in alcohol mixture, etc.).

(2) EXTENSION OF REFUND AUTHORITY.—Paragraph (4) of section 6427(f) (relating to refund for gasoline, diesel fuel, and aviation fuel used to produce certain alcohol fuels), as amended by the Taxpayer Relief Act of 1997, is amended by striking "1999" and inserting "2007".

(3) CREDIT FOR ALCOHOL USED AS A FUEL.—Paragraph (1) of section 40(e) (relating to termination of credit for alcohol used as a fuel) is amended—

(A) by striking "December 31, 2000" in subparagraph (A) and inserting "December 31, 2007", and

(B) by striking "January 1, 2001" and inserting "January 1, 2008".

(4) TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) MODIFICATION.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

"(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

"(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents.".

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(1)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) GENERAL RULES.—

"(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(C)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

SEC. 9004. MODIFICATIONS TO HIGHWAY TRUST FUND.

(a) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—

(1) IN GENERAL.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

"(f) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—For purposes of determining the balances of the Highway Trust Fund and the Mass Transit Account after September 30, 1998—

"(1) the opening balance of the Highway Trust Fund (other than the Mass Transit Account) on October 1, 1998, shall be $8,000,000,000, and

"(2) no interest accruing after September 30, 1998, on any obligation held by such Fund shall be credited to such Fund. The Secretary shall cancel obligations held by the Highway Trust Fund to reflect the reduction in the balance under this subsection.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1998.

(b) REPEAL OF LIMITATION ON EXPENDITURES ADDED BY TAXPAYER RELIEF ACT OF 1997.—

(1) IN GENERAL.—Subsection (c) of section 9503 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 901 of the Taxpayer Relief Act of 1997.

(c) LIMITATION ON EXPENDITURE AUTHORITY.—Subsection (b) of section 9503 (relating to transfers to Highway Trust Fund) is amended by adding at the end the following new paragraph:

"(6) LIMITATION ON TRANSFERS TO HIGHWAY TRUST FUND.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no amount may be appropriated to the Highway Trust Fund on and after the date of any expenditure from the Highway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(d) MODIFICATION OF MASS TRANSIT ACCOUNT RULES ON ADJUSTMENTS OF APPORTIONMENTS.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

SEC. 9005. PROVISIONS RELATING TO AQUATIC RESOURCES TRUST FUND.

(a) INCREASED TRANSFERS.—

(1) Subparagraph (D) of section 9503(b)(4), as amended by section 9011, is amended by striking "exceeds 11.5 cents per gallon," and inserting "exceeds—

"(i) 11.5 cents per gallon with respect to taxes imposed before October 1, 2001,

"(ii) 13 cents per gallon with respect to taxes imposed after September 30, 2001, and before October 1, 2003, and

"(iii) 13.5 cents per gallon with respect to taxes imposed after September 30, 2003, and before October 1, 2005,".

(2) Clause (ii) of section 9503(c)(4)(A) is amended by adding at the end the following new flush sentence:

"In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.".

(b) EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(b)(2) (relating to expenditures from Sport Fish Restoration Account) is amended—

(1) in subparagraph (A) by striking "October 1, 1988), and" and inserting "the date of the enactment of the Transportation Equity Act for the 21st Century),",

(2) in subparagraph (B) by striking "November 29, 1990" and inserting "the date of the enactment of the Transportation Equity Act for the 21st Century", and

(3) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) to carry out the purposes of section 7404(d) of the Transportation Equity Act for the 21st Century (as in effect on the date of the enactment of such Act), and".

(c) EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

(1) by striking "1998" and inserting "2003", and

(2) by striking "October 1, 1988" and inserting "the date of enactment of the Transportation Equity Act for the 21st Century".

(d) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) LIMITATION ON TRANSFERS TO AQUATIC RESOURCES TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or paid to any Account in the Aquatic Resources Trust Fund on and after the date of any expenditure from any such Account which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(f) CLERICAL AMENDMENTS.—

(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking "the date of the enactment of the Transportation Equity Act for the 21st Century" and inserting "the date of the enactment of the TEA 21 Restoration Act".

(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking "such Act" and inserting "the TEA 21 Restoration Act".

(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking "the date of the enactment of the Transportation Equity Act for the 21st Century" and inserting "the date of the enactment of the TEA 21 Restoration Act".

(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking "the date of enactment of the Transportation Equity Act for the 21st Century" and inserting "the date of the enactment of the TEA 21 Restoration Act".

SEC. 9006. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "November 1, 1998", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "October 31, 1998".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "November 1, 1998", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "October 31, 1998".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "November 1, 1998", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "October 31, 1998".

SEC. 9007. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NON-AMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking "and" at the end of clause (iii), and

(2) by striking clause (iv) and inserting the following:

"(iv) capital expenditures related to State-owned rail operations in the State,

"(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

"(vi) any project that is eligible to receive funding under section 103, 130, 133, 144, 149, or 152 of title 23, United States Code,

"(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

"(viii) the provision of passenger ferryboat service within the State,

"(ix) the provision of harbor improvements within the State, and

"(x) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

SEC. 9008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

SEC. 9009. SIMPLIFIED FUEL TAX REFUND PROCEDURES.

(a) IN GENERAL.—Subparagraph (A) of section 6427(i)(2) is amended to read as follows:

"(A) IN GENERAL.—If, at the close of any quarter of the taxable year of any person, at least $750 is payable in the

aggregate under subsections (a), (b), (d), (h), (l), and (q) of this section and section 6421 to such person with respect to fuel used during—

"(i) such quarter, or

"(ii) any prior quarter (for which no other claim has been filed) during such taxable year,

a claim may be filed under this section with respect to such fuel.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (i) of section 6427 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(2) Paragraph (2) of section 6427(k) is amended to read as follows:

"(2) EXCEPTION.—Paragraph (1) shall not apply to a payment of a claim filed under paragraph (2), (3), or (4) of subsection (i).".

(3) Paragraph (2) of section 6421(d) is amended to read as follows:

"(2) EXCEPTION.—

"For payments per quarter based on aggregate amounts payable under this section and section 6427, see section 6427(i)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 9010. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.—Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INFLATION ADJUSTMENT ONLY AFTER 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) CONFORMING AMENDMENTS.—Section 132(f)(2) is amended—

(A) by striking "$60" in subparagraph (A) and inserting "$65", and

(B) by striking "$155" in subparagraph (B) and inserting "$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(c) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$65" and inserting "$100".

(2) NEW BASE PERIOD FOR INFLATION ADJUSTMENT.—Subparagraph (A) of section 132(f)(6) is amended by adding at the end the following flush sentence:

"In the case of any taxable year beginning in a calendar year after 2002, clause (ii) shall be applied by substituting 'calendar year 2001' for 'calendar year 1998' for purposes of adjusting the dollar amount contained in paragraph (2)(A).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2001.

SEC. 9011. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 9503(c) is amended by striking paragraph (6).

(2) Subparagraph (D) of section 9503(b)(4) is amended to read as follows:

"(D) in the case of gasoline and special motor fuels used as described in paragraph (4)(D) or (5)(B) of subsection (c), section 4041 or 4081 with respect to so much of the rate of tax as exceeds 11.5 cents per gallon,".

(3) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

SEC. 9012. IDENTIFICATION OF LIMITED TAX BENEFITS SUBJECT TO LINE ITEM VETO.

For purposes of part C of title X of the Congressional Budget and Impoundment Control Act of 1974 (relating to line item veto), the Joint Committee on Taxation has determined that this title does not contain any limited tax benefit (as defined in such part).

INTRODUCTORY NOTE TO UPDATED EXPLANATORY MATERIALS

Reprinted from Congressional Record, October 10, 1998

The House Conferees from the Committee on Transportation and Infrastructure on the Transportation Equity Act for the 21st Century (TEA 21) are pleased to publish the accompanying updated explanatory materials related to TEA 21. These materials reflect what we intended the legislative history of TEA 21 to be, had there been adequate time to develop a complete report.

TEA 21 is comprehensive surface transportation legislation that reauthorized the Federal highway, transit, highway safety grant and surface transportation research programs for Fiscal Years 1998 through 2003. It also contains legislation extending the Highway Trust Fund and its taxes, changes to the Balanced Budget and Emergency Deficit Control Act of 1985 that ensure the trust fund revenues are spent, budgetary offsets to pay for the increased levels of funding authorized, provisions related to ozone and particulate matter standards, the National Highway Traffic Safety Administration Act of 1998, provisions related to rail programs, comprehensive "one-call" notification programs, and the Sportfishing and Boating Safety Act of 1998.

The Conference Report on TEA 21 (House Report 105–550) passed the House of Representatives and the Senate on May 22, 1998, and was signed into law by the President on June 9, 1998, as Public Law 105–178.

Several important provisions agreed to by the House and Senate Conferees were inadvertently omitted from the version of TEA 21 that passed the Congress and that was signed into law. It also contained several technical errors. To restore these omissions and correct the errors, Congress subsequently passed the TEA 21 Restoration Act as Title IX of the Internal Revenue Service Restructuring and Reform Act of 1998. The President signed it into law on July 22, 1998, as Public Law 105–206. The attached version of TEA 21 reflects the changes made by the TEA 21 Restoration Act.

Due to the tight schedule for finalizing the TEA 21 Conference, the Statement of Managers accompanying TEA 21 contained technical errors and omissions relating to Title I (Federal-aid Highways) and Title V (Transportation Research). The attached version corrects these errors and contains more extensive descriptions of many TEA 21 provisions.

We hope that the upcoming Committee Print of TEA 21 and the accompanying explanatory materials will be a useful document for interpreting TEA 21 since it was extensively amended soon after being signed into law, and since the original Statement of Man-

agers did not properly reflect the legislation that was signed into law.

BUD SHUSTER,
CHAIRMAN,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JAMES L. OBERSTAR,
RANKING DEMOCRATIC MEMBER,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

THOMAS E. PETRI,
CHAIRMAN,
SUBCOMMITTEE SURFACE TRANSPORTATION

DON YOUNG
SHERWOOD L. BOEHLERT
JAY KIM
STEPHEN HORN
TILLIE K. FOWLER
RICHARD H. BAKER
ROBERT W. NEY
JACK METCALF

NICK J. RAHALL, II, RANKING DEMOCRATIC MEMBER, SUBCOMMITTEE SURFACE TRANSPORTATION
ROBERT A. BORSKI
WILLIAM LIPINSKI
ROBERT E. WISE, JR.
JIM CLYBURN
BOB FILNER
JIM MCGOVERN

TRANSPORTATION EQUITY ACT FOR THE 21'ST CENTURY

UPDATED EXPLANATORY MATERIALS

TITLE I—FEDERAL-AID HIGHWAYS

SUBTITLE A—AUTHORIZATIONS AND PROGRAMS

SEC. 1. SHORT TITLE, TABLE OF CONTENTS

House bill

Section 1 provides that the title of the House bill is the "Building Efficient Surface Transportation And Equity Act of 1998," or "BESTEA." Section 1 also includes a table of contents.

Senate amendment

Section 1 provides that the title of the Senate bill is the "Intermodal Surface Transportation Efficiency Act of 1998," or "ISTEA II" Section 1 also includes a table of contents for the bill.

Conference substitute

The Conference adopts a substitute provision as the title of the Act. The title is "Transportation Equity Act for the 21st Century" or "TEA 21." The subsection also includes a table of contents for the Act.

SEC. 2. DEFINITIONS

House bill

Section 2 provides that, as used in the House bill, the term "Interstate System" has the meaning given the term by section 101 of title 23, United States Code, and the term "Secretary" means the Secretary of Transportation.

Senate amendment

Section 2 provides that, as used in the Senate bill, the term "Secretary" means the Secretary of Transportation.

Conference substitute

The Conference adopts the House provision.

SAVINGS CLAUSE

House bill

Section 3 provides that amendments made by this Act shall not affect any apportionment or allocation of any funds that occurred

before the date of enactment of this Act unless the bill specifically directs that the allocation or apportionment be modified.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

AMENDMENTS TO TITLE 23

House bill

Section 101 directs that each amendment in the bill, or repeal of a section or other provision of law, is an amendment to title 23 of the United States Code unless the bill states otherwise.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

SHORT TITLE FOR TITLE I

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1001 includes a short title for the first title of the bill covering highway programs. This title may be cited as the "Surface Transportation Act of 1998".

Conference substitute

The Conference does not adopt the Senate provision.

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS

House bill

Subsection 102(a) authorizes funds from the Highway Trust Fund (HTF) (other than the Mass Transit Account) for major Federal-aid highway programs and the Federal lands highways program for fiscal years 1998 through 2003.

Subsection 102(b) continues the Disadvantaged Business Enterprise program. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within 3 years of the date of enactment of this Act. Recent court decisions have established new standards for review of the constitutionality of programs such as the DBE provisions enacted in prior surface transportation acts and the courts are now determining whether the DBE programs comply with those standards. The Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Sub-

section 102(b) of the reported bill makes no changes to these provisions, preferring to let the courts resolve these issues. However, the Committee will continue to monitor DOT's administration of this program and gauge the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

The possibility of legal challenges may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a Federal court finding the DBE program to be unconstitutional.

Senate amendment

Section 1101(a) provides contract authority from the Highway Trust Fund for each of fiscal years 1998 through 2003 for the Interstate and National Highway System (NHS) Program, the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, and the Federal lands highways program.

Section 1111 continues the provisions in current law regarding the disadvantaged business enterprise (DBE) program. The DBE program, which originated in the Surface Transportation Assistance Act of 1982, requires that 10 percent of the funds provided under titles I, II, and V of this Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise.

In 1995, the Supreme Court decided Adarand v Pena, which heightened the standard of judicial review applicable to Federal affirmative action programs. The case involved a Caucasian subcontractor who submitted a low bid on a Federal lands highway construction contract, but lost to a company that was certified as "disadvantaged." Adarand filed suit, alleging that he was denied the equal protection guaranteed by the Fifth amendment. The Court agreed in a 5–4 decision that Federal race classifications, such as the DBE program, must be subject to strict scrutiny. In other words, the program must: (1) serve a compelling government interest, and (2) be narrowly tailored to address that compelling interest, which in this case is fighting discrimination.

It is important to note that the Supreme Court did not strike down the DBE program or any other Federal affirmative action program. That means that if the program in question meets the new test outlined by the Court, it is Constitutional and may continue to exist. In the case of the DBE program, the Department of Transportation has determined that the Constitutional concerns can be addressed through changes in the Department's regulations. To that end, the Department has proposed a number of regulations intended to address the "narrow tailoring" requirements of "strict scrutiny" by (1) giving priority to race-neutral measures in meeting program goals, and (2) limiting the potential adverse effects of the program on other parties.

Conference substitute

Subsection 1101(a) authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1998 through 2003 for the following programs and projects: the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Federal lands highways program, the construction of ferry boats and ferry terminal facilities, the national scenic byways program, high priority projects, highway use tax evasion projects, and the highway program of the Commonwealth of Puerto Rico. Subsection 1101(a) also authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1999 through 2003 for the following programs: the Appalachian development highway system, the national corridor planning and development and coordinated border infrastructure programs, and the value pricing pilot program.

The Conference contains the Senate provision continuing the Disadvantaged Business Enterprise program in TEA 21. This provision is substantially identical to the existing DBE provision contained in the ISTEA bill. The provision adopted by the conference is also operationally identical to the provision contained in the House bill. The Conference has continued the program without change from prior law. Courts will make a final determination as to whether the statute, as implemented by the Department of Transportation, is constitutional under the Supreme Court's Adarand decision.

The possibility of legal challenges to the DBE program was of concern to the Conferees. Therefore, the provision is intended to ensure that grant recipients under this Act will continue to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

SEC. 1102. OBLIGATION CEILING

House bill

Subsection 103(a) sets the annual obligation limitation for the Federal-aid highway program for fiscal years 1998 through 2003.

Subsection 103(b) lists the programs that are exempt from the annual obligation ceiling for the Federal-aid highway program. These programs are emergency relief, minimum allocation, demonstration projects authorized in prior surface transportation bills, and high priority projects.

Subsection 103(c) directs the Secretary to distribute the annual obligation authority to the States in the manner specified. All formula and allocated programs share proportionally in the obligation authority.

Subsection 103(d) directs the Secretary to redistribute, after August 1 of each fiscal year, the obligation authority made available under subsection (c) from States that will be unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Subsection 103(e) clarifies that the programs carried out under chapter 3 of title 23, United States Code, and title VI of this Act are subject to the obligation limitation.

Subsection 103(f) directs that funds that will not be allocated to the States and that are unavailable in any fiscal year due to the imposition of an obligation limitation be distributed to the States.

Senate amendment

Section 1103 sets the annual obligation limitation for the Federal-aid highway program, specifies the programs that are exempt from the obligation limitation, and sets forth the process for distributing the annual obligation limitation.

Consistent with current law, this section continues the exemptions for programs that were exempt from the obligation limitation under ISTEA. This exemption includes the emergency relief program, unobligated balances for demonstration projects that were already exempt from the limitation in ISTEA, and funds apportioned under subsection (a) of the minimum guarantee adjustment.

This section also continues the practices that directs the Secretary to distribute the annual obligation limitation imposed on the Federal-aid highway program. Consistent with current law, the Secretary shall distribute the annual obligation authority to the States in the ratio that the total of Federal-aid highway funds and highway safety funds for each State bears to the total of Federal-aid highway funds and highway safety funds for all the States. After August 1 of each fiscal year, the Secretary is required to distribute the additional obligation authority from States unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Conference substitute

The Conference adopts the House provision, with the following modifications.

Subsection 1102(a) sets the annual obligation limitation for Federal-aid highway and highway safety construction programs for each of fiscal years 1998 through 2003. The annual obligation limitation is tied to Highway Trust Fund tax revenues for the previous fiscal year and will change as such revenues change, in accordance with subsection 1102(h).

Subsection 1102(b) of the Conference provision modifies the list of programs that are exempt from the annual obligation ceiling for Federal-aid highways and highway safety construction programs. Exempt programs are emergency relief, demonstration projects authorized in prior surface transportation bills, minimum allocation funds, and a portion of minimum guarantee funds.

Paragraph 1102(c)(1) of the Conference provision provides that the Secretary not distribute obligation authority for certain programs, including administrative expenses.

Paragraph 1102(c)(2) of the Conference provision provides an amount of obligation authority equal to the amount of the unobligated balance of amounts made available in previous fiscal years for those Federal-aid highway and highway safety programs for which funds are allocated by the Secretary.

Paragraph 1102(c)(3) of the Conference provision establishes how the Secretary is to calculate certain ratios used to distribute the obligation authority.

Paragraph 1102(c)(4) of the Conference provision states that each high priority project, the Appalachian development highway system, and funding for the Woodrow Wilson Memorial Bridge Authority Act under this Act shall receive the same proportional distribution of obligation authority to budget authority as virtually all other Federal-aid highway programs do under section 1102, and that $2 billion of minimum guarantee funds shall receive an equal amount of obligation limitation. Sections 1601 (codified at 23 U.S.C. 117) and 1602 , which authorize the high priority projects, reinforce the intent of the Conferees in paragraph 1102(c)(4) that each high priority project receive the same proportion of obligation authority to budget authority as every other Federal-aid highway program, and that such obligation authority is tied to each individual project. Subsection 117(g) directs that "[o]bligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section . . . ." Subsection 117(a) directs the Secretary to make available budget authority "to carry out each project [authorized in TEA 21 in] the amount listed for such project in such section." The effect of these two provisions in section 117 is to require that obligation authority attributable to the budget authority provided for each project shall only be available for each such project. Section 117, in expressly stating that the budget authority for high priority projects is made available only for individual projects, articulates Congress' intent that each individual project be funded. In this respect, the provisions authorizing high priority projects are distinctly different that the provisions authorizing other Federal-aid highway programs for which States receive a lump sum of obligation authority each year.

Paragraphs 1102(c)(5) and (6) of the Conference provision describe how certain amounts of the obligation authority are to be distributed.

Subsection 1102(d) of the Conference provision provides for the redistribution of unused obligation authority at the end of the Fiscal Year. This provision is commonly called the "August Redistribution."

Subsection 1102(e) of the Conference provision provides that obligation authority set aside for the transportation research programs be available for 3 years.

Subsection 1102(f) directs the Secretary to annually redistribute any budget authority the Secretary determines will not be allocated and will not be available for obligation, due to the imposition of any obligation limitation. This distribution of budget authority to the States shall be made in the same ratio as the distribution of obligation authority under paragraph (c)(6), and such funds shall be available for any eligible purpose under 23 U.S.C. 133(b). The Secretary shall not redistribute any budget authority made available in this Act for high priority projects or for the Woodrow Wilson Memorial Bridge Authority Act.

Subsection 1102(g) states that the obligation limitation provided in paragraph (c)(4) for high priority projects, the Appalachian development highway system, the Woodrow Wilson Memorial

Bridge Authority Act, and $2 billion in minimum guarantee funds is available until used and is in addition to the amount of any obligation limitation imposed for Federal-aid highway and highway safety construction programs in future fiscal years.

Subsection 1102(h) provides that the obligation limitation imposed in subsection (a) shall be increased by an amount equal to the amount of funds determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 for such fiscal year, and such increase in obligation authority shall be distributed in accordance with this section.

In subsection 1102(i), the Conference adopts the Senate provision imposing a separate limitation on obligations for the expenses of administering the provisions of law for Federal-aid highway and highway safety construction programs and the Appalachian development highway system.

SEC. 1103. APPORTIONMENTS

House bill

Subsection 104(a) directs the Secretary to deduct, from funds authorized to be appropriated for certain major Federal-aid highway programs and the Federal lands highways program, a sum not to exceed 1 percent of such funds for the purpose of administering the Federal-aid highway program.

Subsection 104(b) directs the Secretary to apportion amounts available to the States for the National Highway System, congestion mitigation and air quality improvement program, surface transportation program, high risk road safety improvement program, and Interstate maintenance according to specified formulas.

Subsection 104(c) increases funding for Operation Lifesaver and the High Speed Rail Corridors grade crossing program. Funding for Operation Lifesaver is increased from $300,000 to $500,000 annually. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor Program.

Regarding the High Speed Rail Corridors Program established in section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Committee would draw attention to an additional corridor it believes worthy of inclusion. This rail corridor, in Pennsylvania, extends from Philadelphia through Harrisburg to Pittsburgh. It is a logical connecting route between the high speed northeast corridor and points west in Pennsylvania, offering significant mobility and economic benefits. There is a substantial and rapidly growing exchange of passengers between the northeast corridor and this cross-state corridor, particularly on the "Keystone" portion from Philadelphia to Harrisburg. The Commit-

tee recommends assistance to this corridor under this section as a prelude to consideration of eligibility for costs related to feasibility studies, design, and construction of this corridor for high speed rail.

Subsection 104(d) makes technical corrections to 23 U.S.C. 104(e) and directs the Secretary to transmit to Congress within the first 21 days of each fiscal year a written statement setting forth the reason for not making an apportionment in a timely manner. This subsection has been included in response to the withholding of apportionments in fiscal year 1997. The apportionments were held up for several months due to an error in crediting receipts into the Highway Trust Fund. Ultimately, a correction was made resulting in the redistribution of nearly $1 billion in Federal-aid highway funds. The withholding was done administratively. This amendment would require a written explanation of any withholding in the future.

Subsection 104(e) amends the metropolitan planning set-aside provision in 23 U.S.C. 104(f) by deleting the references to outdated funding programs and providing that the set-aside shall not be deducted from funds made available for the recreational trails program.

Subsection 104(f) directs the Secretary to apportion to the States the sums authorized for the recreational trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also directs the Secretary to set-aside 3 percent of recreational trails program funds for the administrative and research costs of the program.

Subsection 104(g) makes several corrections to cross references in title 23 to conform to this section.

Subsection 104(h) provides the table referenced in the NHS apportionment formula.

Subsection 104(i) requires that up-to-date data be used for formulas.

Subsection 104(j) provides the mechanism for adjustments to programs in fiscal year 1998 to take into consideration the Surface Transportation Extension Act of 1997 (STEA) which provided funds from the Highway Trust Fund for a portion of fiscal year 1998. The STEA requires that the Secretary deduct any funds received under that Act from any apportionments made by this Act for fiscal year 1998. Subsection (j) also requires that the Secretary ensure that the total apportionments to each State under this Act be reduced by the amount apportioned to each such State under the STEA.

Senate amendment

Subsection 1101(b) sets forth the process by which the Secretary is required to reduce the amounts made available under this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997.

Section 1102 provides the basis for distributing apportioned funds among the States. It includes provisions for apportioning funds to the following programs: Interstate and National Highway System, the congestion mitigation and air quality improvement program, the surface transportation program, and other apportionment adjustments, using current indicators to measure the needs,

extent, use, and condition of the Federal-aid highway system, and air quality severity in nonattainment and maintenance areas.

Subsection 1102(a) replaces the apportionment formulas provided in ISTEA with apportionments based on current transportation measurements in each State. By contrast, ISTEA apportioned a majority of funds to the States based on each State's historical share of apportionments received in 1987 through 1991.

To ensure an efficient and competitive transportation system into the 21st century, this section provides for the use of indicators that measure the needs, condition, extent, and use of the Nation's transportation network today. Many apportionment factors used in this section draw upon the suggested alternatives of the General Accounting Office report, "Highway Funding, Alternatives for Distributing Federal Funds," November 1995.

The Interstate and National Highway System (INHS) program funds are apportioned in three components. The Interstate maintenance component of INHS is apportioned based on a State's share of total Interstate lane miles and total Interstate vehicle miles traveled within the State. The Interstate bridge component is distributed according to the State's share of total square footage of structurally deficient and functionally obsolete Interstate bridges within the State. The National Highway System component is distributed based on a State's share of: (1) total lane miles of principal arterial routes (excluding Interstate lane miles), (2) total vehicle miles traveled on principal arterials (excluding Interstate lane miles), (3) total square footage of deficient bridges on principal arterials (excluding Interstate routes), (4) diesel fuel use, and (5) total lane miles of principal arterials per capita. Each State is guaranteed a minimum ½ of 1 percent of funds apportioned under the INHS program.

This section also preserves the basic structure of the current formula for the congestion mitigation and air quality improvement (CMAQ) program, using population and the severity of air pollution as the apportionment factors. The apportionment formula for CMAQ adds a weighting for carbon monoxide nonattainment and maintenance areas, ozone maintenance areas, and submarginal ozone nonattainment areas. These areas were added because they are required under the Clean Air Act to adhere to maintenance plans in meeting air quality requirements. As in current law, each State is guaranteed a minimum share of ½ of 1 percent of total annual CMAQ apportionments.

The surface transportation program (STP) funds are apportioned based on a State's share of the following: (1) total Federal-aid highway lane miles, (2) total vehicle miles traveled on Federal-aid highways, (3) total square footage of deficient bridges on Federal-aid highways (excluding deficient bridges on the Interstate and other principal arterials); and (4) contributions into the Highway Account of the Highway Trust Fund. Each State is guaranteed a minimum ½ of 1 percent of funds apportioned under the STP program.

Subsection 1102(b) provides that deposits into the Highway Trust Fund as a result of section 901(e) of the Taxpayer Relief Act of 1997 shall not be taken into account in determining any State's

apportionments or allocations under title 23, United States Code, or this Act.

In all cases, the factors to be used in the apportionment formulas are to be based on the latest available data and are to be updated each year.

Subsection 1102(e) amends 23 U.S.C. 104(i) to authorize the Secretary to use administrative funds to reimburse the Office of the Inspector General of the Department of Transportation for annual audits of financial statements in accordance with 31 U.S.C. 3521.

Subsection 1102(f) makes technical changes to 23 U.S.C. 104(e) concerning notification to States and to 23 U.S.C. 104(f) concerning the metropolitan planning set-aside. The purpose of the set-aside for metropolitan planning is to assist metropolitan areas with the metropolitan planning requirements continued from current law.

Subsection 1102(g) makes numerous conforming amendments to title 23, United States Code to correct references therein to 23 U.S.C. 104, and to delete several outdated sections in title 23.

In section 1107, which recodifies the recreational trails program, subsection 23 U.S.C. 206(i) directs the Secretary to apportion to the States the sums authorized for the Recreational Trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also provides that the amount the Secretary may deduct to pay the costs for administration of the program is reduced from 3 percent to 1 percent.

Paragraph 1112(b)(2) makes a conforming amendment to 23 U.S.C. 104(f)(3) concerning the Federal share of project costs for metropolitan planning projects.

Subsection 1113(c) requires the Secretary to report annually on the rates of obligation of funds for programs for which funds are apportioned or set-aside under 23 U.S.C. 104 and 133. The reports shall include information regarding funding category or subcategory, type of improvement, and substate geographic area. Section 1207 amends 23 U.S.C. 104(m) to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligation amounts and unobligated balances for Federal-aid highway and highway safety construction programs.

Section 1131 authorizes an amount not to exceed $16 million per year for fiscal years 1998 through 2003 from the Interstate maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Section 1201 amends subsection 23 U.S.C. 104(a) by reducing the maximum percentage of certain Federal-aid highway apportionments the Secretary is authorized to deduct to administer the Federal-aid highway program from 3¾ percent to 1½ percent. The reduction reflects that this Act provides funding from other sources for certain non-administrative items, such as research and intelligent transportation system activities, that were formerly funded from the administrative takedown.

Section 1207 amends 23 U.S.C. 104 to require the Secretary to submit to Congress an annual, rather than monthly, report on

States' obligations and unobligated balances of funds authorized for Federal-aid highway and highway safety construction programs.

Section 1221 adds a new subsection to 23 U.S.C. 104 to provide for the program-wide, rather than project-by-project, transfer and administration of transit funds made available for highway projects and highway funds made available for transit projects. This revision will streamline the administration of highway and transit funds by State departments of transportation. This provision also requires the Secretary to administer funds made available under title 23 or chapter 53 of title 49 and transferred to Amtrak in accordance with Subtitle V of title 49. Funds made available under title 23 or chapter 53 of title 49 and transferred to other eligible passenger rail projects and activities shall be administered as the Secretary determines appropriate. The non-Federal share provisions in title 23 or chapter 53 of title 49 will continue to apply to the transferred funds.

Section 1401 amends 23 U.S.C. 104(d) to fund Operation Lifesaver as a set-aside from the surface transportation program, rather than from the administrative takedown for the Federal-aid highway program. This section also increases the funding for Operation Lifesaver from $300,000 to $500,000 for each of fiscal years 1998 through 2003. The funds shall be used for public education programs designed to reduce the number of accidents, deaths and injuries at highway-rail intersections and within railroad rights-of-way.

Section 1402 authorizes $5 million to be set aside from surface transportation program funds in each of fiscal years 1998 to 2003 to be allocated by the Secretary to address railway-highway crossing hazards in five existing high speed rail passenger corridors and authorizes the Secretary to select three additional corridors. The Secretary is to consider ridership volume, maximum speeds, benefits to nonriders such as congestion relief, State and local financial support, and the cooperation of the owner of the right-of-way.

The previously selected rail corridors under the program are: (1) San Diego to Sacramento, CA; (2) Detroit, MI to Milwaukee, WI; (3) Miami to Tampa, FL; (4) Washington, D.C. to Charlotte, NC; (5) Vancouver, B.C. to Eugene, OR. The New York City-Albany-Buffalo high speed Empire Corridor is an example of a project that meets the intent of this section because of its current travel at high rates of speed and its level of ridership. Section 1402 also requires the Secretary to expend funds under the railway-highway crossing hazard elimination in high speed rail corridors program for a Gulf Cost high speed railway corridor.

Conference substitute

In subsection 1103(a), the Conference adopts the Senate provision concerning the percentage of the administrative takedown for the Federal-aid highway program.

In subsection 1103(b), the Conference adopts a substitute provision which contains portions of both the House and Senate apportionment formulas, with several modifications. The Conference adopts a combination of the House formula and a modified Senate formula for apportioning National Highway System funds. After setting aside $36.4 million for each of fiscal years 1998 through 2003 for the territories and $18.8 million for each of fiscal years

1999 through 2003 for the Alaska Highway, the remaining NHS funds shall be apportioned as follows: 25 percent based on each State's share of total lane miles of principal arterials, excluding Interstate routes; 35 percent based on each State's share of total vehicle miles traveled on lanes of principal arterials, excluding Interstate routes; 30 percent based on each State's share of total diesel fuel used on highways; and 10 percent based on each State's share of: total lane miles on principal arterials in the State divided by the State's total population. The Conference adopts the Senate formula for apportioning congestion mitigation and air quality improvement program funds, apportioning such funds based on each State's share of the total of all weighted nonattainment and maintenance area populations. The Conference adopts the House formula for apportioning surface transportation program funds, apportioning such funds as follows: 25 percent based on each State's share of total lane miles of Federal-aid highways, 40 percent based on each State's share of total vehicle miles traveled on lanes on Federal-aid highways, and 35 percent based on each State's share of estimated tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account). The Conference adopts a combination of the House and Senate formulas for apportioning Interstate maintenance (IM) funds (retaining a separate IM formulas, as in the House bill) and apportions such funds as follows: 33⅓ percent based on each State's share of total lane miles on Interstate routes open to traffic, 33⅓ percent based on each State's share of vehicle miles traveled on certain designated Interstate System routes, and 33⅓ percent based on each State's share of annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles.

In subsection 1103(c), the Conference adopts the Senate provision and most of the House provision on Operation Lifesaver and High Speed Rail Corridors. The conference adopts the House's $5.25 million funding level for the High Speed Rail Corridors program, includes funding under the program for site-specific corridors that were included in both the Senate and the House bills and reports, includes the Senate bill's criteria for the Secretary to consider in selecting corridors, and authorizes $15 million to be appropriated for each of fiscal years 1999 through 2003 to carry out this subsection. The conference substitute also includes the House provision of $250,000 in funding improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

In subsection 1103(d), the Conference adopts the House provision concerning certification of apportionments and notice to the House and Senate by the Secretary when apportionments are not made in a timely manner.

In subsection 1103(e), the Conference adopts the House provision amending the exception clause in the metropolitan planning set-aside provision in 23 U.S.C. 104(f) and the Senate provision technically amending 104(f)(3) concerning the Federal share.

In subsection 1103(f), the Conference adopts the House provision authorizing an administrative takedown for the recreational trails program, with a modification. The Conference provision changes the maximum permissible percentage the Secretary can

deduct for administration, research, and technical assistance costs from 3 percent to 1½ percent. The House and Senate provisions apportioning Recreational Trails program funds are the same, and this apportionment formula is adopted in subsection 1103(f).

In subsection 1103(g), the Conference adopts the Senate provision concerning audits of the Highway Trust Fund.

In subsection 1103(h), the Conference adopts the two Senate provisions concerning reports on obligations, with a modification to combine both provisions in a single subsection in 23 U.S.C. 104.

In subsection 1103(i), the Conference adopts the Senate provision concerning the transfer of highway and transit funds, with a modification. Transferability to Amtrak or to any publicly-owned intercity or intracity passenger rail line is not adopted.

In subsection 1103(j), the Conference adopts the Senate provision concerning the effect of certain delay in deposits into the Highway Trust Fund.

In subsection 1103(k), the Conference adopts the Senate provision making technical amendments to 23 U.S.C. 104(f), with a modification striking the clause in 104(f) excluding certain programs from the metropolitan planning set-aside.

In subsection 1103(l), the Conference adopts the majority of the Senate provisions making conforming amendments to title 23, United States Code, to correct references therein to 23 U.S.C. 104 and the Senate provision repealing 23 U.S.C. 150, which is out of date.

In subsection 1103(m), the Conference adopts the House provision on adjustments for the Surface Transportation Extension Act of 1997 (STEA), with a modification providing that STEA obligation authority shall be considered to be an amount of obligation authority made available for fiscal year 1998 under this Act, and excluding Massachusetts from the provision offsetting the State's STEA funds from the State's fiscal year 1998 authorizations under this Act.

Subsection 1103(n) provides that for purposes of apportioning funds for Federal-aid highway programs under 23 U.S.C. 104, 105, 144, and 206, the term "State" means any of the 50 States and the District of Columbia. This definition differs from the definition used in U.S.C. 23 in that it does not include the Commonwealth of Puerto Rico.

Subsection 1103(o) makes several technical corrections to 23 U.S.C. 104.

SEC. 1104. MINIMUM GUARANTEE

House bill

Subsection 111(a) amends 23 U.S.C. 157 to direct the Secretary to allocate minimum allocation funds for fiscal year 1998 and thereafter, and it specifies the programs that are subject to the minimum allocation calculation in such fiscal years. It also provides that a State is guaranteed a 95 percent return in its formula program funds compared to its percentage contribution to the Highway Trust Fund, rather than the current 90 percent.

Subsection 111(b) provides that a State may use funds it receives under the minimum allocation program for any purpose eligible under the surface transportation program.

Subsection 111(c) makes conforming amendments to 23 U.S.C. 157.

Subsection 111(d) ensures that no State that is a net donor to the Highway Trust Fund receives a percentage of total Federal-aid highway program funds that is less than the percentage it received in the last year of ISTEA.

Subsection 111(e) ensures that after making all the prior calculations under 23 U.S.C. 157, no State shall receive a final Highway Trust Fund return of less than 90 percent.

Senate amendment

Subsections 1102(c) and (d) replace the existing five apportionment adjustments with two apportionment adjustments, the ISTEA transition and the minimum guarantee. The ISTEA transition adjustment provides a ceiling (a "maximum transition") and a floor (a "minimum transition") for this adjustment. The maximum transition provides that a State's apportionments under this section may not increase by more than a specified percentage (e.g., 45 percent in 1998) over its ISTEA average funding level. The minimum transition adjustment ensures that a State's apportioned funds will either: (1) increase by a specified percentage (e.g., at least 7 percent in fiscal year 1998) from the average of its apportioned programs under ISTEA (excluding funds apportioned for Interstate Construction, Interstate Substitution, the so-called "Hold Harmless" program, and the Federal lands highways program), or (2) be equal to at least the amount that a State received in fiscal y/ear 1997 from all apportioned programs in ISTEA, excluding Hold Harmless and demonstration projects.

The other apportionment adjustment provides a minimum guarantee based on total apportioned funds. This minimum guarantee is divided into two components. The first component provides that a State will receive a minimum share of total apportioned funds equal to 90 percent of its share of contributions into the Highway Account of the Highway Trust Fund. Although similar to the 90 percent minimum allocation program under current law, it differs in several significant ways from current law.

First, the minimum guarantee applies to 100 percent of apportioned funds rather than to only a portion of apportioned funds. The minimum allocation under current law only applied to less than 80 percent of apportioned funds in ISTEA, leaving some States to receive a percentage equal to 70–80 percent of their share of contributions. Second, the calculation is reformed so that the 90 percent guarantee is actually achieved. Even if the current minimum allocation calculation was modified to apply to all apportioned funds, States will come close to reaching a 90 percent guarantee, but will not reach a 90 percent guarantee, because the 90 percent minimum allocation received by one State dilutes the percentage for all other States. The 90 percent guarantee calculation in ISTEA II eliminates this problem and achieves at least a 90 percent guarantee for all States.

The amount apportioned to each State under the first component of the minimum guarantee calculation will vary as each State's share of contributions varies from year to year.

The second component of the minimum guarantee provides a minimum share for States listed in the table in the new section 105(a)(2) of title 23, United States Code. This calculation applies to States with unique characteristics such as low population density or small land areas.

Conference substitute

In section 1104, the Conference adopts the Senate's minimum guarantee provision, with several modifications. First, the Conference substitute contains a single minimum guarantee component, which provides additional funds to ensure that each State's percentage of total apportionments for the Interstate maintenance program, the National Highway System, the bridge program, the congestion mitigation and air quality improvement program, the surface transportation program, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall be at least 90.5 percent and shall equal the percentage for each such State listed in the table in 23 U.S.C. 105(b). Beginning in FY 1999, these percentages in the table shall be adjusted annually to ensure that each State's percentage return on its percentage contributions to the Highway Trust Fund in the latest fiscal year for which data is available is at least 90.5 percent. After adjusting the percentage for any State falling below 90.5 percent, the Secretary shall normalize the remaining percentages to ensure that the total of the percentages is equal to 100 percent. No State shall receive less than $1 million annually in minimum guarantee funding.

Second, the Conference provision states that the first $2.8 billion of minimum guarantee funds shall be available to the States for any project eligible under the surface transportation. The amount of minimum guarantee funds in excess of $2.8 billion flow back to the States as Interstate maintenance, National Highway System, surface transportation program, bridge, and congestion mitigation and air quality improvement program funds in amounts proportional to the each program's share of the total apportionments to each State for each fiscal year and are added to each State's formula apportionment for such program.

The new minimum guarantee provision is codified at 23 U.S.C. 105, replacing the current section 105.

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY

House bill

The House bill contains no comparable provision.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1105, the Conference adopts a provision that adds a new section 110 to title 23, United States Code, (thereby repeal-

ing current section 110, relating to project agreements) to annually adjust highway funding up or down to correspond with the latest data on Highway Trust Fund receipts. Subsection 110(a) provides that, in fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to any additional amount of discretionary highway spending made available under section 8101 of this Act related to the budget firewall for HTF spending. If the annual discretionary highway spending limit decreases under section 8101 for fiscal year 2000 or any fiscal year thereafter, the Secretary, in the succeeding fiscal year, shall proportionately reduce the amounts authorized to carry out the Federal-aid highway and highway safety construction programs (other than the emergency relief program) by an amount equal to the amount of such spending decrease.

