

Calendar No. 425

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 106-226

SURFACE TRANSPORTATION ACT OF 1999

—————
JANUARY 7, 2000.—Ordered to be printed
Filed, under authority of the order of the Senate of November 19, 1999
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Mr. SMITH of New Hampshire, from the Committee on
Environment and Public Works, submitted the following

REPORT

[to accompany S. 1144]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1144) to provide increased flexibility in use of highway funding, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law on June 9, 1998. TEA-21 authorized a record amount of funding for surface transportation—almost \$218 billion for highways and transit programs over 6 years.

In total, the funds provided in TEA-21 represent a 40 percent increase in funding over the previous authorization for surface transportation programs provided by the Intermodal Surface Transportation Efficiency Act (ISTEA).

Surface Transportation Act of 1999

The Surface Transportation Act of 1999 provides additional flexibility to States and localities in implementing the Federal transpor-

tation program and makes other improvements to transportation law. The bill does not affect the funding formula agreed to in TEA-21 or modify the overall level of funding for any program.

Some of the provisions included in the bill were identified during committee oversight hearings on TEA-21. Several of the other provisions were identified as issues during Senate consideration of the fiscal year 2000 appropriations legislation for the Department of Transportation and related agencies.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section designates the title of the bill as the “Surface Transportation Act of 1999”.

Sec. 2. High Priority Project Flexibility

SUMMARY

This section allows States the flexibility to advance High Priority Projects (i.e., those projects authorized as High Priority Projects by section 1601 of TEA-21) faster than is allowed by current law, which provides the funding for High Priority Projects spread over the six-year life of TEA-21. This provision would allow States to accelerate the construction of High Priority Projects by borrowing funds from other highway funding categories (e.g., Surface Transportation Program and National Highway System program funds).

This subsection also eliminates paragraph (h) of Section 117 of title 23, U.S.C.

DISCUSSION

This flexibility provided by this section is important for States and localities who are ready to construct some of their High Priority Projects in the first few years of TEA-21, and without this provision, may need to defer completion until the later years of TEA-21.

The removal of paragraph 117(h) is intended to remove any Federal guidance or direction on how a State should factor funding provided for High Priority Projects into a State’s internal allocation process a State may choose to exclude or include such projects in such a process or formula.

Sec. 3. Funding Flexibility and High Speed Rail Corridors

SUMMARY

This section gives States the option to use National Highway System, Congestion Mitigation and Air Quality program, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service.

Specifically, acquisition, construction, reconstruction, and rehabilitation of, and preventive maintenance for intercity passenger rail facilities and rolling stock are included as eligible activities. Such eligibility is made available to vehicles and facilities that are publicly or privately owned.

Funds used for intercity rail projects shall be administered in accordance with subtitle V of title 49, except that the non-Federal share required of such projects will be consistent with the requirements of title 23.

The term “intercity passenger rail” is clarified to remove any ambiguity as to whether transportation systems using magnetic levitation would be included in the eligibility changes made by this section.

DISCUSSION

This section provides States and localities the flexibility to use TEA-21 funds for passenger rail projects. Currently, States are precluded from using their Federal transportation funding for rail, even when it is the preferred transportation solution for their region.

For example, a State may wish to provide new or improved rail service in a transportation corridor rather than expanding a highway in a congested corridor. Another area may choose to use such flexibility to fund passenger rail service as part of a State or regional plan to improve air quality in Clean Air Act non-attainment areas or in the State overall. TEA-21’s prohibition on funding passenger rail as an eligible activity precludes both of these options.

The flexibility provided by this section is supported by the National Governors Association, the U.S. Conference of Mayors, the National League of Cities, the National Conference of State Legislatures, and many other organizations.

Inclusion of passenger rail as an eligible use of TEA-21 funds does not change any Federal transportation formulas, and does not mandate that a State spend any of its funds on rail service.

This flexibility for passenger rail is similar to the flexibility allowed for States and localities to expend Federal funds for vehicles and facilities associated with intercity passenger bus service, whether publicly or privately owned.

Sec. 4. Historic Bridges

SUMMARY

This section modifies current law to increase the amount of Federal funding that is eligible for the preservation of historic bridges.

DISCUSSION

Current law restricts the use of Federal bridge program funds that a State may use to preserve a historic bridge that would be closed to motorized vehicular traffic to the cost of demolition of the bridge. This section would allow States to use bridge program funds up to an amount not to exceed 200 percent of the cost of demolishing the historic bridge.

When a State highway agency transfers ownership of a historic bridge to another State agency, locality, or responsible private entity, current law limits the amount of Federal-aid highway funds that can be used to the cost of demolition of the bridge. This section would increase the amount eligible to 200 percent of the cost of demolishing the historic bridge.

This section also provides that, if a State, at its sole discretion, determines that a reasonable alternative to demolishing the bridge is to relocate it and use it for a pedestrian or bicycle bridge, the State may choose to use Federal funds up to an amount equal to the cost of erecting at the proposed site a bicycle or pedestrian bridge functionally equivalent to the historic bridge. This flexibility does not create an obligation on the State to fund preservation or relocation of a historic bridge.

The section also repeals the prohibition on the use of Federal-aid highway funds in the future for projects associated with such bridges after the bridge has been donated.

Sec. 5. Accounting Simplification

SUMMARY

This section modifies the distribution of the obligation limitation for Federal-aid highways to increase State flexibility and to simplify accounting for Federal-aid highway funds for the States.

DISCUSSION

Currently, a very small amount of the obligation authority directed to the minimum guarantee program is made available for a one-year period, and if not used, such authority will expire. In contrast, the overwhelming majority of the same authority is made available for a multi-year period, allowing the States more flexibility as to the timing of the use of such authority.

This section would make all obligation authority for the minimum guarantee program available as multi-year funding.