Under subsection 110(b), any additional funds made available under this section shall be distributed in two parts: one to allocated programs and the other to apportioned programs. As to allocated programs, the amount to be distributed is determined by multiplying the total amount of additional funds made available under this section by the ratio of funds authorized for all allocated programs to funds authorized to be appropriated from the Highway Trust Fund for all Federal-aid highway and highway safety construction programs. Such amount shall then be distributed to each allocated program in proportion to each program's share of total HTF authorizations. The remaining amount shall be distributed to each State in proportion to each such State's share of total HTF apportionments. Subsection 110(c) provides that the amount made available for apportioned programs shall be distributed to each State for its Interstate and NHS, bridge, STP, and CMAQ programs in the same ratio that each State is apportioned funds for such programs.

SEC. 1106. FEDERAL-AID SYSTEMS

House bill

Subsection 106(a) amends 23 U.S.C. 103 to strike existing provisions for the interim eligibility and approval of the National Highway System made unnecessary after its adoption in the National Highway System Designation Act of 1995.

Subsection 106(b) strikes language for the designation of the National Highway System made unnecessary after its adoption in 1995. The total mileage of National Highway System may not to exceed 155,000 miles, except that the Secretary may increase or decrease the mileage by no more than 15 percent.

Subsection 106(c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Subsection 106(d) allows the National Highway System to be modified to accommodate changes in the Strategic Highway Network (STRAHNET).

Subsection 106(e) makes several technical and conforming amendments to section 103(b) of title 23, United States Code.

Subsection 106(f) makes technical amendments to 22 U.S.C. 103.

Subsection 106(g) states that amendments made by this section shall not affect apportionments made under 23 U.S.C. 104 before the date of enactment of this Act.

Subsection 106(h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Subsection 106(i) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Subsection 106(j) designates certain routes as part of the National Highway System.

The House bill makes no changes to existing NHS eligibility.

The Committee encourages the Commonwealth of Virginia to work with Fairfax County, Virginia, to fund right-of-way and preliminary engineering costs associated with the NHS segment for the Fairfax County Parkway. In addition, the Commonwealth should work with the County to ensure that funding for the Fairfax County Parkway does not adversely affect other County projects under the secondary 6-year plan.

The Committee encourages the State of Michigan to designate State Route M–6, commonly known as the South Belt Freeway, as the Paul B. Henry Freeway. This designation would acknowledge the contribution that former Congressman Paul B. Henry made to this project and others while serving the Grand Rapids, Michigan, area as a county official, state legislator, and U.S. Representative.

The Committee encourages the State of California to designate an appropriate State Route in honor of the late Congressman Walter H. Capps.

There has been strong Federal support for the access road to the Northwest Arkansas Regional Airport, as recently demonstrated with the enactment of section 310(d) of the National Highway System Designation Act of 1995, and the Committee urges the State to advance the project as expeditiously as possible.

The Committee has approved funds under this Act to continue the Lafayette, Indiana Railroad Relocation Project. The Committee encourages the Indiana Department of Transportation to work with the local sponsors in identifying innovative financing opportunities to complete this project in an expeditious manner.

Senate amendment

Section 1121 provides that the National Highway System consists of those routes and transportation facilities depicted on maps submitted by the Secretary with the report "Pulling Together: The National Highway System and its Connections to Major Terminals."

Section 1234 amends 23 U.S.C. 103 to include publicly owned intracity or intercity passenger rail capital projects, including Amtrak, as an eligible activity for National Highway System program funds under the same criteria that apply currently to transit and non-NHS highway projects. NHS funding eligibility is amended also to include natural habitat mitigation and encourage the use of approved private-sector mitigation banks for wetlands lost through

highway construction. Preference is given, to the extent practicable, to banks if they are in accordance with Federal guidelines on mitigation banking and are within the service area of the impacted wetland.

This section also adds the following new items to the list of projects eligible for NHS funding: (1) publicly owned intracity or intercity passenger rail or bus terminals, including those owned by Amtrak; (2) publicly owned intermodal surface freight transfer facilities, other than seaports and airports located at, or adjacent to, the NHS or connections to the NHS; (3) infrastructure-based Intelligent Transportation Systems capital improvements; and (4) publicly owned components of magnetic levitation (MAGLEV) systems.

This section also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, permitting these territories to use their NHS apportionments for any STP-eligible project, any airport, and any seaport.

Subsection 1701(a) amends 23 U.S.C. 103 to reflect that the National Highway System has been designated by Congress. It consolidates several sections of title 23 regarding Interstate system designations and the process for adding segments to the Interstate. This section addresses Interstate construction funds and unobligated balances of Interstate substitute funds, as these programs no longer exist.

The NHS consists of an interconnected system of principal arterial routes that serve major population centers and intermodal transportation facilities. Its components include the Interstate System and other urban and rural principal arterials and highways (including toll facilities) that provide motor vehicle access between major population centers, border crossings, intermodal transportation facilities, and routes important to defense within the United States. The mileage of the NHS is limited to 178,250 miles. This mileage is equal to the base amount of 155,000 miles, established in current law, plus the 15 percent increase permitted under current law. The Secretary may make modifications to the NHS routes proposed by a State if the Secretary determines that the modification meets the same criteria established under current law. Modification proposals must be coordinated among the State, local, and regional officials.

An Interstate System route is to be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States in cooperation with local and regional officials, and subject to the approval of the Secretary. The mileage of the Interstate System is limited to 43,000, an increase from the 41,000 mile limit under current law.

Conference substitute

In subsection 1106(a), the Conference directs the Secretary to implement the National Highway System program and the Interstate maintenance program as a combined program, for the purpose of providing States with optimal flexibility in implementing these provisions.

In subsection 1106(b), [note: there are two subsections 1106(b)] the Conference adopts the Senate provisions amending 23 U.S.C.

103 concerning (1) the description, components, maximum mileage of and modifications to the National Highway System; (2) the description, design, maximum mileage, and designations of and modifications to the Interstate System; and (3) the treatment of Interstate construction and Interstate substitute funds, with a few modifications. The Conference modifies the Senate provision concerning the description of the NHS to make clear that the system includes the highway routes and connections to transportation facilities, rather than the facilities themselves. The Conference adopts the Senate provision concerning NHS eligibility, with a modification. The substitute does not include eligibility for intracity and intercity passenger rail under this program.

In subsection 1106(b), [note: the second subsection 1106(b)] the Conference adopts a provision allowing to use Interstate Substitute funds under the rules in effect on the day before the enactment of TEA 21.

In subsection 1106(c), the Conference makes amendments to several sections in title 23, United States Code, to conform those sections to the changes made by section 1106.

In subsection 1106(d), the Conference adopts the House provision on the intermodal freight connectors study with modifications to clarify that the purpose of the report is to identify impediments to improving intermodal connectors including impediments related to the planning process, availability of funding, and other issues identified by the Secretary.

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM

House bill

Section 105 of the House bill amends 23 U.S.C. 119 to modify the Interstate maintenance program to restore reconstruction of segments of the Interstate as an eligible activity. It also eliminates the annual certification requirement, and it updates the listing of routes eligible for funding under the program.

Section 113 establishes a new program to fund major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50 percent of a State's Federal-aid highway apportionments; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate maintenance program; and the funds must be obligated within 1 year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bears to the total national cost of eligible projects. For the years 1998 through 2003, however, those funds are to be distributed based on the Interstate maintenance program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, the extra funds are apportioned to all States as Interstate maintenance funds. Projects must be included within the planning process. The Secretary is required to report on the expected future need to reconstruct the Interstate System and to recommend methods for apportioning the funds.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary to States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

Section 1118 adds a new paragraph 104(k)(3) to title 23, United States Code, which provides that the Secretary may award funds under this program for Interstate 4R projects to those States the Secretary determines (1) will obligate funds provided under the Interstate maintenance and Interstate bridge components of the INHS apportionment in the fiscal year for which a grant application is submitted, and (2) are willing and able to obligate such funds within a year, apply the funds to a ready-to-commence project, and begin construction work within 90 days after obligation of the funds.

Section 1118 adds a new paragraph 104(k)(5), in which the Secretary is directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under sections 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1209 amends 23 U.S.C. 119 to (1) change the eligible uses of funds apportioned for the Interstate maintenance component of the INHS program and (2) change the rules regarding the ability to transfer these funds to other Federal-aid highway programs and to use a portion of these funds for the construction of single occupant vehicle lanes.

Current law allows a State to transfer up to 20 percent of its Interstate Maintenance apportionment to other program categories without the Secretary's approval. Transfers above the 20 percent amount need to be approved by the Secretary. Section 1209 would increase the percentage of funds that a State may transfer from the Interstate components of the INHS program to 30 percent. Section 1209 also provides that if a State certifies to the Secretary that the sums apportioned to it for the Interstate maintenance and Interstate bridge components of the INHS program are in excess of its Interstate needs, it may transfer an additional 20 percent of these Interstate component funds to its apportionments under the NHS or STP program.

This section lists the activities eligible for funds apportioned under the Interstate maintenance and Interstate bridge compo-

nents of the INHS formula, which include intelligent transportation systems (ITS) capital improvements.

In general, this section continues the prohibition against using apportionments provided under the Interstate components of the INHS program for the construction of new travel lanes that are not high occupancy vehicle (HOV) lanes. This section does allow, however, a State to use 30 percent of its funds apportioned on single-occupant vehicle capacity expansion. States are permitted to use a total of 30 percent of their funds apportioned under the Interstate components of the INHS program for new capacity projects, or these funds may be transferred to other program categories. This provision was added to allow Interstate reconstruction projects that may involve increased capacity to be managed as one contract rather than as two separate contracts, as may be required under some cases in current law.

Conference substitute

In subsection 1107(a), the Conference provision adopts language that was included in both the House and Senate bills to expand IM program eligibility to include projects to reconstruct routes on the Interstate system. The Conference also adopts the House provisions updating the listing of routes eligible for Interstate maintenance funds and eliminating the annual certification requirement.

In subsection 1107(b), the Conference provision amends 23 U.S.C. 118 to revise and update the current Interstate discretionary program. Subsection 1107(b) directs the Secretary to set aside $50 million for fiscal year 1998 and $100 million for each of fiscal years 1999 through 2003 before apportioning Interstate maintenance funds for resurfacing, restoring, rehabilitating, and reconstructing Interstate routes and toll roads on the Interstate. The provision retains the current provisions in section 118 concerning selection criteria, priority consideration for certain routes, and period of availability of discretionary funds.

Subsection 1107(c) directs the Secretary to work with States and affected metropolitan planning organizations (MPOs) to study the expected condition of the Interstate system over the next 10 years, the needs of States and MPOs in reconstructing and improving their Interstates, and the resources and means to address these needs.

Subsection 1107(d) makes technical amendments to 23 U.S.C. 119.

The Conference does not adopt the House provision establishing a High Cost Interstate Program.

SEC. 1108. SURFACE TRANSPORTATION PROGRAM

House bill

Subsection 108(a) clarifies that the Secretary is to implement the surface transportation program.

Subsection 108(b) makes certain anti-icing and de-icing compositions used on bridges eligible under the surface transportation program.

Subsection 108(c) makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the surface transportation program.

Subsection 108(d) makes certain environmental and pollution abatement projects as part of a highway project eligible under the surface transportation program.

Subsection 108(e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Subsection 108(f) changes the program approval process for the surface transportation program from a quarterly to an annual basis.

Subsection 108(g) extends the current provision requiring the proportional obligation of funds made available for urban areas over the 6-year term of the bill.

Subsection 108(h) encourages the use of youth corps to perform transportation enhancement projects.

Senate amendment

Section 1104 continues the current procedure in subsection 23 U.S.C. 133(f) regarding the sub-allocation of STP funds to urbanized areas. The purpose of this requirement is to ensure that the obligation rate of STP funds for urbanized areas within a State is consistent with the larger obligation rate for all Federal-aid highway apportionments within the State. This section amends current law to require States to comply with obligation rates over two equal 3-year periods, as opposed to the existing requirement of complying over a single 6-year period.

Subsection 1223(a) amends 23 U.S.C. 133 to require States to set aside 8 percent of their STP funds for transportation enhancement activities. This is a reduction from current law which requires a 10 percent set-aside. This subsection also allows the Secretary to advance transportation enhancement funds without a State's certification of its public outreach involvement process associated with transportation enhancement projects. This provision codifies the Department of Transportation's current administrative policy regarding innovative financing mechanisms applicable to transportation enhancement projects. It gives States additional flexibility by allowing them to calculate the non-Federal share for enhancements projects in several ways: on a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent; however, because of the new provision, it is feasible for a single project to have a 100 percent Federal share.

Subsection 1223(b) reduces the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement.

Subsection 1223(c) eliminates the current requirement in 23 U.S.C. 133(e)(3)(A) that payments made by the Secretary to the States under section 133 cannot exceed the Federal share of costs incurred as of the date the State requested payment. Striking this requirement (1) conforms the current provisions of section 133 to the changes made to section 133 by subsection 1223(a) to increase States' flexibility in calculating the non-Federal share of transpor-

tation enhancements projects, and (2) permits States to use the same type of flexible non-Federal matching share for STP projects as they are currently permitted to use for Federal transit projects.

Section 1235 amends 23 U.S.C. 133 to clarify that the eligibility for publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus or rail under the STP program parallels the eligibility of such vehicles and facilities under chapter 53 of title 49, U.S.C. as revised by this Act. It clarifies that the current eligibility under the STP program of highway and transit safety improvements includes non infrastructure highway safety improvements. This section also amends paragraph 133(b)(3) to make clear that STP funds may be used to fund the modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act.

Section 1235 also adds the following new items to the list of projects eligible for STP funds: (1) publicly owned intercity passenger rail infrastructure, including Amtrak; (2) publicly or privately owned passenger rail vehicles, including Amtrak; (3) infrastructure-based intelligent transportation systems capital improvements; (4) programs to address extreme cold starts; (5) publicly owned magnetic levitation transportation systems; and, (6) environmental restoration and pollution abatement projects carried out as part of transportation projects. This section also expands STP funding eligibility to include natural habitat mitigation under the same circumstances in which wetlands mitigation is currently eligible for STP funds, and establishes a preference for the use of mitigation banking.

ISTEA was a landmark law in that it gave the States unprecedented flexibility in spending their Federal-aid highway funds. This section increases the flexibility of the original ISTEA by allowing States to use their STP funds on publicly or privately owned passenger rail, including Amtrak, intermodal freight transfer facilities, natural habitat mitigation, capital costs of ITS improvements, and publicly owned components of magnetic levitation (MAGLEV) systems.

Section 1235 recognizes the diversity and uniqueness of the Nation and all of its transportation needs. The demands of the various regions throughout the United States are different. In the South and Southwest, the sharp growth in population continues to put a strain on that area's transportation infrastructure. In the Northeast United States, older infrastructure and acute congestion increases the need for non-highway modes such as transit and Amtrak. Many of the Western States, by contrast, with their low population density and the great distances involved in travel, rely on highways as their major mode of transportation. The flexibility provided in this section will permit States to use transportation funds to meet their diverse needs.

Subsection 1806(b) of the Senate bill makes the use on bridges of anti-icing and de-icing compositions that are agriculturally derived, environmentally acceptable, and minimally corrosive eligible for funding under the surface transportation program.

Conference substitute

In subsection 1108(a), the Conference provision expands STP eligibility by adopting the provision in both the House and Senate bills on anti-icing and deicing compositions (deleting the requirement that such compositions be agriculturally derived) and extreme cold starts, and adopting several Senate provisions expanding STP eligibility, with some modifications. With respect to the Senate provisions amending STP eligibility, the Conference adopts the provisions on publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus, but excludes the Senate's rail and magnetic levitation system eligibility provisions. Subsection 1108(a) also includes the Senate provisions on modifications to public sidewalks, natural habitat mitigation, infrastructure-based ITS improvements, and environmental runoff and pollution. The Conference does not adopt the Senate's provisions expanding STP eligibility to include unspecified non-infrastructure highway safety improvements.

In subsection 1108(b), the Conference adopts the Senate provisions (1) allowing the Secretary to advance transportation enhancement funds without States certifying their public outreach involvement process for transportation enhancement projects, and (2) granting States additional flexibility in calculating the non-Federal share of transportation enhancement projects. Subsection 1108(b) also modifies the noncontiguous States exemption from the sub-allocation requirement of 23 U.S.C 133(d)(3)(A).

The Conference finds that the House and Senate provisions that reduce the current quarterly, project-by-project approval process for the surface transportation program to an annual process are substantively equivalent, and the Conference adopts the Senate language on this subject in subsection 1108(c).

In subsection 1108(d), the Conference adopts the Senate provision eliminating the voucher-by-voucher 80/20 matching requirement and permitting a more flexible non-Federal match.

In subsection 1108(e), the Conference adopts the Senate provision regarding surface transportation program allocations in urbanized areas.

In subsection 1108(f), the Conference adopts the House provision allowing up to 15 percent of STP funds to be used on minor collectors in rural areas, with the modification that the Secretary may suspend the application of this provision upon determining that it is being used excessively.

In subsection 1108(g), the Conference adopts the House provision encouraging the use of youth corps to perform transportation enhancement projects.

The Conference does not adopt the Senate provision reducing the percentage of STP funds set-aside for transportation enhancement activities.

SEC. 1109. HIGHWAY BRIDGE PROGRAM

House bill

Subsection 107(a) amends the bridge program apportionment formula to reduce apportionments by taking into account funds transferred from the bridge program to other purposes. This is a

reform to help ensure that States do not receive funding to correct bridge deficiencies and then transfer those apportionments to another funding category, and continue to receive annual apportionments to correct such bridges.

Subsection 107(b) provides that the funds set aside for the discretionary bridge program under section 127(a)(1) of this Act for fiscal years 1998 through 2003 shall be available at the discretion of the Secretary, and that, for fiscal year 1998, 25 percent of the discretionary bridge program funds are required to be spent for the seismic retrofit of the Golden Gate Bridge in California, and that, for each of fiscal years 1999 through 2003, not to exceed 25 percent of such funds shall be available only for the seismic retrofit of bridges, including projects in the New Madrid fault region.

Although the Golden Gate Bridge in California is on the National Highway System, it has generally been the beneficiary of Federal highway assistance only on projects of an extraordinary cost. The seismic retrofit of the Bridge is one such project. The Committee retains its interest in completion of this project and provides funding for the seismic retrofit of the Golden Gate Bridge.

The Committee notes the catastrophic potential for earthquake damage in the multi-state region affected by the New Madrid Fault and commends the States for intending to incorporate existing innovative, effective, and economical technologies, such as composite materials, in seismic retrofit projects in order to reduce costs and enhance performance.

The Committee notes the importance of the replacement of the nearly 75-year old bridge over the Missouri River at Yankton, South Dakota, and encourages the Secretary to consider making funds available for this project under this section.

Subsection 107(c) extends the off-system bridge set-aside through fiscal year 2003.

Subsection 107(d) makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Subsection 107(e) technically amends 23 U.S.C. 144(n) to conform to changes made by subsection 107(c).

The Committee has become aware of the need to increase technical knowledge about the environmental effects of paints and coatings used in transportation projects. It is concerned that limitations might be imposed to reduce the use of certain such paints and coating which would potentially have an adverse effect on the transportation infrastructure. The Secretary is encouraged to ensure that the transportation benefits of these paints and coatings be considered as regulatory actions are taken.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary to States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

51-777 98 - 16

Section 1118 adds a new paragraph 104(k)(1) to title 23, United States Code, which defines the eligible uses of the $140 million set-aside to include bridge projects that exceed $10 million in costs or represent costs that exceed twice the amount of funds that States are required to reserve under 23 U.S.C. 144(c).

Section 1118 also adds a new paragraph 104(k)(2), in which the Secretary is required to set aside $20 million each fiscal year from the I–4R program and allocate it to any State that (1) receives less funding under the bridge apportionment factors used in the Interstate and National Highway System program and the Surface Transportation Program compared with the funds the State received under the bridge program in 1997, and (2) was apportioned at least $125 million in bridge funds in 1997. These funds shall be available for highway bridge projects. States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this set-aside. New paragraph 104(k)(2) also requires the Secretary to set aside $15 million each fiscal year from the I–4R program and allocate it to any State with bridges having an average life exceeding 46 years as of the date of enactment of this Act.

Section 1118 also adds a new paragraph 104(k)(4), which provides that, notwithstanding any other provision of law, the Golden Gate Bridge in California is eligible for assistance under the Interstate 4R and bridge discretionary programs.

Under new paragraph 104(k)(5), as added by section 1118, the Secretary is also directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where the State's percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under sections 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1122 amends 23 U.S.C. 144 to address highway bridge replacement and rehabilitation requirements. While the bridge program authorized in ISTEA is eliminated in the bill, it is replaced with a requirement that States maintain their current funding levels for bridges on the Federal-aid system. States must spend at least an amount equivalent to the funding a State received under the bridge program in fiscal year 1997 for bridges on either the Interstate, the National Highway System, or other Federal-aid roads. States may meet this "level-of-effort" requirement annually or over a 4-year period. This requirement is extended to off-system bridges as well. An amount equivalent to at least 15 percent of a State's fiscal year 1997 bridge apportionment must be expended on bridges off the Federal-aid system.

This section also makes eligible the cost to convert an historic bridge for alternative transportation purposes.

This section defines bridge rehabilitation to include work necessary to address structural deficiencies, functional limitations, and safety defects, including seismic deficiencies.

Section 1122 also requires the Secretary, in consultation with the States, to inventory all bridges on public roads, including historic bridges on Indian reservation roads and park roads; classify bridges based on safety and serviceability; and assign each bridge a priority for replacement or rehabilitation.

Section 1122 provides that States are not required to meet the spending requirements of revised 23 U.S.C. 144 by expending certain levels on any particular functional classification of bridges other than the spending requirement for the bridges off the Federal-aid system. Funds expended by a State on Interstate, NHS or Federal-aid system bridges will be credited toward the State's level of effort requirement. States may meet this requirement on a cumulative basis, including the spending requirement for off-system bridges.

Subsection 1806(a) of the Senate bill makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Conference substitute

In section 1109, the Conference adopts the House provision amending 23 U.S.C. 144, with the following modifications. For the discretionary bridge program in fiscal year 1998, the Conference substitute sets aside $25 million of bridge program apportionments and provides that such funds shall be available only for the seismic retrofit of the Golden Gate Bridge in California. For each of fiscal years 1999 through 2003, the Conference substitute sets aside $100 million of bridge program apportionments and provides that not to exceed $25 million of such funds shall only be available for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

In expanding bridge program eligibility to include anti-icing and de-icing compositions, the Conference substitute deletes the reference to agriculturally-derived compositions; environmentally acceptable compositions in general are eligible.

The Conference does not adopt the Senate provisions in section 1118 further suballocating three specific amounts of funds set aside for I–4R and bridge discretionary projects to States meeting certain eligibility requirements.

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) of the House bill clarifies that the Secretary is to implement the CMAQ program.

Subsection 110(b) makes various changes to 23 U.S.C. 149(b) relating to eligible projects. It makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions

eligible under the CMAQ program and it codifies currently eligible activities under the CMAQ program.

Subsection 110(c) permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This subsection also defines eligible alternative fuel projects.

Subsection 110(d) requires the National Academy of Sciences to conduct a study on the effectiveness of the CMAQ program in improving the air quality in nonattainment areas. This subsection makes $500,000 in CMAQ funds available for each of fiscal years 1998 and 1999 for this study. The final report to Congress on this study shall include recommendations for modifications to the program in light of the study results.

The Committee recognizes the important security, economic, and environmental benefits that are derived from the increased use of renewable fuels. Therefore, the Committee strongly supports the continued use of renewable fuels as a key component of our nation's transportation policy. The Committee encourages the use of a variety of transportation approaches to clean air problems. Urban areas should consider this variety of options available to them, such as the use of vehicles that use alternative fuels (including innovative fuels such as bio-diesel) and to use CMAQ funds to support the infrastructure needed for such vehicles.

Senate amendment

Section 1123 of the Senate bill amends 23 U.S.C. 149 to continue the CMAQ program and maintains the basic eligibility criteria for this program. As in current law, only those projects or programs that the Secretary, in consultation with the EPA Administrator, determines are likely to contribute to the attainment of a national ambient air quality standard or the maintenance of such a standard are eligible for CMAQ funds.

Subsection 1123(a) technically amends subsection 149(a) to reflect that, since the CMAQ program is already established, the Secretary is to implement the program.

Subsection 1123(b) amends current section 149(b) to extend the eligibility for CMAQ funding to include carbon monoxide nonattainment areas, (2) all carbon monoxide and ozone maintenance areas, (3) areas classified as submarginal ozone nonattainment areas, and (4) extreme cold start programs.

Subsection 1123(c) strikes current section 149(c) and inserts a new section that modifies the eligible uses of CMAQ funds. A State with a nonattainment area or maintenance area that received the minimum apportionment under 23 U.S.C. 104(b)(2) can use that amount of its apportionment that is not attributable to its nonattainment or maintenance area population on any project in the State eligible for STP funds. Consistent with current law, a State that does not have and never has had a nonattainment area may use its CMAQ funds for any project eligible for STP funds.

Subsection 1123(d) amends 23 U.S.C. 120(c) to exclude projects funded with CMAQ apportionments from the list of safety projects eligible for 100 percent Federal participation. As a result, the

standard Federal share provisions of 23 U.S.C. 120(a) and (b) that apply to all other CMAQ projects would apply to these projects as well.

Section 1502 permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This section also defines eligible alternative fuel projects.

Conference substitute

The Conference substitute adopts provisions from both the House and Senate bills.

In subsection 1110(a) the Conference adopts the provision included in both the House and Senate bills clarifying that the Secretary's role is to implement the CMAQ program.

In subsection 1110(b), the Conference adopts the House and Senate provisions amending 23 U.S.C. 149(b) regarding CMAQ eligibility to include programs that reduce motor vehicle emissions caused by extreme cold start conditions and adopts the House eligibility provision for projects that were eligible under section 149 on the day before the date of enactment of new paragraph 149(b)(6). The Conference substitute also provides that projects or programs that improve traffic flow are eligible for CMAQ funds.

In subsection 1110(c), the Conference adopts the Senate provision regarding the eligible uses of CMAQ funds by States receiving the minimum CMAQ apportionment.

In subsection 1110(d), the Conference adopts the provisions in both the House and Senate bills regarding partnerships with nongovernmental entities and alternative fuel projects, with a modification that directs the Secretary to determine whether certain water-phased hydrocarbon fuel emulsion technologies reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide from motor vehicles.

In subsection 1110(e), the Conference adopts the House provision regarding the study of the effectiveness of the CMAQ program, with the following modifications: (1) the Administrator of the Environmental Protection Agency shall participate in the study; and (2) the elements to be examined in the study are expanded to include (a) an evaluation of the air quality impacts of emissions from motor vehicles, (b) an evaluation of the negative effects of traffic congestion, (c) a comparison of the costs of achieving air pollution emissions reductions under the program to the costs that would be incurred if similar reductions were achieved by other measures, and (d) recommendations to expand the scope of the program to address traffic-related improvements not currently covered by the program.

SEC. 1111. FEDERAL SHARE

House bill

Subsection 120(a) amends 23 U.S.C. 120(c) to provide that the Federal share of the cost of priority control systems for transit vehicles at signalized intersections may be 100 percent.

Subsection 120(b) amends title 23 to allow a State to use revenues generated through tolls as its non-Federal matching share of

projects costs funded under title 23 (other than emergency relief projects) or projects under chapter 53 of title 49, United States Code. A State may do so only if it agrees to enter into an agreement with the Secretary to ensure that the State maintains its non-Federal capital expenditures at or above the average level for the previous 3 years. This is a continuation of a program established by ISTEA.

Subsection 134(c) technically amends the Federal share provisions of 23 U.S.C. 120(a) and (b) to move from a strict percentage to a limitation. This change allows for an increased non-Federal share at a State's option. It does not allow the Secretary to impose a lower Federal matching share. This change also conforms the Federal share language of section 120 to the revised, more flexible language in 23 U.S.C. 121 (as amended by section 1302 of the Conference substitute) concerning payments to States for construction.

Senate amendment

Subsection 1112(a) amends 23 U.S.C. 120 to allow a State, if it chooses, to reduce the Federal share of a Federal-aid highway project. This change will give States the flexibility to carry out more projects than would be possible with a straight 20 percent non-Federal share. Nothing in this section is in intended to require a State to lower the Federal share payable on any project funded under this title. Section 1112(a) also codifies in 23 U.S.C. 120 a provision established in section 1044 of ISTEA which allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects (other than emergency relief projects). To receive this credit, a State must meet a maintenance of effort test, and therefore, must maintain its average non-Federal transportation capital expenditure at or above the level of such expenditures for the preceding 3 fiscal years. The provision allows a State to drop a "high year" from the 3 year maintenance of effort test, if that year is at least 130 percent greater than the average for the 2 other preceding years.

Paragraph 1112(b)(1) makes conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

Conference substitute

In subsection 1111(a), the Conference adopts the Senate provision giving States the option to determine a lower Federal share for a project than the one determined under 23 U.S.C. 120(a) and (b). The Conference does not adopt the House provision technically amending the Federal share provisions in 23 U.S.C. 120(a) and (b).

In subsection 1111(b), the Conference adopts the House provision permitting an increased Federal share of project costs for priority control systems for transit vehicles under 23 U.S.C 120(c).

In subsection 1111(c), the Conference adopts the nearly-identical House and Senate provisions concerning States using toll revenues as a credit for the non-Federal share of project costs, with modifications. The Conference provision includes the Senate bill's exception from the standard maintenance of effort test for States where any one of the preceding 3 fiscal years' non-Federal transportation capital expenditures were more than 30 percent above the average level of such expenditures for the remaining 2 preced-

ing fiscal years. The Conference provision also clarifies that payments made by the State for issuance of transportation related bonds are considered non-Federal transportation capital expenditures.

In subsection 1111(d), the Conference adopts the Senate's conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

SEC. 1112. RECREATIONAL TRAILS PROGRAM

House bill

Section 114 codifies the Recreational Trails program authorized in ISTEA as 23 U.S.C. 206. The program distributes to States a portion of gas tax revenues attributable to non-highway uses for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share of the cost of any recreational trails project under this section shall not exceed 50 percent of project costs, but States are given the flexibility to meet this requirement on a program-wide basis, Federal agency project sponsors may pay up to 30 percent of project costs, and certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that can be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail Use requirement and the Assured Access to Funds requirement. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Subsection 114(c) repeals the existing Recreational Trails program section in ISTEA.

Subsection 114(d) terminates the Recreational Trail Advisory Committee by the end of fiscal year 2000.

Subsection 114(e) directs the Secretary to encourage States to use qualified youth conservation or service corps to construct and maintain recreational trail projects.

Senate amendment

Section 1107 continues the existing Recreational Trails Program. Under this provision, the Recreational Trails program is to be funded through contract authority from the Highway Trust Fund. The annual contract authority is as follows: $17,000,000 for fiscal year 1998; $20,000,000 for fiscal year 1999; $22,000,000 for fiscal year 2000; $23,000,000 for fiscal year 2001; $24,000,000 for fiscal year 2002; and $25,000,000 for fiscal year 2003. The provision of current law relating to National Recreational Trails funding is repealed.

The Federal share payable for projects under the Recreational Trails program is increased from 50 percent to 80 percent. In addition to the Department of Transportation, other Federal agencies

may contribute additional funds for a Recreational Trails project. However, the Federal share, using Recreational Trails funds, for any individual project may not exceed not exceed 80 percent; the combined share of all Federal agencies may not exceed 95 percent. The Federal share for this program is consistent with the Federal share available for other Federal-aid highway projects.

This section retains the current requirement regarding the States' use of annual apportionments: at least 30 percent of Federal funds must be used to facilitate non-motorized recreation; another 30 percent of the funds must be used for motorized recreational purposes. A State must use the remaining amount of funds for diverse recreational purposes, including both motorized and nonmotorized recreational trail use. Experience with implementing Recreational Trail projects in the past has shown that project sponsors for nonmotorized trail projects were significantly disadvantaged in meeting the higher non-Federal matching requirements.

To the extent practicable and consistent with other requirements, States are to give consideration to projects that benefit the natural environment or mitigate and minimize impacts to the environment.

The amount that the Secretary may deduct to pay the costs for administration of the program is reduced from 3 percent to 1 percent; see section 1102 of the Act.

Subsection 1208(c) directs the Secretary to terminate the National Recreational Trails Advisory Committee as soon as is practicable. The Advisory Committee was established in ISTEA and directed to (1) review the allocation and utilization of moneys under the Recreational Trails program; (2) establish review criteria for trail-side and trail-head facilities; and (3) recommend changes in Federal policy to advance the purposes of the program. The Advisory Committee has completed these tasks and is no longer necessary. This provision does not affect the State advisory committees that are responsible for implementing the Recreational Trails program.

Conference substitute

The Conference substitute adopts the Senate language with several modifications. The substitute clarifies that a State may use funds appropriated under this section for construction of new trails only if the construction is permissible under some other law or is otherwise required by a statewide comprehensive outdoor recreational plan (SCORP) that is in effect. Due to a lack of funding over the past several years, some States may not have updated SCORPs in effect; so the requirement that projects be included in a SCORP would apply only to those States that have a current updated SCORP in effect. This provision also places a cap on the amount that a state can expend on educational programs to promote safety and environmental protection at 5 percent of annual apportionments.

The substitute provision also modifies existing law to exclude all small States with a total land area of less than 3,500,000 acres from the requirement to expend annual apportionments for trails and trails related projects at a minimum of 30 percent for motor-

ized recreation and 30 percent for nonmotorized recreation. The substitute further provides that a State trail advisory committee may waive the motorized/nonmotorized use requirement if the State notifies the Secretary that the State does not have sufficient projects to meet the diversity requirements.

It includes a modified House provision which allows States to make grants under section 104(h) to private organizations, municipal, county, State and Federal governmental entities after considering guidance from the recreational advisory committee for uses consistent with this section.

In subsection 1112(d) the Conference adopts the House provision terminating the Recreational Trails Advisory Committee on September 30, 2000.

In subsection 1112(e), the Conference adopts the House provision encouraging the use of youth conservation or service corps to perform recreational trails projects.

SEC. 1113. EMERGENCY RELIEF

House bill

Paragraph 117(a)(1) of the House bill makes two technical corrections to the Federal share provision for the Emergency Relief (ER) program.

Senate amendment

Section 1105 restates the eligibility for highway and bridge projects and the funding requirements for the ER program. ER funds can be used only for emergency repairs done to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility. The Secretary is authorized to borrow amounts necessary from any program under title 23 for emergency relief work. Any additional funds used shall be reimbursed with future ER appropriations. The purpose of allowing the Secretary to borrow funds from title 23 programs is to provide a "cushion" to allow project work to continue if all ER program funds are used. This section also amends current law, which limits the availability of ER funds to 2 years, to make them available until expended.

Conference substitute

The Conference adopts the House and Senate provisions, with some modifications. The Conference provision includes the two House corrections to the Federal share provisions in 23 U.S.C. 120(e) governing the ER program, but provides that the 100 percent Federal share provision for ER projects shall apply to repairs accomplished within 180 days, rather than 120 days, after the occurrence of the disaster.

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS

House bill

Subsection 122(a) amends section 1040 of ISTEA to specify that all funds provided for the highway use tax evasion program are contract authority. Subsection 122(b) requires funding provided

under this section to be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and State excise taxes. Subsection 122(c) makes a technical amendment to subsection 1040(a) of ISTEA to delete an incorrect reference.

Senate amendment

Section 1109 eliminates two obsolete tax evasion study requirements in current law. It eliminates the annual report on motor fuel tax enforcement activities and the report on the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities.

This section codifies at 23 U.S.C. 143 and expands the successful tax evasion program in section 1040 of ISTEA. It provides $5 million in contract authority for each of fiscal years 1998 through 2003 to continue joint Federal Highway Administration/Internal Revenue Service (IRS)/State motor fuel tax compliance projects across the Nation, as established in section 1040 of ISTEA. In addition, this section permits each State to use up to ¼ of 1 percent of its Surface Transportation Program apportionments for programs to halt fuel tax evasion. All costs of tax evasion projects are to be paid by the Federal government.

This section also authorizes an additional $8 million for the Secretary to complete the development of an excise fuel reporting system, as well as $2 million annually for the operation and maintenance of the system. This system will provide essential information regarding data on import and refinery production of motor fuel to compare with terminal fuel receipts and fuel deliveries. This new program, along with the continuing program, is necessary to help ensure that the successful, coordinated regional and national approach to combat fuel tax fraud can continue and improve.

Conference substitute

The Conference provision adopts the Senate provision with some modifications. The Conference substitute expressly provides the excise fuel reporting system with contract authority, authorizes a single, annual lump sum amount of funding for fuel tax evasion projects each year ($10 million in fiscal year 1998 and $5 million for each of fiscal years 1999 through 2003), and provides that priority as to the use of such funds shall be given to the establishment and operation of an automated fuel reporting system by the IRS.

SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM

House bill

Subsection 117(a) amends 23 U.S.C. 120 to enable Federal land managing agencies to pay the non-Federal share of any Federal-aid highway project. Similarly, Federal lands highways program funds may be used as the non-Federal share of any Federal-aid project providing access to or within Federal or Indian lands.

Subsection 117(b) amends 23 U.S.C. 202 to provide for separate allocations for public lands highways and for forest highways. ISTEA established them as one program with different methods of distribution. This subsection reconstitutes them as separate pro-

grams and sets forth the method of allocating funds for the two programs. The public lands funds are allocated through an administrative formula. The forest highway program allocation is based on a statutory formula. This subsection also provides that, for fiscal year 2000 and thereafter, all Indian reservation roads funds shall be allocated in accordance with a formula established in regulations developed under a negotiated rulemaking procedure.

Subsection 117(c) amends 23 U.S.C. 203 to clarify what constitutes the point of obligation of funds (at which the Federal government is contractually obligated to pay its contribution to project costs) under the Federal lands highways program.

Subsection 117(d) amends 23 U.S.C. 204 to reflect the new, separate public lands and forest highways programs and to increase the flexibility of transportation planning with respect to Federal lands highways projects. It requires that only regionally significant transportation projects funded from the Federal lands highways program be coordinated with States and metropolitan planning organizations (MPOs), and that, once the Federal lands highways program transportation improvement program (TIP) is approved by the Secretary, the TIP shall be included in the appropriate State and metropolitan planning organization plans without further action by the States or MPOs. Subsection 117(d) also revises 23 U.S.C. 204(i) to authorize the Secretary to transfer public lands highways funds to the appropriate Federal land managing agency to cover both the administrative and transportation planning costs of such agency. Subsection 117(d) also requires that up to 1 percent of Indian reservation roads funds be set aside for transportation-related administrative expenses of Indian tribal governments, and it directs the Secretary to establish a pilot program to permit no more than 10 Indian tribes to apply directly to the Secretary for authority to conduct Indian reservation roads projects.

Senate amendment

Section 1106 retains the structure of the Federal lands highways program (FLHP). The process for inclusion of FLHP projects in the Statewide and Metropolitan planning process has been streamlined.

Section 1106 also allows Federal land management agencies to use their program funds to provide the non-Federal share for FLHP projects. FLHP project funds may be used to provide the non-Federal share for other title 23 projects undertaken on projects providing access to Federal lands. The streamlining of the planning process under this section should be implemented through the notice, and comment rulemaking process. Because many FLHP projects are constructed, improved on, or maintained by the States, the views of the States are to be considered in this process. Eligibility of FLHP funds is extended to expressly include transit facilities found within public lands. This expanded eligibility is important, as bus systems can reduce congestion and other negative impacts of passenger vehicle traffic within our national parks and other Federal lands.

In section 1122, the current requirement that States with Indian reservations reserve 1 percent of their bridge program funds

for Indian reservation bridges is replaced with a $9 million national program to fund improvements to Indian bridges as a set-aside from Indian Reservation Roads funds.

Conference substitute

The Conference finds that the House and Senate provisions concerning the use of Federal land management agency and Federal lands highways program funds to pay the non-Federal share of certain projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(a).

In subsection 1115(b), the Conference adopts the House provision amending 23 U.S.C. 202(d) concerning the allocation of Indian Reservation Roads funds in accordance with a formula established by regulation developed through negotiated rulemaking. The Conference provision also replaces the House bill's Indian Reservation Roads pilot program with a requirement that, upon the request of any Indian tribe, all funds authorized for Indian reservation road and bridge projects shall be made available to Indian tribal governments to carry out such projects, in accordance with the Indian Self-Determination and Education Assistance Act. In this subsection, the Conference also adopts the Senate provision replacing the current 1 percent set-aside from States' bridge apportionments with an annual set-aside of Indian Reservation Roads funds as the funding source for Indian reservation road bridges, increasing the amount set aside from $9 million to $13 million.

The Conference finds that the House and Senate provisions clarifying the point of obligation for Federal lands highways program projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(c).

The Conference finds that the House and Senate provisions on streamlined transportation planning and agency coordination are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(d). The Conference also adopts the Senate provision expanding the eligible uses of Federal lands highways program funds to include a project to replace the federally-owned bridge over the Hoover Dam and the provision in both the House and Senate bills authorizing the Secretary to transfer public lands highways funds to the appropriate Federal land management agencies for transportation planning for Federal lands.

In subsection 1115(e), the Conference adopts a Senate proposal to establish a refuge roads program as part of the Federal lands highways program, allocating $20 million for each of fiscal years 1999 through 2003 based on the relative needs of the various refuges in the National Wildlife Refuge System to fund projects to maintain and improve refuge roads and certain other eligible Federal lands highways program projects located in or adjacent to wildlife refuges.

Subsection 1115(f) makes several amendments to title 23 to conform the provisions of that title to the changes made by this section.

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE

House bill

Section 128 amends the National Highway System Designation Act of 1995 to transfer title of the Woodrow Wilson Bridge to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. This section further provides that the bridge shall not be eligible for high cost Interstate System reconstruction and improvement program funds until such time as the three jurisdictions accept ownership of the bridge.

Senate amendment

Section 1120 amends title IV of the National Highway System Designation Act of 1995 (i.e., the Woodrow Wilson Memorial Bridge Authority Act of 1995) to require the Secretary to execute an agreement with the Woodrow Wilson Memorial Bridge Authority or any Capital Region jurisdiction (Virginia, Maryland or the District of Columbia) before funds made available under this section are available for construction of the replacement bridge.

The agreement is must identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new facility and must include a financial plan that identifies the total cost, schedule, and source of funds necessary to complete the project. The agreement must also (1) require that the project include not more than 12 traffic lanes, including 2 HOV, express bus, or rail transit lanes; (2) include all provisions described in the environmental impact statement or record of decision to mitigate the environmental and other impacts of the project; and (3) require the Authority and Capital Region jurisdictions to fully involve affected local governments in all aspects of the project. The Secretary is authorized to use the funds made available under this section for rehabilitation of the existing Woodrow Wilson Bridge and for the engineering, design, and construction of the replacement bridge.

The definition of the project is modified to require that the replacement bridge will be the preferred alternative identified in the record of decision in compliance with the National Environmental Policy Act.

Section 1120 authorizes $100 million for each of fiscal years 1998 and 1999; $125 million for fiscal year 2000; $175 million for fiscal year 2001; and, $200 million for each of fiscal years 2002 and 2003 to carry out this section.

Conference substitute

In section 1116, the Conference adopts the Senate provision, but modifies the annual authorizations for the project to provide a greater portion of the total $900 million authorized for the bridge in the latter years of the 6-year authorization period of this Act. Section 1116 also modifies the eligible uses of such funds: none of the funds made available under this section shall be available for construction of the Project before an agreement is executed by the Secretary and the bridge authority and any Capital Region jurisdiction that accepts ownership of the bridge. Prior to the execution of such agreement transferring ownership of the bridge, such funds may be used for pre-construction activities for the Project, includ-

ing right-of-way acquisition and early acquisition of construction staging areas, and the maintenance and rehabilitation of the Bridge. Subsection 1120(e) also makes necessary technical corrections to sections 404 and 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 to clarify references to any record of decision for the project.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

House bill

Subsection 112(a) establishes that funds for the Appalachian development highway system (ADHS) shall be allocated to the States based on the latest cost to complete estimate, although no State is to receive less than $1 million. This method of distribution can be adjusted by the Appalachian Regional Commission.

Subsection 112(b) specifies that funds for the ADHS are contract authority.

Subsection 112(c) changes the Federal share for reimbursing States that have pre-financed segments of the ADHS from 70 to 80 percent.

Subsection 112(d) allows for the deduction, from the funds authorized to carry out this section, of administrative expenses of the Appalachian Regional Commission associated with the ADHS.

Subsection 112(e) provides for local consultation before certain ADHS corridors in Ohio can be dedesignated.

Senate amendment

Section 1117 provides funds to assist with the continued construction of the Appalachian development highway system located in regions of the 13 States that comprise the Appalachian Regional Commission. A total of $40 million for each of fiscal years 1998 though 2000, $50 million for fiscal year 2001, $60 million for fiscal year 2002, and $70 million for 2003 in contract authority is authorized to carry out this section.

The Federal share payable for pre-financing costs for Appalachian development highway system projects is increased from 70 percent to 80 percent.

The Appalachian development highway system map is revised to substitute the Virginia portion of Corridor H with the Virginia portion of the Coalfields Expressway authorized in the National Highway System Designation Act of 1995.

Conference substitute

In subsection 1117(a), the Conference adopts the House provision making funds authorized for the Appalachian development highway system available to the 13 Appalachian States based on the latest cost to complete estimate, with a modification deleting the option for the Appalachian Regional Commission to develop an alternative method for distributing such funds. This subsection provides that such funds shall be available to construct highways and access roads in accordance with section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201).

Subsection 1117(b) adopts the provision in both the House and Senate bills providing that the funds authorized to carry out this section are contract authority.

Subsection 1117(c) adopts the provision in both the House and Senate bills increasing the Federal share of project costs prefinanced by a State from 70 percent to 80 percent, thereby bringing the Federal share for prefinanced projects up to the same level as the standard Federal share for Appalachian development highway system projects.

Subsection 1117(d) makes alterations to the segments constituting Corridor O in Pennsylvania and provides that the addition to Corridor O designated in this subsection shall not affect estimates of the cost to complete the segment and that the segment subtracted from Corridor O in this subsection may be included on a map of the Appalachian Development Highway System for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

House bill

Subsection 115(a) establishes the National Corridor Planning and Development Program, the purpose of which is to assist States in planning, developing, and constructing highway corridors.

Subsection 115(b) establishes that eligible corridors are those designated in law as high priority corridors. In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress as a high priority corridor, allocations to other regional or multistate highway corridors the Secretary determines are likely to improve international or interregional trade, facilitate mobility, or encourage economic growth and development in areas underserved by existing highway infrastructure.

Subsection 115(c) describes activities that are eligible for funding under the program. These include feasibility studies, design activities, corridor planning, location and routing studies, environmental review, coordination activities, and construction.

Subsection 115(d) requires that any State receiving funds under this program must develop a corridor development and management plan and it lists several elements the plan must contain.

Subsection 115(e) specifies that the funds authorized in this Act for the corridor program are contract authority.

Subsection 115(f) defines State to have the meaning such term has under 23 U.S.C. 101.

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

Under subsection 1116(c), the Secretary is directed to make grants to States to encourage cooperative corridor analysis of and

planning for the safe and efficient movement of goods along and within trade corridors and ports of entry. Within 2 years of receiving a grant under this subsection, a State shall submit a plan for corridor and port of entry improvements that has been coordinated with the transportation planning activities of other States and metropolitan planning organizations along the corridor. This subsection also $3 million in contract authority for each of fiscal years 1998 through 2003 to carry out this provision.

In subsection 1116(d), the Secretary is directed to make grants to States or metropolitan planning organizations for transportation projects to relieve traffic congestion or improve enforcement of motor carrier safety laws, provide for continued planning and development of trade corridors, or provide for the safe and efficient movement of goods along trade corridors. In selecting the projects to receive grants under this subsection, the Secretary is directed to consider eleven factors, including the extent to which international truckborne commodities move through each State, the degree of leveraging of Federal funds provided under this section, and the value of the cargo carried by commercial vehicle traffic. $125 million for each of fiscal years 1998 through 2003 is authorized to carry out this program.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funds under the STP program.

Conference substitute

The Conference adopts the House provision, with several modifications.

First, subsection 1118(b) of the Conference provision creates two categories of corridors eligible for funding. The first category is those corridors identified by Congress as high priority corridors in section 1105(c) of the Intermodal Surface Transportation Efficiency Act (ISTEA). The second category consists of corridors selected by the Secretary after considering 6 factors listed. Those factors address: changes in commercial traffic due to the enactment of NAFTA, the extent of international truck-borne commodity movement, a proposed project's potential impact on commercial and other travel time, the extent of leveraging of the Federal grant funds provided under this subsection, and the value of commercial cargo. These factors only apply to the second category of corridors selected by the Secretary.

Second, in subsection 1118(c), the Conference provision conditions the use of grant funds for environmental review and construction on the Secretary's review of a corridor development and management plan. The plan is intended to ensure that funds be used for projects that have, to the extent possible, completed environmental and financial analyses and therefore are ready to proceed. The plan will also ensure that the corridor program be used to finance useable segments and not result in the construction of corridors unconnected to existing transportation facilities. However, the plan need only be reviewed, not approved by the Secretary.

Third, the Conference adopts the Senate provision requiring that the corridor planning carried out under this section be coordinated with transportation planning carried out by other States and metropolitan planning organizations along the corridor, and, to the extent appropriate, with the transportation planning activities of Federal land management agencies and tribal, Mexican, and Canadian governments.

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM

House bill

Subsection 116(a) establishes the coordinated border infrastructure and safety program, the purpose of which is to improve the movement of people and goods across the Nation's land borders.

Subsection 116(b) identifies eligible uses for funds under the program. They include construction of facilities, operational improvements, modifying regulatory procedures, and international planning and coordination.

Subsection 116(c) establishes eight criteria that are to be considered by the Secretary when allocating funds for projects.

Subsection 116(d) requires that a certain amount of the funds provided for the program be used to construct State motor vehicle safety inspection facilities.

Subsection 116(e) requires that at least 40 percent of funds are used on projects on the U.S./Canadian border and at least 40 percent of funds are used on projects on the U.S./Mexico border; at least 2 projects on each border shall be located at high volume ports of entry.

Subsection 116(f) specifies that funds made available for this program are contract authority.

Subsection 116(g) defines "border region" and "border State."

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

In subsection 1116(b), the Secretary is directed to make grants to States or MPOs that have certified they are engaged in joint planning with their counterparts in Mexico and Canada for joint planning activities and to improve the movement of people and vehicles through international gateways. This subsection provides $1.4 million in contract authority for each of fiscal years 1998 through 2003 to carry out this grant program.

In subsection 1116(d), the Secretary is directed to make grants to States or MPOs for projects to relieve traffic congestion; improve enforcement of motor carrier safety laws; or provide for continued planning and development of, and safe movement of goods along, trade corridors. The subsection includes 11 grant selection factors, including the extent to which commercial vehicle travel has increased at border stations and within States since the enactment of NAFTA, the extent of transportation improvements at the border

or ports of entry since the enactment of NAFTA, the expected reduction in travel time at the gateway or port of entry as a result of the proposed project, and the degree of demonstrated coordination with Federal inspection agencies. $125 million is authorized for each of fiscal years 1998 through 2003 to carry out this program.

Subsections 1116(d) and (e) provide that the General Services Administration (GSA) is the lead Federal agency in the planning and development of border stations. The Secretary, upon receiving a request from the Administrator of GSA and the U.S. Attorney General, is authorized to transfer up to $10 million in each of fiscal years 1998 through 2001 to the GSA for the purposes of constructing transportation facilities that are necessary for law enforcement in border States.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funding under the STP program.

Conference substitute

The Conference adopts the majority of the House section, with several modifications. First, in subsection 1119(b), the Conference provision adds, to the list of eligible uses of funds under this section, the activities of Federal inspection agencies. Second, in subsection 1119(c), the Conference provision (1) adds a new selection criterion from the Senate bill on the degree of demonstrated coordination with Federal inspection agencies and (2) adopts a Senate provision that expands the House criterion examining improvements in vehicle and highway safety and cargo security to be broader than just improvements related to motor vehicles and to encompass highway safety cargo and security in and through gateways and ports of entry.

The Conference does not adopt the House provisions setting aside funds for State motor vehicle safety inspection facilities or suballocating funding for projects at our borders with Canada and Mexico and for projects at ports of entry with high traffic volume.

In subsection 1119(d), the Conference adopts the Senate provision permitting the Secretary to transfer no more than $10 million in funding made available to carry out this section and section 1118 to the Administrator of GSA to construct transportation infrastructure necessary for law enforcement in border States.

HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to 50 percent of funds under this program can be transferred to each State's National Highway System or Surface Transportation Program apportionments.

Subsection 110(b) includes a conforming amendment to include the title of this section in the table of sections of title 23, United States Code.

Subsection 110(c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. The activities of the program should be carried out cooperatively between the Department of Transportation, States, and other safety organizations.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

COOPERATIVE FEDERAL LANDS PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1115 establishes a new section 207 in chapter 2 of title 23, United States Code, which provides a funding source for public roads or bridges owned by States or their political subdivisions that cross, are adjacent to, or provide access to, Federal lands and Indian reservations (including reservoirs owned by the Army Corps of Engineers). The purpose of this program is to supplement the efforts of the Federal government in developing and maintaining roads or bridges that serve federally owned land and Indian reservations (including reservoirs owned by the Army Corps of Engineers).

The Cooperative Federal Lands Transportation Program ensures that funding will be provided for projects in States where greater than 4.5 percent of the land within the State borders is held in trust or owned by the Federal government. Funds are provided directly to these States for projects that provide access to Federal lands and Indian reservations. This section provides $74 million in contract authority per year from the Highway Trust Fund.

Conference substitute

The Conference does not adopt the Senate provision.

PERFORMANCE BONUS PROGRAM

House bill

Subsection 123(a) requires the Secretary to develop performance-based criteria for distributing up to 5 percent of Interstate maintenance, bridge program, high risk road safety improvement program, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds.

Subsection 123(b) establishes the factors the Secretary shall assess in developing the performance-based criteria.

Subsection 123(c) requires the Secretary to submit to Congress the criteria developed under this section.

The mid-course correction legislation provided for under section 508 would include a provision to approve a system of performance bonuses to States pursuant to section 123.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY

House bill

Section 142 establishes a New York Avenue Development Authority to develop an improvement plan for the New York Avenue Corridor in the District of Columbia.

The authority is eligible to receive funding under the National Corridor Planning and Development program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

SUBTITLE B—GENERAL PROVISIONS

SEC. 1201. DEFINITIONS

House bill

Section 143 organizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions.

Section 143 also amends the definition of "transportation enhancement activities." It specifies that a transportation enhancement activity must have a direct link to surface transportation. It also expands the definition to allow the removal of graffiti and litter among the list of eligible activities, as well as environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. In addition, it adds construction of tourist and welcome centers as an eligible activity.

Senate amendment

Section 1114 provides definitions for the terms "Federal-aid highway funds" and "Federal-aid highway program." These phrases are used throughout title 23, but are not defined in current law. The addition of these clarifying definitions is not intended to change the implementation of any section under current law. The section also reorganizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions..

Subsection 1123(e) adds a definition of "maintenance area" to 23 U.S.C. 101(a) and makes a conforming amendment to section 149.

Subsection 1223(d) amends the definition of "transportation enhancement activities" in 23 U.S.C. 101(a) to expressly provide that tourist and welcome center facilities associated with scenic or historic highway programs are eligible transportation enhancement projects.

Section 1231 revises the definition of "operational improvement" in 23 U.S.C. 101(a) to include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects. The installation, operation or maintenance of communications systems, roadway weather information and prediction systems, and other improvements designated by the Secretary that enhance roadway safety during adverse weather are also incorporated into the revised definition.

Subparagraph 1404(b)(1)(A) changes the term "highway safety improvement project" in 23 U.S.C. 101(a) by deleting the reference to "highway".

Conference substitute

In section 1201, the Conference provision reorganizes the definitions in 23 U.S.C. 101(a) alphabetically and makes minor technical corrections to the definitions.

The Conference does not adopt the Senate provision defining "Federal-aid highway funds" and "Federal-aid highway program."

The Conference adopts the Senate provision amending the term "highway safety improvement project" and makes a minor, technical modification to the definition. In carrying out this provision, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

The Conference adopts the Senate provision defining "maintenance area."

The Conference does not adopt the Senate provision amending the definition of "operational improvement."

The Conference defines "refuge road" as a public road providing access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the U.S. Government.

The Conference also adopts the House provision defining "transportation enhancement activities," with modifications. The substitute requires that transportation enhancement activities relate to, rather than have a direct link to, surface transportation. It does not include the House provision adding graffiti and litter removal as eligible activities. It retains the Senate provision regarding eligibility of tourist and welcome centers. In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does not have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historical sites. It also adds the establishment of transportation museums as an eligible activity.

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 137 amends 23 U.S.C. 217 to make a number of clarifying changes, to require that bicyclists and pedestrians be included in the planning process, and to allow electric bicycles on trails when State or local regulations permit. The provision clarifies the requirements under 23 U.S.C. 109(n) related to the impact on nonmotorized transportation of a Federal-aid highway project. It also requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under 23 U.S.C. 130. Such safety devices shall include installation and maintenance of audible traffic signal and audible signs. This section also requires the Secretary and AASHTO to study design standards for bicycle projects, establishes national bicycle safety education curricula, and requires the Secretary, AASHTO, the Institute of Transportation Engineers, and other interested organizations to issue design guidance for accommodating bicycles and pedestrians.

Senate amendment

Section 1110 builds on ISTEA by expanding the amount of funds available to be used to encourage bicycling and walking as alternative modes of transportation. This provision amends 23 U.S.C. 217 to include the construction of pedestrian walkways as an eligible use of a State's National Highway System apportionments under the same criteria by which bicycle transportation facilities currently are eligible. This section eliminates the restriction on the use of NHS funds for the construction of bicycle transportation facilities on land adjacent to the Interstate System and amends current law to allow the safe accommodation of bicycles on highway bridges located on fully access-controlled highways, if the bridge is being replaced or rehabilitated with Federal funds. The Department is encouraged to work with the States to ensure that bicycling and pedestrian interests are represented in State and MPO decisionmaking.

This section also provides that bicyclists and pedestrians shall be given consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities.

Conference substitute

The Conference adopts the House provision with modifications. The substitute clarifies that safety devices such as installation of audible traffic signals and audible signs shall be considered where appropriate. It also retains the provision in current law, 23 U.S.C. 217(i), which clarifies that eligible bicycle projects must be principally for transportation, rather than recreation, purposes. The Conference provision also adopts the House provision requiring design guidance, with two modifications. First, the substitute clarifies that the guidance must include recommendations to amend and update AASHTO policies relating to highway and street design standards. Second, it extends the deadline for issuance of the guidance

to 18 months. The Conference does not adopt the House provision requiring a study of highway and street design standards.

SEC. 1203. METROPOLITAN PLANNING

House bill

Section 124 amends 23 U.S.C. 134 by setting seven general goals and objectives that may be considered in the planning process. They include: supporting economic vitality; increasing safety and security; increasing accessibility and mobility; protecting the environment; integrating the transportation system; promoting efficiency; and preserving existing facilities. These replace the existing list of nineteen planning factors. The language also includes fostering economic growth and development to the list of reasons that is in the national interest to encourage metropolitan planning.

The section makes a number of technical changes to subsection 134(g) regarding long range plans. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects is for illustrative purposes only. The bill requires that a TIP be updated at least every 3 years. It also allows the metropolitan planning organizations to include projects that they would advance if additional resources were available.

Senate amendment

Section 1601 retains the current structure and most of the metropolitan planning provisions found in 23 U.S.C. 134. It retains the current project selection process set forth in ISTEA.

This section makes the following substantive changes to current law. First, this section streamlines the 16 metropolitan planning factors found in current law into seven issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program without FHWA approval if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs identify the source of funds for individual projects by Federal funding category. Fourth, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and transportation improvement programs (TIPs). Finally, it provides that, for urbanized areas designated after the enactment of this Act, metropolitan planning area boundaries shall cover at least the urbanized area and the area expected to become urbanized within the 20-year forecast period and shall require the agreement of the Governor and MPO. Such boundaries are not required to include the entire ozone or carbon monoxide nonattainment areas, as identified under the Clean Air Act.

Section 1602 reaffirms that the requirements of the National Environmental Policy Act do not apply to State plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic cur-

rent metropolitan planning structure and processes. As included in both bills, the 16 planning factors are streamlined to seven general factors to be considered in the planning process. In considering the relationship between transportation and quality of life, metropolitan planning organizations are encouraged to consider the interaction between transportation decisions and local land use decisions appropriate to each area. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies, and certification of planning processes is not reviewable in court. The Conference substitute also adopts the House provision including economic growth and development as a general requirement in metropolitan planning.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on metropolitan long-range plans and programs (TIPs) along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing MPOs to include an illustrative list of projects that would be included on the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirement of the TIP.

The Conference substitute clarifies that the expansion or designation of existing or new metropolitan planning organization boundaries due to the imposition of any new air quality standards will not automatically occur, and such boundaries will be determined by agreement of the Governor and the affected local governments.

In subsection 1203(m), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to plans and programs developed pursuant to 23 U.S.C. 134. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1204. STATEWIDE PLANNING

House bill

Section 125 amends 23 U.S.C. 135 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process, including supporting economic vitality, increasing safety and security, increasing accessibility and mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Freight shippers and freight providers are added to the list of groups that shall be allowed a reasonable opportunity to comment

on the proposed long-range plan and on the proposed State transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the State to include projects that it would fund if additional resources were available. Projects undertaken pursuant to the high risk road safety program are added to the list of projects that must be selected by the State in consultation with affected local officials.

This section also includes a provision to study the effectiveness of local planning.

Senate amendment

Section 1602 retains the current structure and most of the statewide planning provisions found in 23 U.S.C. 135. It retains the current project selection process set forth in ISTEA. This section makes the following substantive changes to current law. First, it streamlines the 20 statewide planning factors found in current law into seven broader issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year transportation improvement program (TIP) without FHWA approval or action if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs must identify the source of funds for individual projects by Federal funding category. Finally, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and statewide transportation improvement programs (STIPs).

Section 1602 also reaffirms that the requirements of the National Environmental Policy Act do not apply to plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic statewide planning structure and processes. As included in both bills the 20 planning factors are streamlined to seven general factors to be considered in the state planning process. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on statewide long-range plans and programs (TIPs), along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing States to include an illustrative list of projects that would be included in the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirements of the TIP.

The Conference substitute adopts the Senate provision allowing States flexibility to move projects within a 3-year transportation improvement program without separate approval or action by the Federal Highway Administration if the MPO concurs. The substitute also includes a provision requiring States to consult with

local officials with responsibility for transportation when formulating plans and programs.

The Conference substitute provides for enhanced consultation between local officials and States when compiling the State transportation improvement programs. This consultation may occur through a variety of mechanisms, including, where appropriate, regional development organizations. In certain areas, regional development organizations may serve to ensure the participation of local officials and the public in the planning process in a coordinated manner.

In subsection 1204(h), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to State plans and programs developed pursuant to 23 U.S.C. 135. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

House bill

Subsection 140(a) amends 23 U.S.C. 112 to clarify that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds. Subsection 140(b) allows a State to procure consultant services under one contract for the preparation of any environmental analysis as well for subsequent engineering and design services if the State has conducted a review of the objectivity of the analysis.

Senate amendment

Section 1127 amends 23 U.S.C. 112(b)(2) to promote competition and provide the greatest value for Federal-aid highway projects. It clarifies that the time period for States to have legislatively enacted alternative requirements to Qualifications Based Selection (QBS) Procedures for obtaining engineering and design services has ended. Additionally, it requires that the Federal Acquisition Regulations (FAR) be used for consistent and equitable contract administration, accounting, and audits while providing for the use of FAR QBS simplified acquisition procedures for contracts under $100,000. Finally, clarification is provided that requires the Secretary to establish a certification procedure to ensure that any legislation enacted by a State since November 28, 1995, to exercise its option complies with the time frames and substantive criteria contained in Section 307 of the National Highway System Designation Act of 1995.

Subsection 1225(c) allows a State to procure consultant services under a single contract for preparation of both the environmental analysis and subsequent engineering and design services if the State has conducted an independent multi-disciplined review of the objectivity of the analysis.

Conference substitute

In section 1205, the Conference adopts a substitute provision, which includes (1) the House and Senate provision striking language from 23 U.S.C. 112(b)(2)(B)(i) and (ii) on the process for adopting alternative requirements to QBS procedures, clarifying that the time for adopting such alternative procedures has passed, and (2) the House provision authorizing and stating the terms under which a State may procure the services of a consultant under a single contract for both environmental analyses and engineering/design work for a project.

SEC. 1206. ACCESS OF MOTORCYCLES

House bill

Section 135 specifies that State or local governments may not restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1206, the Conference adopts the House provision with modifications to clarify that this provision only applies to Federally-assisted highways open to traffic and to laws that apply only to motorcycles and the primary purpose of which is to restrict access of motorcycles. This provision does not override or affect the applicability of any local jurisdiction's safety laws or such jurisdiction's authority to regulate safety.

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES

House bill

Subsection 121(a) provides that the funds made available under section 127(a)(3)(C) of the House bill to carry out the ferry boat and ferry terminal program authorized in section 1064 of ISTEA shall be available until expended.

Section 121(b) requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and to identify potential domestic ferry routes. The provision requires the study to be submitted to Congress.

Subsection 121(c) amends 23 U.S.C. 129(c) to expand the conditions in which Federal funds may be used in ferry construction to include publicly operated ferry boats and terminal facilities and to permit federally-funded ferries to be leased without the approval of the Secretary.

Senate amendment

Section 1232 clarifies that the construction of ferry boats and ferry terminal facilities are eligible uses of National Highway System, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds. This simply clarifies how the program is currently administered and does not amend or weaken any of the underlying eligibility requirements of the NHS, STP, or CMAQ programs.

Section 1816 reauthorizes the ferry boat and ferry terminal program in section 1064 of ISTEA.

Section 1817 requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and develop information on the ferry routes. The Secretary is required to submit the study to Congress within 1 year of enactment of this Act.

Conference substitute

Subsection 1207(a) amends 23 U.S.C. 129(c) to expand the eligible uses of Federal funds in ferry construction to include publicly operated or majority publicly owned ferry boats and terminal facilities, if the Secretary determines that a majority publicly owned ferry boat or facility provides substantial public benefits. In subsection 1207(b), the Conference reauthorizes the ferry boat and ferry terminal facilities program in section 1064 of ISTEA, provides that the funds made available for the program shall remain available until expended, and establishes a $20 million annual set-aside for ferry boats, ferry terminal facilities, and approaches to such facilities within marine highway systems that are part of the NHS and as designated for Alaska, New Jersey, and Washington state.

In subsection 1207(c), the Conference adopts the House provision requiring a study of ferry transportation, with modifications. The substitute adds language to ensure the study includes identification of the potential for high speed and alternative-fueled ferry services. It also requires that the study be submitted to the Committee on the Environment and Public Works of the United States Senate, rather than the Commerce, Science and Transportation Committee.

The Conference does not adopt the Senate language concerning ferry boat and ferry terminal facility eligibility for NHS, STP, and CMAQ funds.

SEC. 1208. TRAINING

House bill

Subsection 129(a) amends section 140(a) of title 23 to allow a State to reserve training positions for persons who receive welfare assistance, except that such placement shall not adversely impact current employees or positions.

Subsection 129(b) expands the list of eligible activities under the training program to include summer transportation institutes and training in highway technology.

Senate amendment

Subsection 2009 moves the highway construction training provisions of 23 U.S.C. 140(b) to 23 U.S.C. 506(d) to consolidate the highway education and training provisions in the research subtitle. Proposed subsection 506(d) continues to allow the Secretary to develop and administer highway construction and technology training programs and to develop and fund summer transportation institutes. This section allows the Secretary to deduct up to $10 million each year before making apportionments under section 104(b) for these programs. In developing and administering these training programs, the Secretary may reserve training positions for individuals who receive welfare assistance from a State.

Subsection 1702 makes a conforming amendment to strike 23 U.S.C. 140(b).

Conference substitute

In section 1208, the Conference adopts a substitute provision. In subsection 1208(a), the Conference adopts the House provision to permit the Secretary to reserve training slots for welfare recipients, with a modification that any such reservation of training slots shall not preclude workers participating in an apprenticeship, skill improvement, or other upgrading program from being referred to or hired on to highway projects. In subsection 1208(a), the Conference adopts the provision included in both the Senate and House bills to include highway technology training and the development and funding of summer transportation institutes as eligible activities under 23 U.S.C. 140(b). Subsections 1208(b) and (c) amend section 140 to clarify the apportionments from which funds may be deducted for highway training and supportive services.

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES

House bill

Section 145 authorizes States to permit an electric vehicle with fewer than 2 occupants certified as an Inherently Low Emission Vehicle to operate in high occupancy vehicle lanes until September 30, 2003, and authorizes the State to revoke this permission if the State determines it is necessary.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification eliminating the requirement that the low-emission vehicle be only an electric vehicle.

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1603 establishes a new program, the purpose of which is to provide for the completion of Advanced Travel Forecasting Procedures (ATFP), formerly known as the Transportation Analysis Simulation System (TRANSIMS), and to provide support for early deployment of ATFP programs to State governments, metropolitan planning organizations, and other transportation management areas. The ATFP model is a large-scale travel simulation that will provide a practical mechanism for transportation planning, particularly with respect to congestion, air quality, and safety, including crash prevention. A total of $4 million for fiscal year 1998; $3 million for fiscal year 1999; $6.5 million for fiscal year 2000; $5 million for fiscal year 2001; $4 million for fiscal year 2002; and $2.5 million for fiscal year 2003 in contract authority is provided for this section.

Conference substitute

The Conference adopts the Senate provision.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS

House bill

Subsection 134(h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Subsection 136(a) makes certain changes and additions to Section 1105(c) of ISTEA relating to high priority corridors.

This subsection clarifies that all of ISTEA High Priority Corridor 18 and that portion of High Priority Corridor 20 from the vicinity of Carthage, Texas, to Laredo, Texas, at the Mexican border together are part of Interstate Route I–69. It also directs States to erect Interstate Route I–69 signs along segments that are at Interstate standards and connect to existing Interstates and specifically, along U.S. 59 in the Houston area. The National Highway System Designation Act of 1995 designated Corridors 18 and 20 as future Interstates and gave States the authority to erect signs designating them as future Interstates. It is the intent of the Committee that States have the authority to erect signs specifically designating future Interstate Route I–69 along all of Corridor 18 and along the designated portions of Corridor 20.

As the New York State Department of Transportation submits its plans for the development of Route 219, the Federal Highway Administration is encouraged to consider, as one of the benefits of the project, the economic development opportunities that would be afforded the Seneca Indian Nation located at the junction of Route 219 and Route 17. For example, the design and construction of a facility that included a welcome center that provided traveler and tourist information would be a valuable economic development initiative.

Senate amendment

Section 1124 modifies section 355 of the National Highway System Designation Act of 1995 to permit New Hampshire to meet

the safety belt use law required under 23 U.S.C. 153 through a performance requirement. Through the end of fiscal year 2000, New Hampshire is deemed to have met the safety belt use requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1997 through 2000 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate.

Section 1206 amends section 205 of the National Highway System Designation Act of 1995 ,which states that the Secretary shall not require States to use or plan to use the metric system before September 30, 2000. The amendment made by section 1206 allows States to choose when and if to implement the metric system with respect to designing, advertising, or preparing plans, specifications, timetables, or other documents, for a Federal-aid highway project. This section does not require any State to modify its current use of the metric system for Federal-aid highway projects.

Subsection 1208(a) terminates the right-of-way revolving fund established in 23 U.S.C. 108(c) and provides a closeout period for obligations already authorized from the fund. This program was terminated as a revolving loan fund because of the new rules required of all credit programs in the Credit Reform Act of 1990. Credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than to the revolving fund. Twenty-three States currently have active right-of-way revolving fund projects. This section provides for a 20-year close out period from the date that right-of-way funds were advanced to give these States sufficient time to complete these unfinished projects.

Subsection 1208(b) terminates a tolling pilot program that has accomplished its intended purpose. Pilot toll agreements that were executed under 23 U.S.C. 129(k) are still valid.

Subsection 1208(d) repeals the 1962 Bridge Commission Act, Pub. L. 87-441. This Act relates to bridge commissions and authorities created by an act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the Act. Today, only one commission remains, the White County Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under the 1962 Bridge Commission Act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, these actions could be administered more effectively and efficiently at the State or local level. This provision removes this unnecessary Federal oversight of the White County Bridge Commission.

Section 1802 amends subsection 1105(c) of ISTEA to modify a high priority corridor route in Louisiana.

Section 1810 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.

Section 1811 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-offi-

cio members of the Board of Directors of the Union Station Redevelopment Corporation.

Section 1814 amends paragraph 1105(c)(18) of ISTEA to modify a high priority corridor.

Conference substitute

In subsection 1211(a), the Conference adopts the Senate provision on the Pennsylvania Station Redevelopment Corporation.

In subsection 1211(b), the Conference adopts the Senate provision on the Union Station Redevelopment Corporation.

In subsection 1211(c), the Conference adopts the Senate provision on safety belt use law requirements, with a minor technical amendment.

In subsection 1211(d), the Conference adopts the Senate provision permitting metric conversion at the States' option.

In subsection 1211(e), the Conference adopts the Senate provision terminating the right-of-way revolving fund.

In subsection 1211(f), the Conference adopts the Senate provision terminating the pilot toll collection program

In subsection 1211(g), the Conference finds the provisions in both the House and Senate bills repealing a 1962 bridge commission act to be substantially equivalent and adopts the Senate language

In subsection 1211(h), the Conference adopts the House and Senate provisions making changes and additions to subsection 1105(c) of ISTEA concerning high priority corridor routes, with several modifications.

Subsection 1211(i) directs the Secretary to conduct a feasibility study for a certain future corridor segment and direst consideration of Highway 99 in I–69 studies.

Subsection 1211(j) modifies the scope of a project authorized under the Surface Transportation and Uniform Relocation Assistance Act of 1987.

In subsection 1211(k), the Conference adopts the House provision repealing section 146 of the Surface Transportation Assistance Act of 1982 relating to lane restrictions.

Subsection 1211(l) amends section 1045 of ISTEA relating to a substitute project in Wisconsin.

SEC. 1212. MISCELLANEOUS

House bill

Subsection 129(c) establishes a motor carrier operator training facility in Minnesota.

Subsection 129(d) establishes a motor carrier operator training facility in Pennsylvania.

Subsection 132(a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness. A total of $1 million in contract authority is authorized for each of fiscal years 1998 through 2000 from the Highway Trust Fund, other than the Mass Transit Account, to carry out this project.

Subsection 134(g) amends 23 U.S.C. 302 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State

and local governments. This will make the Federal-aid highway program consistent with other Federal programs, reducing an administrative burden caused by requiring States to develop separate accounting systems.

Subsection 134(i) amends section 1023 of ISTEA to extend an axle weight limitation exemption for mass transportation buses. This subsection also amends the vehicle weight provisions in 23 U.S.C. 127 with respect to certain cargo in the States of Colorado and Louisiana and with respect to certain highways in New Hampshire and Maine.

Senate amendment

Section 1410 directs the Secretary to analyze the safety, infrastructure, cost recovery, environmental, and economic implications of the operation of heavier weight vehicles on Interstate Route 95 in Maine and New Hampshire and establishes a temporary moratorium on the withholding of funds from Maine and New Hampshire under 23 U.S.C. 127.

Section 1704 makes technical corrections to 23 U.S.C. 302. It changes the term "State highway department" to "State transportation department" to emphasize and reflect the intermodal focus of these departments. It eliminates the requirement for a secondary road unit as there is no longer a secondary system and secondary plans have been eliminated. It also establishes that compliance with section 302, as revised by this section shall have no effect on the eligibility of costs. This subsection eliminates 302(b) regarding the construction of projects on the secondary system.

Conference substitute

In subsection 1212(a), the Conference adopts the Senate provision amending 23 U.S.C. 302, concerning State transportation departments.

In subsection 1212(b), the Conference adopts the House provision concerning an infrastructure awareness documentary, with modifications. The substitute states that a total of 60 percent of the total project cost of $4.8 million will be provided from the Highway Trust Fund and the remaining 40 percent is required to be provided by the private sector. Credit is given for funds received to date. The substitute provides a total of $880,000 for fiscal year 1998 and $1 million for each of fiscal years 1999 and 2000, and $880,000 for fiscal year 2000 from the Highway Trust Fund, other than the Mass Transit Account, for this project.

In subsection 1212(c), the Conference adopts the House provision concerning the axle weight limitation for mass transportation buses.

In subsection 1212(d), the Conference adopts the House provision concerning vehicle weight limitations in Colorado, Louisiana, Maine, and New Hampshire, with a modification based on the Senate vehicle weight study provision requiring each State to conduct a study analyzing the economic, safety, and infrastructure impacts of the exemptions provided in this subsection, including the impact of not having such an exemption. $200,000 is provided to each State for the study.

51-777 98 - 17

In subsection 1212(e), the Conference authorizes $2.5 million for each of fiscal years 1999 through 2001 for grants to a driver training and safety center.

In subsection 1212(f), the Conference authorizes funding for grants to establish a welcome center in Point Pleasant, West Virginia.

In subsection 1212(g), the Conference provides that Minnesota may obligate funds that have been allocated under 23 U.S.C. 117 for a project in the State for any other project in the State for which funds are so allocated.

In subsection 1212(h), the Conference provides that the Federal share of the cost of a project on the Baltimore Washington Parkway shall be 100 percent.

In subsection 1212(i), the Conference directs the Secretary to make grants to a not-for-profit organization engaged in promoting bicycle and pedestrian safety to operate a clearinghouse and establish educational programs on improving bicycle and pedestrian safety.

In subsection 1212(j), the Conference adopts the House provision establishing a motor carrier operator training facility in Minnesota.

In subsection 1212(k), the Conference adopts the House provision establishing a motor carrier operator training facility in Pennsylvania.

In subsection 1212(l), the Conference authorizes funding in fiscal years 1999 and 2000 for the High Priority Las Vegas Intermodal Center.

In subsection 1212(m), the Conference authorizes funding in fiscal year 1999 for several seismic design, engineering, and deployment projects.

In subsection 1212(n), the Conference deauthorizes a segment of a navigation project in Biloxi Harbor, Mississippi.

In subsection 1212(o), the Conference provides a complete waiver from the application of Federal environmental statutes to a specified project on Corridor O of the Appalachian development highway system in Pennsylvania.

The scope of the waiver in the provision, which states that "the Secretary shall approve and the Commonwealth of Pennsylvania is authorized to proceed with final design, engineering and construction", means that notwithstanding all Federal statutes not otherwise determined in the provision to apply, the state may proceed with all remaining phases of the project. No other Federal agency approval or permit is required unless such approval or permit is specified in the provision.

The phrase "the Secretary shall approve" means that the Secretary of Transportation may only approve the plans, specifications and engineering for the project and release funding for the project. The phrase was included to ensure that the Secretary would approve any application for releasing a request for funding for the project since he has a unique responsibility among all Federal agencies with respect to a highway project to approve funding. It should not be read to give other Federal agencies authority over the project indirectly by any authority they might otherwise have with respect to decisions of the Secretary, nor should the phrase in

any way be construed to permit other Federal agencies authority over the project since their involvement in the project is waived unless specifically reserved.

Finally, the provision provides that environmental reviews already performed by the Commonwealth of Pennsylvania satisfy all Federal environmental laws. Any analysis and mitigation measures provided in those reviews, but no others, must remain in effect.

In subsection 1212(p), the Conference amends the Act of October 21, 1978 (Pub. L. 95-495) regarding the boundary waters canoe area.

In subsection 1212(q), the Conference authorizes funding from the General Fund for three projects in New York.

In subsection 1212(r), the Conference provides for the transfer of ownership by the Secretary of the Army of a bridge on U.S. Route 13 in the vicinity of St. Georges, Delaware.

In subsection 1212(s), the Conference conditions the use of Federal-aid highway funds for a project in Georgia.

In subsection 1212(t), the Conference directs the Secretary to designate a segment of State Route 26 in Pennsylvania as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS

House bill

Subsection 133(h) requires the Secretary to conduct a study to determine the practices in the States for specific service food signs.

Subsection 134(j) requires a study of the impact of truck weight standards on specialized hauling vehicles.

Subsection 139(b) requires the General Accounting Office (GAO) to evaluate procurement practices and project delivery. The study shall access the impact a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 141 directs the Transportation Research Board to conduct a study on the current laws, regulations, and practices regarding truck sizes and weights and to make recommendations, taking into account impacts on the economy, safety, environment and service to communities.

Section 412 directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than 2 years after the date of enactment of this Act.

Senate amendment

Subsection 1113(a) requires the GAO to report to Congress on the Department's methodology for determining highway needs using the Highway Economic Requirement System (HERS), a computer program developed to use economic criteria and engineering criteria in estimating highway investment requirements. The GAO is required to provide to Congress, within 3 years of enactment of this Act, an assessment of the extent to which the model is useful in estimating an optimal level of highway infrastructure investment.

Subsection 1113(b) requires the Comptroller General to submit a report to the Congress on the International Roughness Index (IRI), an index that is being used to measure the pavement quality of the Federal-aid highway system. The IRI is a data input used in the HERS model. Concerns have been raised as to the reliability of the IRI measurement across different manufacturers and types of pavements and this study shall indicate the extent to which the IRI measurement is reliable.

Subsection 1113(d) requires the GAO to conduct a study on Federal-aid highway procurement practices and project delivery. The study shall access the impact that a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 1126 requires the Secretary to conduct a study on the extent and effectiveness of the use by various States of uniformed police officers on Federal-aid highway construction projects. Some States use police officers extensively on their highway construction projects, while other States use virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the FHWA, traffic engineering professionals, and highway agencies. This section requires the Department of Transportation to submit a report to Congress on the results of the study not later than 2 years after the effective date of this section.

Section 1813 requires the Secretary to conduct a comprehensive assessment of the state of transportation infrastructure on the southwest border between the United States and Mexico. The Secretary is required to submit the report to Congress 1 year after the date of enactment of this Act.

Conference substitute

In subsection 1213(a), the Conference adopts the Senate provision concerning the Highway Economic Requirement System.

In subsection 1213(b), the Conference adopts the Senate provision on the International Roughness Index.

In subsection 1213(c), the Conference adopts the Senate provision concerning the study of the use of uniformed police officers, with a modification to require that the study be conducted in consultation with law enforcement organizations.

In subsection 1213(d), the Conference adopts the Senate provision on assessing the state of transportation infrastructure on the southwest border, with a modification to ensure that the assessment of the adequacy of law enforcement and narcotics abatement activities include their relationship to infrastructure in the border area.

In subsection 1213(e), the Conference adopts the House provision concerning the study of procurement practices and project delivery.

In subsection 1213(f), the Conference adopts the House provision on specialized hauling vehicles, with a modification to require the study include, but not be limited to, an analysis of the economic, safety, and infrastructure impacts of truck weight standards.