Sec. 6. Commercial Motor Vehicle Registration Information Clearinghouse

SUMMARY

The 48 contiguous U.S. States, the District of Columbia, and three Canadian Provinces, Alberta, British Columbia, and Saskatchewan, currently share commercial motor vehicle registration information through the International Registration Plan (IRP). The IRP, Inc. currently administers and operates a clearinghouse which shares such information electronically. This section would facilitate the further development of this information clearinghouse for the exchange of commercial motor vehicle registration information among the IRP member jurisdictions.

This section would allocate \$2 million annually for fiscal years 2000–2002 from funds made available from the Commercial Vehicle Intelligent Transportation System Infrastructure Development program for the development of the electronic clearinghouse.

Additional funds are authorized to assist States with State-specific expenses necessary to use the clearinghouse and to adapt State-specific processes and databases for electronic registration. Individual States receiving State-specific assistance under this section must enter into an agreement with the Secretary to provide commercial motor vehicle registration information to the Department of Treasury that will be used to improve taxpayer compliance

with the Federal Heavy Vehicle Use Tax, deposited into the Highway Trust Fund.

This section also directs the Secretary to work with representatives of the governments of Canada and Mexico to encourage their participation in the electronic clearinghouse.

DISCUSSION

The International Registration Plan is a registration reciprocity agreement among jurisdictions in the United States and Canada, which provides for payment of license fees on the basis of commercial motor vehicle fleet miles operated in various jurisdictions.

Currently, member jurisdictions of the IRP exchange fee information manually, requiring each jurisdiction to produce, track, and store vast number of paper records. The IRP electronic clearinghouse streamlines this information exchange process by enabling jurisdictions to electronically exchange motor carrier and fee information between jurisdictions. The clearinghouse will also establish an electronic remittance netting functions with concurrent Electronic Funds Transfer (EFT) capabilities through a central bank. The system will track and report on all amounts due to/from a base jurisdiction (including all foreign jurisdictions).

This section provides financial incentives to encourage States to send interstate and intrastate commercial motor vehicle registration information to the Secretary of Treasury. There is no requirement of any jurisdiction that chooses to send interstate or intrastate registration information to the Secretary of Treasury to use the IRP clearinghouse to transmit such data.

In addition, this section does not require the IRP clearinghouse to store intrastate registration information, since the purpose of the IRP is to facilitate the exchange of interstate registration information. However, a State may choose to use the clearinghouse to transmit this information to the Secretary of Treasury, if it is determined that the clearinghouse is an efficient means of collecting and transmitting this information for an individual State.

Sec. 7. Transfer Flexibility for Multi State Projects

SUMMARY

This section allows a State to request a transfer of its apportioned funds to another State or to the Federal Highway Administration.

DISCUSSION

A transfer would simplify the process for administering a project which is jointly funded by two or more States, or in the case of a State which is participating in the funding of a project located in another State.

The funds may also be transferred to the Federal Highway Administration which would simplify the process for funding research activities financed by two or more States or by providing funds to another Federal agency to administer the projects as requested by the States.

Sec. 8. Noise Barriers

SUMMARY

This section repeals a current restriction on a State's ability to voluntarily use its funds for noise barriers along highway facilities.

DISCUSSION

Current law restricts the eligibility of noise barriers when a highway preceded the development of surrounding housing or commercial development. Current law does not allow a State to take into account changed circumstances, such as, increased traffic loads or increased truck traffic that may have significantly changed the level and pattern of noise caused by the highway. This modification would not mandate that a State place noise barriers in any particular situation, but would allow a State to make those decisions based on individual circumstances.

Sec. 9. Transportation and Emergency Communications

SUMMARY

The purpose of this section is to facilitate the deployment of integrated emergency response and transportation systems. This section authorizes the U.S. DOT to expand its research on crash notification technologies and directs that a portion of the Intelligent Transportation System Integration Program is made available to States to plan the deployment of integrated emergency and transportation communications systems.

Automatic Crash Notification Research

Under this section, the Secretary of Transportation is directed to develop a program to fund investments in research and development of: (1) an automatic crash notification system that, in the case of a motor vehicle crash, would automatically transmit crash information to emergency personnel and (2) an interface in motor vehicles that permits all models of wireless telephones to transmit crash data and to be voice-activated, allowing hands-free use.

The Secretary is required to consult with the public safety and medical communities, the wireless industry, and the motor vehicle manufacturing industry in planning these investments. The section provides that the trauma centers that are selected to assist with this research shall be geographically diverse and be representative of the population characteristics of the country. The research effort on automatic crash notification shall be conducted within the Intelligent Transportation Systems Research and Development Program of TEA-21.

Support for State Deployment

The Secretary is directed to encourage and support efforts by States to deploy comprehensive emergency communications infrastructure and programs, based on coordinated statewide integration plans, including the coordination and integration of emergency communications with traffic control and management systems.

This section provides multi-year grants to the States to create a statewide planning task force to develop integrated State deploy-

ment plans. The statewide planning task force shall include representatives of: public safety, fire service, transportation, and law enforcement officials; emergency medical service providers, emergency dispatch providers; the emergency services database management industry; wireless carriers; automobile manufacturers; the intelligent transportation systems industry, highway safety officials; and the public.

Grants will be distributed for each of the fiscal years 2001 to 2003. At the discretion of States, funds may be used for planning, intelligent transportation system software or equipment components of the communications system. States may join together in grant applications. Five million is reserved annually for these State deployment grants from funds authorized for the Intelligent Transportation Systems Integration System Program of TEA-21.

DISCUSSION

Improving the response time and quality of emergency response personnel to motor vehicle crashes can reduce fatalities and lifelong injuries. Effectively linking advanced medical treatment systems, advanced communications technologies, thousands of 9-1-1 dispatch centers, and advanced traffic control and information technology can shorten the amount of time for emergency response personnel to reach the scene of an accident, provide emergency dispatchers with better information as to the level of emergency response resources required for a given accident, and decrease the amount of time for the critically injured to be transported to advanced trauma care facilities.