In subsection 1213(g), the Conference adopts the House provision on specific service food signs, with modifications. The sub-

stitute provides language to clarify that recommendations for modifications to the Manual on Uniform Traffic Control Devices for Street and Highways that result from this study should be made only if appropriate.

In subsection 1213(h), the Conference adopts the House provision on the study of State motor vehicle weight penalties.

In subsection 1213(i), the Conference adopts the House provision on the study regarding the regulation of weights, lengths, and widths of commercial motor vehicles.

In subsection 1213(j), the Conference directs the Secretary to work with the State of Oklahoma to carry out a traffic analysis regarding a trade processing center.

In subsection 1213(k), the Conference directs the Secretary to study the feasibility of providing high speed rail passenger service from Atlanta, Georgia, to Charleston, South Carolina.

SEC. 1214. FEDERAL ACTIVITIES

House bill

Subsection 117(e) requires the Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior, and in consultation with other interested persons, to conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts. The subsection authorizes $500,000 for fiscal year 1998 for the study and directs the Secretary to report to Congress on the results of the study by September 30, 1999.

Subsection 117(f) provides funding to the Smithsonian Institution for transportation-related activities, including exhibitions and educational outreach programs, the acquisition of transportation-related artifacts, and transportation-related research programs, and authorizes $5 million annually to carry out these activities.

Subsection 117(g) directs the Secretary to set aside parkways and park highways funds in fiscal years 1998 through 2000 for the planning, design, and construction of a visitors center.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1214(a), the Conference adopts the House provision to study methods tc improve pedestrian and vehicular access to the Kennedy Center.

In subsection 1214(b), the Conference adopts the House provision funding transportation-related exhibits, artifacts, and research at the Smithsonian Institution, but reduces the annual authorization for these activities from $5 million to $1 million.

In subsection 1214(c), the Conference adopts the House provision funding the New River Visitors Center.

In subsection 1214(d), the Conference authorizes and provides for the allocation of $1.5 million in additional contract authority for each of fiscal years 1998 through 2003 for each State that has within its boundaries part or all of an Indian reservation having a land area of 10 million acres or more.

In subsection 1214(e), the Conference directs the Secretary to make an annual $1 million grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network.

In subsection 1214(f), the Conference authorizes $200,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to resurface the entrance road to the Sachuest Point National Wildlife Refuge.

In subsection 1214(g), the Conference authorizes $300,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $5 million for each of fiscal years 1999 through 2003 for the State of Rhode Island to make improvements to the T.F. Green Intermodal Facility.

In subsection 1214(h), the Conference authorizes $500,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

In subsection 1214(i), the Conference authorizes $75,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

In subsection 1214(j), the Conference authorizes $1 million for each of fiscal years 1999 through 2003 for the U.S. Fish and Wildlife Service for the education center at the Rhode Island National Wildlife Refuge complex.

In subsection 1214(k), the Conference authorizes $1 million for fiscal year 1999 for the National Park Service to revitalize the Tredegar Iron Works as a visitor center for Richmond National Battlefield Park.

In subsection 1214(l), the Conference authorizes $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers for the State of Missouri to use to resurface and maintain city and county roads that provide access to Corps of Engineers reservoirs.

In subsection 1214(m), the Conference authorizes $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior for the Shenandoah Valley Battlefield National Historic District Commission to use to develop a Civil War battlefield plan for the Shenandoah Valley.

In subsection 1214(n), the Conference provides that the Administrator of the General Services Administration shall seek the approval of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure before taking any action that leads to government ownership of the Department of Transportation's headquarters facility.

In subsection 1214(o), the Conference authorizes $3 million for each of fiscal years 1999 and 2000 for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

In subsection 1214(p), the Conference authorizes $5 million in fiscal year 1999 for the State of Mississippi to use to replace and widen the box bridges on the Natchez Trace Parkway.

In subsection 1214(q), the Conference authorizes $2.943 million in fiscal year 1999 for the Lolo Pass Visitor Center in Idaho.

In subsection 1214(r), the Conference provides funding for the Puerto Rico highway program for each of fiscal years 1998 through 2003. This subsection specifies how such funds shall be adminis-

tered and states that the amounts treated as being apportioned to Puerto Rico shall be deemed to be required to be apportioned to Puerto Rico for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES

House bill

Subsection 117(h) authorizes $400,000 for each of fiscal years 1998 and 1999 for the restoration of the Gettysburg, Pennsylvania, train station.

Subsection 118(c) authorizes $1.5 million for each of fiscal years 1998 through 2003 to establish a center for national scenic byways in Duluth, Minnesota. This center would provide technical communications and network support for nationally designated scenic byway routes.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1215(a), the Conference adopts the House provision for the restoration of the Gettysburg, Pennsylvania, train station.

In subsection 1215(b), the Conference adopts the House provision on the scenic byways center in Duluth, Minnesota. It is the Conferees' intent that the Center for National Scenic Byways be staffed by the regional planning agency located in northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development, and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network, and provide national leadership in supporting the National Scenic Byways Program.

In subsection 1215(c), the Conference authorizes $2 million for each of fiscal years 1999 through 2001 for the State of West Virginia to use for the Coal Heritage Scenic Byway for any purpose eligible under 23 U.S.C. 204(h).

In subsection 1215(d), the Conference authorizes $5 million for fiscal year 1999 and $2 million for each of fiscal years 2000 through 2003 to implement traffic calming measures on Route 50 in Fauquier and Loudoun Counties, Virginia.

In subsection 1215(e), the Conference authorizes $1 million for fiscal year 1999 for a pedestrian bridge over U.S. Route 29 in Charlottesville, Virginia.

In subsection 1215(f), the Conference authorizes $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center.

In subsection 1215(g), the Conference authorizes $2 million for fiscal year 1999 for renovating and preserving the Missouri Route 66 Chain of Rocks Bridge.

In subsection 1215(h), the Conference directs the Secretary to approve the use of National Highway System and Surface Transportation Program apportionments for the construction of Type II noise barriers on a route in Dekalb County, Georgia.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS

House bill

Section 119 establishes a variable pricing pilot program. The Secretary may enter into cooperative agreements with up to 15 States to conduct and monitor the pilot projects. The Federal share for a pilot program is 80 percent of the total cost of the program, although the Federal share for any portion of a project may be up to 100 percent. The provision authorizes full Federal participation in the start-up, development, and pre-implementation costs associated with a pilot program for up to 3 years. Single occupancy vehicles that are part of a pilot program may operate in high occupancy vehicle (HOV) lanes. Pilot programs must include an analysis of how the program affects low income drivers.

Subsection 120(c) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. This program allows up to three facilities to be tolled, provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to another facility or purpose. The provision also specifies eligibility and selection criteria for the program.

Senate amendment

Section 1108 renames the congestion pricing pilot program as the value pricing pilot program and codifies the program in title 23, United States Code.

A number of States and local governments have used funds provided under ISTEA to complete feasibility studies and implementation of value pricing projects. This section provides funding and additional flexibility to allow States to continue to implement these projects. In addition, it expands the program, increasing the number of pilot programs eligible for funding from 5 to 15, and lifting the restriction that only three projects can be conducted on the Interstate System. Funds available under this section may be used for all pre-implementation and design costs to give States more flexibility to study options for different types of value pricing projects.

This section also includes an exemption from the HOV requirement of 23 U.S.C. 102(b) to permit single occupancy vehicles to operate in HOV lanes if the vehicles are part of a value pricing program.

It is expected that each value pricing project will include a thorough evaluation of the project's effects, including its impacts on congestion, air quality, transit use, and other social and economic effects.

Conference substitute

In subsection 1216(a), the Conference adopts the Senate provision on the value pricing pilot program, with two modifications. First, it prohibits Federal funding of pre-implementation, development and startup costs after 3 years, as provided in the House bill. Second, includes the House provision requiring each pilot program to include, where appropriate, an analysis of the impact of the program on low income drivers. Paragraph 1101(a)(12) authorizes $7 million for fiscal year 1999 and $11 million for each of fiscal years 2000 through 2003 for the value pricing pilot program.

In subsection 1216(b), the Conference adopts the House provision establishing an Interstate System Reconstruction and Rehabilitation Pilot Program.

SEC. 1217. ELIGIBILITY

House bill

Subsection 133(a) makes the improvements and facilities necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System eligible for funds apportioned for the National Highway System and the Surface Transportation Program.

Subsection 133(b) makes the Cuyahoga River Bridge in Ohio eligible to receive funds apportioned under the congestion mitigation and air quality improvement program.

Subsection 133(c) gives the State of Connecticut flexibility in the use of Interstate Construction fund balances. It also gives the State additional obligation authority to use these funds.

Subsection 133(e) clarifies that private entity expenditures for construction of specific toll roads in Southern California may be credited to the State's non-Federal share.

Subsection 133(f) permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Subsection 133(g) makes certain food services eligible to be listed on current logo signs.

Senate amendment

Subsection 1105(c) clarifies eligibility under the ER program for a 600-foot bypass for Route 1, south of San Francisco, in San Mateo County, which was and is still subject to periodic landslides and closures.

Section 1129 provides eligibility for the Ambassador Bridge in Detroit, Michigan, under the surface transportation program and the National Highway System program.

Section 1804 permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Section 1809 requires the Secretary to allow the continuance of commercial operations at certain service plazas on Interstate 95 in Maryland.

Conference substitute

In subsection 1217(a), the Conference adopts the Senate provision concerning a project in San Mateo County, California.

In subsection 1217(b), the Conference adopts the Senate provision on the Ambassador Bridge.

In subsection 1217(c), the Conference adopts the House provision on the Cuyahoga River Bridge, with a modification. The bridge is eligible to receive funds from the surface transportation program.

In subsection 1217(d), the Conference adopts the House provision giving Connecticut flexibility in the use of its Interstate Construction funds.

The Conference finds that the House and Senate provision concerning the collection of tolls on the International Bridge at Sault Ste. Marie, Michigan, are substantively equivalent and adopts the Senate language at 1217(e).

In subsection 1217(f), the Conference adopts the House provision concerning food service businesses eligible to be included on logo signs.

In subsection 1217(g), the Conference adopts the Senate provision concerning commercial operations at certain service plazas in Maryland.

In subsection 1217(h), the Conference directs the Secretary to permit the State of Georgia to conduct a welcome center pilot project in Cobb County, Georgia.

In subsection 1217(i), the Conference adopts the House provision concerning State matching share credits for two toll road projects in Southern California.

In subsection 1217(j), the Conference prohibits the collection of tolls on a segment of the Pennsylvania Turnpike for 6 years.

In subsection 1217(k), the Conference provides that funds authorized in this Act for transportation projects in Mississippi may be used to construct, reconstruct, or rehabilitate rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

House bill

Subsection 312(d) provides $5,000,000 per year for the years 1998 through 2003 for grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas.

Senate amendment

Section 1119 establishes the magnetic levitation technology deployment program (MAGLEV) to: (1) provide financial assistance to conduct pre-construction planning activities for a number of selected projects which meet the eligibility requirements established by the legislation, including involvement in a corridor that exhibits partnership potential; and (2) select one of the planned projects for Federal participation in the costs of design, construction and deployment in revenue service. MAGLEV is defined as systems capable of safe use at a speed in excess of 240 miles per hour.

Within 180 days of enactment the Secretary is required to solicit applications for financial assistance for eligible projects. The projects selected for financial assistance in this phase of the program must meet stringent eligibility requirements established by the legislation. Project selection will be on the basis of criteria established by the Secretary prior to solicitation of applications.

Following pre-construction planning activities for selected projects, the Secretary is required to select a single project for Federal participation in the cost of final design, engineering and construction of a segment of the project that can be operated in revenue service. The Federal share of full project costs (including total capital costs of guide ways, stations, vehicles and equipment) shall not exceed 2/3 of total project cost. The use of Federal funds will be restricted to the capital costs of the guide way (excluding stations, vehicles and equipment). The non-Federal share of pre-construction planning activities shall be at least 20 percent.

This section provides $10 million for fiscal year 1999 and $20 million for fiscal year 2000 in contract authority from the Highway Trust Fund to conduct pre-construction activities for selected projects and other necessary purposes. It also authorizes appropriations from the Highway Trust Fund of $200 million for each of fiscal years 2000 and 2001; $250 million for fiscal year 2002; and $300 million for fiscal year 2003. A State is authorized to allocate a portion of its Federal-aid highway apportionments under the CMAQ Program or the STP Program to supplement the assistance received under this section or to use the innovative financing provisions of Chapter 2 of this Act.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute increases the contract authority for the program to $15 million for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001, and it is intended that a portion of these funds can be used for project evaluation. It requires that $5 million be made available for grants for research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes.

The Conference adopts the House provision in title II of the Act.

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM

House bill

Section 118 directs the Secretary to carry out a National Scenic Byways program and codifies the program at 23 U.S.C. 162. To be eligible for the program, a road must be nominated by a State or a Federal land management agency. Funds are available for technical assistance, including planning, development of management plans, and safety improvements. The Federal share is the same as for other Federal-aid highway projects. This program is the continuation of a similar program established by ISTEA.

Senate amendment

Section 1501 codifies the National Scenic Byways program at 23 U.S.C. 165. Subsection 165(a) directs the Secretary to carry out the National Scenic Byways program and designate roads having outstanding scenic, historic, cultural, natural or archaeological qualities as National Scenic Byways or All-American Roads. Criteria for designation have been defined in an FHWA interim policy notice, which was published in the Federal Register in May 1995.

Subsection 165(b) directs the Secretary to make grants and provide technical assistance to the States to implement National Scenic Byways, State scenic byways, and All-American Roads projects and to plan, design, and develop State scenic byways programs. Subsection 165(c) lists the eight categories of projects eligible for scenic byways funding under this section. Subsection 165(d) allows the Secretary to authorize scenic byways funds only for projects that protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

Subsection 165(e) provides that the Federal share payable on account of any project under this section shall be 80 percent, except that, for projects on Federal or Indian Lands, a Federal land management agency may contribute the non-Federal share payable on such projects. Subsection 165(f) provides contract authority from the Highway Trust Fund of $17 million in each of fiscal years 1998 and 1999; $19 million for each of fiscal years 2000 and 2001; $21 million for fiscal year 2002; and $23 million for fiscal year 2003.

Conference substitute

In section 1219, the Conference adopts the Senate provision, with a modification to include the House savings clause language, providing that the Secretary shall not withhold a grant or condition receipt of a grant or technical assistance to a State for any scenic byway unless such action is consistent with the authority provided in chapter 1 of title 23. Section 1219 codifies this program at 23 U.S.C. 162.

Paragraph 1101(a)(11) authorizes $23.5 million for each of fiscal years 1998 and 1999, $24.5 million for each of fiscal years 2000 and 2001, $25.5 million for fiscal year 2002, and $26.5 million for fiscal year 2003 for the National Scenic Byways program.

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES

House bill

Section 507 requires that the Secretary eliminate programmatic responsibility of regional offices of the Federal Highway Administration (FHWA) as part of the agency's efforts to restructure its field offices, including elimination of regional offices, creation of technical resources centers, and delegation to State offices. The Secretary shall begin implementation of a restructuring plan submitted to Congress not later than December 31, 1998.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1220, the Conference adopts the House provision, with modifications. The Conference substitute permits the Federal Highway Administration to retain programmatic decisionmaking authority at the regional offices for the motor carrier safety program. It also requires the Secretary to give preference to sites that now house FHWA regional offices and that are in locations that minimize the travel distance between technical resource centers and the FHWA division offices they will serve.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1604 authorizes a new Transportation and Community and System Preservation Pilot Program to investigate and address the relationships between transportation projects, community preservation, and the environment. The pilot program consists of three parts: (1) a comprehensive research program; (2) a planning assistance program to provide funding to States, metropolitan planning organizations (MPOs), and local governments that want to begin integrating their transportation planning with community preservation, environmental protection, and land use policies; and (3) an implementation assistance program to provide funding to States, MPOs, and local governments that have developed state-of-the-art approaches to integrate their transportation plans and programs with their community preservation and environmental planning programs.

The research program established by subsection 1604(b) examines the experiences of communities in uniting transportation, community preservation, and environmental goals with decisionmaking processes. As part of this research, projects carried out with planning or implementation assistance funds made available by this section shall be monitored and analyzed.

The planning assistance authorized in subsection 1604(c) is intended to provide financial resources to States and communities that wish to explore integrating their transportation programs with community preservation and environmental programs. In providing this planning assistance, the Secretary is directed to give priority consideration to applicants that demonstrate commitments to public involvement and to bring non-Federal resources to the proposed projects.

The implementation assistance authorized in subsection 1604(d) provides financial resources to States and communities that have established community preservation programs to enable them to carry out projects that address transportation efficiency while meeting community preservation and environmental goals. Any activities eligible for funding under title 23 or chapter 53 of title 49 are eligible for assistance under this program, including corridor preservation activities necessary to carry out transit-oriented development plans or traffic calming measures.

Subsection 1604(d) authorizes $20 million for each of fiscal years 1998 through 2003 to carry out this program.

Conference substitute

In section 1221, the Conference adopts the Senate provision, with some modifications. First, the Conference provision expands the research and planning elements of this program to include (1) the consideration of the role of the private sector in shaping the relationships between transportation, community preservation, and the environment and (2) the examination of ways to encourage pri-

vate sector development patterns to achieve the program's goals. Second, the Conference provision modifies the funding authorized to carry out this program by authorizing $20 million for fiscal year 1999 and $25 million for each of fiscal years 2000 through 2003.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION

House bill

Subsection 112(f) adds Elbert and Hart counties in Georgia to the Appalachian region.

Senate amendment

Section 1812 amends section 403 of the Appalachian Regional Development Act of 1965 to add Hale county in Alabama, Elbert and Hart counties in Georgia, Yalobusha county in Mississippi, and Montgomery and Rockbridge counties in Virginia to the Appalachian region.

Conference substitute

The Conference adopts the Senate provision with modifications adding Macon county in Alabama to the Appalachian region and technically amending section 405 of the Appalachian Regional Development Act to ensure that section 403 of such Act is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

House bill

Subsection 130(a) states the purpose of this section is to assist and support States and local governments with surface and aviation-related transportation issues necessary to host international quadrennial Olympic and Paralympic events in the United States.

Subsection 130(b) authorizes the Secretary to give priority to transportation projects related to Olympic events from certain highway and transit discretionary accounts.

Subsection 130 (c) authorizes the Secretary to participate in State and metropolitan planning activities related to Olympic events.

Subsection 130(d) authorizes the Secretary to provide assistance from funds provided for the general operating expenses of the Federal Highway Administration for the development of an Olympic and Paralympic transportation management plan.

Subsection 130(e) authorizes the Secretary to provide funds to States and local governments for carrying out transportation projects related to an international quadrennial Olympics. It also establishes the Federal share of the cost of such projects at 80 percent.

Subsection 130(f) defines State or local government eligibility for Federal funds under this section.

Subsection 130(g) authorizes the Secretary to give preference in aviation programs for projects that are Olympics related.

Senate amendment

Section 1130 authorizes the Secretary to provide assistance to State and local governments with surface transportation planning and projects relating to international quadrennial Olympic or Paralympic events. Subsection 1130(b) provides that the Secretary may give preference, in allocating Interstate and bridge discretionary funds, to transportation projects relating to Olympic or Paralympic events. Subsection 1130(c) authorizes the Secretary to participate in transportation planning with States and MPOs on transportation projects relating to Olympic or Paralympic events. Subsection 1130(d) provides that funds made available for highway research, technology, and training programs may be used to develop an Olympic and a Paralympic transportation management plan. Subsection 1130(e) authorizes the Secretary to provide funding to States and local governments for transportation projects relating to an Olympic or Paralympic event, and provides that the Federal share of the cost of each such project shall be 80 percent. Subsection 1130(f) defines State or local government eligibility for Federal funds under this program. Subsection 1130(g) authorizes to be appropriated such sums as are necessary for each of fiscal years 1998 through 2003 to carry out this section.

Conference substitute

The Conference adopts the Senate language with a modification expanding the program to include assistance for the Special Olympics International movement.

SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1132 authorizes a new grant program that provides funds to assist the States in their efforts to rehabilitate or repair and to preserve the Nation's historic covered bridges.

Subsection 1132(a) defines the term "covered bridge" as a roofed bridge that is primarily made of wood and includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land. It defines the term "historic covered bridge" as a covered bridge that is at least 50 years old or is listed on the National Register of Historic Places.

Subsection 1132(b) directs the Secretary to development and maintain a list of historic covered bridges and collect and disseminate information concerning historic covered bridges. It also directs the Secretary to foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges. It also directs the Secretary to sponsor or conduct research on the history of covered bridges. It also directs the Secretary to sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

Subsection 1132(c) directs the Secretary to make a grant, subject to availability, to a State that submits an application. A grant

may be made for a project to rehabilitate or repair or preserve a historic covered bridge. It may be made only if, to the maximum extent possible, the project is carried out in the most historically appropriate manner and preserves that existing structure of the bridge, and the project provides for the replacement of wooden components with wooden components.

Conference substitute

The Conference adopts Senate amendment.

SEC. 1225. SUBSTITUTE PROJECT

House bill

Subsection 144(a) authorizes the Secretary to approve substitute highway and transit projects under the Interstate substitute program in 23 U.S.C. 103(e)(4) in lieu of the Barney Circle Freeway project in the District of Columbia. Subsection 144(b) provides that, upon such approval, the Barney Circle project shall not be eligible for funds under subsection 108(b) of the Federal-aid Highway Act of 1956 and the substitute projects shall be funded from the District of Columbia's unexpended Interstate apportionments and allocations that are not subject to lapse. Subsection 144(c) specifies the Federal share payable on any substitute project approved under this section. Subsection 144(d) requires that any approved substitute project must be under contract for construction, or construction must have commenced, within 4 years of the date of enactment of this section.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS

House bill

Subsection 134(a) removes three obsolete provisions from 23 U.S.C. 115(b). They are a provision related to bond interest on Interstate projects under construction on January 1, 1983, a limitation in the repayment of interest on Interstate and National Highway System projects, and a requirement that the Secretary approve an advance construction project for it to be considered completed.

Subsection 134(b) removes an outdated provision at 23 U.S.C. 118(e) regarding total payments to a State in any fiscal year. In its place, it reinstates a provision that was once in title 23 but was inadvertently omitted when amended by ISTEA. This reinstated provision permits obligations incurred in prior fiscal years that are released in a current fiscal year to be made available for re-obligation in such current year.

Subsection 134(e) strikes an outdated provision at 23 U.S.C. 124(b) concerning the construction of toll routes necessary to complete the Intestate System. The provision is no longer needed since the Interstate is complete.

Subsection 134(f) strikes an outdated provision at 23 U.S.C. 126 concerning the use of motor vehicle taxes to fund highway construction projects.

Senate amendment

Section 1203 removes an outdated provision from 23 U.S.C. 118 and replaces it with a provision that permits obligations incurred in prior fiscal years and released in a current fiscal year to be made available for re-obligation.

Subsection 1702(a) technically amends title 23, United States Code, to move the title's declarations of policy and definitions to their own sections within title 23.

Subsection 1702(b) amends 23 U.S.C. 115(b) to strike three out-of-date provisions concerning bond interest and completion of advance construction projects.

Subsection 1702(c) amends 23 U.S.C. 116 to clarify when a State's duty to maintain a Federal-aid highway shall cease, but does not impose any additional requirement on the State to maintain a highway nor does it relieve any maintenance requirements in current law. It simply clarifies existing policy.

Subsection 1702(d) technically amends 23 U.S.C. 119(a) concerning Secretarial approval of projects on the Interstate System.

Subsection 1702(e) amends 23 U.S.C. 124 to strike an out-of-date provision on construction of toll roads necessary to complete the Interstate System.

Subsection 1702(f) strikes 23 U.S.C. 126, an out-of-date provision on the use of motor vehicle and fuel taxes for highway projects.

Subsection 1702(i) revises 23 U.S.C. 136(m) to provide a definition of "primary system."

Subsection 1702(j) corrects an out-of-date reference to the Federal-aid urban system in 23 U.S.C. 137(a) concerning fringe and corridor parking facilities.

Subsection 1702(k) makes technical amendments 23 U.S.C. 140 concerning nondiscrimination.

Subsection 1702(l) technically amends 23 U.S.C. 142(a)(2) concerning Secretarial approval of certain STP projects.

Subsection 1702(m) strikes an out-of-date provision, 23 U.S.C. 147, on priority primary routes.

Subsection 1702(n) strikes an out-of-date provision, 23 U.S.C. 148, on development of a national scenic and recreational highway.

Subsection 1702(o) strikes out-of-date language from 23 U.S.C. 152(e) concerning the apportionment of hazard elimination funds.

Subsection 1702(p) strikes an out-of-date provision, 23 U.S.C. 155, concerning access highways to public recreation areas on certain lakes.

Conference substitute

In subsection 1226(a), the Conference finds that the House and Senate provisions striking three out-of-date provisions from 23 U.S.C. 115 are substantively equivalent and the Conference adopts the Senate language with a purely technical modification.

In subsection 1226(b), the Conference adopts the House provision amending 23 U.S.C. 118 concerning the effect of the release of Federal-aid highway funds.

In subsection 1226(c), the Conference finds that the House and Senate provisions striking out-of-date language from 23 U.S.C. 124(b) on the construction of toll roads are substantively equivalent and the Conference adopts the provision.

In subsection 1226(d), the Conference finds that the House and Senate provisions striking 23 U.S.C. 126 concerning the use of motor vehicle and fuel taxes for highway construction projects are substantively equivalent and the Conference adopts the House language.

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1703 amends section 324 of title 23, U.S.C. by moving the provision on discrimination on the basis of sex to section 140 as subsection (d). Under current law, both of these sections address discrimination.

Conference substitute

The Conference does not adopt the Senate provision.

WETLAND RESTORATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1503 authorizes the Secretary to establish a national wetland restoration pilot program. This discretionary pilot program shall fund restoration projects to offset the degradation of wetlands resulting from highway construction projects carried out before December 27, 1977. The Secretary is required to submit a report on the results of the program every 3 years. This provision provides contract authority in the amount of $12 million for fiscal year 1998; $13 million for fiscal year 1999; $14 million for fiscal year 2000; $17 million for fiscal year 2001; $20 million for fiscal year 2002; and $24 million for fiscal year 2003 to carry out this program.

This section is devoted to historic losses of wetlands only. Funds provided in this program are not intended to reward State departments of transportation for knowingly degrading wetlands through highway construction. Therefore, the funds provided in this section are not to be used to mitigate wetlands losses from current and future highway projects or from projects carried out after December 1977.

Conference substitute

The Conference does not adopt the Senate provision.

SUBTITLE C—PROGRAM STREAMLINING AND FLEXIBILITY

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1202 amends sections 108 and 323 of title 23, United States Code, to expand the flexibility provided to State and local governments to compete for land resources. It provides for the advanced acquisition of real property not only for highway projects, but for all transportation improvements under title 23. This section removes restrictive language and outdated programs, revises language, and adds opportunities for States and local governments to utilize early property acquisition when necessary, while retaining maximum flexibility to leverage the use of Federal funds.

The provision provides an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly-owned lands incorporated within a federally funded project. This provision is consistent with the credits already permitted for donated real property and services. The provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that costs of services are not eligible as a credit for non-Federal share.

SEC. 1302. PAYMENTS TO STATES FOR CONSTRUCTION

House bill

Subsection 134(d) amends 23 U.S.C. 121 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway program more like other Federal programs, including the Federal transit program, and will give the States greater flexibility in managing their funds.

Senate amendment

Section 1204 amends 23 U.S.C. 121 to remove a restriction that applies the Federal/non-Federal matching share requirement to each payment a State receives. The revised section 121 makes the requirement applicable to total project costs rather than to individual voucher payments. The increased flexibility provided by these changes will result in a simplified program that is easier for State departments of transportation to administer. The changes recognize that the important restriction is that the total project meets the Federal share requirement. The changes also make the Federal-aid highway program more compatible with other Federal programs, particularly the Federal mass transportation program;

projects are often administered jointly by FHWA and the Federal Transit Administration.

Conference substitute

The Conference adopts the House provision, making only technical modifications and retaining the provision as a separate section, as in the Senate bill.

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 156 of title 23, United States Code, requires States to charge fair market value for the use of airspace acquired in connection with a federally funded project. Section 1205 expands the requirement in section 156 to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance from the highway account of the Highway Trust Fund. The revised section 156 applies the same standard to all real property interests acquired with Federal-aid highway funds. As in current law, the Secretary may grant exceptions for social, environmental, or economic purposes.

Conference substitute

The Conference adopts the Senate provision with the inclusion of the following clarifying report language. The purpose of the exception retained in this provision is to give the States (with the Secretary's approval) the flexibility to charge less than fair market value for lands bought with Highway Trust Fund dollars if the lands, once sold or leased, would be used for some purpose of public benefit that would outweigh the general desire to receive fair market value for the property, such as if the lands would be used as parkland or as a recreation area.

SEC. 1304. ENGINEERING COST REIMBURSEMENT

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1210 amends 23 U.S.C. 102(b) to provide an exception to the requirement that a State commence construction or acquisition of right-of-way on a project within 10 years after using Federal funds for preliminary engineering for such project. The exception requires the State, before the expiration of the 10-year period, to request a longer time period and for the Secretary to determine that the request is reasonable.

Conference substitute

The Conference adopts the Senate provision, with a modification requiring that the State commence construction or acquisition

of right-of-way within 10 years or such longer period as the State requests and the Secretary determines to be reasonable.

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT

House bill

Subsection 139(a) amends 23 U.S.C. 106 to require life cycle costs analysis on each usable project segment on the National Highway System and requires the analysis to conform with Executive Order 12893 on infrastructure investment.

Section 501 consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the NHS (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Section 504 requires the preparation of a financial plan for any highway or transit project costing over $1 billion that is proposed to be funded with Federal funds, and requires that the plan be based on detailed annual estimates (including reasonable assumptions of future increases) of the cost to complete the project.

Senate amendment

Subsection 1222(a) amends 23 U.S.C. 106, which addresses Federal and State responsibilities for surface transportation projects. This section permits the Secretary to discharge to the States with their approval the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System. For non-NHS projects, a State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under title 23.

Subsection 1222(a) also requires the Secretary to prepare a financial plan for any projects with an estimated total cost of $1 billion or more.

Conference substitute

In subsection 1305(a), the Conference adopts a substitute project approval and oversight provision. The substitute requires that the State shall assume the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards and inspection of projects that are not on the National Highway System unless the State determines that such assumption is not appropriate. In addition, the State may assume responsibility for projects on the NHS but not on the Interstate system unless

the State or Secretary determines that such assumption is not appropriate.

In any case where States must meet surface quality regulations set forth by the Federal Highway Administration, they may look for leadership to a private Midwestern engineering institute which has served as a State certifying contractor for the past 11 years. The FHWA may work with this institution in carrying out this National certification program and use the existing expertise in the area.

In subsection 1305(b), the Conference adopts the House provision concerning financial plans, with a modification codifying the provision at 23 U.S.C. 106(h).

In subsection 1305(c) the Conference adopts the House life-cycle cost provision with modifications. This provision eliminates the mandate that States conduct life-cycle costing procedures on each usable project segment of $25 million or more on the National Highway System. Instead, it provides that the Secretary shall develop a set of procedures to be issued as recommendations to the States for conducting analyses of the life-cycle costs for projects on the National Highway System. In making a recommendation, the Secretary shall consult with AASHTO, and such recommendations shall be based on the principles identified in Executive Order 12893.

Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary's recommendations shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A-94 for all Federal-aid National Highway System projects. The recommendation shall incorporate factors such as a documented, vigorous maintenance schedule, user costs, and the life of the project. The States are encouraged to use the recommendations to the maximum extent possible on National Highway System projects.

SEC. 1306. STANDARDS

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1222(b) eliminates the requirement that the Secretary issue Interstate maintenance guidelines and adds that safety considerations of a project may be met by phase construction.

Conference substitute

In section 1306, the Conference adopts the Senate provision with a modification. The conference provision language clarifies that the safety considerations are to be consistent with an operative safety management system or a statewide transportation improvement program approved by the Secretary.

SEC. 1307. DESIGN-BUILD CONTRACTING

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1224 provides authority, 2 years after the date of enactment of this Act, for State transportation departments to use the design-build approach for construction of eligible title 23 project segments. Design-build is an innovative method of highway contracting that is only allowed on an experimental basis under current law. It differs from traditional contracting in that it combines, rather than separates, responsibility for the design and construction phases of a highway project. This section allows States to use their State design-build contracting procedures in statute or procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949.

The benefits of the design-build approach include greater accountability for quality and costs, less time spent coordinating designer and builder activities, firmer knowledge of project costs, and a reduced burden in administering contracts. Design-build is particularly advantageous for accelerating project delivery. For example, a study of 11 design-build projects in Florida found that this innovative contracting method produced significant improvements in project performance as compared to non design-build projects. The average design-build construction time was 21.1 percent shorter than the average for non design-build projects. In addition, actual design-build procurement times were 54 percent less than the normal design procurement time allocated for projects using traditional contracting methods. The design-build projects also produced a 4.7 percent reduction in after-bid changes to the contract.

Despite the potential advantages of design-build, it may not be an appropriate method for carrying out every highway project. Therefore, this section provides minimum cost requirements for potential design-build projects. To qualify for the award of a design-build contract, the cost of each usable segment of a highway project must be at least $50,000,000. In the case of an Intelligent Transportation Systems project, the total cost of the project must exceed $10,000,000.

Conference substitute

In section 1307, the Conference adopts the Senate provision with the following modifications. Subsection 1307(a) allows a State to award a design-build contract for a project using any procurement process permitted by applicable State and local law. Subsection 1307(c) requires the Secretary to consult with the American Association of State Highway and Transportation Officials and affected industry representatives before issuing regulations to carry out this section. Subsection 1307(e) provides that the design-build amendments made in this section shall take effect 3 years after the date of enactment of this Act and provides that, during the 3-year transition period, the Secretary may approve design-build contracts to be awarded using any process permitted by applicable State and local law. Subsection 1307(f) requires the Secretary to submit a report to Congress within 5 years after the date of enactment of this Act. The report shall analyze the effectiveness of design-build contracting procedures.

SEC. 1308. MAJOR INVESTMENT STUDY INTEGRATION

House bill

Section 503 requires the Secretary to issue new regulations to eliminate the major investment study (MIS) requirement as a separate requirement and integrate this requirement, which is a requirement in the planning regulations, into the environmental review process for transportation projects. The two processes are currently not integrated, although many of their requirements and purposes overlap and are similar.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification to require that the new regulations promulgated under this section integrate the MIS requirement as part of the analyses required to be undertaken pursuant to the planning provisions of title 23 and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 for Federal-aid highway and transit projects. The Conference provision also specifically limits the scope of such regulations; they shall be no broader than the scope of the current MIS requirement in 23 C.F.R. 450.318.

SEC. 1309. ENVIRONMENTAL STREAMLINING

House bill

Section 502 establishes a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency are conducted concurrently and within cooperatively established time periods. The time periods must be consistent with those established by the Council on Environmental Quality (CEQ) in implementing the National Environmental Policy Act (NEPA). Agreed upon time periods may be extended by the Secretary, if, upon good cause shown, the Secretary and the Federal agency determine that an extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established. In the event that an agency fails to complete its review or analysis within an agreed upon time period, the Secretary may close the record.

The House bill further directs the Secretary, in consultation with CEQ, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing NEPA for highway projects. The pilot program is authorized for 3 years.

Senate amendment

Section 1225 requires the Secretary to develop an integrated decisionmaking process for surface transportation projects. Using the environmental review process under NEPA, the section establishes a mechanism to coordinate the permitting process for surface

transportation projects, encouraging consolidation of Federal, State, local and Tribal decisionmaking to the maximum extent practicable, and early consideration of environmental impacts. The section further encourages the use of collaborative, problem solving and consensus building approaches to implement the integrated process.

Conference substitute

The Conference adopts the House language with the following three modifications. First, the provisions establishing a pilot program to delegate responsibility for compliance with the requirements of NEPA to up to eight States is deleted. Second, the language directing agencies to provide due consideration to the determination of the Secretary with respect to the purpose and need of a highway project is deleted. Third, the conference substitute clarifies that the authority of the Secretary to close the record in the event that another agency fails to meet an agreed-upon deadline for completing its environmental review of a proposed project is limited to the record with respect to the matter before the Secretary.

Both the House and Senate bills seek to address the same concerns: the delays, unnecessary duplication of effort, and added costs often associated with the current process for reviewing and approving surface transportation projects. The U.S. Department of Transportation has, through its administrative initiatives, attempted to address some of these problems. Legislation is appropriate, however, to further improve the integration and coordination of decisions relating to highway projects. Better and earlier coordination among the agencies involved in the decisionmaking process for highway projects should help reduce conflicts and their associated delays and costs.

The fundamental goals of the environmental streamlining provisions are to establish an integrated review and permitting process that identifies key decision points and potential conflicts as early as possible; integrates the NEPA process as early as possible; encourages full and early participation by all relevant agencies that must review a highway construction project or issue a permit, license, approval or opinion relating to the project; and establishes coordinated time schedules for agencies to act on a project.

To accomplish these goals, the Conference substitute adopts the House provision encouraging the Secretary to enter into memoranda of agreement (MOAs) with the agencies responsible for reviewing the environmental documents prepared under NEPA or for conducting other environmental reviews, analyses, opinions or issuing any licenses, permits or approvals relating to a project. It is expected that Federal, State and other agencies involved in reviewing and approving a project, or components of a project, will use the MOA process to establish cooperatively determined time periods to complete their work and, more generally, to describe how, and the extent to which, the various permitting requirements and environmental reviews relating to the project will be integrated. MOAs may include a variety of interagency agreements. In order to avoid subsequent conflicts and delays on a project, agen-

cies are encouraged to solicit early public input in the development of an MOA.

The Conference substitute retains the House provisions regarding the joint development of time periods for each agency involved in the review and approval of a project to complete its review. The language further provides that any environmental reviews, including those required under NEPA, conducted with respect to a project shall generally be done concurrently unless conducting a concurrent review would result in a significant adverse effect on the environment, would substantively alter Federal law, or would not be possible without information developed during the review process. This last exception is intended to ensure that agencies are not put in the position of having to complete environmental reviews before they have sufficient information to conduct a meaningful review.

The provisions relating to the Secretary's authority to close the record have been modified to clarify the extent of the Secretary's authority to issue a record of decision for a project in the event that another agency fails to meet the agreed upon deadline for completing its review of any environmental documents required for the project under NEPA. The Secretary's authority to close the record authority does not extend to reviews, analyses, opinions or decisions conducted by another agency on any permit, license or approval issued by that agency. For example, if a project requires the Corps of Engineers to issue a permit under section 404 of the Clean Water Act, the Secretary may not restrict the Corps' review with respect to its decision to issue the 404 permit, even if the Corps fails to meet a deadline set forth in a MOA with the Secretary. Therefore, the conference substitute includes language affirming that the Secretary's authority to close the record is limited to the record on the matter pending before the Secretary. This still allows the Secretary to issue a record of decision on a highway project, even if other agencies have not completed their review of the environmental documents required under NEPA for the project.

The conference substitute allows the additional costs associated with Federal agencies complying with this streamlined process to be considered eligible project expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

For purposes of this section, the term Federal agency includes any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

These provisions make a number of significant procedural changes and improvements to the process for reviewing and approving highway projects. It is expected that the Secretary will publish regulations, after public notice and comment, to implement these new procedures.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS

House bill

Section 505 creates a new uniform transferability of Federal-aid highway funds and codifies this provision at 23 U.S.C. 110. (This creates as second section 110 in title 23, because section 1105 of this Act codified the revenue aligned budget authority provision at 23 U.S.C. 110.)

Subsection 505(a) applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds.

Subsection 505(b) sets rules for the transferability of certain funds set aside within the Surface Transportation Program. STP funds set aside at the 1991 funding levels for the hazard elimination and rail-highway grade crossing programs, metropolitan planning funds, and the sub-State suballocation may not be transferred. For funds set aside for transportation enhancements, up to 50 percent of the difference between the amount set aside for enhancements for the fiscal year and the amount of the sub-State suballocation in fiscal year 1996 can be transferred. For funds apportioned for the CMAQ program, a State may transfer up to 50 percent of the difference between its CMAQ funding for the fiscal year and its fiscal year 1997 CMAQ apportionment.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. The conference substitute provides that the maximum amount a State may transfer of its STP enhancements and safety set-aside flexible funds is 25 percent of the difference between the increase in each such set-aside over the fiscal year 1997 amount of each such set-aside. This modification (1) reduces the maximum percent a State may transfer from 50 to 25, (2) permits flexible safety set-aside funds to be transferred, but retains the prohibition against transferring hazard elimination and rail-road highway grade crossing funds, and (3) changes the comparison year from fiscal year 1996 to fiscal year 1997. The Conference substitute also changes the comparison year for determining CMAQ transferability; under this provision, a State may transfer 50 percent of the difference between the amount of its CMAQ apportionment for the fiscal year and the amount such apportionment would be had the CMAQ program been funded at $1.35 billion.

SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS

House bill

Section 506 requires that the Secretary establish and publish the criteria used for the awarding of discretionary grants, that such criteria conform to Executive Order 12893 (relating to infrastructure investment) to the extent practicable, and that preference be given to donor States when considering equal applications for grants. It also requires that the Secretary submit to Congress 14 days before awarding a discretionary grant an explanation of how the selected projects conform to the published guidelines.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. First, the Conference provision does not include the requirement that preference be given to donor States. Second, rather than requiring explanations to be submitted 14 days before awards of discretionary grants, the Conference provision requires the Secretary to submit to Congress at least quarterly a list of the projects selected under the discretionary grant projects for programs listed in subsection (c) of this section, along with an explanation of how such projects were selected using the criteria required under this section. Third, the Conference provision modifies the list of the programs covered by this provision.