Efforts focused on achieving near term benefits should be concentrated on the coordination and integration of existing technology such as wireless communications technology and location-technology for wireless phones. In too many situations today, emergency dispatchers do not know the location of a wireless phone user that has dialed 9-1-1 for help. A caller unfamiliar with an area may not be able to accurately describe his/her location so that help can be dispatched quickly and accurately to the scene. Location-technology for wireless phones that allows an emergency dispatcher to pinpoint the location of a wireless call similar to the result when emergency dispatchers pinpoint the location of an emergency call from a home or office can fill this critical gap. The technologies are available, but leadership is needed at the State and local level to coordinate planning efforts and encourage its deployment. The way to more rapidly deploy wireless 9-1-1 service, given the large size of wireless carriers' service areas, is for State leaders to bring together all of the relevant parties and discuss the development of coordinated plans, deployment funding, and other related issues.

Rapid deployment of these technologies is most likely to come if it serves multiple governmental and commercial purposes. The very nature of integrated systems that this legislation seeks to encourage is that they can serve emergency, traffic management, and vehicle management purposes. Traffic managers and emergency dispatch providers can each perform their functions better if they have—available in real time—detailed information about the other's area of responsibility.

Research efforts for improved emergency response that are focused on the longer term need to be directed to technologies that can provide dispatchers and emergency personnel even higher quality information that can further cut back on response time and improve the quality of the response to an emergency situation. This should include research on automatic crash notification (ACN) technologies that can provide such critical life saving information as the precise location of a crash, the point of impact, the speed of the car, whether airbags had deployed or whether seatbelts had been used. This information can be analyzed by trauma experts to determine the appropriate level of care and emergency response required. Such technology can also allow crash victims to speak, if able, with emergency personnel as they travel to the scene of a crash, possibly providing lifesaving or injury-preventing information to victims while en route to the crash scene.

The Department of Transportation has undertaken limited ACN research. Its effects, however, to date have been limited to a small field test with several hundred vehicles. This bill encourages ACN to be a higher research priority. A broader research effort is necessary and should include tests in several geographic areas with more vehicles.

Automobile companies are already providing “mayday” systems that provide automatic notification of an airbag deployment. The bill encourages research on more sophisticated systems which can, through the provision of more data on the crash, predict the likelihood and nature of injuries. The latter is only possible after extensive field testing, which the legislation encourages. The automobile industry is already installing and linking advanced sensor technology and internal communications systems in vehicles today which will enable automatic crash notification capabilities.

For both major crashes, involving serious injuries, and more minor crashes, improved response time by police, fire, and other public safety personnel can also have significant transportation benefits by reducing the amount of time that such accidents are in the roadway, blocking traffic, and thereby resulting in significant traffic congestion. A crash blocking one or two lanes on a major thoroughfare can reduce capacity on such facilities by 25–50% depending on the number of lanes that are eliminated from use. Improved incident management that would be facilitated by improving the response time of safety personnel can help significantly reduce congestion facing many States and metropolitan areas.

By providing information about potential crashes or incidents to traffic control personnel, such information can provide an opportunity for transportation and traffic-related personnel to immediately take actions to adjust the transportation system to this incident. This can include options such as: immediately rerouting traffic around an accident scene before the backup of traffic reaches a gridlock situation or causes a secondary accident, adjusting the timing of traffic control equipment such as traffic signals and on-ramp metering to improve traffic flow, and providing an opportunity for transportation officials to communicate such information to drivers in time to avoid the situation. Too often drivers receive information about a traffic problem after they are already in the

middle of it and/or have no opportunity to make adjustments to avoid such a traffic problem.

In addition, some of the technologies that provide wireless 9-1-1 capabilities can also provide real time traffic data that can supplement traffic monitoring devices embedded in the pavement or alongside the roadway giving more detailed data for traffic management purposes. Exploring such options is another important reason for integrated State planning.

Sec. 10. Railroad Highway Grade Crossings

SUMMARY

This section would require the Secretary to issue a rulemaking that would modify the Manual on Uniform Traffic Control Devices for Streets and Highways to include additional signage for so-called passive crossings (i.e., those crossings that are not protected with automatic protection such as gates and signals).

DISCUSSION

According to a 1998 study by the National Transportation Safety Board, entitled, "Safety at Passive Grade Crossings," there were more than 4,000 accidents in 1996 that involved highway vehicles at grade crossings with more than half of those occurring at passive grade crossings. The same study found that about 60 percent of the fatalities from all grade crossing accidents in 1996 (247 of 415 fatalities) were at passive grade crossings. Although some of these passive crossings do include signs that distinguish these crossings as passive crossings (i.e., without automatic warning systems), the overwhelming majority do not.

Current railroad crossing sign requirements do not distinguish between signs required at passive crossings and crossings with automatic protection or warnings (such as gates) even though the responsibilities of the driver to check for an oncoming train are dramatically different under these two situations.

The signage required by this section should alert drivers that there is not an automatic warning at a crossing and that the driver is responsible for checking for an oncoming train rather than relying on the automatic gate or signal for whether it is safe to cross.

It is expected that the signage required by this section may be accomplished through the use of traditional highway yield or stop signs, or through the development and use of a new sign design, although the design and use of any such signs must be distinguishable from signs at a highway-rail grade crossing with automatic warning devices.

The installation of signs at highway-rail grade crossings to meet the requirements of this section shall be scheduled or phased-in over a suitable period of time which shall be specified in the regulations promulgated by the Secretary of Transportation under this section.

Sec. 11. Transportation and Community and System Preservation (TCSP) Pilot Program

SUMMARY

This section modifies the TCSP program to require that not less than 50 percent of the funds made available for this program be reserved for planning purposes. This section also reiterates that all projects funded by this program must have applied for the program by the deadline specified by the Secretary and must meet the criteria for funding under this section.

DISCUSSION

The 50 percent minimum requirement added by this section is designed to ensure that planning is a key component of this program. The remainder of the funding available in any year will be available for model deployments that meet the goals of this program.

The other provisions of this section are intended to ensure that only projects that meet the goals of this program and have applied by the deadline specified by the Secretary are funded under this program.

According to the Federal Highway Administration, the TCSP program is one of the most competitive discretionary grant programs. In fiscal years 1999 and 2000, the program received funding requests for 816 projects from 48 States and the District of Columbia totaling over \$545 million. TEA-21 authorized the TCSP program for \$20 million in fiscal year 1999, and \$25 million for each fiscal year 2000 to 2003.

Sec. 12. Technical Corrections and Clarifications

SUMMARY

Subsection (a) allows any unused loan limitation for the credit program authorized in subchapter II of title 23 to be carried forward and be available in future years. To facilitate administration of credit programs administered by the staff of the Federal Highway Administration, the administrative deduction for this program is expanded to fund administration of similar, but pre-existing Federal highway credit programs.

Subsection (b) makes technical changes to section 322 of title 23 (Maglev Deployment Program). This includes striking unnecessary language and allowing Maglev funds authorized for this section to pay for program administrative costs.

Subsection (c) splits the Intelligent Transportation System Development authorization into two separate programs rather than one program with minimum spending requirements. This will improve the focus of the separate purposes of these programs.

Subsection (d) allows funding authorized for the value pricing program to be used for administrative expenses and to support the Commuter Choice initiative included in Section 1072 of the Taxpayer Relief Act of 1997 and Section 9010 of TEA-21. The Commuter Choice initiative allows employers to offer tax-free commuting benefits such as transit passes and vanpools which are intended to provide a financial incentive to employees to avoid driv-

ing in single-occupant vehicles during peak driving periods such as the morning rush hour.

Subsection (e) would replace the term “apportion” with the term “allocate” in two places in section 163 of title 23 (the .08 BAC incentive grant program). This will make the operation of this program consistent with similar safety grant incentive programs in title 23 and facilitate administration of this program.

HEARINGS

The bill was introduced by Senator Voinovich on May 27, 1999. No hearings were held on the introduced bill, although issues included in the bill were discussed during general oversight hearings held by the Subcommittee on Transportation and Infrastructure.

The first TEA-21 oversight hearing was held on April 15, 1999 to review the Department of Transportation’s implementation of the Transportation Equity Act for the 21st century, receiving testimony from Kenneth R. Wykle, Administrator, Federal Highway Administration; Gordon J. Linton, Administrator, Federal Transit Administration; Ricardo Martinez, Administrator, National Highway Traffic Safety Administration; Missouri State Representative Joan Bray, St. Louis, Missouri, on behalf of the National Conference of State Legislatures; Jean Jacobson, Racine County, Wisconsin, on behalf of the National Association of Counties; Mayor Kenneth L. Barr, Fort Worth, TX, on behalf of the U.S. Conference of Mayors; Mayor Robert T. Bartlett, Monrovia, CA, on behalf of the National League of Cities; Taylor R. Bowlden, American Highway Users Alliance; and Roy Kienitz, Surface Transportation Policy Project.

The second hearing held on April 29, 1999, also reviewed the Department of Transportation’s implementation of the Transportation Equity Act for the 21st century, receiving testimony from Delaware Governor Thomas R. Carper, Dover, on behalf of the National Governors’ Association; Charles Thompson, Wisconsin Department of Transportation, Madison, on behalf of the American Association of State Highway and Transportation Officials; Brian A. Mills, Cass County, Missouri, on behalf of the Association of Metropolitan Planning Organizations; Jerry W. Alb, Washington State Department of Transportation, Olympia; Tim Stowe, Anderson and Associates, Inc., Blacksburg, Virginia, on behalf of the American Consulting Engineers Council; Roy Kienitz, Surface Transportation Policy Project; Brian R. Holmes, Connecticut Road Builders Association, Wethersfield, on behalf of the American Road and Transportation Builders Association; and Mitch Leslie, Montana Contractors’ Association, Billings, on behalf of the Associated General Contractors.

The third hearing held on June 9, 1999, reviewed the project delivery and streamlining provisions of the Transportation Equity Act for the 21st Century, receiving testimony from George T. Frampton, Jr., Acting Chairman, Council on Environmental Quality; and Eugene A. Conti, Jr., Assistant Secretary of Transportation for Transportation Policy.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works re-

quire that any rollcall votes taken during the committee's consideration of a bill be noted in the report.

The committee met to consider S. 1144 on September 29, 1999, and conducted the following votes. An amendment offered by Senators Baucus and Voinovich to strike bill language relative to the State Infrastructure Bank Program was agreed to by voice vote. A manager's amendment offered by Senator Chafee was agreed to by voice vote. An amendment offered by Senator Bond to strike bill language on funding flexibility and high speed rail corridors was rejected by 6 ayes to 12 nays. Voting in favor were Senators Bennett, Baucus, Bond, Inhofe, Smith, and Thomas. Voting against were Senators Boxer, Chafee, Crapo, Graham, Hutchison, Lautenberg, Lieberman, Moynihan, Reid, Voinovich, Warner, and Wyden. The bill was ordered reported, as amended, by voice vote.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The regulatory impact of the reported bill is expected to be minimal. This bill will not have any effect on the personal privacy of individuals.