DESIGN FLEXIBILITY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1236 clarifies 23 U.S.C. 109 regarding the Secretary's responsibilities regarding planned future traffic needs and the Secretary's responsibilities in reviewing State plans for proposed highway projects. This modification eliminates the requirement that the Secretary ensure that a State plan for a highway project must accompany future traffic demands. As revised, subsection 109(a) only requires that the Secretary ensure that future traffic needs were considered.

Conference substitute

The Conference does not adopt the Senate provision.

MIDCOURSE CORRECTION

House bill

Section 508 directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding dis-

tribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

SUBTITLE D—SAFETY

SEC. 1401. HAZARD ELIMINATION PROGRAM

House bill

Section 138 amends 23 U.S.C. 152 to require that hazards to bicyclists be included in the hazardous locations inventory. This section also directs States to carry out hazard elimination projects so as to minimize any negative impact on safety and access for bicyclists and pedestrians. This section also authorizes the Secretary to approve any safety improvement project described in 23 U.S.C. 152(a) and makes conforming amendments to subsections 152(f) and (g).

Senate amendment

Section 1404 expands the eligibility of the current hazard elimination program to include a full range of safety improvements for bicyclists and pedestrians, including multimodal and community safety programs; spot improvement programs for rapid-response of low costs hazards such as potholes, roadway and trail debris, and unsafe drainage gates are eligible for funding under this program. This section also makes traffic calming measures eligible for hazard elimination funds. The prohibition on States using hazard elimination funds to correct hazards on routes on the Interstate system is eliminated. This section also revises the reference to "highway safety improvement project" in subsection 152(b) to read "safety improvement project" to reflect the multimodal focus of the hazard elimination program.

Conference substitute

The Conference adopts the Senate provision with modifications. It clarifies that to be eligible under this section, a project must be related to a public surface transportation facility. The Conference substitute does not adopt the Senate language making public transportation vehicles and any public transportation facility that the Secretary determines to be appropriate eligible for hazard elimination funds. The Conference provision also makes technical and conforming amendments to 23 U.S.C. 152. In carrying out this section, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES

House bill

Subsection 126(a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such crash cushions and whether the cushions or other safety appurtenances should be installed at specific highway locations.

Subsection 126(b) requires the Secretary to (1) study the means of improving safety and road capacity through the use of movable road barrier (positive separation) technologies, (2) report to Congress within 1 year after the date of enactment of this Act on the results of such study, and (3) provide the report to States for their use on appropriate projects on Federal-aid highways.

Senate amendment

Section 3107 requires the Secretary to issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions. States are required to use this guidance in evaluating the safety and cost-effectiveness of using different crash cushion designs or other safety appurtenances.

Conference substitute

The Conference adopts the House provision with a modification to extend the report deadline to 18 months after enactment, rather than 1 year.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1406 establishes a new program to encourage States to promote and increase seat belt usage in passenger motor vehicles. This new program provides incentive grants to States that either obtain a State seat belt use rate above the national average, or increase the State seat belt usage. The Secretary shall determine annually: (1) those States that achieved a usage rate higher than the national average, and the amount of Federal government budget savings from Federal medical insurance programs associated with the higher seat belt usage rate; and (2) those States that realized an increase in the seat belt rate compared with the State's base rate, and the resulting Federal government budget savings from Federal medical insurance programs.

Under this section, the Secretary is required to allocate to each State in fiscal years 1999 through 2003, the amount of Federal medical savings that resulted from either increases in seat belt usage over the national average or increases over the State's base rate. States may use such funds for any project eligible for assistance under title 23, United States Code. This section provides $60 million for fiscal year 1998; $70 million for fiscal year 1999; $80 million for fiscal year 2000; $90 million for fiscal year 2001; and $100 million for each of fiscal years 2002 and 2003.

Conference substitute

The Conference adopts the Senate provision, with modifications increasing authorizations for the programs and providing that, for fiscal year 1999, any unallocated funds under this section shall be apportioned to the States as STP funds, and for fiscal years 2000 through 2003, the Secretary shall use any unallocated funds authorized under this section to make allocations to States that have developed plans to carry out innovative projects to promote increased seat belt use rates.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

House bill

Section 209 directs the Comptroller General to conduct a study to evaluate the effectiveness of State 0.08 and 0.02 blood alcohol content (BAC) laws in reducing the number and severity of alcohol-related crashes. This section requires the Comptroller General to report to the Congress within 2 years with the results of the BAC study.

Senate amendment

Section 1408 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State has failed to enact and enforce a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle has committed the offense of driving while intoxicated. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

In section 1404, the Conference adopts a substitute provision authorizing a total of $500 million for incentive grants. The Conference substitute directs the Secretary to apportion the funds authorized to carry out this section to any State that has enacted and is enforcing a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to have committed a per se offense of driving while intoxicated. States may obligate funds apportioned under this section for any project eligible for assistance under title 23, United States Code, and the Federal share of such project shall be 100 percent.

The Conference adopts the House provision in title II of the Act.

SEC. 1405. OPEN CONTAINER LAWS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1409 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State fails to have in effect a law prohibiting any open alcoholic beverage container or the consumption of any alcoholic beverage in the passenger area of a motor vehicle located on a public highway. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

The Conference adopts the Senate provision, with a modification providing for the transfer, rather than the withholding, of a State's IM, NHS, and/or STP funds. For fiscal years 2001 and 2002, States that have failed to enact or enforce an open container law shall have 1½ percent of their IM, NHS, and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. In addition, the State may elect to use all or a portion of the transferred funds for the State's hazard elimination program. For fiscal year 2003 and thereafter, States that have failed to enact or enforce an open container law shall have 3 percent of their IM, NHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures or law enforcement activities to prevent drunk driving, with the State able to use all or a portion of the transferred funds for the State's hazard elimination program.

SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1405 establishes a new program to address the growing problem of repeat, hard core drunk drivers with high alcohol concentrations by requiring States to enact repeat intoxicated driver laws or else have a percentage of their highway construction funds transferred to their Section 402 highway safety program. The section requires States to enact and enforce penalties for drunk drivers who have an alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk driving offense within 5 years. Minimum penalties shall include a license

suspension of not less than 1 year, an assessment of the individual's abuse of alcohol and recommended treatment regimes as appropriate, and either an assignment of 30 days community service or 5 days imprisonment.

For fiscal years 2001 and 2002, States failing to enact or enforce the described minimum penalties for repeat drunk drivers with high alcohol concentrations shall have 1½ percent of their INHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. For fiscal year 2003 and thereafter, States that have failed to enact or enforce a repeat intoxicated driver law will be shall have 3 percent of their INHS and STP funds transferred to their Section 402 program.

Conference substitute

The Conference adopts the Senate provision with a modification to provide that States may use all or a part of the transferred funds for the State's hazard elimination program.

RAILWAY-HIGHWAY CROSSINGS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1403 amends 23 U.S.C. 130 to expand the eligibility of railway-highway funds to include trespassing countermeasures in the vicinity of the crossing, safety education, enforcement of traffic laws and publicly sponsored projects at privately owned railway-highway crossings. States are required to report to the Department on completed crossing projects funded under this subsection for inclusion in the DOT/American Association of Railroads National Grade Crossing Inventory.

This section eliminates the requirement that half the funds authorized under section 130 be available for installation of protective devices at railway-highway crossings. These activities, however, remain eligible for funding under this section.

Conference substitute

The Conference does not adopt the Senate provision.

FLEXIBILITY OF SAFETY PROGRAMS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1233 gives States additional flexibility with respect to safety set-aside requirements. This provision requires each State to set aside 2 percent of its surface transportation program apportionment for railway-highway crossings; 2 percent of its STP funds for hazard elimination activities; and 6 percent of its STP funds for railway-highway crossings or hazard elimination activities.

51-777 98 - 18

Additional discretion is given to each State to transfer up to 100 percent of its 6 percent STP safety set-aside funds to its section 402 safety program or to its motor carrier safety program allocation. The requirement that half the funds authorized and expended under section 130 be available for installation of protective devices at railway-highway crossings is eliminated. The revised section, however, retains this use as an eligible activity.

Conference substitute

The Conference does not adopt the Senate provision.

SUBTITLE E—FINANCE

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle C, Chapter 2, establishes a Federal credit assistance program for major surface transportation projects under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA).

Conference substitute

In sections 1501 through 1504, the Conference adopts the Senate provision, with certain modifications. The TIFIA program is designed to assist major surface transportation projects with their own revenue streams, which can attract substantial private capital with a limited Federal investment. This program offers the sponsors of large transportation projects a new tool to leverage limited Federal resources, stimulate additional investment in our Nation's infrastructure, and encourage greater private sector participation in meeting our transportation needs.

Eligible projects for TIFIA assistance include any projects eligible under title 23 (highway and transit capital projects) as well as international bridges and tunnels, inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems), and publicly-owned intermodal freight facilities. Examples of the types of projects which may benefit from this program are the Woodrow Wilson Bridge, the Farley/Pennsylvania Station project in New York City and the State of Florida's proposed high-speed rail project between Miami, Orlando and Tampa. Project sponsors may be governmental units, private entities, or public-private partnerships. The Conferees wish to reiterate language concerning the Florida high-speed rail project in the Senate committee report section on TIFIA. This project represents an effort by the State of Florida to bring a new technology to the United States by using an innovative public-private partnership that does not rely on Federal grant support. The State of Florida's request for a Federal loan equal to 1/3 of project costs should receive favorable consideration from the Department of Transportation, provided it meets program criteria.

To be eligible for credit assistance, a project must meet certain threshold criteria. It must cost at least $100 million or 50 percent of a State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30 million, due to the substantial capacity enhancements attainable with but a limited investment.) The project also must have the potential to be self-supporting from user charges or other non-Federal dedicated funding sources, be on a State's transportation plan and, at the time of funding, be on a fiscally-constrained State transportation improvement program. An application for credit assistance may be submitted by a State or local government or other entity. The Secretary will select among potential candidates based on various criteria, including the project's regional or national significance, its potential economic benefits, its credit-worthiness, the degree of private sector participation, and other factors.

Forms of assistance that can be provided under this program consist of direct loans, loan guarantees, and lines of credit. In all cases the Federal role will be that of a minority investor, with Federal participation limited to not more than 33 percent of total project costs. The Secretary is authorized to enter into agreements with project sponsors containing terms and conditions designed to assist the projects in leveraging additional funds, while ensuring that the program operates in a fiscally-prudent manner. The State in which a project is located may identify a State or local government entity to assist the Secretary in servicing the Federal credit instrument.

The Secretary may provide credit assistance to demonstrate to the capital markets the viability of making transportation infrastructure investments where returns depend on residual project cash flows after servicing senior municipal revenue bonds or other capital markets debt. An objective of the program is to help the financial markets develop the capability ultimately to supplant the role of the Federal government in helping finance the costs of large projects of national significance. That is why loan guarantees are limited to major institutional lenders, such as defined benefit pension funds, which may be potential providers in the future of supplemental and subordinate capital for projects. The Conference would like the Secretary to encourage Federal borrowers to prepay their direct loans or guaranteed loans as soon as practicable from excess revenues or the proceeds of municipal or other capital market debt obligations. The Secretary also may sell off direct loans to third parties or into the capital markets, if such transactions can be arranged upon favorable terms.

The Conference recognizes that the Congress enacted the Deficit Reduction Act of 1984 provision prohibiting the combination of Federal guarantees with tax-exempt debt, because of concerns that such a double-subsidy could result in the creation of a "AAA" rated security superior to U.S. Treasury obligations. Accordingly, any project loan backed by a loan guarantee as provided in TIFIA must be issued on a taxable basis.

The Conference wants to ensure that projects receiving TIFIA assistance are financially sound. Each project, at the time of its application for assistance, is required to furnish a preliminary rating

opinion letter from one of the bond rating agencies identified by the Securities and Exchange Commission as a "Nationally Recognized Statistical Rating Organization," indicating that the project's senior debt obligations have the potential to achieve an investment-grade bond rating. The Secretary shall consult with the Office of Management and Budget, each rating agency providing such an opinion letter, and any other financial experts the Secretary deems necessary, in order to determine the credit instrument's appropriate subsidy cost (capital reserve) pursuant to the Federal Credit Reform Act of 1990. Until such time as a formal investment-grade rating is assigned, the Secretary shall not extend credit in an amount exceeding the estimated subsidy cost. The Conference believes that analytical techniques that are widely-accepted by the capital markets, such as those used by the rating agencies to evaluate the financial stability of municipal bond insurance companies, should be drawn upon to estimate the appropriate subsidy cost.

TIFIA expressly requires that projects adhere to Title VI of the Civil Rights Act, the National Environmental Policy Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The Conference also recognizes that highway and transit capital projects assisted under TIFIA will retain adequate protections for labor in terms of prevailing wages, as required under title 23 provisions.

The bill provides $530 million of contract authority, funded from the Highway Trust Fund, to fund the budgetary or subsidy costs of the Federal credit instruments between fiscal years 1999–2003: $80 million in fiscal year 1999; $90 million in fiscal year 2000; $110 million in fiscal year 2001; $120 million in fiscal year 2002; and $130 million in fiscal year 2003. (As with other Federal credit programs, the non-budgetary or financing costs of the Federal credit instruments will be funded from the General Fund.). The bill caps the nominal amount of credit instruments supported by this contract authority at $1.2 billion for each of fiscal years 1998 and 1999; $1.8 billion for fiscal years 2000 and 2001; and $2.3 billion for each of fiscal years 2002 and 2003.

The Conferees are aware that present Federal income tax law prohibits the use of direct or indirect Federal guarantees in combination with tax-exempt debt (section 149(b) of the Internal Revenue Code of 1986. The TIFIA provisions of the conference agreement do not override or otherwise modify this provision of the Code.

The Conference finds that developing, implementing, and evaluating financial assistance programs such as TIFIA is a critical mission of the Department of Transportation. To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial assistance activities and programs can be closely coordinated and monitored.

In order to evaluate the effectiveness of this program, the Secretary is required to submit a report to Congress within 4 years of the date of enactment of this bill. The report should summarize the program's financial performance to date and recommend whether the objectives of the program would be best met by continuing the program under the authority of the Secretary, establishing a Gov-

ernment corporation or Government-sponsored enterprise to administer the program, or by relying upon the capital markets to fund projects of regional and national significance without Federal participation.

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1301 codifies the State Infrastructure Bank (SIB) Pilot Program authorized in the NHS Designation Act of 1995. This section includes modifications to increase the flexibility of the SIB program. The current 10-State limit on the number of participants in the SIB program is eliminated, thus enabling any State to establish a State Infrastructure Bank. The percentage limitation regarding funds a State can transfer to use in State infrastructure banks is eliminated. The 10-State limit unnecessarily restricted States from pursuing this financial mechanism and the percentage limitation unnecessarily limits States' use of this mechanism. The need to maintain separate highway and transit accounts also imposed an accounting burden on States that was inconsistent with financial flexibility desired in a financing entity such as a State Infrastructure Bank and was therefore eliminated.

Conference substitute

In section 1511, the Conference adopts a substitute provision, retaining most of the Senate provision, but with some significant modifications. First, the Conference adopts a four-State pilot program. Rather than permitting every State to establish a SIB under this section, the Conference provision states that the participating States under this section are California, Florida, Missouri, and Rhode Island. Second, the Conference provision modifies the Senate language by expressly providing, in paragraph 1511(i)(2), that the requirements of title 23 and 49, United States Code, shall apply to repayments from non-Federal sources to a SIB from projects assisted by the SIB, and that such repayments shall be considered to be Federal funds.

SUBTITLE F—HIGH PRIORITY PROJECTS

SEC. 1601. HIGH PRIORITY PROJECTS

House bill

Subsection 127(b) authorizes the high priority projects program as subsection (j) of section 104 title 23. Funds for this program are exempt from the obligation limitation imposed on the Federal-aid highway program. Subsection 127(b)(2) authorizes a State in carrying out a project with Federal funds to divide or segment the project provided that the division or segmentation complies with the requirements of the National Environmental Policy Act of 1969.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications. Subsection 1601(a) establishes the program of high priority projects as section 117 of title 23. The provision is very clear that it is establishing a program of projects, not a series of individual programs. In fact, U.S.C. 23 117(a) provides that any unallocated funds are available to the Secretary. Although this program is now subject to an overall obligation limitation, it is the intent of the Conference that this program functionally operate, to the extent possible, as if this program were exempt from the obligation limitation.

In subsection (h) of section 117, it provides that "[f]unds allocated to a State in accordance with this section shall be treated as amounts in addition to amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes." (emphasis added) The aim of this provision is to ensure that high priority project funding is treated as additive to the National Highway System, Interstate maintenance, surface transportation program, congestion mitigation and air quality improvement, bridge, and minimum guarantee funds that the State would otherwise receive. In fact, this provision was specifically added to give guidance to states with internal formulas for the distribution of Federal-aid funds.

In addition, section 1601 provides, in new 23 U.S.C. 117(g), that "[o]bligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated . . . ." This means that the obligation authority provided for high priority projects is reserved solely for such project funds and cannot be used for any other Federal-aid highway program or project. Further, section 1102 of TEA 21, which directs the distribution of obligation authority for all Federal-aid highway programs, provides in subsection 1102(g) that obligation authority distributed for a fiscal year for high priority projects "shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years." The treatment of obligation authority for high priority projects under these two provisions further articulates the intent of Congress that high priority project funds and obligation authority shall be separate from and in addition to a State's regular Federal-aid highway apportionments.

Furthermore, including high priority projects in the minimum guarantee calculation serves the separate purpose of ensuring that the distribution of Federal-aid highway funds between the States is as equitable as possible. It does not mean that each State's high priority projects were funded from what would have been the State's regular formula apportionments, and therefore provides no support for the position that project funds should be offset from a district's allocation of Federal-aid highway formula funds. This interpretation is contrary to the express language of section 1601, as cited above.

Subsection 1601(b) clarifies that by listing high priority projects in section 1602 of this Act and similar projects in previous legislation, Congress is establishing the limits of the projects for purposes of eligibility for associated Federal-aid highway funding. The listing or identification of a project is not intended to define the scope of the project for purposes of complying with all Federal requirements, including those of the National Environmental Policy Act (NEPA). As the associated Federal-aid highway funding for these projects typically is not sufficient to finance the Federal share of all improvements within the project limits, Congress recognizes that a State needs the flexibility to advance logical segments of the overall project. Any segment of a project must still have to connect logical termini, have independent utility, and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This provision does not waive safety or contracting requirements for the underlying segment.

In the case of the South Lawrence Trafficway in Kansas, the State may advance the segment between U.S. 59 and Kansas Route 10 as a non-Federally funded project without triggering NEPA.

Subsection 1601(c) makes conforming amendments to the table of contents for title 23.

SEC. 1602. HIGH PRIORITY PROJECTS

House bill

Subsection 127(c) establishes the high priority projects for 1998 through 2003.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1602 establishes the high priority projects for 1998 through 2003.

SEC. 1603. SPECIAL RULE

House bill

Contains no comparable provision.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1603 provides how projects are included in certain calculations.

TITLE II—HIGHWAY SAFETY

AMENDMENTS TO TITLE 23

House bill

This section provides that, except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provi-

sions of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

Senate amendment

Section 3002 provides that, unless otherwise provided, statements of amendment or repeal in this title refer to sections or provisions of title 23, United States Code.

Conference substitute

No provision is included.

SEC. 2001. HIGHWAY SAFETY PROGRAMS

House bill

Sec. 202. Highway Safety Programs.

Subsection (a) amends the highway safety program to include uniform guidelines that prevent accidents. This subsection also makes a technical and conforming amendment to the highway safety program.

Subsection (b) makes several technical and conforming amendments to section 402(b).

Subsection (c) amends section 402(c) to increase the minimum annual apportionment to Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d) amends section 402(i) to allow section 402 grants to be made to Indian tribes in Indian Country. This subsection also defines Indian Country.

Subsection (e) amends section 402(j) to delete rulemaking requirements and instead directs the States to consider highly effective programs that reduce crashes, injuries, and deaths that have been identified by the Secretary when the States develop their highway safety programs.

Senate amendment

Sec. 3101 continues the existing State and community highway safety program, established under Section 402 of title 23, United States Code, and amends the program as follows:

Subsection (a), "Uniform Guidelines," and Subsection (b), "Administrative Requirements," make several technical and conforming amendments to Sections 402 (a) and (b).

Subsection (c), "Apportionment of Funds," makes one technical correction to Section 402(c) and one substantive amendment. To increase the effective delivery of the Section 402 program to the more than 500 Federally recognized Indian tribes, an amendment is provided to raise the minimum annual apportionment to the Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d), "Application in Indian Country," amends Section 402 to allow Section 402 grants to be made to Indian tribes in "Indian Country."

Subsection (e), "Rulemaking Process," amends Section 402(j), which requires the periodic identification, by rulemaking, of high-

way safety programs that are most effective in reducing traffic crashes, injuries, and deaths. Instead of requiring the States to direct the resources of the national program to the fixed areas identified by this rulemaking process, the amendment directs the States to consider these highly effective programs when developing their highway safety programs.

Section 3105 would amend Section 402(a) of title 23, U.S. Code, to insert "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety."

Conference substitute

The conference agreement includes comparable provisions of the House bill and Senate amendment. In addition, subsection 202(f) of the House bill allowing States to use section 402 funds to purchase television and radio time for public service announcements is revised to include a requirement that States which use funds for such purposes submit a report to the Secretary on the effectiveness of the messages.

Section 3105 of the Senate amendment regarding enforcement of window glazing standards is included in subsection (a)(3).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

House bill

Sec. 203. Highway Safety Research and Development.

This section amends section 403(a) relating to highway safety research and development to provide additional authority to the Secretary to engage in research focusing on training in work zone safety management.

Senate amendment

Section 3104(a)(1) amends Section 403(b)(1) of title 23, U.S. Code, to add a provision on programs to train law enforcement officers on motor vehicle pursuits conducted by police. Section 3104(a)(2), allows the Secretary to use, out of the amounts appropriated to carry out section 403 of title 23, U.S. Code, such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, U.S. Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

Section 3104(b) directs that, not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretaries of Agriculture, Interior, Treasury, the Chief of Capitol Police, and the General Services Administrator shall transmit a report to Congress on their policy concerning motor vehicle pursuits, and a description of their procedures for such training.

Subsection (h), "Drugged Driver Research and Demonstration Program," amends Section 403 (Highway Safety Research and Development) of title 23, U.S. Code, to direct the Secretary to do research on (1) the relationship between the consumption and use of drugs and their effect on highway safety and drivers; and (2) driver

behavior research; and measures that may deter drugged driving. Section 3103(1)(E), noted below, authorizes $2 million for each of fiscal years 1999–2003 to carry out the drugged driving research and demonstration programs under subsection (h).

Conference substitute

The Senate recedes to the House provision amending section 403(a) of title 23 regarding work zone safety management.

The House recedes with modifications to subsection 3101(h) and section 3104 of the Senate amendment to amend section 403(b) regarding drugged driving and programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. Not more than $2 million per fiscal year from section 403 funds shall be available for drugged driving activities and not more than $1 million per fiscal year from section 403 funds shall be available for motor vehicle pursuit activities.

SEC. 2003. OCCUPANT PROTECTION INCENTIVE GRANTS

House bill

Sec. 204. Occupant Protection Incentive Grants.

This section establishes a new occupant protection incentive grant program under section 405 of title 23, United States Code. The Secretary is authorized to make grants to States that adopt and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

New subsection 405(a) sets forth the general authority to make grants to states; requires maintenance of effort by States receiving such grants; sets forth a six-year maximum period of maximum eligibility and a federal share of 75 percent in the first two years a state receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 405(b) sets forth criteria for Grant A. A state must meet at least five (and beginning in fiscal year 2001, six) of the following: (1) a law that makes it unlawful throughout the State the operation of a passenger motor vehicle whenever a person (other than a child who is secured in a child restrain system) in the front seat of a vehicle (and beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) the State imposes a minimum fine or penalty points against an individual's driver's license for a violation of the State's safety belt use law; (4) a law requiring children up to four years of age to be properly secured in a child safety seat in all appropriate seating positions in all passenger motor vehicles; (5) a Statewide special traffic enforcement program that includes emphasis on publicity for the program; (6) a Statewide comprehensive child occupant protection education program; and (7) a law that a child up to 10 years of age (and beginning in 2003 a child up to 16 years of age) is properly restrained.

New subsection 405(c) sets forth criteria for Grant B: A State must: (1) demonstrate a Statewide safety belt use rate in both front outboard seating positions in all vehicle types of 80 percent or higher in each of the years a grant is received; and (2) follow safety

belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

New subsection 405(d) provides that States that meet the criteria for grants A or B would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402, of title 23, United States Code.

New subsection 405(e) defines the terms "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger vehicle," and "safety belt."

New subsection 405(f) provides that administrative expenses are limited to 5 percent of program funds.

New subsection 405(g) provides that funding for the program is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribe programs. The Secretary of Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Section 3103(g) amends title 23, U.S. Code, to establish a new occupant protection inventive program under Section 410 of title 23 ("Safety belts and occupant protection programs"), to encourage States to increase their level of effort and implement effective laws and programs aimed at increasing safety belt and child safety seat use. The new Section 410 contains two subsections—subsection (a) and subsection (b).

Under Section 410(a), a State may establish its eligibility for one or both of two basic occupant protection grants—A and B—by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of the 6 following: (1) a law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) a law requiring minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and, an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible; (4) demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag-equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems, and submits to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant; (5) a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law; and (6) a state-

wide occupant protection Special Tariff Enforcement Program (STEP) that includes emphasis on publicity for the program.

To establish eligibility for the second basic grant B under paragraph (2), a State must: (1) demonstrate a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first three years a grant is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for a basic grant under paragraph (1) or (2) would receive, for each grant, up to 20 percent (up to 40 percent if they qualify for both) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for one or both of the two basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) requiring the imposition of penalty points against a driver's license for violations of child passenger protection requirements; (2) having no non-medical exemptions in effect in their safety belt and child passenger protection laws; (3) having in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat. For each supplemental grant criterion that is met, a State would receive an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger car," "passenger motor vehicle," and "safety belt."

Under Section 410(b), subject to the availability of appropriations, the Secretary may make a grant to a State that demonstrates the implementation of a Child Occupant Protection Education Program, described in subsection (a)(1)(D), that submits an application, in the form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out activities specified in subparagraph (B) through: (1) the child occupant protection program of the State, described in subsection (a)(1)(D); and (2) at the option of the State, a grant program established by the State to provide for carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs specified under subparagraph (B), which specifically include programs that: (1) are designed to prevent deaths and injuries to children under the age of 9; and (2) educate the public concerning all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and appropriate child restraint design, selection and placement; and harness threading and harness adjustment; and train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

The Secretary may make a grant under this subsection without regard to whether a covered State, described in subsection (a)(1)(D), is eligible to receive, or has received, a grant under subsection (a).

The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant. This report shall contain such information as the Secretary may require; and at a minimum, describe the program activities undertaken with the grant funds. Also, not later than 1 year after the date of the enactment of this provision, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

Separate authorizations are provided to carry out subsection (b) of $7,500,000 for each of fiscal years 1999 and 2000.

Conference substitute

The conference agreement includes provisions from the House bill and the Senate amendment. A State is eligible to receive a grant if it meets 4 of the following criteria: (1) a law that makes it unlawful to operate a vehicle whenever an individual in the front seat (and beginning in the year 2001, any seat) of a vehicle does not have a seat belt properly secured; (2) the State provides enforcement of its safety belt use laws; (3) the State imposes minimum fines or provides for penalty points for violations of its safety belt use laws or child passenger protection laws; (4) the State has implemented a statewide enforcement program; (5) the State has implemented a statewide comprehensive child passenger protection education program; and (6) the State has in effect a law that requires minors to be properly secured in a child seat or other appropriate restraint system. It is noted that States have differing laws regarding the age of "minors" and the provision should be implemented in a flexible manner to reflect these differences.

A qualifying State may receive a grant amount of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement does not include the performance-based incentive grants since a $500 million performance based incentive grant is established in Title I.

The House recedes with modifications to subsection 2003(b) of the Senate amendment authorizing a two-year, $15 million general fund program to provide grants to states for child passenger protection education programs. The Senate provision is amended to require a 20 percent non-Federal match for any grant funds received by a State and annual reporting requirements are revised to require a report to the Secretary by any State receiving a grant and a report from the Secretary to Congress to be submitted not later than June 1, 2002.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES

House bill

Sec. 205. Alcohol-Impaired Driving Countermeasures.

This section amends the current section 410 to establish a new comprehensive drunk and impaired driving countermeasures incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver.

New subsection 410(a) sets forth the general authority for the Secretary to make grants.

New subsection 410(b) requires maintenance of effort by States receiving a grant.

New subsection 410(c) sets forth a six-year maximum period of eligibility and a federal share of 75 percent in the first two years a State receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 410(d)(1) establishes criteria for basic grant A. A State must adopt or demonstrate at least 5 of the following: (1) a State law that provides that an individual with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle is deemed to be driving while intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages and preventing persons from making alcoholic beverages available to individuals under age 21; (4) a Statewide program for stopping vehicles on a nondiscriminatory basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while under the influence of alcohol; (6) programs to target individuals with high BAC while operating a motor vehicle; (7) programs to reduce driving while under the influence of alcohol by individuals age 21 through 34; and (8) an effective system for increasing the rate of BAC testing in fatal accidents and by the year 2000 achieves a rate of testing equal to or greater than the national average.

New subsection 410(d)(2) establishes criteria for basic grant B. A State must adopt or demonstrate to the satisfaction of the Secretary that (1) its percentage of fatally injured drivers with 0.10 percent or greater BAC has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) that percentage has been lower than the average percentage for all States in each of such calendar years.

New subsection 410(e) provides that States that meet the criteria for a basic grant would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402.

New subsection 410(e) authorizes the Secretary to make discretionary grants to States carrying out innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. A State is eligible to receive a discretionary grant only if the State is eligible to receive a basic grant A or B under this section. The amounts made available to carry out the discretionary grants may not exceed 12 percent of the total funds available for section 410.

New subsection 410(f) provides that administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated for this section.

New subsection 410(g) provides that funding made available under this section would be contract authority. The Secretary is authorized to credit certain amounts of state and local expenditures toward the non-Federal share of the project under this section. The Federal share of the cost of the program for Indian tribes may be increased. Amounts made available for the Indian tribe program will be administered through the Secretary of the Interior.

New subsection 410(h) defines the terms "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Senate amendment

Subsection 3101(f) amends Section 402 to establish a comprehensive drunk and impaired driving incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The new program is similar in structure to that of the existing Section 410 drunk driving prevention incentive program, established under Section 410 of Title 23, United States Code, and would replace the Section 410 program.

A State may establish its eligibility for one or more of three basic alcohol impaired-driving countermeasure grants—A, B, and C—by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 7 of 9 of the following: (1) a law that provides for a per se law setting .08 BAC level as intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective underage drinking program for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages; (4)(A) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis to determine whether the operators are driving while under the influence of alcohol, or (B) a statewide impaired driving Special Traffic Enforcement Program (STEP) that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while intoxicated or driving under the influence of alcohol; (6) a three-tiered graduated licensing system for young drivers that includes nighttime driving restrictions, requiring that all vehicle occupants to be properly restrained, and providing that all drivers under age 21 are subject to zero tolerance at .02 percent BAC or greater while operating a motor vehicle; (7) programs targeting persons with high blood alcohol concentrations (BAC) who operate a motor vehicle; (8) young adult programs to reduce driving while under the influence of alcohol by persons age 21 through 34; and (9) an effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle operators at fault in fatal crashes.

To establish eligibility for the second basic grant B under paragraph (2), a State must adopt either an administrative driver's license suspension or revocation system for drunk drivers, or a law that provides for a per se law setting .08 BAC level as intoxicated.

To establish eligibility for the third basic grant C under paragraph (3), a State must demonstrate that its percentage of fatally

injured drivers with 0.10 percent or greater blood alcohol concentration has both: (1) decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) been lower than the average percentage for all States in each of such calendar years.

States that meet the criteria for a basic grant under paragraphs (1), (2) or (3) would receive, for each grant, up to 15 percent (up to 30 percent if they qualify for two, and up to 45 percent if they qualify for all three) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for any one or more of the three basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; (2) adopting a mandatory BAC testing program for drivers in crashes involving fatalities or serious injuries; (3) videotaping of drunk drivers by police; (4) adopting and enforcing a "zero tolerance" law providing that any person under age 21 with a BAC of .02 or greater when driving a motor vehicle shall be deemed driving while intoxicated or driving under the influence of alcohol, and further providing for a minimum suspension of the person's driver's license of not less than 30 days; (5) requiring a self-sustaining impaired driving program; (6) enacting and enforcing a law to reduce incidents of driving with suspended licenses; (7) demonstrating an effective tracking system for alcohol-impaired drivers; (8) requiring an assessment of persons convicted of abuse of controlled substances, and the assignment of treatment for all DWI and DUI offenders; (9) implementing a program to acquire passive alcohol sensors to be used by police in detecting drunk drivers; and (10) enacting and enforcing a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to a person under 21. For each supplemental grant criterion that is met, a State would receive, in no more than two fiscal years, an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Conference substitute

The conference agreement includes provisions of both the House bill and Senate amendment. A State is eligible to receive a grant under section 410 if it meets five of the following criteria: (A) an administrative license suspension or revocation system for drunk drivers; (B) an effective underage drinking program; (C) a statewide program for stopping vehicles on a non-discriminatory, lawful basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (D) graduated licensing systems; (E) programs to target drivers with high BACs; (F) programs to reduce driving under the influence by young adults age 21 through 34; and (G) an effective system for increasing the rate of BAC testing and, by the year 2001, a rate of testing that is equal to or greater than the national average.

The conference agreement does not include a .08 BAC criteria since a $500 million .08 incentive program is included in Title I.

A qualifying State may receive a grant of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement also authorizes the Secretary to make supplemental grants. The provision includes several of the Senate items and includes a new broad criteria. The Secretary should use the supplemental grants to assist States in developing innovative programs. The Secretary may determine the amount of each supplemental grant and is not required to provide the same amount for each grant.

The conference agreement provides that the amendments to section 410 of title 23, United States Code, take effect on October 1, 1998 so that funding provided for the remainder of fiscal year 1998 are subject to the current section 410 program requirements.

SEC. 2005. HIGHWAY SAFETY DATA IMPROVEMENTS

House bill

Sec. 206. This section amends section 406 to create a new State highway safety data improvement incentive grant program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for national, State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data, and to improve the compatibility of State systems with national and other States' data systems.

The Secretary, in consultation with States and other appropriate parties, is directed to develop model data elements for States' systems. It should be noted that subsection (b) regarding model data elements and that States' plans should demonstrate how the model data elements will be incorporated is not to be interpreted as requiring States to immediately adopt uniform data. The Committee realizes that uniform data systems and reporting may necessitate such changes as modifying computer systems and redesigning police reports. This is a long term goal and the provision directs the State to identify steps it will take to move toward the goal.

The States that receive a grant in any fiscal year must enter into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive a grant would be six years, beginning after September 30, 1997. States that meet the criteria for receipt of a grant would receive grants that would be funded through a declining federal share.

A State would be eligible for a first-year grant in a fiscal year if it demonstrates that it has (1) established a highway safety data and traffic records coordinating committee with a multi-disciplinary membership; (2) completed a highway safety data and traffic

records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a strategic plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year if it provides (1) certification that it has met the requirements of (1) and (2) listed above; and (2) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (3) certification that the highway safety data and traffic records coordinating committee continues to operate and support the multi-year plan.

A State that meets certain criteria for a first-year grant would receive up to $125,000, based on available appropriations. A State that meets the additional criteria for a first-year grant would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State would receive less than $225,000.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receive a State highway safety improvement grant if the State (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its highway safety data and traffic records coordinating committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of title 23, except that no State shall receive less than $225,000 based on available appropriations.

Administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated. The funding for grants provided under this section is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribes. The Secretary of the Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Sec. 3101(f). The Senate bill contains a similar provision with two differences. It includes a provision authorizing the Secretary to award States that do not meet the first-year eligibility criteria up to $25,000 to assist their efforts to qualify in the next fiscal year. The Senate bill does not include a provision on model data elements.

Conference substitute

The Conference merges the House and Senate provisions by retaining the House model data elements and the Senate $25,000 grants for States that do not meet the eligibility criteria. The Conference emphasizes that while the Secretary should assist States trying to meet the eligibility criteria, the $25,000 grants are available to each State only once. If the State fails to qualify for a regular grant the next year, it would not be eligible for an additional $25,000.

The Conference also replaces the word "causation" with "circumstances" in recognition that determining accident causation precisely is difficult, even when adequate data are available. Collection of data on crash circumstances, however, will contribute to our ability to understand crash causation and identify potentially effective countermeasures.

SEC. 2006. NATIONAL DRIVER REGISTER

House bill

Sec. 207. Subsection (a) amends section 30302 ("National Driver Register") by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions. The Secretary is required to demonstrate that any transfer of these functions will begin only after the Secretary makes a determination that all States are participating in the NDR's "Problem Driver Pointer System" and that the system is functioning properly. Any agreement entered into to transfer these functions shall include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions. The fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions shall not exceed the organization's total cost for performing these functions in that fiscal year.

Subsection (b)(1) amends Section 30305(b) to make technical conforming amendments.

Subsection (b)(2) amends section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to federal departments or agencies that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR over whom the department or agency has such licensing authority. The reports on these individuals transmitted by the federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would allow federal agencies authorized to receive NDR information to request and receive the information directly from the NDR, instead of through a State. The statute currently requires these agencies to submit all NDR inquiries through a State.

Subsection (c) directs the Secretary to evaluate the implementation of the NDR and motor carrier and commercial driver license information systems and identify alternatives to improve the abil-

ity of States to exchange information about unsafe drivers. The subsection further directs the Secretary to conduct an assessment, with the American Association of Motor Vehicle Administrators, of available technologies to improve access to and exchange of such information. The assessment may consider alternatives to facilitate matching drivers and their records.

Senate amendment

Sec. 3102. The Senate bill contains a nearly identical provision, but does not include the assessment and evaluation of alternatives to improve the exchange of driver information.

Conference substitute

The Conference adopts the House provision.

SEC. 2007. SAFETY STUDIES

House bill

Sec. 208. Subsection (a) authorizes the Secretary to conduct a study on the benefit to public safety of blowout-resistant tires on commercial motor vehicles.

Subsection (b) authorizes the Secretary to conduct a study to assess occupant safety in school buses.

Subsection (c) requires the Secretary to report the results of each study to Congress not later than two years after the date of enactment.

Subsection (d) authorizes the Secretary to expend no more than $200,000 to conduct each study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification that the funds for these studies shall come from funds authorized for highway safety research and development.

SEC. 2008. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS

House bill

Sec. 209. Subsection (a) directs the Comptroller General to conduct a study to evaluate the effectiveness of State .08 and .02 BAC laws in reducing the number and severity of alcohol-related crashes.

Subsection (b) requires the Comptroller General to report to the Congress within two years the results of the BAC study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification to the Senate committee receiving the report.

SEC. 2009. AUTHORIZATIONS OF APPROPRIATIONS

House bill

Sec. 210. This section provides authorizations for the section 402 program; the section 403 program; the occupant protection, alcohol-impaired driving, and highway safety data incentive grants; and the NDR.

For the NHTSA section 402 safety program, in fiscal year 1998, $128.2 million is provided; for fiscal year 1999, $150.7 million is provided; for each of fiscal years 2000 through 2003, $195.7 million is provided.

For the FHWA section 402 safety program, in fiscal year 1998, $12 million is provided; for fiscal year 1999, $20 million is provided; and for each of fiscal years 2000 through 2003, $25 million is provided.

For NHTSA section 403 research and development, $55 million is authorized for each of fiscal years 1998 through 2003.

For FHWA section 403 research and development, $20 million is authorized for each of fiscal years 1998 through 2003.

For occupant protection incentive grants, in fiscal year 1998, $9 million is provided; in each of fiscal years 1999 through 2003, $20 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $35 million is provided; in each of fiscal years 1999 through 2003; $45 million is provided.

For state highway safety data incentive grants, in fiscal year 1998, $2.5 million is provided; in each of fiscal years 1999 through 2003, $12 million is provided.

For the National Driver Register, $2.3 million is provided for each of fiscal years 1999 through 2003.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Senate amendment

Sec. 3103. The section authorizes funds for the section 402 program; the alcohol-impaired driving countermeasures incentive grants; the occupant protection incentive grants; the State highway safety data and traffic records improvements incentive grants; highway safety research; public education; and the NDR.

For the section 402 safety program, in fiscal year 1998, $117.9 million is provided; for fiscal year 1999, $123.5 million is provided; for fiscal year 2000, $126.9 million is provided; for fiscal year 2001, $130.4 million is provided; for fiscal year 2002, $133.8 million is provided; for fiscal year 2003, $141.8 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $30.6 million is provided; for fiscal year 1999, $28.5 million is provided; for fiscal year 2000, $29.3 million is provided; for fiscal year 2001, $30.1 million is provided; for fiscal year 2002, $38.7 million is provided; for fiscal year 2003, $39.8 million is provided.

For occupant protection program incentive grants, in fiscal year 1998, $13.9 million is provided; for fiscal year 1999, $14.6 million is provided; for fiscal year 2000, $15.0 million is provided; for

fiscal year 2001, $15.4 million is provided; for fiscal year 2002, $17.6 million is provided; for fiscal year 2003, $17.7 million is provided.

For state highway safety data improvements incentive grants, in fiscal year 1998, $8.4 million is provided; for fiscal year 1999, $8.8 million is provided; for fiscal year 2000, $9.0 million is provided; for fiscal year 2001, $9.2 million is provided.

For drugged driving research and demonstration programs, $2.0 million is provided for each fiscal year, 1999 through 2003.

For highway safety research, $60.1 million is provided for each fiscal year, 1998 through 2002; and $61.7 million is provided for fiscal year 2003.

For programs to educate the motoring public on how to share the road safety with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003.

For the National Driver Register, in fiscal year 1998, $1.6 million is provided; for fiscal year 1999, $1.7 million is provided; for fiscal year 2000, $1.7 million is provided; for fiscal year 2001, $1.8 million is provided; for fiscal year 2002, $1.8 million is provided; and for fiscal year 2003, $1.9 million is provided.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Conference substitute

The section authorizes funds for the section 402 program; highway safety research and development; the occupant protection incentive grants; the alcohol-impaired driving countermeasures incentive grants; the State highway safety data and traffic records improvements incentive grants; the NDR; and public education.

For the NHTSA and FHWA section 402 safety program, a total of $932.5 million is provided for fiscal years 1998 through 2003.

For NHTSA and FHWA highway safety research, $72 million is provided for each fiscal year, 1998 through 2003.

For occupant protection incentive grants, a total of $68 million is provided for each fiscal years 1999 through 2003.

For alcohol-impaired driving countermeasures incentive grants, a total of $219.5 million is provided for fiscal years 1998 through 2003.

For state highway safety data improvements incentive grants, a total of $32 million for fiscal years 1999 through 2002 is provided.

For the National Driver Register, a total of $12 million is provided for fiscal years 1998 through 2003.

For research related to the effects of drugs and driver behavior and measures to deter drugged driving $2 million per fiscal year is available.

For programs to train law enforcement officers on motor vehicle pursuits $1 million per fiscal year is available.

For programs to educate the motoring public on how to share the road safely with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003. Because many motorists are unaware of the limitations of large commercial vehicles and the driving practices that could help improve their safety, the Com-

mittee believes it is essential to support a national public education program on sharing the road safely. Recognizing that such a national program has been undertaken by the Federal Highway Administration, the Committee believes the greatest safety benefit and efficiency would be achieved by FHWA continuing and improving its current "share the road" public education campaign. The Committee expects that the National Highway Traffic Safety Administration will transfer $500,000 each year from Section 403 funds as designated under this section to the Federal Highway Administration for this purpose.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE

House provision

No provision in House bill.

Senate amendment

This title to be cited as the Federal Transit Act of 1997.

Conference report

The title to be cited as the Federal Transit Act of 1998.

SEC. 3002. AMENDMENTS TO TITLE 49

House provision

Section 301 provides that, unless stated otherwise, all references in this title to a section or other provision of law are to title 49 of the United States Code.

Senate amendment

No provision included.

Conference report

Adopts House proposal.

SEC. 3003. DEFINITIONS

House provision

Section 302 amends section 5302 of title 49 to expand the definition of "capital project" to include transit-related intelligent transportation systems, preventive maintenance, leasing of equipment or facilities for use in mass transportation under certain circumstances, and certain mass transportation improvements that enhance economic development or incorporate private investment. It also defines preventive maintenance, public transportation, transit, and transit enhancement.

Senate amendment

Section 5003 expands and clarifies the definition of capital project under section 5302(a)(1) to add preventive maintenance and

intelligent transportation systems. It also brings together existing capital provisions on leasing of transit equipment and facilities, the deployment of new technology, and joint development activities into the broadened capital definition. Joint development is expanded to include safety elements and community services as eligible activities.

Making preventive maintenance an eligible capital expense gives transit operators greater flexibility and helps to ensure that the federal investment is properly maintained. Preventive maintenance does not include routine or servicing activities or repairing damage caused by an accident.

This section also enables small urbanized areas, which are defined as having a population between 50,000 and 200,000, to use any funding distributed under the urbanized area formula program for either operating or capital expenses. This enhanced flexibility mirrors that which is currently provided to rural areas (populations under 50,000).

Conference report

Adopts Senate provision for preventive maintenance, deployment of new technology, and joint development. Adopts House provision for transit-related intelligent transportation systems and leasing.

SEC. 3004. METROPOLITAN PLANNING

House provision

Section 303 amends section 5303(b) of title 49 to repeal the current planning factors and replace them with goals and objectives of the metropolitan planning process. The metropolitan planning organization shall cooperatively determine with the State and mass transit operators how the goals and objectives considered are translated into metropolitan goals and objectives and factored into decision making.

This section allows the metropolitan planning organization to include, for illustrative purposes, additional projects that would be included in the long range transportation plan if reasonable additional resources were available. It also amends section 5303(f) to add freight shippers and providers of freight transportation services to the list of persons metropolitan planning organizations are required to give an opportunity to comment on the long range transportation plan.

Senate amendment

Section 5004 amends the current metropolitan planning provisions in sections 5303, 5304, and 5305 and adds a new section 5305a on Statewide Planning. This new section largely parallels the statewide planning provisions in the highway laws, and is included as a separate provision in the transit laws.

This section retains the requirement that MPOs follow the ISTEA planning process outlined in the law. It replaces the 16 individual planning factors in current law with a broader list of seven national goals and factors for the MPOs to consider, and retains consideration of land use. This section clarifies that consider-

ation of these seven factors applies to the planning process as a whole, not separately to each project under review.

This section adds language directing the MPOs to cooperate with the state and transit operators, through a public process, to establish goals and propose programs relating to these factors. It adds freight shippers to the list of those who can comment on plans and transportation improvement programs. These same changes are included in the Statewide Planning provisions.

This section retains the requirement that the transportation plans be fiscally constrained. It requires MPOs to identify the funding source for projects that are proposed for the regional transportation plan.

There is new language directing MPOs to bring together the wide range of transportation services being provided within the region, many of which are funded either directly or indirectly by federal programs other than the Department of Transportation (DOT). The intent of the Committee is to encourage the participation of these non-DOT funded transportation services, either through individual or representative organizations, in coordinating regional transportation services. An analogous provision is included in the Statewide Planning provisions. The Committee recognizes elsewhere in the bill the importance of coordinating these transportation services. Indeed, the Department of Health and Human Services (HHS) and DOT have a long-standing Coordinating Council which is evaluating the departments' current coordination strategies. The objectives of this coordination include: joint identification of human service client transportation needs and the appropriate mix of transportation services to meet those needs; the expanded use of public transit services to deliver human services program transportation; and cost-sharing arrangements for HHS program clients transported by ADA paratransit systems based on a uniform accounting system.

This section adds new language for publication of information in the 3-year transportation improvement program and the annual selection of projects.

Conference report

Adopts Senate proposal on metropolitan planning and includes the representatives of the users of public transit among those to be consulted in the planning process and for enhanced publication of information on project selection. The Senate proposal for a separate statewide planning provision in the transit laws is not adopted.

SEC. 3005. TRANSPORTATION IMPROVEMENT PROGRAM

House provision

This section amends section 5304 of title 49 to require that the transportation improvement program (TIP) be updated at least once every three years. It also provides that the TIP may include, for illustrative purposes, projects that would be included in the plan if reasonable additional resources were available.

Senate amendment

This section of the legislation requires that any metropolitan planning organization that is classified as a transportation management area and is redesignated after the enactment of this Act, shall include representatives of the users of public transit.

Conference report

Adopts Senate provision to include representatives of the users of public transit to be consulted in the planning process, and adopts House provision for illustrative list.

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS

House provision

This section amends section 5305 to add projects under the high risk road safety program to the list of projects selected by the State in consultation with the metropolitan planning organization. This section also makes a technical amendment to section 5305.

Senate amendment

Section 5004 makes technical changes to section 5305 and permits the Secretary to make conditional certifications of metropolitan planning organizations.

Conference report

Provisions substantially the same.

SEC. 3007. URBANIZED AREA FORMULA GRANTS

House provision

Section 306 amends section 5307 of title 49 to change the name of the section and to make a conforming amendment to the table of sections. It makes technical amendments to section 5307(a) of title 49, and amends section 5307(b)(1) to provide that the Secretary may make grants to finance the operating cost of equipment and facilities only to urbanized areas with populations of less than 200,000. It repeals sections 5307(b)(3) and 5307(b)(5). It also provides that of the funds apportioned each fiscal year to urbanized areas with populations of 200,000 or more under section 5336, at least two percent shall only be for transit enhancement activities.

Senate amendment

Section 5003 provides flexibility for small urbanized areas to use their formula funds for either capital or operating assistance.

Conference report

Adopts House provision.

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM

House provision

No provision in House bill.

Senate amendment

Section 5007 creates a new Clean Fuels formula grant program, with an annual funding authorization of $200 million. This program will assist transit systems in purchasing low emissions buses and related equipment, constructing alternative fuel fueling facilities, modifying existing garage facilities to accommodate clean fuel vehicles and assisting in the utilization of biodiesel fuel.

Annual grants to any one recipient are capped at $25 million for recipients in urbanized areas over one million population and $15 million for recipients in urbanized areas under one million population. Eligible technologies include compressed natural gas (CNG), liquified natural gas (LNG), biodiesel fuel, battery, alcohol-based fuel, hybrid electric, fuel cell or other zero emissions technology.

Conference report

Adopts Senate provision.

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS

House provision

Section 308 makes technical changes to section 5309.

The section reforms the New Starts evaluation process and requires the Secretary to make fiscally constrained recommendations to Congress. Not more than eight percent of the funds made available in each fiscal year for new fixed guideway systems and extensions to existing systems are available for activities other than final design and construction.

This section also clarifies that the Secretary shall consider the age of buses, bus fleets, and related equipment and facilities in making grants for buses and related facilities. This section also provides funding for the bus testing facility for each of fiscal years 1998 through 2003. This section requires that a certain percentage of the funds made available for bus and bus-related facilities be available to carry out the bus technology pilot program and for non-urbanized areas. This section establishes a pilot program for the testing and deployment of new bus technology.

Senate amendment

Section 5008 amends section 5309(e)(3)(B) to add the benefits of transit-oriented land use as one of the factors to be considered by the Secretary in reviewing New Starts projects. There is a growing awareness and agreement that mass transit investment produces economic benefits, partly through reduced local infrastructure costs. This change is intended to reflect the importance of these considerations in evaluating New Starts.

This section similarly amends section 5309(m) to limit the amount of New Starts funding that can be used for purposes other than final design and construction to 8 percent of amounts made available for this program.

Conference report

Provisions substantially the same.

Houston Regional Bus Plan, Westpark Corridor—The conferees note that under existing law, Houston Metro may apply for, and FTA may approve, the transfer of sums previously appropriated under Metro's Full Funding Grant Agreement from the development of the Westpark Corridor HOV facility to any other section 5309 project, with no effect on any other provision of the Full Funding Grant Agreement. Accordingly the conferees encourage the Administrator, upon a receipt of such a transfer request (if so requested by Houston Metro), to work with Houston Metro officials to consider approval of such request.

SEC. 3010. DOLLAR VALUE OF MOBILITY IMPROVEMENTS

House provision

Section 309 directs the Secretary to study the dollar value of mobility improvements and report to Congress on the results.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3011. LOCAL SHARE

House provision

No provision in House bill.

Senate amendment

Section 5006 provides that the proceeds from the issuance of revenue bonds can be used as a local match.

Conference report

Adopts Senate provision with modification. If the Secretary finds that the operation of this provision benefits the transit operators, he shall recommend to Congress that a permanent change in the Federal Transit laws be made no later than the reauthorization of this Act to make the proceeds from the issuance of revenue bonds eligible for local share under sections 5307 and 5309 of title 49. All Federal grant requirements apply, including the requirement that the recipient has the financial capacity to carry out the project.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATION

House provision

Section 312 makes research grants for fixed guideway technology.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3013. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES

House provision

Section 310 makes technical changes.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS

House provision

Section 311 makes technical changes.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS

House provision

Section 312 makes technical changes. It establishes a program for Joint Partnerships for Deployment of Innovation and International Mass Transportation activities. This section also establishes a mass transportation technology development and deployment program. It also provides funding for the fuel cell transit bus program and maintenance facility, and establishes an Advanced Technology Pilot Project for the development of low-speed magnetic levitation technology for public transportation.

Senate amendment

Section 5011 establishes a Joint Partnership Program for Deployment of Innovation to implement major research activities.

Conference report

Senate recedes to fuel cell bus, low speed mag lev proposals, and International Mass Transportation Program. Conferees adopt Joint Partnership for Deployment of Innovation.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS

House provision

Section 313 provides additional funding for activities to help transit providers comply with the Americans With Disabilities Act.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3017. NATIONAL TRANSIT INSTITUTE

House provision

Section 314 changes the name of the Institute and expands the list of subjects that may be taught at the National Transit Institute.

Senate amendment

Senate amendment amends section 5315(a) to add workplace safety to the list of subjects that may be taught at the National Transit Institute.

Conference report

Adopts House and Senate provisions.

SEC. 3018. BUS TESTING FACILITIES

House provision

Section 317 clarifies that the Secretary may enter into either a contract or cooperative agreement to operate and maintain the bus testing facility.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3019. BICYCLE FACILITIES

House provision

Section 318 increases the federal share for bicycle projects that are related to transit enhancement activities.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3020. GENERAL PROVISIONS ON ASSISTANCE

House provision

Section 319 clarifies that the incremental cost of vehicle-related equipment necessary for complying with or maintaining compliance with the Clean Air Act is reimbursable at a federal share of 90 percent.

It also provides that the Secretary may allow a manufacturer or supplier to correct an inadvertent or clerical error in a Buy America Act certification after bid opening. This section encourages coordination in the design and delivery of transportation services among governmental agencies and non-profit organizations that

provide such services. It consolidates certifications required by FTA.

Senate amendment

Section 5016 requires coordination in providing transportation services among governmental agencies and nonprofit organizations that receive federal government funds.

Conference report

Coordinated transportation provisions substantially the same. Adopts House provision on consolidated certification and on inadvertent error with modification.

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND

House provision

No provision.

Senate amendment

Section 5021 permits non-Amtrak states to use their formula funds for inter-city rail.

Conference report

Adopt Senate provision with modification to establish a pilot program to support Amtrak activities in Oklahoma.

SEC. 3022. CONTRACT REQUIREMENTS

House provision

Section 320 makes technical amendments relating to contracts.

Senate amendment

No provision in Senate.

Conference report

Adopts House provision.

SEC. 3023. SPECIAL PROCUREMENTS

House provision

Section 321 makes changes to the definition of a turnkey system project.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW

House provision

Section 322 clarifies that the Secretary may provide technical assistance to correct deficiencies identified as part of project management oversight.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3025. ADMINISTRATIVE PROCEDURES

House provision

Section 324 authorizes the Senate to collect fees to cover the costs of training and conferences sponsored by the Federal Transit Administration, and makes technical changes to this section.

Senate amendment

Section 5017 allows grantees to sell assets, including land, that are acquired with federal funds and to keep the proceeds for use in mass transportation.

Conference report

Adopts Senate provision.

SEC. 3026. REPORTS AND AUDITS

House provision

Section 325 repeals certain reports that are no longer necessary.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS

House provision

Section 326 gives urbanized areas with populations under 200,000 flexibility to use their apportionments for either capital or operating expenses and caps the total annual amount at $400 million both operating assistance and preventive maintenance.

Senate amendment

Section 5019 directs the Secretary, in distributing operating assistance to large urban areas, to consider the impact of any operating assistance reduction on smaller transit authorities operating within the area. This section retains operating assistance for areas over 200,000 in population.

Conference report

Conferees eliminate the cap on preventive maintenance and operating assistance, and eliminates operating assistance for areas over 200,000.

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION

House provision

Section 327 amends the fixed guideway modernization formula.

Senate amendment

Section 5019 amends the fixed guideway modernization formula.

Conference report

Senate amendment modified on the floor. Conferees adopt compromise formula allocation.

SEC. 3029. AUTHORIZATIONS

House provision

Section 328 provides authorizations for the transit programs.

Senate amendment

Section 5002 provides authorizations for the transit programs.

Conference report

Adopts House provision.

It is the intent of the Conferees that authorizations for Budget Authority in 49 USC 5338(h), as amended by this section shall be scored against current discretionary spending limits and not the Mass transit category established by Title VIII of this Act.

SEC. 3030. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS

House provision

Section 332 authorizes New Starts projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

New Orleans Canal Street—The Federal Transit Administration shall establish and credit as local share a value of the "neutral ground" (median strip), which will be utilized by the project as the right of way, an amount equal to 50% of the appraised average value of the adjacent property.

Dulles Corridor—The Dulles Corridor project is for the preliminary engineering, design and construction of the locally preferred alternative along the Dulles Corridor in the Washington D.C. metropolitan area and may include construction of a bus rapid transit

system and preliminary engineering and design of other fixed guideway systems to serve the needs of the corridor.

Westlake Commuter Rail—The project authorized in this section includes 8 rail cars.

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES

House provision

Section 333 authorizes bus and bus-facilities projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

SEC. 3032. CONTRACTING OUT STUDY

House report

Section 335 directs the Secretary to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation services.

Senate amendment

No provision in Senate amendment.

Conference agreement

Adopts House provision. Funding for the study is $200,000. The additional $50,000 is available for administrative expenses associated with the study.

SEC. 3033. URBANIZED AREA FORMULA STUDY

House provision

Section 337 directs the Secretary to conduct a study on whether the current formula for apportioning funds to urbanized areas reflects the transit needs of the urbanized areas.

Senate amendment

Section 5020 directs the Secretary to conduct a study on the current urbanized area formula to determine whether changes in apportioning formula funds are needed for small urban areas with populations under 200,000.

Conference report

Adopts both House and Senate provisions.

SEC. 3034. COORDINATED TRANSPORTATION SERVICES

House provision

Section 338 directs the Comptroller General to conduct a study of Federal departments and agencies other than the Department of Transportation that receive federal financial assistance for non-emergency transportation services.

Senate amendment

No provision in Senate amendment.

Conference agreement

Adopts House provision.

SEC. 3035. FINAL ASSEMBLY OF BUSES

House provision

Section 339 directs the Comptroller General to review the Federal Transit Administration's monitoring of pre-award and post-delivery audits for compliance with the requirements of final assembly of buses under section 5323(j).

Senate amendment

No provision in Senate amendment.

Conference agreement

House recedes. Provision adopted that requires compliance with final assembly requirements by a date certain.

SEC. 3036. CLEAN FUEL VEHICLES

House provision

Section 340 directs the Comptroller General to study the various low and zero emission fuel technologies for transit vehicles.

Senate provision

No provision in Senate amendment.

Conference report

Adopt House provision.

SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS

House provision

Section 330 establishes an Access to Jobs pilot program to fund the transportation of welfare recipients to and from jobs and job-related activities.

Senate amendment

Section 5014 establishes an Access to Jobs and Reverse Commute program to assist welfare recipients and other low-income individuals get to and from jobs.

Sixty percent of funds appropriated under this program must be awarded to projects in large urbanized areas, 20 percent to projects in small urbanized areas, and 20 percent to projects in non-urbanized areas. Grants require a 50 percent local match. Other federal funds, notably those provided through programs at the Department of Health and Human Services, may be used to meet the matching requirements.

Under this section, private transportation providers are eligible to submit proposals with states, local governments, and nonprofit organizations for grants under this section. In addition, under this section, a private transportation provider shall also be considered

an existing transportation service provider when the requirements of the section are met.

Conference report

Adopts Senate provision with modification. The conferees anticipate that this grant program will encourage recipients to implement long-term and self-sustaining plans to address the transportation needs of welfare recipients and eligible low-income individuals who live in areas devoid of job opportunities.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision making available funds to finance the incremental cost of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision directing the Secretary of Transportation, in consultation with the Secretary of the Interior, to study transit needs in national parks.

SEC. 3040. OBLIGATION LIMITATIONS

House provision

Section 329 sets obligation limitations for the transit programs.

Senate amendment

No provision in Senate amendment.

SEC. 3041. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT

House provision

Section 331 directs the Secretary to reduce 1998 apportionments and allocations to account for the six months of funding already apportioned and allocated pursuant to the Surface Transportation Extension Act.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE

House bill

Section 401 provides that, except as otherwise specifically provided, an amendment or repeal of a section or provision of law in this title shall be a reference to a section or other provision of title 49, United States Code.

Senate amendment

The Senate amendment includes an equivalent provision (Sec. 3002).

Conference substitute

The conference adopts the House provision.

SEC. 4002. STATEMENT OF PURPOSES

House bill

Section 402 (a) provides for national objectives for the motor carrier safety grant program, including promoting safety, developing and enforcing effective and cost-beneficial safety regulations, assessing and measuring performance, ensuring adequate training of drivers and enforcement personnel, and advancing new technologies and safe operational practices.

Senate amendment

Section 3401 proposes to establish a statement of descriptive purposes of the Motor Carrier Safety Act. These purposes are to: improve commercial motor vehicle and driver safety; facilitate the ability to focus resources on strategic safety investments; increase administrative flexibility; strengthen enforcement activities; invest in activities related to areas of the greatest crash reduction; identify high risk carriers and drivers; and, improve information and analysis systems.

Conference substitute

The conference adopts the "statement of purposes" approach as outlined in the Senate provision and incorporates descriptive provisions from both bills.

SEC. 4003. STATE GRANTS

House bill

Subsection (a) of Sec. 402 amends section 31101 to revise the definition of "commercial motor vehicle" to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Subsection (b) amends section 31102 to include reference to the "improvement" of motor carrier safety and includes references to hazardous materials transportation safety as a part of the state grant programs.

Subsection (c) amends section 31102(b)(1) of make technical changes in the state plans required as a condition of receiving federal motor carrier safety grants. Requirements that the state plan implement performance-based activities by fiscal year 2003, that States establish programs to ensure proper and timely correction of safety violations, and that States ensure roadside inspections are done at a safe distance from the roadway are added.

Subsection (d) amends section 31102 to include a reference to improving commercial vehicle safety, in addition to enforing regulations, as activities eligible for reimbusement.

Subsection (e) amends section 31104(a) to provide annual authorization for federal motor carrier safety grants. In fiscal year 1998, $78 million is provided; in fiscal year 1999, $110 million is provided; and in each of fiscal years 2000 through 2003, $130 million is provided.

Subsection (f) amends section 31104(b) to delete an outdated provision.

Subsection (g) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Subsection (h) makes a conforming amendment to the table of sections for chapter 311.

Senate amendment

Sections 3402–3404 of the Senate bill contain similar provisions. Section 3402 provides that states implement by 2000 performance-based motor carrier safety components in the motor carrier safety assistance program (MCSAP) plans they submit to the Department of Transportation (DOT). The section further requires DOT to ensure that: State motor carrier safety programs are consistent, effective, and contain reasonable sanctions; data collection and information systems are coordinated with State highway safety programs; and, the participation in SAFETYNET by all jurisdictions receiving motor carrier safety assistance grant funds.

Section 3403 allows motor carrier safety assistance grants to be used to enforce rules aimed at improving hazardous materials transportation safety.

Section 3404(a) amends section 31104(a) to provide annual authorizations for federal motor carrier safety grants. The funding levels authorized are: $80 million for fiscal year 1998; $100 million for fiscal year 1999; $97 million for fiscal year 2000; $94 million for fiscal year 2001; and, $90.5 million in fiscal years 2002 and 2003.

Section 3404(c) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state

plans and shall determine the criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Conference substitute

The conference adopts the House approach, with modifications. The conference includes the Senate provision for states to implement performance-based MCSAP plans by 2000. The conference accepts the House bill's concept that States ensure roadside inspections are performed at a safe distance from the roadway, but substitutes the word "location" for clarification. The conference authorizes the following funding levels for the program: $79 million for fiscal year 1998; $90 million for fiscal year 1999; $95 million for fiscal year 2000; $100 million for fiscal year 2001; $105 million for fiscal year 2002; and, $110 million for fiscal year 2003. The conference agreement modifies the High Priority and Border discretionary programs by allowing the Secretary to designate up to 5 percent of MCSAP funds for States, local governments, and other persons for carrying out activities and programs that improve commercial motor vehicle safety and compliance with safety regulations. A similar designation is permitted for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

SEC. 4004. INFORMATION SYSTEMS

House bill

Subsection (a) of Section 403 replaces the current section 31106 to provide greater authority and flexibility to the Secretary in establishing and operating motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities. The Secretary shall work in coordination with the States in developing and maintaining systems which identify and collect data; evaluate the safety fitness of carriers, vehicles, and drivers; develop strategies to mitigate safety problems and measure effectiveness; determine cost-effectiveness of Federal and State safety programs; and adapt, improve and incorporate other information and systems as determined appropriate. The Secretary may prescribe technical and operational standards. The Secretary is directed to include as part of the information systems authorized, a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The Secretary is authorized to establish a program to improve commercial motor vehicle driving safety to enhance the exchange of driver licensing information, provide information to the judicial system on drivers, and develop strategies and countermeasures to improve driver safety. This section includes provisions relating to cooperative agreements, grants and contracts and sets forth the availability of information collected in the systems to States, local officials, and the public.

The current section 31107, an outdated provision, is deleted and replaced with authorizations for the information systems under section 31106. In fiscal year 1998, $7 million is provided; in fiscal year 1999, $15 million is provided; and in each of fiscal years 2000 through 2003, $20 million is provided. Other technical and conforming amendments to title 49 are made.

Senate amendment

Section 3405 substitutes the existing Commercial Motor Vehicle information system with a new information system. The section requires the new information network to be capable of identifying motor carriers and drivers, tracking commercial motor vehicle registration and commercial motor vehicle driver licensing, and providing motor carrier and driver safety performance data. The section requires the system to have the capability to utilize the information in order to develop strategies to address safety problems and to measure the effectiveness of those strategies. The section further requires the Secretary to prescribe technical and operation standards to ensure the uniform, timely and accurate information collection and reporting by the States.

This section also authorizes the Secretary to establish a commercial motor vehicle safety program that enhances the exchange of driver licensing information, provides information to the judicial system on the program, and evaluates appropriate driver performance and safety aspects. The section permits the Secretary to enter into agreements with other Federal agencies and other parties to carry out the new information and commercial motor vehicle safety program.

Conference substitute

The conference merges the House and Senate language on the information systems and data analysis program elements. The conference requires the Secretary to prescribe technical and operational standards to ensure uniform, timely, and accurate information collection and reporting by the States and other entities. The conference authorizes assistance to help States develop or implement the information systems established under the section. The conference authorizes the following funding levels for the information systems and data analysis program: $6 million for fiscal year 1998; $10 million for each of fiscal years 1999 and 2000; $12 million for each of fiscal years 2001 and 2002; and, $15 million for fiscal year 2003. The conference further authorizes the Secretary to allocate up to 50 percent of the authorized funding to establish the information clearinghouse directed under this section, and encourages the Secretary to focus its resources on assisting those states that have not previously received such assistance to develop or implement information systems.

The conference is providing separate funding for information systems and analysis because they are critical to the successful adoption of performance-based regulations and oversight. The Secretary should ensure that the data in these systems is accurate and timely. In addition, the conference expects the Secretary to develop systems that are linked, providing complete information rapidly to inspectors and safety officers.

Finally, while the conference recognizes the benefits such information systems can provide, the conference also recognizes the need for safeguards to protect individuals and companies' privacy. Therefore, the Secretary should carefully develop the information availability policy called for in the new subsection (e).

SEC. 4005. AUTOMOBILE TRANSPORTER DEFINED

House bill

Section 404 amends section 31111(a) to define "automobile transporter" as any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

Senate amendment

The Senate amendment includes a similar provision. Section 3410 defines automobile transporter to mean any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.

Conference substitute

The conference adopts the Senate provision. The conference notes that the phrase "truck camper units" is defined in the ANSI A119.2/NFPA 501C standard on recreational vehicles as "a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck" (1996 edition).

SEC. 4006. INSPECTIONS AND REPORTS

House bill

Subsection (a) amends section 31133(a)(1) to allow the Secretary to make contracts for inspections and investigations.

Subsection (b) amends section 504 to allow a contractor, designated by the Secretary, to make inspections of equipment of a carrier and make inspections of records of carriers.

Senate amendment

Section 3411 of the Senate amendment provides for an identical provision.

Conference substitute

The conference adopts the provision.

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

House bill

Section 406 establishes a new process for granting regulatory exemptions, coupled with a process for the Secretary to carry out pilot programs. Subsection (a) replaces the current waiver authority in section 31315 with a new provision relating to authority and standards for exemptions (to replace waiver authority provided in section 31136(e) and 31315) and pilot programs.

New subsection 31315(a) provides that the Secretary may grant to a person or class of persons a temporary exemption from

regulations issued under chapter 313 or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. Exemptions shall be for a 2-year period and may be renewed. An exemption may be revoked if the terms and conditions are not met or if the exemption is not consistent with safety goals. The Secretary shall specify by regulation the procedures for requesting exemptions, but certain minimum requirements are set forth. Requests for exemptions shall be published in the Federal Register and the public shall be given an opportunity to comment. Any exemptions granted shall be published in the Federal Register, along with terms and conditions of the exemption and effective period. Any exemptions denied shall be published in the Federal Register, with the reasons for denial. The Secretary shall act on each exemption request within 180 days or shall publish in the Federal Register why the decision will be delayed and an estimate of when the decision will be made. Terms and conditions of an exemption may be specified and appropriate state compliance and enforcement personnel shall be notified of an exemption provided.

New subsection 31315(b) provides authority to the Secretary to conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Pilots may include exemptions from regulations. Proposed pilot programs shall be published in the Federal Register and the public shall be given an opportunity to comment. Certain minimum program elements for pilot programs are specified. The Secretary may revoke participation in or terminate a pilot program. A report shall be issued to Congress at the conclusion of each pilot program.

New subsection 31315(c) provides that, during the time period an exemption or pilot program is in effect, no State shall enforce a law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.

Subsections (b) and (c) make conforming amendments.

Senate amendment

Section 3421 authorizes the Secretary to initiate programs to examine innovative approaches or alternatives to certain commercial motor carrier safety regulations. This section provides the Secretary broader discretion to grant waivers and exemptions from motor carrier and driver safety regulations which are necessary to develop performance based regulations and evaluate the effectiveness of existing regulations.

This section recognizes that revising the waiver provisions in Section 31136 of Subchapter III, Safety Regulations and Section 31315 of Chapter 313, Commercial Motor Vehicle Operators is necessary because of the strict interpretation given to section 31136(e) by the D.C. Circuit Court of Appeals in____AHAS v. FHWA,____28 F.3d 1288 (1994), limiting the ability of the Secretary to issue waivers and exemptions. The Court found that the statutory language required the Secretary to determine, before issuing any waiver, that no diminution in safety would result, i.e., that it be determined beforehand there would be absolutely no increase in crashes as a result of the waivers. To deal with the decision, this section

substitutes the term "equivalent" to describe a reasonable expectation that safety will not be compromised. In the absence of greater discretion to deal with waivers and exemptions and a new standard by which to judge them, the Congress would continue to be the only source to provide regulatory exemptions.

The National Highway System Designation Act of 1995 (NHS) required the establishment of criteria and a program to grant and monitor exemptions from a broad range of safety regulations for commercial vehicles over 10,000 pounds but less than 26,000 pounds. This approach is a model for the exemption pilot program established by this section. The new waiver and exemption provision requires the Secretary to issue regulations that will outline a process for issuing waivers, procedures for conducting pilot projects or demonstration programs to evaluate the safety performance of a regulation or part of a regulation, and conditions under which exemptions from motor carrier safety regulations will be considered.

This section distinguishes between the terms "waiver" and "exemption," primarily by scope and duration. It provides the Secretary the authority to: issue a waiver for a relatively short term, for a specific purpose to a particular person or group of persons, under conditions defined in the waivers (e.g., circus vehicles under escort from railhead to exhibition site for the duration of the appearance); issue an exemption for up to two years, with a renewable two-year feature, limited to a class of persons, vehicles or circumstances (e.g., relief from certain requirements for well-defined operations with low risk histories and alternative management controls); and perform pilot projects or demonstration projects, using either a waiver or exemption or combination, to examine whether alternatives to regulatory requirements, particularly record keeping, are as effective in producing safety benefits.

This section permits the Secretary to grant a waiver without advance public notice, but a record would have to be maintained. An exemption may be granted after notice and opportunity for comment and either a safety demonstration project or safety analysis was performed. The Secretary could initiate pilot projects or demonstration programs to examine whether a new requirement should become a regulation, whether performance under existing regulations is effective in producing the desired safety result, and whether alternative methods can produce the same safety benefit with less regulatory burden. Before any pilot project or demonstration program is undertaken, notice and opportunity for comment must be given to the public. It is expected the Secretary would issue regulations to provide that safety would be the primary consideration in deciding whether any waiver or exemption should be issued, or any pilot program initiated.

Conference substitute

The conference adopts a compromise provision, which includes basic provisions of both the House and Senate bills.

Subsection (a) authorizes the Secretary to grant regulatory waivers if such action would be in the public interest and a level of safety is expected to be achieved that is equivalent to or greater than the level of safety obtained under regulatory compliance. A waiver would not be permitted to be granted beyond a 3 month pe-

riod, must be limited in scope and circumstances for special, non-emergency situations, and could include conditions as deemed appropriate by the Secretary. The conference expects the Secretary would issue guidelines to provide for a reasonable process under which waivers may be requested and considered.

Subsection (b) authorizes the Secretary to grant regulatory exemptions and Subsection (c) authorizes the Secretary to conduct pilot programs to evaluate innovative approaches and alternatives to regulations.

The conference acknowledges that many motor carrier groups have sought statutory exemptions during the development of this legislation and such requests should be considered by the Secretary after evaluating their merits under this provision. The conferees believe the pilots authorized under this section should include a reasonable number of participants to enable the Secretary to assess the safety impact of the pilots' results.

The conference expects the Secretary to use this authority judiciously. Pilot programs should be carefully designed and implemented to both protect the participants and the public, while yielding useful information to support future rulemaking proceedings and improve the efficiency of oversight activities.

SEC. 4008. SAFETY REGULATION

House bill

Subsection (a) of Section 407 amends section 31132(1)(A) to include in the definition of commercial motor vehicle those vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to those vehicles which have such a rating). Section 31132(1)(B) is amended to refer to vehicles designed to carry 8 passengers, including the driver.

Subsection (b) deletes section 31134 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel which has completed it responsibilities.

Subsection (c) deletes section 31140 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel and its review of State laws and regulations.

Subsection (d) amends section 31141 to delete references to the Commercial Motor Vehicle Safety Regulatory Review Panel and makes conforming and technical changes to the review of State laws and regulations by the Secretary.

Subsections (e) and (f) make technical amendments to section 31142.

Senate amendment

The Senate amendment includes similar provisions. Section 3411(f) amends the definition of commercial motor vehicle in Section 31132(1) of title 49, U.S.C., to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Section 3411(a) repeals the current review panel process that reviews state laws for compatibility with Federal commercial motor vehicle safety regulations. Section 3411(b) repeals the panel proce-

dures and replaces them with a review process to be administered by the Secretary.

Conference substitute

The conference follows the House approach.

SEC. 4009. SAFETY FITNESS

House bill

Subsection (a) of Section 419 of the House bill amends section 31144 to revise procedures and provisions relating to safety fitness determinations of owners and operators. The Secretary is directed to determine whether owners and operators are fit to safely operate commercial motor vehicles, periodically update determinations, make the determinations available to the public, and prescribe by regulation penalties for violations. The Secretary is to maintain by regulation a process to determine fitness.

An owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

In the case of those transporting passengers or hazardous materials, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

With the exception of those transporting passengers or hazardous materials, the Secretary may allow an owner or operator to continue to operate beyond the 61st day if the owner or operator is making a good faith effort to become fit.

The Secretary must review the determination that an owner or operator is unfit not later than 45 days after the unfit owner or operator requests a review, and within 30 days in the case of owners or operators transporting passengers or hazardous materials.

A department, agency, or instrumentality of the U.S. Government may not use to provide any transportation service an owner or operator determined unfit by the Secretary, until the Secretary determines such owner or operator is fit.

Subsection (b) makes a conforming amendment to section 5113 of title 49.

Senate amendment

Section 3411(d) directs the Secretary to maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles. The section requires the procedures to include the requirements that owners and operators of commercial motor vehicles must meet to demonstrate safety fitness; a means used to decide whether the owners, operators, or other persons meet safety fitness requirements; and, deadlines for action by the Secretary in making fitness determinations. Subsection (d) prohibits a motor carrier that fails to meet the safety fitness requirements established by the Secretary from operating in interstate commerce. The subsection permits the Secretary to ex-

tend the time limit granted for a motor carrier to come into compliance after a determination that the motor carrier fails to meet safety fitness requirements.

Conference substitute

The conference follows the House approach. The conference requires the Secretary to periodically update safety fitness determinations of owners and operators and to make such final safety fitness determinations readily available to the public. The publication of final safety fitness determinations does not preclude the ability of the Secretary to review the safety fitness of owners and operators. However, the conference would not expect preliminary data analysis or preliminary safety fitness information to be publicly available.

SECTION 4010. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES

House bill

Section 409 repeals subchapter IV (sections 31161 and 31162) which are unnecessary and burdensome provisions.

Senate amendment

The Senate bill includes an equivalent provision (Sec. 3411(c)(2)).

Conference substitute

The conference adopts the provision.

SECTION 4011. COMMERCIAL VEHICLE OPERATORS

House bill

Subsection (a) of Section 410 amends the definition of commercial motor vehicle in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Subsection (b) amends section 31302 to clarify that an individual may operate commercial motor vehicle only if the individual has a valid commercial driver's license (CDL) and that an operator may have only one driver's license at any time.

Subsection (c) amends section 31308(2) to require that CDLs must include unique identifiers to minimize fraud and duplication.

Subsection (d) amends section 31309 to clarify that the commercial drivers license information system is maintained by the Secretary and shall be maintained in coordination with activities carried out under section 31106. Certain other clarifying and technical amendments are made.

Subsection (e) repeals obsolete state grant programs regarding testing and licensing of commercial vehicle drivers.

Senate amendment

The provisions are similar. Section 3212(f)(1) amends the definition of commercial motor vehicle in each place it appears in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Section 3212(f)(2) inserts the word "is" at two places section 31301 subparagraph (C).

Section 3416(b) amends the definition with respect to motor carriers of passengers and section 3416(c) provides that regulations would apply to such carriers 12 months after the date of enactment, unless the Secretary determines it would be appropriate to exempt them.

Conference substitute

The conference adopts the House approach.

SEC. 4012. UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3424 provides a process for an emergency exemption to allow utility drivers to serve customers during times of emergencies declared by elected State or local officials and provides for monitoring of any safety impacts associated with such exemptions.

Conference substitute

The conference adopts the Senate provision.

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

House bill

Section 413 of the House bill repeals obsolete sections of chapter 317 (sections 31702, 31703, and 31708) relating to a working group and grants to encourage participation in the International Fuel Tax Agreement and International Registration Plan.

Senate amendment

Section 3414 of the Senate bill is identical to the House provision.

Conference substitute

The conference adopts the provision.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF DRIVERS; LIMITATION ON LIABILITY

House bill

No comparable provision.

Senate amendment

Section 3412(g) of the Senate bill amends Chapter 5 of Title 49, United States Code. The provision bars an action for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records of an individual under consideration for employment as a commercial motor vehicle driver against a person who has complied with such a request or his agents or insurers. The bar does not apply to a

motor carrier requesting the records unless the motor carrier, the person complying with the request and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual, and complied fully with all the regulations issued by the Secretary of Transportation in using and furnishing the records.

The bar also does not apply to a person complying with a request unless the motor carrier requesting the records, the complying person, and their agents have taken all reasonably necessary precautions to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual.

State and local law is preempted to the extent that it prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary.

Conference substitute

The conference adopts the Senate provision with modification. The conference agreement adds a requirement that as a part of the rulemaking the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend Section 391.23 of title 49, Code of Federal Regulations, that the Secretary provide protection for driver privacy and establish procedures for review, correction, and rebuttal of the safety performance records of a driver. The conference further directs the Secretary to complete the rulemaking by January 31, 1999. The liability waiver will become effective on the same date.

SEC. 4015. PENALTIES

House bill

No comparable provision.

Senate amendment

Section 3412 of the Senate bill amends section 521 of Title 49, United States Code. This section excepts from the penalties provision of section 521(b)(1) "reporting and record keeping violations". This section also strikes "fix a reasonable time for abatement of the violation" from subparagraph (A).

Section 521(b)(2) is amended by deleting "reckless disregard" and "gross negligence" from the liability standard for the penalty section.

A new subsection (B) is added entitled "Recordkeeping and Reporting Violations" which specifies penalties for such violations.

Conference substitute

The conference adopts the Senate provision.

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION

House bill

No comparable provision.

Senate amendment

Section 3417 of the Senate bill amends Section 14501(a) of Title 49, United States Code. The provision strikes the authority of the states to regulate intrastate and interstate charter bus transportation.

Conference substitute

The conference adopts the Senate provision with modification. A clarifying provision is included to ensure that states may continue to regulate safety with respect to motor vehicles and to impose highway route controls or limitations based on the size or weight of the motor vehicle or with regard to minimum amounts of financial responsibility relating to insurance requirements. The conference also notes that the provision does not limit a State's ability to regulate taxicab service or limousine livery service.

SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

House bill

Subsection (a) of Section 414 directs the Secretary to establish, for a period of at least 2 years, a nationwide, toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and other laws and regulations relating to safety.

Subsection (b) provides that information received shall be used in setting priorities for safety audits and other enforcement activities.