S. 1144 would require the Secretary to issue a rulemaking that would modify the Manual on Uniform Traffic Control Devices for Streets and Highways to include additional signage for so-called passive highway-rail crossings (i.e., those crossings that are not protected with automatic protection such as gates and signals). The installation of signs at highway-rail grade crossings to meet the requirements of this section shall be scheduled or phased-in over a suitable period of time which shall be specified in the regulations promulgated by the Secretary of Transportation.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee makes the following evaluation of the Federal mandates contained in the reported bill.

S. 1144 imposes no Federal intergovernmental unfunded mandates on State, local, or tribal governments. In general, the bill would provide State and local governments more flexibility in their use of Federal transportation funds. S. 1144 would change the standard design for railroad highway grade crossings, but any cost imposed on State and local government would be a condition of receiving grant funds. All of the bill's governmental directives are imposed on Federal agencies. In addition, this bill does not impose any Federal private sector mandates. Finally, the reported bill will have no discernable effect on the competitive balance between the public and private sectors.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Act requires that a statement of the cost of a reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, October 18, 1999.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for S. 1144, the Surface Transportation Act of 1999.

If you wish farther details on this estimate, we will be pleased to provide them. The CBO staff contacts are James O’Keeffe (for Federal costs), who can be reached at 226–2860, and Lisa Cash Driskill (for the State and local impact), who can be reached at 225–3220.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1144, Surface Transportation Act of 1999, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999

Summary

The Surface Transportation Act of 1999 would make a number of changes to the Federal-Aid Highways program to allow States greater flexibility in how they use certain funds. The bill would extend the time period that some of the minimum guarantee program funds would remain available for obligation. S. 1144 also would decrease contract authority (a mandatory form of budget authority) for certain research and deployment programs by approximately \$6 million over the 2000–2004 period. CBO estimates that implementing S. 1144 would result in discretionary savings of \$71 million over the 2001–2004 period, assuming appropriation of amounts specified in the Transportation Equity Act of the 21st Century (TEA-21, Public Law 105–178) for Federal-Aid Highways. This savings would be offset by an equivalent amount of additional spending in 2005 and later years.

Because S. 1144 would affect both direct spending and receipts, pay-as-you-go procedures would apply. CBO estimates S. 1144 would delay the obligation and spending of some of the funds already made available in the Department of Transportation appropriation act for 2000 (Public Law 106–69). We estimate that the delay would reduce outlays by \$34 million over the 2000–2001 period, but increase outlays by \$34 million over the 2002–2007 period. In addition, the Joint Committee on Taxation (JCT) expects that enacting S. 1144 could result in greater enforcement of the heavy vehicle use tax by the Internal Revenue Service (IRS), but that any revenue effect would be negligible in each year and have no significant impact over 10 years.

S. 1144 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Any costs incurred by State, local, or tribal governments would result from complying with conditions of receiving Federal aid.

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 1144 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004
CHANGE IN DIRECT SPENDING					
Budget Authority	-3	-2	-1	0	0
Estimated Outlays	-17	-17	10	12	7
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:					
Authorization Level	0	0	0	0	0
Estimated Outlays ^a	24,884	26,700	26,994	27,550	20,346
Proposed Changes:					
Authorization Level	0	0	0	0	0
Estimated Outlays	0	-17	-34	-25	5
Total Spending Under S. 1144:					
Authorization Level	0	0	0	0	0
Estimated Outlays ^a	24,884	26,683	26,960	27,525	20,351
CHANGES IN REVENUES					
Estimated Revenues ^b	c	c	c	c	c

^a Outlay estimates are based on the obligation limitations set in Public Law 106-69 for 2000, and specified in TEA-21 for 2001 through 2003. (The budget authority for such spending was provided as contract authority in TEA-21, but the outlays are controlled by obligation limitations contained in annual appropriation acts.)

^b Revenue estimate provided by the Joint Committee on Taxation.

^c Less than \$500,000.

Basis of Estimate

For purposes of this estimate, CBO assumes that S. 1144 would be enacted early in fiscal year 2000 and amounts authorized in TEA-21 would be appropriated for each fiscal year.

Estimates are based on historical rates of spending for Federal-Aid Highways.

Delay in Obligations of Highway Spending

S. 1144 would extend the period of time that some of the minimum guarantee program's funds would be available for obligation. CBO expects that implementing this bill would shift some obligations to later years but would have no net budgetary impact over the 2000-2010 period. This provision would result in changes to both direct and discretionary spending. Because the change in the timing of obligations would affect some of the funds already appropriated for 2000, pay-as-you-go procedures would apply. CBO estimates this provision would reduce spending from funds appropriated in 2000 by \$17 million in each of fiscal years 2000 and 2001. This direct spending savings would be offset by an equivalent amount of spending over the 2002-2007 period.

The bill's provision regarding obligation of minimum guarantee funds would have an effect on the funds for future years as well. CBO estimates that implementing this bill would decrease Federal discretionary expenditures by \$71 million over the 2001-2004 period, relative to the operation of the program under current law.

These near-term savings would be offset by equivalent increases in expenditures as the funds are obligated and spent in 2005 and subsequent years.

Contract Authority

Enacting S. 1144 would decrease contract authority, a mandatory form of budget authority, by approximately \$6 million over the 2000–2003 period. Because spending of this contract authority is governed by annual obligation limitations in appropriation acts, any change in outlays from this provision would be discretionary. CBO estimates there would be no change in outlays due to this provision because it would not amend the obligation limitations established in Public Law 106–69 and TEA-21.

Revenues

JCT assumes that any additional information concerning interstate commercial motor vehicle registrations provided to the IRS because of the provisions in this bill would not necessarily result in greater collections of the Federal heavy vehicle use tax. JCT estimates that any such changes would be negligible over 10 years and negligible in each year.