Subsection (c) provides that a person reporting a potential violation shall be provided the protections of section 31105.

Subsection (d) provides that up to $300,000 from administrative expenses may be used per fiscal year to carry out this section.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications and authorizes the Secretary to spend no more than $250,000 of funding available for general operating expenses in any fiscal year to carry out this directive.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS STUDY

House bill

Subsection (a) of Section 415 directs the Secretary of Transportation to determine within 18 months whether a safe, practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or

greater than that achieved with the current prohibition on such drivers.

Subsection (b) directs the Secretary to compile and evaluate research and other information, to consult with States who have developed and are implementing a screening process, to evaluate the Department's policy and actions to permit individuals with insulin treated diabetes mellitus to operate in other modes of transportation, and to consult with certain groups.

Subsection (c) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress the basis for such determination.

Subsection (d) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress on the elements to be included in such a protocol and promptly initiate a rulemaking implementing the protocol.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with the addition of a requirement that the Secretary of Transportation also assess any legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce. The standard in subsection (a) is intended to ensure that insulin treated diabetes mellitus individuals be held to a level of safety comparable to that required of other qualified commercial drivers and not to a higher standard.

SEC. 4019. PERFORMANCE-BASED CDL TESTING

House bill

Subsection (a) of Section 416 directs the Secretary of Transportation to review the procedures established and implemented by States for testing operators of commercial motor vehicles to determine if the system accurately reflects an individual's knowledge and skills as a commercial motor vehicle operator and to identify methods to improve testing and licensing standards, including the benefits and costs of a graduated licensing system.

Subsection (b) provides that, not later than one year following such review, the Secretary shall issue regulations under section 31305 of title 49, relating to CDLs which reflect the results of the review.

Senate amendment

Section 3412 amends Section 31305(a) by giving the Secretary of Transportation the authority to establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator.

Conference substitute

The conference adopts the House provision.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING

House bill

Section 417 requires the Secretary to conduct a study of the feasibility of utilizing emergency responders and law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with modification. The modifications require the study to address the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing, as well as the ability of motor carrier employers to meet the current post-accident alcohol testing requirements imposed under section 31306. The reference in the House provision to "emergency responders" is deleted from the study requirements.

SEC. 4021. DRIVER FATIGUE

House bill

Subsection (a) of Section 418 directs the Secretary, as part of ongoing activities relating to fatigue of commercial motor vehicle operators, to encourage the development of technologies that may aid in reducing fatigue. Subsection (a)(2) sets forth factors to be considered, including the degree to which the technology will be cost efficient, can be used in various climates, and will reduce emissions, conserve energy, and further other transportation goals. Subsection (a)(3) provides that funds made available under subparagraphs (F) through (I) of section 127(a)(3) of the bill may be used to carry out this section.

Subsection (b) directs the Secretary to review potential safety benefits of the use of non-sedating antihistamines by operators of commercial vehicles and to consider encouraging the use of such antihistamines.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

House bill

No comparable provision.

Senate amendment

Section 3406 requires the Secretary of Transportation to carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance

and safety records data to motor carriers. The program shall: (1) determine to what extent driver performance records data, including relevant fines, penalties and failure to appear for a hearing or trial, should be included as part of any information systems; (2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and (3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

Conference substitute

The conference adopts the Senate provision with the proviso that at the end of the pilot program the Secretary shall begin, if appropriate, a rulemaking to revise the information system under section 31309 of Title 49, United States Code.

SEC. 4023. EMPLOYEE PROTECTIONS

House bill

No comparable provision.

Senate amendment

Section 3411(g) requires the Secretary of Transportation, in conjunction with the Secretary of Labor to study the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code.

Conference substitute

The conference adopts the Senate provision.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY

House bill

Subsection (a) of Section 408 amends section 31136 to provide that federal safety regulations apply to interstate school bus operations by local educational agencies.

Subsection (b) directs the Secretary to submit a report within two years describing the status of compliance and activities of the Secretary or States to enforce the requirements.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts an alternative provision to instruct the Secretary to begin a rulemaking to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 should apply to all interstate school transportation operations.

SEC. 4025. TRUCK TRAILER CONSPICUITY

House bill

Section 421 requires the Secretary of Transportation to issue, not more than one year after enactment of this Act, a final rule regarding the Conspicuity of trailers manufactured before December

1, 1993. In so doing, the Secretary is required to consider, at a minimum, the following: (1) the cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993; (2) the extent to which motor carriers have voluntarily taken steps to increase equipment visibility; regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision. The conference however stresses that this provision does not require the Secretary to order a retrofit of any trailers manufactured before December 1, 1993.

SEC. 4026. DOT IMPLEMENTATION PLAN

House bill

Section 422 requires the Secretary of Transportation to develop and submit to Congress a plan for implementing authority (if subsequently provided by law) to: (1) investigate and bring civil actions to enforce Chapter 5 of Title 49, United States Code when violated by shippers, freight forwarders, brokers, consignees, or persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers); (2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order under chapter 311 or section 31502. The development of the plan requires the Secretary to consider: in what circumstances the Secretary would exercise the new authority; how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations; what procedures would be necessary during investigation to ensure the confidentiality of shipper contract terms; the impact of the new authority on the Secretary's resources.

Senate amendment

No comparable provision.

Conference substitute

The conference report directs the Secretary to assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons encouraging violations of chapter 5 of title 49 and after the assessment the Secretary may submit to Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code. The report to Congress will contain the elements required of it in the House bill as well as a request of what, if any, educational activities the Secretary would conduct for persons who would be subject to the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES

House bill

Section 132 requires the Secretary of Transportation to conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study must be reported to Congress within 36 months. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortage. The study is funded under Section 104(a) of Title 23, United States Code, for $500,000 per fiscal year for fiscal years 1998, 1999 and 2000.

Senate amendment

Section 3415 is similar to the House bill with the exception of the funding provision.

Conference substitute

The conference adopts the House provision. The Secretary would be permitted to allocate no more than $500,000 for each of the fiscal years 1999, 2000, 2001.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS

House bill

No comparable provision.

Senate amendment

Section 3419 of the Senate bill requires the Secretary of Transportation, within 90 days after enactment of the Act, to review the qualifications of foreign carriers whose applications for authority to operate in the United States have not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States.

Conference substitute

The conference adopts the Senate provision with the proviso that the review does not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS

House bill

No comparable provision.

Senate amendment

Section 3418 of the Senate bill requires the Secretary of Transportation to maintain the level of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative re-

sources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections.

Conference substitute

The conference adopts the Senate provision with minor modifications.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY

House bill

Section 336 of the House bill requires the Secretary of Transportation to begin not later than 3 months after the date of the enactment of the Act a study of the safety issues attendant to transportation of school and school-related activities by various transportation modes.

Senate amendment

Section 3425 of the Senate bill requires the Secretary to agree with the Transportation Research Board on a study of the issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes. The TRB shall consider available crash injury data, and vehicle design and driver training in conducting the study and the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation and bicycling organizations.

Conference substitute

The conference adopts the Senate provision with the proviso that a report to the Congress on the results of the study is to be transmitted not later than 12 months after the Secretary enters into an agreement with the Transportation Research Board.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE

House bill

No comparable provision.

Senate amendment

Section 3703 of the Senate bill establishes a commercial zone in New Mexico comprised of Dona Ana and Luna Counties.

Conference substitute

The conference adopts the Senate provision with the proviso that the Secretary of Transportation shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico. The State of New Mexico is required to submit within three months of the date of enactment a plan to the Secretary describing how the state will monitor commercial motor vehicle traffic and enforce safety regulations. The conference is particularly concerned that motor carriers within the zone comply with hours-of-service and drug and alcohol testing requirements and that unauthorized carriers do not operate beyond the commercial zone limits.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS ON STATES

House bill

No comparable provision.

Senate amendment

Section 3423 of the Senate bill allows States which did not receive its full Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 to enter into cooperative agreements with the Secretary of Transportation to evaluate the safety impact, costs, and benefits of allowing such states to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary shall allocate to those States full amount of funds for fiscal years 1998, 1999, 2000, 2001, 2002 and 2003.

Conference substitute

The conference report requires the Secretary to study the effects of reductions in MCSAP grants due to nonconformity of State intrastate laws and regulations with Federal interstate requirements. The study is to consider (1) national uniformity and the purposes of the MCSAP program; (2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and (3) the safety impact, costs and benefits of a State's full participation in the program. A report to Congress is to be submitted not later than 2 years after the date of enactment of this Act.

Interim Border Safety Improvement Program

House bill

Section 411 establishes an interim border safety improvement program to improve commercial motor vehicle safety in the vicinity of the borders between the U.S. and Canada and the U.S. and Mexico. The Secretary may expend funds and provide grants to States, local governments, organizations and others for the employment and training of personnel to enforce safety regulations at the border, for the development of data bases and communications systems, and for education and outreach initiatives. The Federal share shall be 80 percent for the first two years that a State receives a grant, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years. Subsection (g) provides annual authorizations for the program.

Of the funds made available for the coordinated border infrastructure and safety program under section 116 of the bill, $20 million in fiscal year 1998 and $15 million in each of fiscal years 1999 through 2003 shall be available for this program.

Senate amendment

No comparable provision.

Conference substitute

The conference does not include a provision. The conference addresses border safety matters under Section 4003 and authorizes the Secretary to dedicate up to five percent of funding made avail-

able to carry out the Motor Carrier Safety Assistance Program for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

Hazardous Materials Transportation Regulation and Farm Service Vehicles

House bill

Sec. 420. Subsection (a) amends section 5117(d)(2) of title 49 regarding the transportation of hazardous materials to add a new subparagraph (C) which provides that States are not prohibited from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material. A State must certify that the exception is in the public interest, the need for the exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.

Subsection (b) defines the term "agricultural production material."

Senate amendment

Section 3208 of the Senate bill as part of the reauthorization of the Hazardous Materials Transportation Act authorizes the Secretary to carry out pilot programs to examine innovative approaches or alternatives to regulations for private intrastate motor carriage of agricultural production materials. The Secretary is prohibited from carrying out a pilot program if it would pose an undue risk to public health and safety. Furthermore, the Secretary shall require that the pilot project contain safety measures designed to achieve a level of safety equivalent to or greater than the level that would otherwise be achieved. The Secretary is directed to terminate participation immediately of any carrier that fails to comply with the terms and conditions of the pilot or to terminate the entire pilot if the Secretary determines it has resulted in a lower level of safety.

Conference substitute

The conference does not include a provision.

Motor Carrier and Driver Safety Research

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3407 of the Senate bill provides not less than $10 million per year for programs designed to advance motor vehicle and driver safety. The provision requires grants of more than $250,000 to be awarded based on a competitive selection. The Secretary shall submit annual reports to Congress on the activities conducted under this section.

51-777 98 - 20

Conference substitute

The conference does not include a provision. The Secretary is authorized to conduct motor carrier research in the programs established or amended in Title V of this Act.

Commercial Motor Vehicle Safety Advisory Committee

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3420 of the Senate bill authorizes the Secretary to establish an advisory committee to provide advice and recommendations on regulatory issues.

Conference substitute

The conference does not include a provision.

Commercial Motor Vehicle Safety Studies

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3422 of the Senate bill directs the Secretary to conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of Interstate weight limits. Further, the Secretary should enter into cooperative agreements with such States to collect weigh-in-motion data necessary for the study. The Secretary shall report to Congress within 2 years on the results of the studies and may not withhold highway construction funds from States for violations of grandfathered tandem axle weight limits.

Conference substitute

The conference does not include a provision.

Hazardous Materials Transportation Act Reauthorization

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle B reauthorizes the Hazardous Materials Transportation Act, as requested by the Administration. The Subtitle makes several changes in the hazardous materials transportation program as administrated by the DOT Research and Special Programs Administration.

Conference substitute

The conference does not include a provision.

TITLE V—TRANSPORTATION RESEARCH

SUBTITLE A—FUNDING

SECTION 5001. AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 2201 of the Senate bill provides contract authority for fiscal years 1998 through 2003 to carry out the research and technology programs, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subparagraphs127(a)(3)(F), (G), and (H) authorize funding for discretionary highway research programs; transportation education, professional training, and technology deployment; and the transportation technology innovation and demonstration program for fiscal years 1998 through 2003.

Section 625 of the House bill allocates the funds made available under subparagraph 127(a)(3)(G) of the bill for the National Highway Institute, the local technical assistance program, the Eisenhower Fellowship Program, the national technology deployment initiative program, and university transportation centers.

Conference substitute

Subsections 5001(a) and (b) of the Conference substitute provide contract authority for fiscal years 1998 through 2003 for the following research programs: surface transportation research under 23 U.S.C. 502, 506, 507, and 508, and section 5112 of this Act; the technology deployment program; training and education; the Bureau of Transportation Statistics; and university transportation research.

Subsection 5001(c) suballocates certain research funds for specific projects and programs, such as long term pavement performance, innovative bridge research and construction, the National Highway Institute, and commercial vehicle ITS infrastructure.

Subsection 5001(d) authorizes the Secretary to transfer up to 10 percent of the funds allocated within each paragraph of subsection (c) for any other project or program within that paragraph.

SECTION 5002. OLIGATION CEILING

Senate bill

Subsection 2201(c) of the Senate bill establishes a limitation on obligations for the research and technology program, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subsection 103(e) of the House bill provides that the general obligation limitation for Federal-aid highway programs established in subsection 103(a) applies to transportation research programs

carried out under chapter 3 of title 23, United States Code, and title VI of the House bill.

Conference substitute

Section 5002 of the Conference substitute establishes, for each of fiscal years 1998 through 2003, an annual limitation on obligations of amounts made available under subsection 5001(a) for research programs.

SECTION 5003. NOTICE

Senate bill

The Senate bill contains no similar provision.

House bill

Whenever funds authorized under this title or amendments thereto are subject to a reprogramming notice the House and Senate Committees on Appropriations, Section 604 requires concurrent notice to the Committees on Transportation and Infrastructure and on Science of the House of Representatives and to the Committees on Environment and Public Works and on Commerce, Science, and Transportation of the Senate. The section also requires the Secretary to provide notice to these committees of any major reorganization of programs, projects, or activities of the Department for which funds are authorized by this Title at least 15 days prior to the reorganization's effective date.

Conference substitute

The Conference adopts the House provision with a modification to strike reference to the Senate Committee on Commerce, Science, and Transportation.

SUBTITLE B—RESEARCH AND TECHNOLOGY

SECTION 5101. RESEARCH AND TECHNOLOGY PROGRAM

Senate bill

Section 2005 amends the table of chapters in title 23 by adding a new chapter, "Chapter 5-Research and Technology," and provides definitions for the terms "safety" and "Federal laboratory".

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts this Senate provision.

SECTION 5102. SURFACE TRANSPORTATION RESEARCH

Senate bill

Section 2005 revises and recodifies 23 U.S.C. 307 at 23 U.S.C. 502 and authorizes the Secretary to carry out research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development. It requires the Secretary to develop and carry out pro-

grams to facilitate the application of products that will improve the safety, efficiency, and effectiveness of the Nation's transportation system. Mandatory elements of the research program are delineated and appropriate reporting requirements are specified. Section 2006 establishes an advanced research program, Section 2007 requires the Secretary to continue the long-term pavement performance program (LTPP), and Section 2012 requires the Secretary to make a report to Congress on the Nation's infrastructure investment needs.

House bill

Section 611 amends 23 U.S.C 307 by requiring the Secretary to continue research on the long term performance of pavements (LTPP) and advanced long term highway research. The section changes the existing seismic research program to include all surface transportation modes and requires a biennial report on the condition of the Nation's highways and bridges. The section also requires research into several specific areas, including research on the use of recycled materials such as paper and plastic fiber reinforcement systems.

Conference substitute

The Conference adopts the House provision after blending a number of Senate provisions into the final text including the provision from Section 2005 recodifying the general research provision in Chapter 5 of title 23 U.S.C and provisions from Sections 2006, 2007 and 2012.

SECTION 5103. TECHNOLOGY DEPLOYMENT

Senate bill

Section 2011 directs the Secretary to develop and administer a national technology deployment initiatives (NTDI) program to significantly accelerate the adoption of innovative technologies by the surface transportation community to increase the efficiency and durability and improve the safety of the Nation's transportation system. The Secretary shall continue deployment partnerships established through the strategic highway research program (SHRP). Section 2013 requires the Secretary to establish and carryout an innovative bridge research and construction program.

House bill

Section 622 establishes a new national technology deployment initiative. The initiative's purpose is to increase the use of research results by the transportation community. The initiative is to be conducted in cooperation with interested parties and coordinated with other technology transfer activities.

Conference substitute

The Conference substitute blends the House and Senate provisions and includes the innovative bridge program within the technology deployment initiative. The provision also includes a directive that the Secretary integrate programs under this section with other technology transfer efforts.

SECTION 5104. TRAINING AND EDUCATION

Senate bill

Section 2009 moves the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23 and requires the Secretary to continue to operate the National Highway Institute (NHI) within the FHWA along with the Local Technical Assistance Program (LTAP) and the Eisenhower Fellowship Program.

House bill

Section 621 continues the NHI while Section 623 continues the Eisenhower Fellowship Program and the LTAP program. The LTAP program is modified to include industry advancements in the area of concrete and concrete structures in LTAP program activities.

Conference substitute

The Conference adopts the Senate provision, but does not move the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23. The substitute increases the percentage of certain Federal-aid highway funds a State may use for education and training of State and local transportation agency employees.

SECTION 5105. STATE PLANNING AND RESEARCH

Senate bill

Section 2008 continues the provision under current law that directs 2 percent of certain categories of funds apportioned to the States for each fiscal year to be available to fund state planning and research, including statewide planning under Section 135 of title 23, U.S.C.

House bill

Section 612 continues the provision under current law and adds a new Highway Noise Research Center.

Conference substitute

The Conference adopts the House provision.

SECTION 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM

Senate bill

Section 2010 continues the current activities aimed at improving U.S. firms access to foreign markets. This section also adds a new provision to enable States to use their State Planning and Research Program funds for international highway transportation activities.

House bill

Section 613 expands and broadens the purposes of this program to include the promotion of U.S. highway transportation goods and services and expands the list of eligible activities to include the gathering and dissemination of information on foreign

transportation markets and industries. The section allows the Secretary to accept funds from cooperating organizations to reimburse the FHWA for salaries and expenses and allows States to use their State planning and research funds to participate in the International program.

Conference substitute

The Conference incorporates both the House and Senate provisions.

SECTION 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM

Senate bill

Section 2017 establishes in Title 23 a Transportation and Environment Cooperative Research Program as well as an advisory board to recommend environmental and energy conservation research, technology and technology transfer activities related to surface transportation. The Secretary of Transportation may contract or make grants to the National Academy of Sciences to carryout the research and technology activities of this program. The section also calls for the Secretary to conduct a study and prepare a report on the relationship between highway density and ecosystem integrity.

House bill

Section 633(a) of the House bill establishes the program in Title 49 and requires that the program include research designed to develop more accurate models for evaluating transportation measures as well as transportation system designs which are usable by State and local governments, to better understand factors contributing to demand for transportation, and to develop indicators of economic, social and environmental performance of transportation systems to facilitate analysis of potential alternatives.

Conference substitute

The Conference adopts the House language as 23 U.S.C. 507, adding the Senate study of the relationship between highway density and ecosystem integrity and additional priorities as determined by the Advisory Board to the research program under this section.

SECTION 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING

Senate bill

Section 2001 requires the Secretary to establish a strategic planning process to determine national priorities for transportation research and development, coordinate Federal activities in the area, and evaluate the impact of Federal investment in research. The Secretary is also required to submit to Congress a report on strategic plans, goals and milestones to help guide research, development and technology transfer activities during a 5-year period.

House bill

Section 633 requires the Secretary to establish a performance-based strategic planning process consistent with the Government Performance and Results Act of 1993. The strategic planning process shall address deficiencies in the current program, as identified by the General Accounting Office, Transportation Research Board, and other transportation research and development stakeholders, by setting a strategic direction, defining national priorities, coordinating Federal efforts and evaluating the impact of the Federal investment in surface transportation R&D. As envisioned by the Results Act, a strategic plan shall be developed to include review and comment from outside sources, the National Research Council and other advisory boards. The plan shall be submitted and updated as required by the Results Act. Under this section, the Secretary is also required to submit a report describing the Department's efforts to establish competitive merit review procedures for programs covered by the strategic plan required under this section. It is the Conferees' expectation, in the absence of more specific legislative instructions, that applications for research and development funding from the Department will be evaluated, to the extent feasible, by academic peers and that strict procedures to ensure that only the most meritorious of applicants will be funded. Consistent with the Results Act, the Secretary is also expected to develop performance measurement procedures for evaluating the programs so that programs are designed with specific goals in mind and evaluated on how well those goals are achieved.

Conference substitute

The conference adopts the House provision.

SECTION 5109. BUREAU OF TRANSPORTATION STATISTICS

Senate bill

Section 2004 expands the list of topics to be covered by the Bureau of Transportation Statistics (BTS) to include transportation related variables influencing global competitiveness, the impact of international trade on the nation's economy and on domestic transportation facilities and services, and transportation's impact on the ability of domestic U.S. businesses to reach foreign markets. This section also requires the BTS Director to coordinate responsibilities for long-term data collection with other efforts to implement the Government Performance and Results Act (GPRA). This section codifies the following existing BTS initiatives: (1) the BTS' Transportation Data Base, including various data on competing and complementary modes of transportation, intermodal combinations, international movement, and local and intercity movements; (2) the BTS' National Transportation Library; and (3) the general content of the BTS' National Transportation Atlas Data Base (NTAD). This section requires the Director of BTS to study freight factors, such as diesel fuel data and miles of international trade traffic. The BTS Director also is required to recommend to Congress what improvements are needed in such data collection for use in the highway apportionment formula. This section authorizes the BTS to establish grants and enter into cooperative agreements with public and non-

profit organizations to conduct research and development for BTS' major activities.

House bill

Section 631 makes certain changes to the purposes and authorities of the Bureau of Transportation Statistics and provides funding for the Bureau. It requires the establishment of a national transportation library, an atlas database, and an intermodal transportation data base. The Bureau is authorized to make research and development grants. Provisions are included ensuring that certain proprietary or private information that is gathered by the Bureau in the course of its work is not disclosed. The Bureau is given certain responsibilities under the Government Performance and Results Act of 1993.

Conference substitute

The Conference adopts the Senate provision without the study requirements and all related provisions.

SECTION 5110. UNIVERSITY TRANSPORTATION RESEARCH

Senate bill

Section 2003 directs the Secretary to make grants to or contract with non-profit institutions of higher learning to establish one university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary Systems. This section also directs the Secretary to make grants to not more than 4 additional university transportation centers to address advanced transportation issues. It outlines the selection criterion and eligibility requirements for the above grants, and limits the Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section to not more than 50 percent.

House bill

Subsection 624(a) establishes the University Transportation Research program in Chapter 55 of Title 49 consolidating the existing University Transportation Centers and University Research Institutes. The program consists of ten centers representing each Federal region and an additional ten centers selected at large. The selection criteria, objectives of the program, and other requirements are established. Any university receiving a grant under this program for FY 1997 will receive grants in FY 1998 and FY 1999. The subsection lists universities and consortia the Secretary shall consider along with other applicants, when selecting grant recipients.

Subsection 624(b) conforms the table of sections for chapter 55 of Title 49.

Subsection 624(c) establishes and funds the Appalachian Transportation Institute.

Subsection 624(d) continues and funds the ITS Institute.

Conference substitute

The Conference finds that the House and Senate provisions are similar and adopts the House provisions with modifications. In section 5110, the Conference continues the 10 regional university transportation centers (designated as group A) and establishes a new program to fund additional centers (designated as groups B, C, and D). The institutions in each category are enumerated in 49 U.S.C. 5505(j). All institutions listed in groups A through D receive a grant in fiscal years 1998 and 1999. Beginning in fiscal year 2000, special rules apply for making grants within each group based on specified selection criteria. The conference includes the requirement contained in both bills that establishes the Federal match as 50 percent.

SECTION 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM

Senate bill

Section 2016 directs the Secretary to encourage and promote the research, development and deployment of transportation technologies that will use technological advances in multmodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system. It defines the term "eligible consortium" and the conditions that need to be fulfilled in order to receive assistance under this section. It requires the Secretary to report to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Environment and Public Works of the Senate on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

House bill

Section 312(b) enables the Secretary to make grants and enter into contracts and cooperative agreements to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. It defines the eligibility criteria for funding under this section as well as "eligible consortium." This section limits the Federal share of costs from these programs to 50 percent of the net project costs.

Conference substitute

The Conference adopts the Senate provision with the modification that the Secretary include the House Committee on Science to the list of legislative committees receiving the report.

SECTION 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM

Senate bill

Section 2015 directs the Secretary to enter into a cooperative agreement with the Transportation Research Board of the National Academy of Sciences (referred to as the 'Board' in this section) to conduct a study to determine the goals purposes, research agenda

and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under 23 U.S.C. section 307(d). It directs the Board to consult with the American Association of State Highway and Transportation Officials in the implementation of this study. This section instructs the Board to submit a final report on the results of this study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

House bill

Section 611(e) is substantially the same as the Senate version but requires the results of the study additionally to be sent to the Committee on Science of the House of Representatives.

Conference substitute

The Conferees adopt the House provision.

SECTION 5113. COMMERCIAL REMOTE SENSING PROJECTS AND SPATIAL INFORMATION TECHNOLOGIES

Senate bill

Section 2020 authorizes $10 million each year from FY 1999–2004 for the Secretary to establish a remote sensing program to optimize highway routing through favorable terrain. The Secretary is to carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

House bill

Section 611 encourages the Secretary to develop a program to study the use of remote sensing and spatial information systems. The Secretary is to consult with other Federal agencies and universities experienced in this area to carry out the program.

Conference substitute

The Conference adopts the Senate provision as modified to specify that the program should utilize commercial remote sensing products. This is consistent with long-standing space policy of utilizing commercial resources wherever possible, both to save taxpayer money and to support the burgeoning commercial remote sensing industry.

SECTION 5114. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 605 expresses a sense of Congress that the Department of Transportation should give high priority to making sure that all its computer systems are reprogrammed to ensure effective operation in the year 2000 and beyond. The Department needs to assess immediately the risk of year 2000 problem present for its sys-

tems and to develop a plan and a budget to correct Year 2000 problems for its mission-critical programs. The Department also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

Conference substitute

The Conference adopts the House provision.

SECTION 5115. INTERNATIONAL TRADE TRAFFIC

Senate bill

Section 2004 of the Senate bill includes a provision directing the Bureau of Transportation Statistics to conduct a study of international trade traffic, including measures of international trade that could be used as formula factors, and to submit the results of this study to Congress within 3 years of the date of enactment of this Act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate study provision in Section 5115.

SECTION 5116. UNIVERSITY GRANTS

Senate bill

The Senate bill contains no comparable provision

House bill

Subsection 211(a) of the House bill directs the Secretary to make grants to establish and maintain a center for transportation injury research at the State University of New York at Buffalo. $2 million in each of fiscal years 1998 through 2003 is authorized for this research. This funding shall be used by the Calspan University of Buffalo Research Center to conduct research and testing of in-vehicle systems and infrastructure-based technology to improve emergency notification, crash characterization, dispatching and delivery of medical and other services to crash victims.

Subsection 211(b) directs the Secretary to make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development relating to head and spinal cord injuries. $500,000 in each of fiscal years 1999 through 2003 is authorized for this research.

Conference substitute

Subsection 5116(a) directs the Secretary to make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University and authorizes $1 million for each of fiscal years 1999 through 2002 for such grants.

Subsection 5116(b) directs the Secretary to make grants to the University of Alabama at Huntsville for global climate research

and authorizes $200,000 for each of fiscal years 1999 through 2003 for such grants.

Subsection 5116(c) directs the Secretary to make grants to Auburn University for asphalt research and authorizes $250,000 for each of fiscal years 1999 and 2000 for such grants.

Subsection 5116(d) directs the Secretary to make grants to the University of Alabama at Tuscaloosa for advanced vehicle research and authorizes $400,000 for each of fiscal years 1999 through 2003 for such grants.

Subsection 5116(e) directs the Secretary to make grants to Oklahoma State University for the Geothermal Heat Pump Smart Bridge Program, and authorizes $1 million for each of fiscal years 1999 through 2001 and $500,000 for fiscal year 2002 for such grants.

Subsection 5116(f) directs the Secretary to make grants to the University of Oklahoma for the Intelligent Stiffener for Bridge Stress Reduction and authorizes $1 million for each of fiscal years 1999 and 2000 and $500,000 for fiscal year 2001 for such grants.

Subsection 5116(g) directs the Secretary to make grants to the University of Alabama for the study of advanced trauma care and authorizes $750,000 for each of fiscal years 1999 through 2003 for such grants.

In subsection 5116(h), the Conference adopts the House provision on the center for transportation injury research.

In subsection 5116(i), the Conference adopts the House provision on head and spinal cord injury research.

SECTION 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM

Senate bill

The Senate bill contains no similar provision.

House bill

Section 632 directs the Secretary to carry out a transportation technology innovation and demonstration program. This section directs the program to develop or improve systems for the use of concrete pavement, motor vehicle safety, asphalt pavement, hazardous materials monitoring, motor carrier advanced sensor control, outreach and technology transfer activities, transportation economic and land use system, intelligent transportation infrastructure, and corrosion control and prevention. It directs the Secretary to make grants to the Texas Transportation Institute to continue the Translink Research program and to continue research into the fundamental properties of asphalts and modified asphalts. It establishes a national center for transportation management and research and development, as well as an infrastructure technology institute.

Conference substitute

The Conference adopts the House provision with modifications such that the Secretary is directed to study corrosion control and prevention and develop transportation economic and land use systems. The Secretary is further directed to continue research into

the fundamental properties of asphalts and asphalts. This section also establishes an Advanced Traffic Monitoring and Response Center, and a Recycled Materials Resource Center.

SECTION 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE

Senate bill

The Senate bill contains no similar provision.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts a provision to establish the Intelligent Infrastructure Institute at Drexel University in Pennsylvania to advance infrastructure research.

SECTION 5119. CONFORMING AMENDMENTS

Senate bill

Section 2019 of the Senate bill contains a series of amendments to title 23 U.S.C. to conform the title to the changes made by this act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the conforming amendments.

Multimodal Transportation Research and Development Program.

Senate bill

Section 2002 establishes the program to conduct research and technology development for intermodal and multimodal projects. The Secretary shall consult among the Administrators of the operating administrations of the Department and other Federal officials with research responsibilities to establish program priorities.

House Bill

The House bill contains not comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

No provisions comparable.

Sec. 4101 to 4104 of the Senate Amendment

The Conferees note that in March 1998, the National Research Council's Committee on Research Priorities for Airborne Particulate Matter issued the first in a series of reports on research priorities relevant to settling particulate matter standards. This report

addresses a number of issues, including whether the monitoring network necessary to implement the new National Ambient Air Quality Standard fine particulate (PM2.5) is designed to

(1) support relevant health effects, exposure, and atmospheric-modeling research efforts;

(2) use the appropriate number of continuous (hourly) monitors to determine the time of day and exposure of people who are commuting, working, or exercising outdoors; and

(3) use sufficient chemical characterization of particulate matter to enable testing of more specific indicators than PM2.5 mass alone.

The Conferees urge the Administrator to consider the recommendations contained in the Committee's March 1998 report. The Conferees further urge the Administrator to ensure, as appropriate, that the plans for the national monitoring network necessary to implement the National Ambient Air Quality Standard for PM2.5 is peer-reviewed by the Clean Air Scientific Advisory Committee at an early date while the opportunity still exists for such review to influence the monitoring network design and operations.

The Conferees are aware that certain nonattainment areas in Western Pennsylvania have experienced difficulty in meeting the one-hour, 0.12 part per million standard for ozone because of pollution which did not originate in the nonattainment area. The Conferees urge EPA to continue its efforts to avoid "bumping up" nonattainment areas in Pennsylvania to a higher nonattainment status or ozone.

The Conferees recognize that the Regional Haze regulation has not been finalized and the Administrator of the Environmental Protection Agency (EPA) is still considering the views of various stakeholders. The Conferees agree with EPA's public statements that the schedule for the State Implementation Plan due pursuant to section 169B(e)(2) of the Clean Airport Act should be harmonized with the Schedule for State Implementation Plan submissions required for PM2.5. ambient air quality standard promulgated in July, 1997.

Conference substitute

Adopts the Senate provison.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Automatic Crash Protection Unbelted Testing Standard

House bill

The House bill contains no similar provision.

Senate amendment

Section 1407 of the Senate amendment ensures that the current testing standard for air bags is designed to ensure the optimal protection and safety for all occupants, including infants, children, and other occupants.

Conference report

The conference report does not include the provision.

Improving Air Bag Safety

House bill

The House bill contains no similar provision.

Senate amendment

Section 1407 of the Senate bill directs the Secretary of Transportation to undertake rulemaking to improve the protection afforded vehicle occupants by Motor Vehicle Safety Standard No. 208. The purpose of the rulemaking would be to improve the efficiency and protection accorded by occupant protection devices while attempting to minimize any potential risk associated with air bags to infants, children, and other occupants. During the development of a rule to improve the safety of air bags, the barrier test using unbelted 50th percentile adult male dummies would be suspended. The Secretary would be required to begin the rulemaking by June 1, 1998, and to issue a final rule by June 1, 1999, with a one-year extension permitted upon the Secretary's advising Congress of the need for an extension. The rule would require such tests as the Secretary determines to be reasonable, practicable, and appropriate, including tests using dummies of different sizes.

The requirements of the new standard would become effective in phases, beginning between September 1, 2001 and September 1, 2002, and concluding not later than September 1, 2005, with discretion given the Secretary for a one-year extension. Any extension would require a joint resolution of Congress. The Secretary would be required to report to Congress within six months of enactment on the development of technology to improve the protection given by air bags and to reduce the risks from air bags, including information on the performance characteristics of advanced air bags, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

Conference report

The conferees agree to include a new subtitle addressing automobile safety and information issues. In addition to addressing the Senate bill's provisions regarding air bags, the subtitle also includes many of the provisions contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, which passed the House on April 21, 1998, by voice vote.

Section 7101 establishes the short title for the subtitle, the "National Highway Traffic Safety Administration Reauthorization Act of 1998."

Section 7102 authorizes funds for those NHTSA's automobile safety and information programs. For Fiscal Years 1999 through 2001, the legislation authorizes $81.2 million each year for motor vehicle safety activities, and $6.2 million for motor vehicle information activities. These amounts are equivalent to the Administration's budget request.

Section 7103 contains provisions intended to improve air bag safety. Subsection (a) directs the Secretary to issue a notice of pro-

posed rulemaking by September 1, 1998 to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard (FMVSS) No. 208 while minimizing the risk to infants, children, and other occupants from any risks associated with air bags, by means that include advanced air bags. The Secretary is required to issue a final rule no later than September 1, 1999, unless the Secretary determines that the final rule cannot be completed by that date, in which case the Secretary must promulgate the final rule no later than March 1, 2000. The final rule must be consistent with both the requirements of this section and 49 U.S.C. § 30111, which specifies the requirements for motor vehicle safety standards. The Conferees note that air bags do not substitute for lap and shoulder belts and all occupants should always wear lap and shoulder belts regardless of whether there is an inflatable restraint in the vehicle.

The Secretary is directed to make the final rule effective in phases as rapidly as practicable beginning not earlier than September 1, 2002 or at least 30 months after the date on which the Secretary promulgates the final rule, but in any case, not later than September 1, 2003. The rule is to be fully effective for all passenger motor vehicles, multipurpose passenger vehicles, and other vehicles identified in 49 U.S.C. § 30127(b) manufactured on or after September 1, 2005. If the Secretary issues the final rule on September 1, 2003, the date for full compliance may be extended to September 1, 2006. The availability of the current sled test certification option available under FMVSS 208 (S13) remains in effect unless and until phased out according to the schedule in the final rule. The Secretary is also directed to include in the notice of proposed rulemaking means by which manufacturers may earn credits for early compliance with the final standard issued by the Secretary.

Subsection (b) provides that any government advisory committee, task force, or other entity include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

Section 7104 prohibits the use of funds appropriated to NHTSA for the purpose of urging a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislature. Subsection (b) clarifies that officers or employees of the United States are not prohibited from testifying before any state or local legislature in response to the invitation of a member of such body or a State executive office. The provision is not intended to prohibit the Agency from informing State or local legislators about the prudence of a particular policy choice, but rather is intended to limit the Agency's ability to lobby a particular piece of legislation before a State or local legislature. Thus, under this provision, NHTSA could continue to testify before any State or local legislative body and inform State and local officials about the merits of a particular course of action. A NHTSA official could even appear before a committee of a State legislature to testify that NHTSA believes that enactment of primary enforcement seat belt laws results in fewer highway fatalities. NHTSA could, in fact, testify that it favors general efforts to enact primary enforcement seat belt laws and opposes general efforts to repeal such laws. However, a NHTSA official could not, through the use of government resources, ask an individual State or local legislator, or

any group of State or local legislators, to vote act on a particular pending measure.

Subsection 7105(a) is intended to eliminate the need for two odometer disclosures in certain transactions involving rental car companies, dealers, and automobile manufacturers by exempting the transfer of new motor vehicles from a manufacturer jointly to a dealer and a rental car company. Subsection (b) responds to several recent Federal District Court decisions holding the NHTSA does not have authority to exempt vehicles from the odometer disclosure requirements, even when the purchasers of such vehicles rely on service records rather than odometers to indicate wear and tear, such as in the care of heavy trucks. This subsection specifically grants NHTSA such authority.

Section 7106 makes several miscellaneous changes to title 49, United States Code, with respect to NHTSA's authorizing statutes. These changes in subsections (a) through (c) were requested by the Administration. Subsection (a) closes a loophole which allows auto parts stores and retailers to continue to sell defective equipment even though motor vehicle dealers would be prohibited from selling the same item. This provision includes retailers of motor vehicle equipment in the prohibition on selling defective items of equipment.

Subsection (b) amends 49 U.S.C. 30123 ("Tires"), to repeal subsections (a) ("Labeling Requirement"), (b) ("Contents of Label"), and (c) ("Additional Information"). Under section 30123(a), the Secretary must require manufacturers of pneumatic tires to "permanently and conspicuously" label their tires with specified information under section 30123(b) about the construction of the tires and the identity of the manufacturer. Section 30123(c) gives the Secretary discretionary authority to require that additional safety information be disclosed to a purchaser when a tire is sold.

Subsection (c) amends 49 U.S.C. 30127(g) to increase the reporting interval on the effectiveness of occupant restraint systems from every six months to annually. The Administration expressed concern that the six-month interval was too short a time frame in which to provide meaningful data to Congress.

Subsection (d) amends the American Automobile Labeling Act (49 U.S.C. § 30204) to make certain changes in the labeling requirement and the domestic content calculations. Subparagraph (1)(A) provides that the labor value of engine and transmission production is also included in the engine and transmission origin determination and subparagraph (1)(B) codifies certain regulations which permit labor costs of parts manufactured at the same location as final vehicle assembly to be included in the vehicle's overall content calculation, provided it does not occur during vehicle assembly. Subparagraph (1)(C) institutes a tiered system for accounting for the domestic content of parts manufactured by outside suppliers. Under this subparagraph, supplies would report content to the nearest five percent. For instance, 38 percent would be reported to the manufacturer as 40 percent, rather than zero as under current law.

Paragraph (2) permits vehicle manufacturers to voluntarily add a line to the label stating the country in which vehicle final assembly took place. Paragraph (3) permits manufacturers, on a

voluntary basis, to separately display the domestic content of a particular vehicle, based on its assembly plant. This information must be reported in addition to the carline average percentage. Paragraph (4) codifies existing regulations permitting manufacturers to estimate, based upon best available information, the content of no more than 10 percent of the vehicle's parts, when suppliers fail to report such information. Paragraph (5) permits manufacturers to default the value of certain small parts, such as nuts, bolts, clips, screws, and pins, to the country of manufacture.

Subsection (e) directs NHTSA to conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation of a device in the trunk compartment to release the trunk lid.

Section 7107 reinstates NHTSA's authority to exempt certain motor vehicles imported for the purpose of show or display from certain applicable motor vehicle safety standards. Such authority was unintentionally deleted when title 49, United States Code was recodified in 1988.

Subtitle B

SEC. 7201. HIGH SPEED RAIL

House bill

Subsection (a) of Section 901 authorizes $10 million in each of fiscal years 1998 through 2001 for high speed rail corridor planning activities and $25 million in each of fiscal years 1998 through 2001 for high speed rail research and development under the Swift Rail Development Act of 1994. Subsection (b) defines high speed rail to include maglev systems.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision. The conferees also reaffirm the intention of the Swift Rail Development Act, that planning for improvements to rail infrastructure that would provide incremental speed increases toward achieving speeds of 125 mph or more are fully eligible for federal assistance under the conditions specified in the Act. Efforts to plan for near-term improvements that would achieve substantial speed increases, although not necessarily to a true high speed level of 125 mph, fall in this category.

SEC. 7202. LIGHT DENSITY RAIL LINE PILOT PROJECTS

House bill

Section 902 authorizes $25 million for each of fiscal years 1998 through 2003 for grants to states to fund pilot projects for making capital improvements to publicly and privately owned rail line structures on light-density rail lines. The purpose of the pilot projects is to demonstrate the relationship of light density railroad service to the statutory responsibilities of the Secretary of Transportation, including those under Title 23.

Senate amendment

Sec. 3701 is identical to the House provision, except funding is authorized at $10 million for each of fiscal years 1998 through 2003, instead of $25 million.

Conference substitute

Retains the authorization structure of both the House and Senate provisions, but provides for funding at a level of $17.5 million per fiscal year.

SEC. 7203. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

House bill

Section 906(a) modifies the existing railroad infrastructure loan program contained in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) to bring the program in line with the Credit Reform Act of 1990. Projects eligible for loan assistance under the program would include acquisition, improvement or rehabilitation of intermodal or rail equipment and facilities, refinancing of debt incurred for the aforementioned purposes, and development or establishment of new intermodal or railroad facilities. Operating expenses would not be eligible for loan assistance. Subsection (a) also limits the aggregate unpaid principal amounts of obligations under direct loans and loan guarantees to $5 billion at any one time. One billion dollars of this five billion is to be reserved solely for projects primarily benefiting freight railroads other than Class I carriers. In addition, subsection (a) allows the Secretary of Transportation to accept credit risk premiums from non-Federal sources to support loans and loan guarantees made under this section.

Subsection (b) makes technical and conforming changes and includes a savings provision requiring that transactions entered into under Title V of the Regulatory Reform Act of 1976 before the date of enactment of BESTEA shall be administered until completion under its terms prior to the amendments made by BESTEA.

Senate amendment

No comparable provision.

Conference substitute

Adopts the structure of the House provision, but with revisions to the statement of priorities in section 7202(c), technical changes to conform to the 1997 amendments to the Credit Reform Act, and with the total authorization for face amounts of loans in subsection (d) limited to no more than $3.5 billion.

SEC. 7204. ALASKA RAILROAD

House bill

Section 904(a) provides that the Secretary may make grants to the Alaska Railroad for capital rehabilitation and improvement to its passenger service.

Subsection (b) authorizes $5,250,000 to be appropriated for such purposes for each of fiscal years 1998 through 2003.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT

House bill

Section 903 authorizes a general fund grant of $200 million to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express (FOX) project in the Miami-Orlando-Tampa corridor for capital costs of that project.

The state of Florida is planning a high-speed rail system in the Miami-Orlando-Tampa corridor that calls for a 320-mile system that would operate on dedicated tracks with no rail/highway crossings. Operating speeds would be over 185 miles per hour.

Senate amendment

No comparable provision.

Conference substitute

No provision.

RAILWAY HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS

House bill

Section 905 authorizes $5,250,000 for each of fiscal years 1998 through 2003 to carry out section 104(d)(2) of title 23.

Senate amendment

Sec. 1402 authorizes $15,000,000 for each of fiscal years 1998 through 2003 for hazard elimination in high-speed rail corridors.

Conference substitute

No provision. Funding for grade crossing assistance is addressed in the non-rail titles of the legislation.

House bill

No provision.

Senate amendment

Section 3506 amends section 20901(a) of Title 49 to require railroads to file periodic reports with the Secretary on all accidents and incidents resulting in injury or death of an individual, or damage to equipment. Eliminates current requirement that reports be notarized and allows the Administrator to require reports less frequently than monthly.

Conference substitute

No provision. The conferees contemplate addressing these issues in the pending reauthorization of the rail safety programs of the Federal Railroad Administration.

House bill

No provision.

Senate amendment

Included at the Administration's request, sections 3501 through 3504 impose penalties for willful sabotage of or interference with railroad equipment, infrastructure or personnel. Also imposes penalties on anyone who knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train.

Conference substitute

No provision.

Subtitle C—Comprehensive One-call Notification

House bill

No provision.

Senate amendment

Section 3301 contains several findings that unintentional damage to underground facilities during excavation is a significant cause of disruptions; that excavation performed without prior notification or with inaccurate marking causes damage that can result in fatalities; and, that protection of the public and the environment from the consequences of underground facility damage will be enhanced by a coordinated national effort to improve one-call notification programs.

Section 3302 establishes a new chapter, which would be chapter 61, in Subtitle III of title 49, United States Code. The purposes of chapter 61, as set forth in 6101, are to enhance public safety; protect the environment; minimize risks to excavators; and prevent disruption of vital public services by improving one-call notification programs.

The new section 6102 defines a one-call notification system as a system operated by an organization that has as one of its purposes the receipt of notification from excavators of their intent to excavate in a specified area and the notification of underground facility operators so that they can locate and mark their lines in the area scheduled for excavation. The definition includes statutes, regulations, orders, and other elements of law and policy in effect that establish one-call notification system operation requirements within a State.

The new section 6103 also outlines minimum components that one-call notification programs should cover, including the appropriate participation by all underground facility operators, all excavators, and flexible and effective enforcement mechanisms governing participation in, and use of, one-call notification systems. In making a determination on the appropriate extent of participation required by underground facilities or excavators, the section requires a State to assess, and take into consideration, the risks to public safety, excavators, the environment, and vital services posed by underground facility damage and the actions of excavators.

The new section 6103 would further provide that a state could allow voluntary participation in one-call notification systems when it determines that certain types of underground facilities or excavation activities pose a de minimis risk to public safety or the environment. The section requires one-call notification programs to include administrative or civil penalties commensurate with the seriousness of a violation, increased penalties for parties that repeatedly damage underground facilities because they neglect to use one-call notification systems or fail to provide timely and accurate marking of underground facilities. The section allows states to reduce or waive penalties when underground facility damage is promptly reported.

The new section 6104 establishes a two-year program whereby states could apply for grants upon a showing that the state's one-call notification program meets the minimum standards outlined in the bill. The section further provides that a state providing for greater protection than the minimum standards criteria established in the legislation would also be eligible to receive grants. The new section 6104 would also require the Secretary to include, three years after the enactment of this legislation, additional information on one-call notification programs in the biennial report on gas and hazardous liquids.

The new section 6105 requires the Secretary of Transportation to initiate a study of the best practices employed by one-call notification systems in operation in the States. If a study is undertaken, the Secretary is required to report on the best practices identified and encourage their adoption in the States. The Secretary is authorized to suspend with the report if the Secretary determines that the information is already readily accessible.

The new section 6106 would authorize the Secretary to make grants to improve one-call notification systems, and should take into account the commitment of each state in improving its program, in awarding grants. The provision also authorizes a state to convey its funds directly to any one-call notification system that adopts the best practices established under 6105. The new section neither opens nor closes the door to having one or more one-call system. Most states have a single one-call system, but several have more than one, this determination will remain a state's choice.

The new section 6107 would authorize up to $1,000,000 and $5,000,000 in fiscal years 2000 and 2001 out of general revenue funds.

Section 3302 also made conforming changes to the table of chapters for subtitle III, and certain conforming changes to the existing one-call notification systems language of 49 United States Code 60114.

Conference substitute

The Conference adopts the Senate provisions with modifications. The Conference stresses that untimely marking of underground facilities, as well as the findings contained in the Senate provision, also cause underground facility damage.

The Conference also clarifies that compliance with the minimum standards outlined in sections 6103 and 6104 would only be required when applying for a grant under the new section 6106.

The Conference also modifies the Senate language to require the Secretary to encourage states to adopt the most successful practices of one-call notification systems as determined the most appropriate by each state. The Conference also modifies language in the newly added section 6108 to clarify that nothing in the new chapter 61 preempts any existing state law, or would require a state to modify or revise existing one-call notification systems. The Conference also retains 49 U.S.C. 60114.

Subtitle D—Sportfishing and Boating Safety

House bill

Title VIII of H.R. 2400, contains amendments related to the Coast Guard's Recreational Boating Safety Program. Section 801 of H.R. 2400 provides that title VIII of H.R. 2400 may be cited as the "Recreational Boating Safety Improvement Act of 1998."

Section 802 of H.R. 2400 contains amendments to chapter 131 of title 46, United States Code, regarding the recreational boating safety state grant program administered by the Coast Guard. Section 802(a) of this title amends section 13106(a) of title 46, United States Code, to allow the Secretary of Transportation to expend each fiscal year the total amount transferred to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) for State recreational boating safety programs. Under amendments contained in section 1104(a)(2) of H.R. 2400, the amount transferred to the Boat Safety Account is equivalent to one-half of the total amount received as motorboat fuel taxes during the preceding fiscal year. Section 802(a) of this bill also amends section 13106(c) of title 46 to establish two additional boating safety purposes for which funds are made available to the Secretary from amounts transferred to the Boat Safety Account. These additional purposes are: (1) up to two percent is available to the Secretary for compliance with chapter 43 of title 46, relating to safety standards for recreational vessels and associated equipment; and (2) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote recreational boating safety.

Section 802(b) amends section 13103(c) of title 46 to require the Secretary of Transportation to conduct and report to Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999, and of every fifth year thereafter. To conduct this survey, the Secretary may not use over 50 percent of the amounts allocated for national boating safety activities of national nonprofit public service organizations under this subsection for the fiscal year in which the survey is conducted.

Subsection (c) of section 802 of this title amends section 13106 of title 46 by adding a requirement for the Secretary of Transportation to make available in each fiscal year five percent of the amount appropriated for State boating safety programs that is in excess of $35 million for public access facilities for transient nontrailerable recreational vessels.

Section 802(d) of this title establishes an effective date for this section of October 1, 1998.

Senate amendment

Subtitle F of S. 1173 contains amendments to the Sport Fish Restoration Program administered by the Secretary of Interior (Secretary) through the Fish and Wildlife Service, and the Recreational Boating Safety Program administered by the Secretary of Transportation through the Coast Guard.

Section 3601 states that amendments in the Act that are expressed in terms of an amendment to or a repeal of provisions of the "1950 Act" shall be considered to be made to provisions of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved on August 9, 1950 (16 U.S.C. 777 et seq.).

Section 3602 establishes a new boating and fishing outreach and communications initiative. Subsection (a) of this section amends section 2 of the 1950 Act (16 U.S.C. 777a) to make technical changes and to establish definitions for the terms "outreach and communications program" and "aquatic resource education program". Subsection (b) amends section 4 of the 1950 Act (16 U.S.C. 777c) to provide funding for a National Outreach and Communications Program beginning in fiscal year (FY) 1999 through FY 2003. Funding for this program is allocated from the Sport Fish Restoration Account of the Aquatic Resources Trust Fund. In FY 1999 the program receives $5 million, with the amount increasing to $10 million in FY 2003. Subsection (b) also authorizes the Secretary to use for this program up to $2.5 million annually from the funds available for administration. In addition, this subsection prohibits the Secretary from using funds available for administration to replace funding traditionally provided through general appropriations. Furthermore, the Secretary is required to publish annually in the Federal Register a detailed accounting of the projects and programs that receive administrative funds.

Section 3602(c) amends section 8 of the 1950 Act (16 U.S.C. 777g) to change the percentage of State funding required to be used to enhance boating access from 12.5 percent to 15 percent and to change the percentage of State funding allowed to be used for aquatic resource education and outreach and communications from 10 percent to 15 percent. This subsection also adds new provisions to section 8 that: (1) require the Secretary, in cooperation with the Sport Fishing and Boating Partnership Council, to develop and implement a national plan for outreach and communications within one year of enactment of the bill; (2) require that the plan provide for the establishment of a national outreach and communications program; (3) authorize the Secretary to provide funding to make grants to the States or private entities for the cost of carrying out outreach or communications programs under the plan; and (4) require the States to develop plans for outreach and communications programs within one year of the completion of the national plan.

Section 3603 makes changes to the Clean Vessel Act of 1992 (P.L. 102–587, title V, subtitle F). Specifically, this section amends section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) to provide annually in FY 1999 through FY 2003 funding totaling $84 million, reduced by 82 percent of the amount appropriated for boat safety from the Boat Safety Account. These funds are allocated as follows: (1) $10 million for vessel pumpout facilities under section 5604 of the

Clean Vessel Act (33 U.S.C. 1322 note); (2) $10 million for a new boating infrastructure program established under section 3604 of this subtitle; and (3) the remainder for State recreational boating safety programs under section 13106 of title 46, U.S. Code. This section ensures that States receive between $59 million and $72 million annually for State boating safety programs.

Section 3604 establishes a program to improve boating infrastructure. Subsection (a) states that the purpose of this section is to provide funds to the States for the development and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (b) amends section 8 of the 1950 Act (16 U.S.C. 777g) to require the Secretary, in consultation with the States, to develop a national framework that can be used by the States to conduct surveys to determine their boat access needs. Each State agreeing to conduct a public boat access needs survey would be required to report its findings to the Secretary within 18 months for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

Section 3604(c) allows a State, within 6 months of submitting a public boat access needs survey to the Secretary, to submit to the Secretary plans for the construction, renovation, and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (d) directs the Secretary to make grants to the States for constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels, and establishes priorities for such grants, including projects proposed in accordance with a State plan under subsection(c). Grants made to a State under this subsection may not exceed 75 percent of the cost incurred by the State for these projects. Subsection (e) defines the terms "nontrailerable recreational vessel" and "public facilities for transient nontrailerable recreational vessels."

Section 3605 makes changes to the Recreational Boating Safety Program administered by the U.S. Coast Guard. Subsection (a) of this section amends section 13104(a) of title 46, U.S. Code, to reduce the amount of time that States have to obligate funds received under the Recreational Boating Safety Program from 3 years to 2 years. Subsection (b) amends section 13106 of title 46, U.S. Code, to specify that an amount equal to the sum of (1) appropriations from the Boat Safety Account and (2) transfers to the Secretary of Transportation under the Clean Vessel Act (as amended by section 3603 of this bill) will be available annually for the Recreational Boating Safety Program. Of this amount, $5 million is provided to the Coast Guard annually for expenses related to the coordination and administration of the program. Subsection (c) makes conforming amendments to section 13106 of title 46, U.S. Code.

Conference substitute

The conference substitute adopts the Senate amendment, with technical and other changes described as follows:

Section 7401 of the conference substitute provides that subtitle D of title VI of this Act may be cited as the "Sportfishing and Boating Safety Act of 1998."

Section 7403 eliminates the requirement that the Secretary use $10 million in FY 1999 for qualified boating infrastructure

projects under section 7404(d) of the conference substitute, and makes these funds available in FY 1999 for the Sport Fish Restoration Program. This section also reduces the amount available for these projects in FY 2000 through 2003 from $10 million annually to $8 million, and makes the $2 million differential available for the Sport Fish Restoration Program.

Section 7404 of the conference substitute clarifies that grants for facilities for transient nontrailerable recreational vessels under this section may be available for either publicly or privately owned facilities provided that the facilities are available to the general public, as determined by the Secretary. The conferees intend that, in making this determination, the Secretary should develop guidelines which, among other things, establish reasonable costs to ensure that such facilities are available to the general public.

Section 7405(b) of the conference substitute provides that, of the $5 million available annually for Coast Guard administration, $2 million will be used by the Secretary of Transportation annually to ensure compliance with chapter 43 of title 46, U.S. Code. This funding will enable the Coast Guard to improve boating safety by more vigorously enforcing existing provisions designed to prevent boating defects.

REVENUE TITLE

I. HIGHWAY-RELATED TAXES AND TRUST FUND

A. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES

1. Highway-related taxes and exemptions

Present law

Tax rates

Highway Trust Fund excise taxes are imposed on gasoline, diesel fuel, kerosene, special motor fuels, on heavy truck and tire sales, and on the use of heavy trucks. The Highway Trust Fund tax rates are scheduled to expire after September 30, 1999, except for 4.3 cents per gallon of the motor fuels excise tax (which is permanent).

The current Highway Trust Fund excise tax rates are as follows:

Item	Tax rate [1]
Motor fuels:	
Gasoline	18.3
Diesel and kerosene	24.3
Special motor fuels generally	18.3 [2]
Compressed natural gas ("CNG")	4.3 [3]
Retail sales of heavy highway vehicles	12% of retail price
Heavy truck tires	Graduated tax on tires weighing more than 40 lbs.
Annual highway vehicle use	Graduated tax on vehicles of 55,000 lbs. or more

[1] Motor fuel tax rates include the permanent 4.3 cents-per-gallon fuels tax; the rates do not include the 0.1-cent-per-gallon tax on motor fuels for the Leaking Underground Storage Tank Trust Fund.

[2] The rate is 13.6 cents per gallon for propane, 11.9 cents per gallon for liquified natural gas ("LNG"), and 11.3 cents per gallon for methanol fuel from natural gas, each based on the relative energy equivalence of the fuel to gasoline.

[3] The statutory rate is 48.54 cents per thousand cubic feet ("MCF").

Motor fuels exemptions

Present law provides exemptions (including partial exemptions for specified uses of taxable fuels or for specified fuels) for governments or for certain uses not involving use of the highway system (such as farming).

LNG, propane, CNG, and methanol derived from natural gas are subject to reduced tax rates based on the energy equivalence of these fuels to gasoline.

Ethanol and methanol derived from renewable sources (e.g., biomass) are eligible for income tax benefits (the "alcohol fuels credit") equal to 54 cents per gallon for ethanol and 60 cents per gallon for methanol. The alcohol fuels credit is scheduled to expire after December 31, 2000, or earlier if the Highway Trust Fund taxes actually expire before that time. In addition, small ethanol producers are eligible for a separate 10-cents-per-gallon tax credit. The 54-cents-per-gallon ethanol and 60-cents-per-gallon renewable-source methanol tax credits may be claimed through reduced excise taxes paid on gasoline and special motor fuels as well as through income tax credits. The authority to claim the ethanol and renewable-source methanol tax benefits through excise tax reductions is scheduled to expire after September 30, 2000, or earlier if the Highway Trust Fund taxes actually expire before then.

House bill

Tax rates

The House bill extends the Highway Trust Fund excise taxes, other than the heavy truck tire tax, through September 30, 2005. The tire tax is extended through September 30, 2000, and then is repealed.

Motor fuels tax exemptions and alcohol fuels credits

The House bill extends the current motor fuels tax exemptions generally for the period concurrent with the extension period for the taxes, except that the present-law expirations for the ethanol and renewable-source methanol exemptions (and income tax credits) are retained.

Effective date

Date of enactment.

Senate amendment

Tax rates

The Senate amendment extends all Highway Trust Fund excise taxes through September 30, 2005.

Motor fuel exemptions and alcohol fuels credits

The Senate amendment is the same as the House bill with respect to the extension of the general motor fuels tax exemptions. The Senate amendment extends the ethanol and renewable-source methanol tax provisions through September 30, 2007 (excise tax reduction) and December 31, 2007 (income tax credit), respectively. Further, the Senate amendment reduces the ethanol benefit from

54 cents per gallon to 53 cents per gallon for 2001–2002, 52 cents per gallon for 2003–2004, and 51 cents per gallon for 2005–2007.

Effective date

Date of enactment.

Conference agreement

Tax rates

The conference agreement follows the Senate amendment.

Motor fuel exemptions and alcohol fuels credits

The conference agreement follows the Senate amendment.

Effective date

Date of enactment.

2. Motor fuels tax refund procedure

Present law

Gasoline and diesel fuel excise tax refunds are administered separately, subject to separate quarterly minimum filing thresholds. For gasoline, the minimum refund claim is $1,000 in the calendar quarter to which the claim relates. Certain diesel fuel claims are subject to this same standard; certain other diesel and aviation fuel claims may be filed in any of the first three calendar quarters in which the aggregate year-to-date refund equals $750. Fourth quarter refunds must be claimed as income tax credits regardless of amount.

House bill

The House bill combines refund procedures for all taxable motor fuels, allowing aggregation of quarterly amounts and filing of refund claims once a single $750 minimum amount is reached (determined on a year-to-year basis rather than an individual quarter basis). Fourth quarter refund claims are allowed under the same rules as applicable to the first three quarters.

Effective date

Claims filed after September 30, 1998.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

3. Requirement that motor fuels terminals offer dyed fuel

Present law

Diesel fuel and kerosene (after June 30, 1998) are taxed on removal from a registered terminal facility unless the fuel is destined for a nontaxable use and is indelibly dyed. After June 30, 1998, terminals must offer dyed fuel as a condition of being allowed to store untaxed fuel.

House bill

The House bill delays the effective date of the requirement that terminals offer dyed fuel for two years, to July 1, 2000.

Effective date

Date of enactment.

Senate amendment

The Senate amendment is the same as in the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

B. HIGHWAY TRUST FUND PROVISIONS

Present law

Transfers of revenues to Highway Trust Fund

Gross receipts from current highway excise taxes are dedicated to the Highway Trust Fund for taxes imposed through September 30, 1999, and received in the Treasury before July 1, 2000, under provisions of section 9503 of the Internal Revenue Code (the "Code").

Interest on Highway Trust Fund balances; unspent balances

The Highway Trust Fund earns interest on cash balances each year from investments in Treasury securities (sec. 9602). Cash balances remain in the Highway Trust Fund until expended.

Highway Trust Fund expenditure authority

The Code authorizes expenditures (subject to appropriations Acts) from the Highway Trust Fund through September 30, 1998, for purposes provided in authorizing legislation, as in effect on the date of enactment of Public Law 105–130. No Highway Trust Fund monies may be spent for a purpose not approved as of the last updating of the Code reference to the most recent authorizing legislation changes.

The Highway Trust Fund is divided into two Accounts: a Highway Account and a Mass Transit Account, each of which is the funding source for specific transportation programs. The Highway Account receives revenues from all non-fuel highway-related excise taxes plus revenues from all but 2.85 cents per gallon[4] of the highway motor fuels excise taxes. The Mass Transit Account currently receives the 2.85 cents per gallon from the highway motor fuels excise taxes.[5]

Highway Trust Fund anti-deficit provisions

Highway Trust Fund spending is limited by two anti-deficit provisions, which are internal to each of the Accounts. The first limits the unfunded Highway Account authorizations at the end of

[4] A technical correction (to 2.86 cents per gallon) is included in this revenue title (H.R. 2400), and also in Title VI of H.R. 2676 as passed by the House and the Senate.
[5] Ibid.

any fiscal year to amounts not exceeding the unobligated balance plus revenues projected to be collected for that Account by the dedicated excise taxes during the following two fiscal years. The second provision similarly limits unfunded Mass Transit Account authorizations to the dedicated excise tax revenues projected to be collected during the next fiscal year. If either of these provisions is violated, spending for programs funded by the respective Accounts is to be reduced proportionately, similar to a Budget Act sequester.

1997 transfer of 4.3-cents-per-gallon tax revenues not for direct spending

The Taxpayer Relief Act of 1997 (the "1997 Act") transferred revenues from the additional 4.3-cents-per-gallon highway fuels taxes to the Highway Trust Fund, effective on October 1, 1997. The 1997 Act provided that those revenues could not be used to increase direct spending under the 1991 authorizing legislation.

House bill

Transfers of revenues to Highway Trust Fund

The House bill transfers the gross receipts from current highway excise taxes (as modified by the House bill repeal of the heavy truck tire excise tax on October 1, 2000) through September 30, 2005. Consistent with present law, pre-October 1, 2005 amounts received after September 30, 1999 with respect to highway excise tax liabilities will continue to be transferred to the Highway Trust Fund through June 30, 2006.

Interest on Highway Trust Fund balances; unspent balances

Under the House bill, the Highway Trust Fund earns no further interest on its cash balances after September 30, 1998.

The House bill cancels certain "excess" Highway Trust Fund's Highway Account balance (the amount in excess of $8 billion) on October 1, 1998.

Highway Trust Fund expenditure authority

The House bill extends the Highway Trust Fund expenditure authority through September 30, 2003, and updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current House bill authorizing legislation (H.R. 2400).

Provisions are incorporated into the Highway Trust Fund specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code. The House bill clarifies that the expenditure authority expiration date does not preclude disbursements to liquidate contracts which are validly entered into before the expiration date. Expenditures for contracts entered into or for amounts otherwise obligated after an expiration date (or for other non-contract authority purposes under non-Code provisions) are not to be permitted, notwithstanding the subsequently enacted authorization or appropriations legislation. If any such subsequent legislation authorizes such expenditures, or such expenditures occur by administrative action in the contravention of the Code restrictions, excise tax revenues otherwise to be deposited

in the Highway Trust Fund are to be retained in the General Fund beginning on the date of such unauthorized action.

Highway Trust Fund anti-deficit provisions

The House bill conforms the one-year anti-deficit rule in the Mass Transit Account to the two-year rule in the Highway Account.

Highway Trust Fund technical corrections

The House bill includes two technical corrections to the 1997 Act relating to the Highway Trust Fund excise tax revenues:

(1) Excise tax revenues attributable to LNG, CNG, propane, and methanol from natural gas are divided between the Highway and Mass Transit Accounts in the same proportions as gasoline tax revenues are divided between those two accounts; and

(2) The amount of highway motor fuels tax revenues transferred to the Mass Transit Account is corrected to 2.86 cents per gallon (rather than 2.85 cents per gallon as erroneously provided in the 1997 Act).

1997 transfer of 4.3-cents-per-gallon tax revenues

The House bill deletes a provision of the 1997 Act providing that the transfer of the additional 4.3 cents per gallon in fuels tax revenues to the Highway Trust Fund and a one-time adjustment to fuels tax deposit requirements do not affect direct spending under the 1991 authorizing legislation as "deadwood."

Effective date

Date of enactment.

Senate amendment

Transfers of revenues to Highway Trust Fund

The Senate amendment is the same as the House bill, except that the Senate amendment (as noted above) does not repeal the tire tax.

Interest on Highway Trust Fund balances; unspent balances

No provision.

Highway Trust Fund expenditure authority

The Senate amendment is the same as the House bill with respect to extending the Highway Trust fund expenditure authority through September 30, 2003. The Senate amendment updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current Senate authorizing legislation (H.R. 2400 as amended by the Senate).

The Senate amendment also is the same as the House bill with respect to specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code, and the clarification relating to liquidations of contract authority.

Highway Trust Fund anti-deficit provisions

The Senate amendment is the same as the House bill.

Highway Trust Fund technical corrections

The Senate amendment is the same as the House bill.

1997 transfer of 4.3-cents-per-gallon tax revenues

The Senate amendment is the same as the House bill.

Effective date

Date of enactment.

Conference agreement

Transfers of revenues to Highway Trust Fund

The conference agreement follows the Senate amendment.

Interest on Highway Trust Fund balances; unspent balances

The conference agreement follows the House bill, with a modification deleting the cancellation of a portion of the Mass Transit Account balance.

Highway Trust Fund expenditure authority

The conference agreement follows the House bill and the Senate amendment by updating the Highway Trust Fund expenditure purposes to include the purposes in the current authorizing legislation (H.R. 2400) as enacted and as in effect on the date of enactment.

Highway Trust Fund anti-deficit provisions

The conference agreement follows the House bill and the Senate amendment.

Highway Trust Fund technical corrections

The conference agreement follows the House bill and the Senate amendment.

1997 transfer of 4.3-cents-per-gallon tax revenues

The conference agreement follows the House bill and the Senate amendment.

Effective date

Date of enactment.

II. OTHER TRUST FUND PROVISIONS

A. AQUATIC RESOURCES TRUST FUND

Present law

Revenue transfers

Gasoline and special motor fuels used in motorboats and gasoline used in small engines are subject to excise tax in the same manner and at the same rates as gasoline and special motor fuels used in highway vehicles. Of the tax revenues from motorboat and small-engine use, 6.8 cents per gallon is retained in the General Fund; 11.5 cents per gallon is transferred to the Aquatic Resources Trust Fund ("Aquatic Fund").

Under present law, transfers of the motorboat fuels tax revenues go to the Boat Safety Account of the Aquatic Fund (up to $70 million per fiscal year).[6] Of amounts in excess of $70 million, $1 million per fiscal year goes to the Land and Water Conservation Fund ("Land and Water Fund"), and the balance goes to the Sport Fish Restoration Account of the Aquatic Fund. The authority to transfer revenues to the Aquatic Fund and Land and Water Fund is scheduled to expire after September 30, 1998.

Revenues from the 11.5-cents-per-gallon tax rate on gasoline used in small engines is deposited in a Wetlands sub-account in the Aquatic Fund for use in wetlands conservation efforts.

Expenditure authority

Expenditures from the Boat Safety Account and the Land and Water Fund are subject to appropriation Acts. The Sport Fish Restoration Account has a permanent appropriation, and all monies transferred to that Account are automatically appropriated in the fiscal year following the fiscal year of receipt.

Under present law, expenditures are authorized from the Boat Safety Account as follows:

(1) One-half of the amount allocated to the Account are for State boating safety programs; and

(2) One-half of the amount allocated to the Account are for operating expenses of the Coast Guard to defray the costs of services provided for recreational boating safety.

House bill

Revenue transfers

The House bill extends the transfer of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003. In addition, the 6.8-cents-per-gallon portion of the tax on motorboat fuels and small-engine gasoline that currently is retained in the General Fund is transferred to the Aquatic Fund. This provision is phased-in, with the transfer to the Aquatic Fund of 3.4 cents per gallon for the period October 1, 1999 through September 30, 2000, and at 6.8 cents per gallon for the period October 1, 2000 through September 30, 2003.

Transfers of motorboat fuels tax revenues to the Boat Safety Account are changed to equal one-half of such revenues each fiscal year, with a limit on the balance in that Account equal to no more than one-half of the prior year's motorboat fuels tax revenues.

Effective date.

October 1, 1998 for the transfer of the 11.5 cents-per-gallon rate to the Aquatic Fund, October 1, 1999 for the transfer of the 3.4-cents-per-gallon rate, and October 1, 2000 for the transfer of the 6.8-cents-per-gallon rate.

[6] The unobligated balance in the Boat Safety Account is limited to $70 million.

Expenditure authority

Expenditure authority for the Boat Safety Account of the Aquatic Fund is extended through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the House bill as of the date of enactment of H.R. 2400.

Provisions identical to those described above under the House bill for the Highway Trust Fund are incorporated into the Aquatic Fund clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

Senate amendment

Revenue transfers

The Senate amendment extends the transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003.

Effective date.

October 1, 1998.

Expenditure authority

The Senate amendment is the same as the House bill with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the Senate amendment as of the date of enactment.

The Senate amendment clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code is the same as the House bill provision.

Effective date.

October 1, 1998.

Conference agreement

Revenue transfers

The conference agreement follows the House bill and the Senate amendment with respect to extension of transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account and Wetlands sub-Account of the Aquatic Fund through September 30, 2003.

The conference agreement follows the House bill in transferring additional motorboat fuels tax and small-engine gasoline revenues to the Aquatic Fund. The conference agreement provides that an additional 1.5 cents per gallon of taxes imposed during fiscal years 2002 and 2003, and an additional 2 cents per gallon thereafter, will be transferred to the Aquatic Fund.

Effective date.

October 1, 1998.

Expenditure authority

The conference agreement follows the House bill and the Senate amendment with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund (including those of the Sport Fish Restoration Account) are conformed to those purposes in effect in the authorizing provisions of the bill as of the date of enactment.

The conference agreement follows the House bill and the Senate amendment with respect to the clarification that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

B. NATIONAL RECREATIONAL TRAILS TRUST FUND

Present law

The National Recreational Trails Trust fund ("Trails Fund") was established in the Intermodal Surface Transportation Efficiency Act of 1991 ("1991 Act"). Revenues from 11.5 cents per gallon of motor fuels taxes from fuel used in nonhighway recreational vehicles[7] are authorized to be transferred from the Highway Trust Fund to the Trails Fund through September 30, 1998. Transfers to the Trails Fund are contingent on appropriations occurring from the Trails Fund. To date, no such appropriations have been enacted; thus, no actual transfers of revenues have been made to the Trails Fund.

Expenditures are authorized from the Trails Fund, subject to appropriations,[8] for allocations to States for use on trails and trail-related projects as set forth in the 1991 Act. Authorized expenditure uses include (1) acquisition of new trails and access areas, (2) maintenance and restoration of existing trails, (3) State environmental protection education programs, and (4) related program administrative costs.

House bill

The House bill repeals the Trails Fund, and the transfers of nonhighway recreational fuels taxes to the Trails Fund.

Effective date.

October 1, 1998.

Senate amendment

The Senate amendment is the same as the House bill.

---

[7] Nonhighway recreational fuels taxes are taxes imposed on (1) fuel used in vehicles and equipment on recreational trails or back country terrain, or (2) fuel used in camp stoves and other outdoor recreational equipment. Such revenues do not include small-engine gasoline tax revenues, which are transferred to the Aquatic Fund.

[8] If appropriations were enacted from the Trails Fund, there is an obligational ceiling of $30 million per fiscal year under the 1991 Act.

Conference agreement

The conference agreement follows the House bill and the Senate amendment. (Under authorizing provisions of the bill, Highway Trust Fund expenditures are authorized for similar purposes to those of the Trails Fund.)

III. ADDITIONAL REVENUE PROVISIONS

A. RAIL FUELS EXCISE TAX

Present law

Diesel fuel and gasoline used in trains are subject to a 5.65-cents-per-gallon excise tax. Of this amount, 0.1 cent per gallon is dedicated to the Leaking Underground Storage Tank Trust Fund; this rate is scheduled to expire after March 31, 2005. The remaining 5.55 cents per gallon is a General Fund tax, with 4.3 cents per gallon being permanently imposed and 1.25 cents per gallon being imposed through September 30, 1999.

House bill

The 4.3-cents-per-gallon General Fund excise tax imposed on fuel used in trains is repealed.

Effective date.

October 1, 2000.

Senate amendment

The Senate amendment repeals the 1.25-cents-per-gallon tax on fuel used in trains.

Effective date.

March 1, 1999.

Conference agreement

The conference agreement follows the Senate amendment, except for the effective date.

Effective date.

November 1, 1998.

B. INCOME TAX PROVISIONS

1. Tax-exempt financing of certain highway projects

Present law

Present law exempts interest on State or local government bonds from the regular income tax if the proceeds of the bonds are used to finance governmental activities of those entities and the bonds are repaid with governmental revenues. Interest on bonds issued by States or local governments acting as conduits to provide financing for private persons is taxable unless a specific exception is provided in the Code. No such exception is provided for bonds issued to provide conduit financing for privately constructed and/or privately operated toll roads and similar highway infrastructure projects.

House bill

No provision.

Senate amendment

The Senate amendment authorizes the construction of up to 15 highway infrastructure projects, such as toll roads involving private business participation. These projects are to be eligible for tax-exempt private activity bond financing. Bonds for these projects generally are to be subject to all Code provisions governing issuance of tax-exempt private activity bonds except the annual State volume limits (sec. 146). No proceeds of these bonds may be used to finance the acquisition of land. In lieu of the State volume limits, the aggregate amount of bonds that can be issued under this pilot project is $15 billion (as allocated by the Department of Transportation in consultation with the Department of the Treasury).

Conference agreement

The conference agreement does not include the Senate amendment.

2. Tax treatment of parking and transit benefits

Present law

Under present law, qualified transportation fringe benefits provided by an employer are excluded from an employee's gross income. Qualified transportation fringe benefits include parking, transit passes, and vanpool benefits. In addition, in the case of employer-provided parking, no amount is includible in income of an employee merely because the employer offers the employee a choice between cash and employer-provided parking. Transit passes and vanpool benefits are only excludable if provided in addition to, and not in lieu of, any compensation otherwise payable to an employee. Under present law, up to $175 per month (for 1998) of employer-provided parking and up to $65 per month (for 1998) of employer-provided transit and vanpool benefits are excludable from gross income. These dollar amounts are indexed for inflation.

House bill

No provision.

Senate amendment

The Senate amendment permits employers to offer employees the option of electing cash compensation in lieu of any qualified transportation benefit, or a combination of any of such benefits. As under present law, qualified transportation benefits include employer-provided transit passes, parking, and vanpooling. Thus, under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash and one or more qualified transportation benefits. The amount of cash offered is includible in income and wages only to the extent the employee elects cash.

In addition, the Senate amendment increases the exclusion for transit passes and vanpooling to $100 per month. The $100 amount is indexed as under present law.

Further, the Senate amendment provides that there is no indexing of any qualified transportation benefit in 1999.

Effective date.

The provision permitting a cash option for any transportation benefit is effective for taxable years beginning after December 31, 1997; the increase in the exclusion for transit passes and vanpooling to $100 per month is effective for taxable years beginning after December 31, 2001; and indexing on the $100 amount for transit passes and vanpooling is effective for taxable years beginning after December 31, 2002.

Conference agreement

The conference agreement follows the Senate amendment. Thus, as under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash in lieu of one or more qualified transportation benefits, or a combination of such benefits. In addition, no amount is includible in income or wages merely because the employee is offered a choice among qualified transportation benefits.

Effective date.

The conference agreement follows the Senate amendment.

3. Purposes for which Amtrak NOL monies may be used in non-Amtrak States

Present law

The 1997 Act provides elective procedures that allow Amtrak to consider the tax attributes of its predecessors in the use of its net operating losses. The election is conditioned on Amtrak agreeing to make payments equal to one percent of the amount it receives as a result of the election to each of the non-Amtrak States. The non-Amtrak states are required to spend these monies to finance qualified expenses. Qualified expenses include the capital costs connected with the provision of intercity passenger rail and bus service, the purchase of intercity rail service from Amtrak, and the payment of interest and principle on obligations incurred for a qualified purpose. Any amounts not spent for qualified purposes by 2010 must be returned to the Treasury.

House bill

No provision.

Senate amendment

The Senate amendment expands the list of qualified expenses to include: (1) capital expenditures related to State-owned rail operations in the State; (2) projects eligible to receive funding under section 5309, 5310, or 5311 of Title 49; (3) projects that are eligible to receive funding under section 130 or 152 of Title 23; (4) upgrading and maintenance of intercity primary and rural air service fa-

cilities, including the purchase of air service between primary and rural airports and regional hubs; and (5) the provision of passenger ferryboat service within the State.

Effective date.

The provision is effective as if included in the Taxpayer Relief Act of 1997 (effective on August 5, 1997).

Conference agreement

The conference agreement follows the Senate amendment with further additions to the list of qualified expenses. Additional qualified purposes added by the conference agreement include harbor improvements and certain highway improvements that are eligible to receive funding under section 103, 133, 144, and 149 of Title 23.

Effective date.

The conference agreement follows the Senate amendment.

4. Tax treatment of certain Federal environmental grants

Present law

Certain Federal grants are excluded from income with taxpayers receiving no basis in assets financed with the grant monies. Other Federal grant programs result in income exclusion when the grant is received, but taxpayers receive basis in the grant-financed property.

House bill

No provision.

Senate amendment

The Senate amendment provides that, to the extent provided under present law, grants under the authorizing provisions of the Senate amendment relating to a Congestion Mitigation and Air Quality ("CMAQ") Program are not includible in taxable income when received, and that no credit or other deduction is allowed to taxpayers with respect to the property (or other expenditures) financed directly or indirectly with the CMAQ funds. The basis of such property is to be reduced by the portion of the cost of the property that is attributable to the CMAQ payment.

Conference agreement

The conference agreement does not include the Senate amendment.

LIMITED TAX BENEFITS IN THE REVENUE TITLE SUBJECT TO THE LINE ITEM VETO ACT

Present Law

The Line Item Veto Act amended the Congressional Budget and Impoundment Act of 1974 to grant the President the limited authority to cancel specific dollar amounts of discretionary budget authority, certain new direct spending, and limited tax benefits. The Line Item Veto Act provides that the Joint Committee on Tax-

ation is required to examine any revenue or reconciliation bill or joint resolution that amends the Internal Revenue Code of 1986 prior to its filing by a conference committee in order to determine whether or not the bill or joint resolution contains any "limited tax benefits," and to provide a statement to the conference committee that either (1) identifies each limited tax benefit contained in the bill or resolution, or (2) states that the bill or resolution contains no limited tax benefits. The conferees determine whether or not to include the Joint Committee on Taxation statement in the conference report. If the conference report includes the information from the Joint Committee on Taxation identifying provisions that are limited tax benefits, then the President may cancel one or more of those, but only those, provisions that have been identified. If such a conference report contains a statement from the Joint Committee on Taxation that none of the provisions in the conference report are limited tax benefits, then the President has no authority to cancel any of the specific tax provisions, because there are no tax provisions that are eligible for cancellation under the Line Item Veto Act.

Conference Statement

The Joint Committee on Taxation has determined that the revenue title to H.R. 2400 contains no provision involving limited tax benefits within the meaning of the Line Item Veto Act.

Pursuant to the order of the House on April 1, 1998, the Speaker appointed the following conferees for consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

BUD SHUSTER,
THOMAS E. PETRI,
SHERWOOD L. BOEHLERT,
JAY KIM,
STEPHEN HORN,
TILLIE K. FOWLER,
RICHARD H. BAKER,
ROBERT W. NEY,
JACK METCALF,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,
ROBERT E. WISE, Jr.,
JIM CLYBURN,
BOB FILNER,

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed for conference:

TOM BLILEY,
MICHAEL BILIRAKIS,

JOHN D. DINGELL,
Provided that Mr. Tauzin is appointed in lieu of Mr. Bilirakis for consideration of sections 1407, 2103, and 3106 of the Senate amendment.
BILLY TAUZIN,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

JIM NUSSLE,
KENNY C. HULSHOF,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
CRAIG THOMAS,
CHRISTOPHER S. BOND,
TIM HUTCHINSON,
WAYNE ALLARD,
MAX BAUCUS,
DANIEL PATRICK MOYNIHAN,
HARRY REID,
BOB GRAHAM,
JOSEPH LIEBERMAN,
BARBARA BOXER,

From the Committee on Finance:

WILLIAM V. ROTH, Jr.,
CHUCK GRASSLEY,
ORRIN HATCH,
JOHN BREAUX,
KENT CONRAD,

From the Committee on Banking, Housing, and Urban Affairs:

ALFONSE D'AMATO,
PHIL GRAMM,
PAUL SARBANES,
CHRIS DODD,

From the Committee on Commerce, Science, and Transportation:

ERNEST HOLLINGS,

From the Committee on the Budget:

PETE DOMENICI,

DON NICKLES,
PATTY MURRAY,
Managers on the Part of the Senate.

○

ISBN 0-16-057702-0

90000

9 780160 577024