Pay-As-You-Go Considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO’s estimate of the bill’s impact on outlays from direct spending is summarized in the following table. In addition, the Joint Committee on Taxation estimates that enacting S. 1144 would have a negligible effect on revenues. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Also, only direct spending outlays are subject to pay-as-you-go requirements; the discretionary outlays from contract authority subject to obligation limitations are not included as pay-as-you-go effects because those outlays are controlled by appropriation acts.

By Fiscal Year, in Millions of Dollars

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	-17	-17	10	12	7	3	1	1	0	0
Changes in receipts	0	0	0	0	0	0	0	0	0	0

Estimated Impact on State, Local, and Tribal Governments

S. 1144 contains no intergovernmental mandates as defined in UMRA. Overall, it would provide State and local governments more flexibility in their use of Federal transportation funds. In addition, it would earmark a small amount of previously authorized funds for emergency planning grants and grants to States that participate in a national network of information on commercial motor vehicle registration. S. 1144 also would change the standard design for railroad highway grade crossings, but any cost imposed on State and local governments by this change would be a condition of receiving grant funds.

Estimated Impact on the Private Sector

This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: James O’Keeffe (226–2860); Impact on State, Local, and Tribal Governments: Lisa Cash Driskill (225–3220).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

TITLE 23—UNITED STATES CODE

HIGHWAYS

* * * * *

§ 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.— * * *

* * * * *

(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) * * *

* * * * *

(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity rail passenger facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).

* * * * *

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

* * * * *

(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 TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Funds made available under this title and transferred to the National Railroad Passenger Corporation or to any other publicly-owned intercity passenger rail line (including any rail line for a transportation system using magnetic levitation) shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

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

* * * * *

§ 110. Uniform transferability of Federal-aid highway funds¹

(a) GENERAL RULE.— * * *

* * * * *

(d) MULTISTATE PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, at the request of a State, the Secretary may transfer apportioned funds and obligation authority from funds made available to the State to another State or to the Federal Highway Administration for the purpose of funding 1 or more specific projects.

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

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

(4) CONCURRENCE BY METROPOLITAN PLANNING ORGANIZATIONS.—Funds that are apportioned to a State under section 104(b)(3) and required under section 133(d)(3) to be obligated in an urbanized area of a State with a population of over 200,000 individuals may be transferred under this subsection

¹So in law. This section 110, relating to uniform transferability, was added after section 109 by section 1310(a) of the Transportation Equity Act for the 21st Century (P.L. 105-178; 112 Stat. 234). Section 1105(a) of such Act (112 Stat. 130) repealed section 110 and inserted a new section 110, relating to revenue aligned budget authority.

only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

* * * * *

§ 117. High priority projects program

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.— * * *

* * * * *

[(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.]

(h) USE OF OTHER FUNDS.—

(1) IN GENERAL.—

(A) PROJECTS ELIGIBLE FOR APPORTIONED FUNDS.—A State may use for a project under this section any funds apportioned under this title for which the project is eligible.

(B) PROJECTS NOT ELIGIBLE FOR APPORTIONED FUNDS.—If a project under this section is not eligible for funds apportioned under this title, a State may use for the project funds apportioned to the State under section 104(b)(3), other than funds set aside or suballocated under section 133(d).

(2) REIMBURSEMENT.—Apportioned funds used under paragraph (1) shall be reimbursed from amounts allocated for the project under this section in an amount equal to the amount used under paragraph (1), but not to exceed the total of the amounts allocated for the project under this section.

* * * * *

§ 133. Surface transportation program

(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation program in accordance with this section.

(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(1) * * *

* * * * *

(12) Capital costs for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation).

* * * * *

§ 144. Highway bridge replacement and rehabilitation program

(a) * * *

* * * * *

(o) HISTORIC BRIDGE PROGRAM.—

(1) COORDINATION.—The Secretary shall, in cooperation with the States, implement the programs described in this sec-

tion in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

(2) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

(3) ELIGIBILITY.—Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed 200 percent of the estimated cost of demolition of such bridge.

(4) PRESERVATION.—Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to—

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

(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action. Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed 200 percent of the cost of demolition. [Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.] *If a State determines that the relocation of a historic bridge is a reasonable alternative, the eligible reimbursable project costs shall be equal to the greater of the Federal share that would be available for the construction of a new bicycle or pedestrian bridge or 200 percent of the cost of demolition of the historic bridge.*

* * * * *

§ 149. Congestion mitigation and air quality improvement program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a congestion mitigation and air quality improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program if the project or program is for an area in the State that is or was designated as a non-

attainment 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, and—

(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than clause (xvi) of such section), that the project or program is likely to contribute to—

(i) the attainment of a national ambient air quality standard; or

(ii) the maintenance of a national ambient air quality standard in a maintenance area; or

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

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

(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors;

(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; **[or]**

(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~~...~~; *or*

(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity rail passenger facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).

No funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times. In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM-10 resulting from transportation activities, the State may obligate such

funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.

* * * * *

§ 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] *shall be allocated* 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] *allocated* 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.

* * * * *

§ 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 1999 through 2003.]

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

(A) this subchapter;

(B) section 339 of Public Law 102-388 (106 Stat. 1552);

(C) section 336 of Public Law 103-331 (108 Stat. 2495); and

(D) the matter under the heading ‘DIRECT LOAN FINANCING PROGRAM’ in Public Law 104-208 (110 Stat. 3009-513).

(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] AMOUNTS.—

(1) IN GENERAL.—For each of fiscal years 1999 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:
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.

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

* * * * *

§ 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.

(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 program administrative costs and* 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 $\frac{2}{3}$.]

[(3)] (2) 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 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); and

(B) the amounts made available by States under subsection (h)(3);

(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 $\frac{1}{3}$ 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].

* * * * *

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

[Public Law 102-240; December 18, 1991]

AN ACT To develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

* * * * *

SEC. 1012. TOLL ROADS, BRIDGES, AND TUNNELS.

* * * * *

(b) VALUE PRICING PILOT PROGRAM.—(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more value pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15

such State or local governments or public authorities to establish, maintain, and monitor value pricing programs.

(2) Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such programs shall be 80 percent. The Secretary shall fund all preimplementation costs and project design, and all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that the Secretary may not fund the preimplementation or implementation costs of any project for more than 3 years.

(3) Revenues generated by any pilot project under this subsection must be applied to projects eligible under such title.

(4) Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of any value pricing pilot program under this subsection.

(5) The Secretary shall monitor the effect of such programs for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102(a) 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.

(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.

(8) FUNDING.—

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

(i) to make allocations to States for payment of the Federal share of value pricing pilot programs under this subsection;

(ii) to pay administrative expenses incurred by the Secretary in providing technical assistance to States in connection with value pricing pilot programs; and

(iii) to support public outreach, implementation, and evaluation of the policy of providing commuters the choice of transportation fringe benefits or taxable cash compensation under the amendments to the Internal Revenue Code of 1986 made by section 9010 of the Transportation Equity Act for the 21st Century (112 Stat. 507).

[(A)] (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.

[(B)] (C) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund to carry out 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 program, 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.

[(C)] (D) CONTRACT AUTHORITY.—Funds authorized 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; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized to carry out this subsection shall be determined in accordance with this subsection.

* * * * *

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

[Public Law 104–59; Approved November 28, 1995] December 18, 1991]

[As Amended Through P.L. 104–333, Nov. 12, 1996]

AN ACT To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

* * * * *

SEC. 339. ELIGIBILITY.

(a) PENNSYLVANIA TURNPIKE AND I–95.—

* * * * *

[(b) TYPE II NOISE BARRIERS.—

[(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (i) of section 109 of title 23, United States Code, if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

[(2) EXCEPTIONS.—Paragraph (1) shall not apply to construction of Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.]

* * * * *

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY

[As amended by Public Law 105–206 and Public Law 105–277]

TITLE I—FEDERAL-AID HIGHWAYS

SUBTITLE A—AUTHORIZATIONS AND PROGRAMS

* * * * *

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.— * * *

* * * * *

(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]~~ \$2,161,000,000 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]~~ \$2,161,000,000) for such fiscal year;

* * * * *

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.— * * *

* * * * *

(e) *REQUIREMENTS FOR FUNDING.*—*Notwithstanding any other provision of law except a provision of law that specifically amends or limits the applicability of this subsection, for each fiscal year, the Secretary shall not fund any project using funds authorized under subsection (f) unless the Secretary determines that—*

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

(2) *the project meets the criteria for funding under this section.*

[(e)] (f) 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.

(3) **RESERVATION OF FUNDS FOR PLANNING.**—*Notwithstanding any other provision of law except a provision of law that specifically amends or limits the applicability of this paragraph, for each fiscal year, not less than 50 percent of the funds authorized under this subsection shall be made available to carry out subsection (c).*

* * * * *

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.]

(6) ITS DEPLOYMENT.—

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

(B) FISCAL YEARS 2001 THROUGH 2003.—

(i) INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.—For carrying out section 5208, \$83,000,000 for fiscal year 2001, \$85,000,000 for fiscal year 2002, and \$85,000,000 for fiscal year 2003.

(ii) COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.—For carrying out section 5209, \$32,200,000 for fiscal year 2001, \$33,500,000 for fiscal year 2002, and \$35,500,000 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) (3) 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 avail-

able 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)] (3) of subsection (c) to the amounts allocated under any other subparagraph in the paragraph.

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SEC. 5207. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.— * * *

* * * * *

(e) CRASH INFORMATION SYSTEMS.—

(1) IN GENERAL.—For each of fiscal years 2000 through 2003, of the amounts made available under section 5001(a)(5), the Secretary may use such amounts as are necessary for research on and development of—

(A) automatic crash notification systems that, in the event of a crash of a motor vehicle, will automatically use a wireless telephone or other communications system in the vehicle to transmit information about the crash to the appropriate emergency personnel; and

(B) a common interface system in motor vehicles that permits all models of wireless telephones—

- (i) to transmit crash data; and
- (ii) to be voice-activated, allowing hands-free use.

(2) USE OF FUNDS.—

(A) AUTHORIZED USES.—The funding for research and development authorized under paragraph (1) shall include funding for research and development conducted by trauma centers in coordination with other emergency medical service providers for the purpose of—

- (i) establishing decision protocols for the use of data obtained from the systems described in paragraph (1);
- (ii) training emergency personnel in the use of the data;
- (iii) establishing standardized methods for assessing the added value of automatic crash notification systems and identifying the factors causing changes in the injury patterns of motor vehicle crashes;
- (iv) determining the injury prediction value of various types of data that can be obtained from automobiles; and
- (v) developing information distribution and training models for incorporating the use of the data into emergency systems throughout the United States.

(B) *GEOGRAPHIC DISTRIBUTION.*—The trauma centers receiving funding under subparagraph (A) shall be representative of the geographic diversity, population characteristics, and climatic features of the United States.

SEC. 5208. INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.

(a) *IN GENERAL.*— * * *

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(e) *FUNDING FOR RURAL AREAS.*—The Secretary shall allocate not less than 10 percent of funds authorized by section **[5001(c)(4)(A)] 5001(c)(6)(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)] 5001(c)(6)(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)] 5001(c)(6)(A)** of this Act, \$5,000,000 per fiscal year shall be available to carry out this paragraph.

(h) *EMERGENCY COMMUNICATIONS INFRASTRUCTURE AND PROGRAMS.*—

(1) *SUPPORT FOR STATE DEPLOYMENT.*—

(A) *IN GENERAL.*—The Secretary shall encourage and support efforts by States to deploy integrated emergency communications infrastructure and programs, based on coordinated statewide deployment plans such as the plans developed under subparagraph (C), including—

(i) enhanced wireless 9–1–1 service; and

(ii) coordination and integration of emergency communications with traffic control and management systems.

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

(i) State and local officials responsible for transportation policies, emergency services, and public safety;

(ii) emergency medical service providers and emergency dispatch providers;

(iii) special 9–1–1 districts;

(iv) public safety, fire service, and law enforcement officials;

(v) consumer groups;

(vi) hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses);

(vii) the telecommunications industry (including cellular and other wireless telecommunications service providers);

(viii) the motor vehicle manufacturing industry; and

(ix) the intelligent transportation systems industry.

(C) *COORDINATED STATEWIDE DEPLOYMENT PLANS.*—As a condition of receipt of funding under this subsection, each State shall agree to—

(i) develop and implement a coordinated statewide deployment plan, through an entity designated by the Governor under paragraph (2)(B)(i); and

(ii) include representatives of the individuals and entities described in subparagraph (B) in development and implementation of the coordinated statewide deployment plan.

(2) *GRANTS TO STATES.*—

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

(B) *STATE PLAN FOR USE OF GRANT FUNDS.*—A State seeking to obtain a grant under this paragraph shall submit to the Secretary an application containing a State plan for the use of the grant funds for the deployment and functioning of an integrated emergency communications and transportation information system, including enhanced wireless 9–1–1 service, that—

(i) designates an entity to lead the development and implementation of the coordinated statewide de-

ployment plan under paragraph (1)(C) and to consult with the individuals and entities described in paragraph (1)(B);

(ii) describes the activities to be carried out using the grant funds;

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

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

(v) provides such assurances as the Secretary may require that the grant funds will be used to implement the plan for the use of the grant funds in a manner consistent with this subsection.

(C) *USE OF FUNDS.*—Funds made available through a grant under this paragraph may be used to pay—

(i) the costs associated with creating and convening, for the purpose of developing and implementing a coordinated statewide deployment plan under paragraph (1)(C), a Governor’s Task Force that includes representatives of—

(I) public safety, fire service, transportation, and law enforcement officials;

(II) emergency medical service providers and emergency dispatch providers;

(III) wireless carriers;

(IV) automobile manufacturers;

(V) highway safety officials; and

(VI) the public; and

(ii) the costs associated with the acquisition, upgrade, or modification of intelligent transportation systems software or equipment to be used in the coordinated statewide deployment plan.

(D) *ADMINISTRATION OF GRANT FUNDS.*—A State that receives a grant under this paragraph may—

(i) directly administer the funds provided through the grant; or

(ii) administer the funds through—

(I) a governmental entity of the State;

(II) a political subdivision of the State; or

(III) an entity that provides public safety services, transportation services, or administrative services on behalf of the State government.

SEC. 5209. COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.

(a) *IN GENERAL.*— * * *

* * * * *

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

(1) **IN GENERAL.**—Under the program, the Secretary shall establish a system consisting of—

(A) a commercial motor vehicle registration information clearinghouse to facilitate the electronic exchange and reconciliation of interstate commercial motor vehicle registration information; and

(B) an electronic remittance netting function with electronic funds transfer capability through a central United States bank to facilitate payment of commercial motor vehicle registration fees.

(2) **INTRASTATE INFORMATION.**—The system under paragraph (1) shall include intrastate commercial motor vehicle registration information to the extent that each State elects to submit such information to the Secretary for the purposes of the system.

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

(4) **PARTICIPATION BY CANADA AND MEXICO.**—The Secretary shall work with representatives of the Governments of Canada and Mexico and other appropriate officials to encourage their participation in the clearinghouse established under paragraph (1).

(5) **FUNDING.**—

(A) **IN GENERAL.**—There shall be available to carry out this subsection, from funds made available to carry out this section, \$2,000,000 for each of fiscal years 2000, 2001, and 2002, to remain available until expended.

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

(C) **LIMITATION ON USE OF FUNDS.**—Neither the Secretary nor an entity to which a delegation is made under paragraph (3) may make any expenditure of funds made available under this paragraph to facilitate the participation by a State in the system established under paragraph (1) until the State enters into an agreement with the Secretary and the Secretary of the Treasury to submit interstate and intrastate commercial motor vehicle registration information to the Secretary of the Treasury.

[(d)] (e) **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)] (f) **FEDERAL SHARE.**—The Federal share of the cost of [the project] a project (other than the system established under

subsection (d) 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. 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) **EMERGENCY DISPATCH PROVIDER.**—*The term “emergency dispatch provider” means a governmental or nongovernmental provider of emergency dispatch services.*

(5) **ENHANCED WIRELESS 9-1-1 SERVICE.**—*The term “enhanced wireless 9-1-1 service” means any enhanced 9-1-1 service so designated by the Federal Communications Commission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems” (CC Docket No. 94-102; RM-8143), or any successor proceeding.*

[(4)] (6) **INTELLIGENT TRANSPORTATION INFRASTRUCTURE.**—The term “intelligent transportation infrastructure” means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

[(5)] (7) **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)] (8) **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.

(9) *PUBLIC SAFETY ANSWERING POINT.*—The term “public safety answering point” means a facility that has been designated by a State or local government to receive 9–1–1 calls and to route the calls to emergency service personnel.

[(7)] (10) *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)] (11) *STATE.*—The term “State” has the meaning given the term under section 101 of title 23, United States Code.

(12) *WIRELESS 9–1–1 SERVICE.*—The term “wireless 9–1–1 service” means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(13) *WIRELESS CARRIER.*—The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

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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)] 5001(a)(6)(A) 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)~~ 5001(a)(6)(A) of this Act, \$1,300,000 per fiscal year shall be available to carry out this paragraph.

